State of Idaho
License and Certificate of Water Right

Water License No. 22442 Amount 16,000 c.f.s.

Water District No. Priority June 19, 1947

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 June 19, 1947; that Permit No. 22442 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 16,000 second feet, was issued thereunder on March 27, 1962, showing that said works were completed on the 11th day of October, 1961; and that on the 21st day of February, 1962, IDAHO POWER COMPANY

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of Generation of Electric Power, under Use Permit No. 22442 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7258, on the 27 day of March, 1962;

The right hereby confirmed dates from June 19, 1947;

The Point of Diversion is located Lot 8

in the -- ¼ -- ¼, Sec. 9, Tp. 7 S, R. 48 E., W. B. M. Baker County, Ore.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 16,000 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	48E.M.	9	Lot 2 For Generation of Electric Power		

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 State Reclamation Engineer, affixed at Boise, Idaho, this 27th day of March, 1962.

/s/ CARL E. TAPPAN
Assistant State Reclamation Engineer.

(SEAL)

3 2949

NOTICE OF WATER FILINGS UNDER
DISTRICT NO. [illegible] ADJUDICATED

Date of Notice 6-20 1947
Date of Publication 6-27 to 7-4 1947
Last Date for Protest 7-30 1947

IF PROTESTED
Date of Notice of Hearing ____ 19__
Place of Hearing ____ 19__
Date of Appeal Filed ____ 19__

No. [redacted] 2244

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

02-2093
03-2019

27696

APPLICATION No. 27696
PERMIT No. 22442
DISTRICT No.

Idaho Power Company
Attn. A. C. Inman, Secretary
1220 Idaho St., Boise, Idaho

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 authorized capital stock: $38,000,000
(c) Amount paid in: $19,000,000 C.C.Anderson,Boise,Idaho; J.G.Cpnley,Caldwell,Idaho; B.Glavin,Twin Falls,Ida
(d) Names and addresses of directors: A.C.Inman,Boise,Idaho; W.J.Lloyd,Nampa,Idaho; A.L.Merrill,Pocatello,Idaho; C.E.Palmer,Ontario,Oregon; T.E.Roach,Boise,Idaho; J.H.Rogers,Boise,Idaho; H.L.Senger, Boise,Idaho; J.R.Simplot,Boise,Idaho; Nathan Sommer,Boise,Idaho; C.J.Strike,Boise,Idaho; E.T.Waters,Weiser,Idaho

II. The financial resources of the applicant are: (See Balance sheet attached- in file) (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: 16,000 cubic feet per second.

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

4. Location of point of diversion: 2509 feet distant from the Southwest corner of Section 21, T. 19 N., R. 4 W., B. M., and is in the Lot 8 of Section 9, T. 7 S., R. 48 E., W.M., County of Baker, Oregon

5. Water is to be used for Generation of electric power

6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: 3924 feet distant from S W corner of Section 21 T. 19 N., R. 4 W., B.M., in the Lot 2 of Section 9, T. 7 S., R. 48 E., W. M. in Oregon
(b) Amount of power generated: 188,000 H.P., under 120 feet head.
(c) Water is to be returned to Snake River at a point approx. 3924 feet distant from the S W corner of Section 21, T. 19 N. R. 4 W., B.M., in the Lot 2 of Section 9, T. 7 S., R. 48 E., W. M. in Oregon

7. Estimated cost of works: $ 25,000,000

8. Kind of works: Concrete dam, concrete lined tunnels, steel penstock, concrete power plant.

9. Height of dam Approx. 220 feet; length of dam at top Approx. 1,000 feet; length of dam at bottom Approx. 900 feet; material used in dam: Concrete and steel

10. Size of headgate: Width To be determined feet; height feet.

11. Ditch: Width at bottom None feet; width at water line feet; depth of water feet; dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? See Remarks 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 water of the State of Idaho as herein set forth.

IDAHO POWER COMPANY *Applicant.*

By A. C. Inman *Agent.*
Vice President and Secretary

Date of first receipt at Department of Reclamation: 4:30 P. M. June 19, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22442
Recorded in Book 80 Page 22442 Approved October 23, 1951
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 he same, subject to the following limitations and conditions:
Bond in the sum of $ 1,000 to be filed on or before December 23, 1951
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 April 23, 1954
The whole of said work to be completed on or before October 23, 1956
Beneficial use of water appropriated in accordance herewith, to be made on or before October 23, 1962

WITNESS My hand this 23rd *day of* October, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of October, 19 51.

Countersigned:
(SEAL)
By IRA H. MASTERS
Secretary of State.

STATE OF IDAHO
By LEN JORDAN
Governor.

REMARKS: Reservoir created by dam will be fluctuated approximately 5 feet for daily regulation of power output and power plant peak purposes.
Steel flood gates will be provided in dam to handle approximately 100,000 c.f.s. of flood waters.
Water will be diverted from the Snake River, common to the states of Idaho and Oregon, and will be conducted through a tunne
14. in the state of Oregon to a power plant located in the state of Oregon where it will be returned to the Snake River channel.
(Continued below)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

REMARKS (Continued) Idaho Power Company, applicant herein, is a corporation duly qualified to do business in and under the laws of the State of Idaho, evidence thereof having heretofore been filed with the Department of Reclamation, reference to which is hereby made, reference also being made to the official files and records in the office of the Secretary of State of Idaho pertaining to said Company.

AMENDMENT TO PERMIT NO. 22442

The rights herein granted for the use of the waters, stream bed and other lands of the State of Idaho, necessary for the construction and operation of the dam and reservoir, are subject to the condition that the project shall be operated in such manner as will not conflict with 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 waters, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed."

(Amendment authorized by letter from the Idaho Power Company, dated March 14, 1952, and approved by the State Reclamation Engineer and Governor of the State of Idaho)

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. 22442 of the Idaho Power Company requires proof of completion of works to be made on or before October 23, 1956; and,

WHEREAS, said Permit Holder has been unable to proceed with construction pending allowance of a License by the Federal Power Commission:

NOW, THEREFORE, in accordance with the provisions of Section 42-204, Idaho Code, extension of time is allowed for construction of works under Permit No. 22442 until June 24, 1960, and a similar extension is allowed for each and every action required under the terms and conditions of Permit No. 22442.

Signed at Boise, Idaho, this 29th day of June, 1955.

MARK R. KULP
State Reclamation Engineer

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION of Extension of Time of Idaho Power Company, for Completion of Works under Permit No. 22442.

ORDER ALLOWING EXTENSION OF TIME

WHEREAS, Permit No. 22442, Idaho Power Company, holder by reason of extension of time previously allowed requires that Proof of Completion of Works shall be made on or before June 24, 1960; and

WHEREAS, said Permit Holder has been unable to proceed with the construction described in Permit No. 22442 because of delays experienced in obtaining approval of plans as the Federal Power Commission License required; and,

WHEREAS, The Federal Power Commission now requires that the project be completed not later than September 15, 1961.

NOW, THEREFORE, Pursuant to Subdivisions 1 and 2 of Sec. 42-204, Idaho Code, it is hereby ordered that Proof of Completion of Works on Permit No. 22442 shall be made on or before October 15, 1961, and a like extension of time is allowed for each and every other act required under said permit.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Department of Reclamation, at Boise, Idaho, this 15th day of March, 1960.

s/ GEO. N. CARTER
State Reclamation Engineer

(seal)
Recorded March 15, 1960

Permit No. 22442
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. 22442, issued upon Application No. 27696, bearing date of priority of June 19, 1947, authorizing the diversion of 16,000 second feet of the waters of Snake River County of Baker, State of Oregon for Generation of Electric Power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 16,000 second feet of the waters of Snake River, tributary of Columbia River that the point of diversion of said waters is Lot 8, Sec. 9, T. 7 S., R. 48 E.,W.M. and that the place of use of said water is described as follows, to-wit: Lot 2, Sec. 9, T. 7S., R. 48 E.,W.M.

Witness my hand this 27th day of March, A. D. 1962.

/s/ CARL E. TAPPAN
Assistant State Reclamation Engineer

Proof of Completion of Works Made: October 11, 1961

LICENSE ISSUED FOR 16,000 SEC. FT.
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OXBOW PROJECT owned by Idaho Power Co. and located 35 miles northwest of the town of Cambridge in Sec. 21, R. 19 N., R. 4 W., B.M. The project is on the Idaho-Oregon border with the powerhouse in Oregon. Oregon licensed 26,500 cfs.[1]

Water Right No.	Water Right and Date	Priority Date	Flow in cfs	Subordination Permit License/Decree
03-02019	Permitted on 10-23-1951[2] Licensed on 3-27-1962	6-19-1947	16,000	Yes[2] No[3]
03-02025	Permitted on 3-27-1964 Licensed on 12-07-1965	2-11-1964	14,000	No Yes
Subtotal of non-subordinated water rights Total			none[3] 30,000 cfs	

[1] Oregon license 161 from the State Engineer of Oregon (Oregon Water Resource Department) has a priority of 6-23-1947 for 16,000 cfs, 12-20-1955, for 8,500 cfs, and 12-04-1961 for 2,000 cfs which were approved with subordination conditions for State of Oregon permits (article 8) on 12-19-1961 for 50 years until 12-19-2011. The annual license fee of $0.15 per horsepower ($0.2011 per Kw) times 183,693 hp (one-half the design horsepower because of also using water from Idaho) equals $27,554 in 1961 with no annual escalation (article 10). A previous State of Oregon claim for 8,000 cfs dated 11-03-1906 was filed on 11-23-1906. (See our file 03-02019 for a copy of the license.)

[2] The permit was approved on 10-23-1951; however, a letter dated 3-14-1952 from Idaho Power Co. to Governor Len Jordan authorized an amendment of the license to add the subordination condition.

[3] See the footnote for the Brownlee Project.

BROWNLEE PROJECT owned by Idaho Power Co. and located 25 miles northwest of the town of Cambridge in Sec. 2, T. 17 N., R. 5 W., B.M. The project is on the Idaho-Oregon border with the powerhouse in Idaho. Oregon licensed 35,000 cfs.[1]

Water Right No.	Water Right and Date	Priority Date	Flow in cfs	Subordination Permit License/Decree
03-02023	Permitted on 4-02-1953 Licensed on 7-29-1959	10-17-1952	20,000	Yes No[2]
03-02024	Permitted on 3-27-1964 Licensed on 12-07-1965	2-11-1964	10,000	No Yes
03-07018	Permitted on 1-29-1976 Field exam received on 10-08-1985	12-24-1975	5,000	Yes
Subtotal of non-subordinated water rights Total			none[2] 35,000 cfs	

[1] Oregon license 188 from the Hydroelectric Commission of Oregon (Oregon Water Resource Department) has a priority of 5-20-1953 for 24,500 cfs and 1,500,000 ac-ft total storage and 1,000,000 ac-ft active storage which was approved with subordination conditions for State of Oregon permits (article 8) on 6-16-1961 for 50 years until 12-31-2010. An amendment for 10,500 cfs with a priority of 5-30-1980 was dated 1-20-1981 . The annual license fee of $0.15 per horsepower ($0.2011 per Kw) times the amended 550,852 hp (one-half the design horsepower because of also using water from Idaho) equals $82,628 with no annual escalation (article 10). (See our file 03-02023 for a copy of the license and amendment.)

[2] A license cannot give a greater amount of rights than is provided in a permit; therefore, the license in reality becomes subordinated. Also see Idaho Power Co v. State (104 Idaho 575, 588): "There can be no doubt from this history that the officials of the State of Idaho intended and believed that Idaho Power's water rights at Hells Canyon were subordinated."

HELLS CANYON PROJECT owned by Idaho Power Co. and located 55 miles northwest of the town of Cambridge in Sec. 15, T. 22 N., R. 3 W. B.M. The project is on the Idaho-Oregon border with the powerhouse in Oregon. Oregon licensed 27,000 cfs.[1]

Water Right No.	Water Right and Date	Priority Date	Flow in cfs	Subordination Permit	Subordination License/Decree
03-02017	Permitted on 7-17-1964[2] Licensed on 10-21-1970	5-29-1964	9,000	Yes	No[3]
03-02020	Permitted on 8-24-1953 Licensed on 10-21-1970	5-18-1953	21,000	Yes	No[3]
Subtotal of non-subordinated water rights Total			none[3] 30,000 cfs		

[1] Oregon license 189 from the State Engineer of Oregon (Oregon Water Resource Department) has a priority of 5-20-1953 which was approved with subordination conditions for State of Oregon permits (article 8) on 4-22-1968 for 50 years until 12-31-2017. The annual license fee of $0.15 per horsepower ($0.2011 per Kw) times 322,159 hp (one-half the design horsepower because of also using water from Idaho) equals $48,324 in 1968 with no annual escalation (article 10). (See our file 03-02020 for a copy of the license.)

[2] Water right permits approved from May 30, 1946 at Lower Salmon Falls through this date of 7-17-1964 were signed by the Governor.

[3] See the footnote for the Brownlee Project.

STATE ENGINEER OF OREGON

LICENSE FOR PROJECT NO. 161 (OXBOW)

IDAHO POWER COMPANY

A MAJOR PROJECT OF

367,386 THEORETICAL HORSEPOWER

WHEREAS, by act of the Legislature of the State of Oregon (ORS 543.010 to ORS 543.620 and ORS 543.990, as amended by Chapters 100 and 224, 1961 Laws) hereinafter called the Hydroelectric Act, the State Engineer of Oregon is authorized and empowered, inter alia, (among other things) to issue licenses to appropriate, initiate, perfect, acquire and hold the right to the use of the waters within the State, including waters over which the State has concurrent jurisdiction, and to construct, operate and maintain dams, reservoirs, powerhouses, conduits, transmission lines, and all other works and structures necessary or convenient for the use of such waters in the generation and utilization of electricity, and to approve maps, plans, specifications and cost estimates, or changes therein, which, when approved, shall become a part of the license; and

WHEREAS, Idaho Power Company, hereinafter called the Licensee, a corporation organized under the laws of the State of Maine and duly qualified to do business in Oregon with its principal place of business at 1220 Idaho Street, Boise, Idaho, on December 20, 1955, made application to the Hydroelectric Commission of Oregon for a license for a power project designated as Project No. 161 on the records of the Commission and by the Licensee as Oxbow Development and by the Federal Power Commission as Oxbow Unit of Project No. 1971, for authority to maintain and operate in Baker County, State of Oregon, certain project works, necessary or convenient

for the development, transmission and utilization of electric power, and for the use of the waters of the Snake River, tributary of the Columbia River for generation of such electric power; and

WHEREAS, Idaho Power Company on December 4, 1961, filed an amendment to the application for license filed on December 20, 1955, so as to increase the quantity of water to be used by Project No. 161 from 24,500 cubic feet per second to 26,500 cubic feet per second, and to increase the gross static head from 117 feet to 122 feet, and with said amendment to its application has submitted revised maps, drawings and other data, designated as Exhibits I, J, K and P; and

WHEREAS, the Snake River throughout the entire project area is an interstate stream and forms a common boundary between the State of Oregon and State of Idaho, and part of the project works, lands and property are located in the State of Idaho; and

WHEREAS, the Federal Power Commission has issued to the Licensee a license for the project (as a part of a three unit development licensed under Federal Power Commission Project No. 1971) under the terms and provisions of the Federal Power Act, as amended, (16 U.S.C., Section 791 to 823) and in said license has made the finding and determination that the project units "would be located in and along a navigable water of the United States; and they would otherwise effect the interests of interstate or foreign commerce by affecting the downstream navigable capacity of the river"; and

WHEREAS, the Licensee, as a public utility, and because of the interstate character of its property and operations is subject to the jurisdiction of the Public Utility Commissioner of Oregon, the Idaho Public Utilities Commission and the Federal Power Commission as to matters of accounting, depreciation, security issues, rates, and general utility regulation, and

is bound by the lawful orders and requirements of all said regulatory commissions within their respective jurisdictions and authority; and

WHEREAS, the State Engineer finds that the provisions of ORS 543.510 which requires the Licensee to establish and maintain amortization reserves, and the provisions of any rule or regulation issued by the State Engineer relating to such amortization reserves; the provisions of ORS 543.520; the provisions of ORS 543.530; the provisions of ORS 543.540; the provisions of ORS 543.550; and the provisions of ORS 543.610 are in conflict with the terms of the license issued by the Federal Power Commission for this project; and

WHEREAS, the Oxbow Development is a major project for the development of 367,386 theoretical horsepower with an initial installed plant capacity (nameplate) of 190,000 kw at 0.90 power factor; the applicant has paid to the State Engineer all fees required prior to the issuance of a license in accordance with the provisions of the Hydroelectric Act and the Rules and Regulations of the State Engineer; and no application for said project, or in conflict therewith, has been filed by any municipality or public utility district; and

WHEREAS, the Licensee has filed maps, plans and specifications as required by ORS 543.290, and the State Engineer finds that the project is well adapted to the utilization of the water power involved and hereby approves the same; and

WHEREAS, the Licensee on the 14th day of December, 1961, accepted in writing all the terms and conditions of this license for Project No. 161.

NOW, THEREFORE, the State Engineer hereby issues this license to the Licensee for the purpose of operating and maintaining the project works hereinafter described, and located within the State of Oregon, necessary or

convenient for the development, transmission, and utilization of hydroelectric power, and to appropriate, acquire, and hold the right to use the waters of the Snake River to the extent hereinafter set forth. This license is issued on condition that said Licensee shall comply with all the terms and conditions of the Hydroelectric Act and Laws of Oregon relating thereto and with the Rules and Regulations of the State Engineer pursuant thereto as though fully set forth herein except those specifically waived herein and shall be subject also to the following express conditions, limitations and exceptions, to-wit:

ARTICLE 1. Definition of Project. The word "Project" as used in this license means the complete unit, improvement or development, located within the State of Oregon. It includes, among other things, powerhouses, waterwheels, conduits or pipes, dams and appurtenant works and structures, storage or diverting reservoirs connected therewith, and primary lines transmitting power to the point of junction with a distributing system, or with any interconnected primary system, miscellaneous works and structures used in connection with the unit or part thereof, rights of way, lands, flowage rights and all other properties, rights and structures necessary or appropriate in the use, operation and maintenance of such project.

ARTICLE 2. Description of Project: A concise, general description of Project No. 161 is as follows:

(a) Dam, Reservoir and Waterways:

A rock-fill dam with sloping earth core approximately 180 feet high and 945 feet crest length at elevation 1820 feet has been constructed in the Snake River at river mile 273.2. The left abutment of the dam is located in Lot 3 of Section 10, Township 7 South, Range 48 East, W.M., in Oregon, and the right abutment in Lot 2 of Section 21, Township 19 North, Range 4 West, B.M., in Idaho. A concrete spillway section surmounted by three tainter gates is

located on the Oregon side, and a rockfill fuse-plug controlled spillway on the Idaho side. The reservoir formed has a normal pool elevation of 1805 and extends approximately 12 miles up the Snake River to the tailwater of the Brownlee hydroelectric development (Project No. 188), with usable storage capacity of approximately 5,500 acre feet with a drawdown of five feet below elevation 1805. The waterways consist of two 36 foot horseshoe shaped concrete lined tunnels, protected at upper end by trash racks. Each tunnel discharges into a 130 foot diameter surge tank. Four 23 foot diameter penstocks with individual intake gates carry the water from the surge tanks to the turbines. A fifth unit can be installed in the future by the construction of an additional tunnel, surge tank, penstock and an extension to the powerhouse.

(b) Power Plant

The Powerhouse is located on the left bank of the river, across the Oxbow from the dam, in Lot 2 of Section 9, Township 7 South, Range 48 East, W.M. The initial development is four turbines, each rated at 73,000 horsepower at 115-foot net head, and connected to a 52,778 kva (47,500 kw at 0.90 power factor) generator. The maximum gross head is 122 feet. Provision is made for the future installation of a similar generating unit in an extension to the powerhouse. The initial development uses 26,500 cubic feet per second of water under a gross head of 122 feet to develop 367,386 theoretical horsepower.

(c) Transmission Lines

Power will be transmitted by a 230 kv transmission line extending from the Oxbow power plant approximately 10.4 miles to the Brownlee switchyard, connecting at this point to Licensee's interconnected primary transmission system.

(d) Exhibits

The location and character of the project are more specifically shown and described by the following designated exhibits filed with and approved by the State Engineer which are made a part of this license.

Exhibit I: Oxbow HE Development General Map E-9540, revised September, 1959.

Exhibit J: Oxbow Hydroelectric Development Detail Map, 5 sheets, numbered E-9541, revised September, 1959, and May, 1960.

Exhibit K: General design drawings, Oxbow Hydroelectric Development, Drawings Nos. E-14571-2-3-4-5, five sheets, revised August, 1959.

Exhibit P: FPC Order dated August 4, 1955 Issuing License to Idaho Power Company for FPC Project No. 1971; and FPC Order Amending License, issued May 2, 1958, and Order Approving Revised Exhibit L Drawings, issued December 11, 1959.

ARTICLE 3. Special Conditions.

(a) No substantial changes shall be made in the maps, plans, specifications and statements described and designated as Exhibits herein until such changes have been filed with and approved by the State Engineer. To the extent any changes in maps, plans or specifications are hereafter approved by the State Engineer, the approval of such change shall be deemed to amend the description of the license accordingly.

(b) The Licensee shall construct, maintain and operate, or shall arrange for the construction, maintenance and operation of such facilities and equipment for fish migration, propagation or conservation as shall be set forth in the license from the Federal Power Commission for FPC Project No. 1971 and amendments thereto. In the event any modifications in the fish facilities are deemed necessary the applicant shall cooperate with the Oregon State Game Commission and the Fish Commission of Oregon in the design of such modifications or operation of the facilities.

ARTICLE 4. Access. All of the project area, including access roads, shall be open to the general public for recreational purposes, except those closures necessary for public safety, and the safe and economical operation of the project.

ARTICLE 5. Special Reports. The Licensee shall furnish detailed information and data concerning the project, or any proposed modifications thereof, as may be required by the State Engineer.

ARTICLE 6. Period of License. This license is effective as of December 19, 1961, and shall terminate December 19, 2011.

ARTICLE 7. Jurisdiction. In consideration of this license and of the benefits and advantages accruing hereunder to the Licensee, it is expressly agreed by the Licensee that the project, project area, and project works located within the State of Oregon as hereinafter designated and described whether or not upon the lands of the United States, shall be subject to all provisions, terms and conditions of this license. Should the Licensee be prevented from compliance with any provisions of this license or of the Hydroelectric Act by the operation of any federal governmental agency exercising exclusive jurisdiction in the premises, it shall not be deemed to be in default or under any liability to the State of Oregon for failure to perform the same during the period of such disability.

ARTICLE 8. Water Right Granted. This license grants the Licensee the right to use in its initial development 26,500 cubic feet per second of the waters of the Snake River for the development of hydroelectric power at the Oxbow Project, and to use said waters and the impounded water as needed for the operation of the Licensee's hydroelectric project. The date of priority of the above appropriation of water is June 23, 1947 for 16,000

cubic feet per second, December 20, 1955 for 8,500 cubic feet per second and December 4, 1961 for 2,000 cubic feet per second. However, the provisions of this article and the acceptance thereof by the Licensee shall not be deemed to be a waiver by the Licensee of any right or priority claimed by virtue of the filing made by Dominicus J. Winslow on November 3, 1906 and filed in the office of the State Engineer on November 23, 1906, for 8,000 cubic feet per second of the waters of Snake River.

The water right granted under this license shall be subject and inferior in point of right of use to any permits granted by the State Engineer of Oregon or his successor having jurisdiction in the matter to the use of the waters of the Snake River and its tributaries for domestic, municipal, irrigation or any other beneficial consumptive uses.

ARTICLE 9. Period of Water Right. The right to the use of the waters of the Snake River in connection with the development of this project shall be vested in the Licensee during the time this license or any new license or lawful renewal thereof is in force.

ARTICLE 10. Annual License Fee. In view of the interstate location of this project the annual license fee is computed on 13,250 cubic feet per second of water, which is one-half of the total quantity of water to be used by this project.

An annual license fee of $27,553.95 shall be paid by the Licensee on or before January 1 of each calendar years 1962 to 2011, inclusive, being 15 cents per theoretical horsepower for 183,693 theoretical horsepower (one-half of the total horsepower authorized herein for Project No. 161.)

ARTICLE 11. Special Waivers. In accordance with Chapter 100, Oregon Laws 1961, the provisions of the following statutes and the State Engineer's Rules and Regulations relating to said statutes are waived by the State Engineer.

The State Engineer waives:

(1) Any provisions of ORS 543.510 which requires the Licensee to establish and maintain amortization reserves, and the provisions of any rule or regulation issued by the State Engineer relating to such amortization reserves.

(2) The provisions of ORS 543.520; provided, that if the project has not been taken over by the United States or any state or municipality thereof, the State Engineer or his successor having jurisdiction in the matter at that time, is authorized to issue a new license to the Licensee upon such terms and conditions as may be authorized or required under the existing laws and regulations.

(3) The provisions of ORS 543.530.

(4) The provisions of ORS 543.540.

(5) The provisions of ORS 543.550.

(6) The provisions of ORS 543.610.

ARTICLE 12. Expenses of Examination. The Licensee shall pay to the State of Oregon pursuant to ORS 543.280 the expenses incurred and to be incurred by the State Engineer in examining into any application for amendment of the license, and maps, plans, specifications, cost estimates and other matters relating to the project, and the investigations from time to time of acts done and work carried forward under the license.

IN WITNESS WHEREOF, the State Engineer of Oregon has signed his name hereto this 19th day of December, 1961.

/s:d/ Lewis A. Stanley
STATE ENGINEER

IN TESTIMONY OF ACCEPTANCE of all the terms and conditions of the Hydroelectric Act, except as specifically waived, and of the further conditions imposed in the foregoing license, the Licensee, this 14th day of December, 1961, has caused its corporate name to be signed by T E Roach, its President, and its corporate seal to be fixed hereto and attested by A C Inman, its Secretary, pursuant to the resolution of its board of directors, duly adopted on the 23rd day of November, 1956, a certified copy of the record of which is attached hereto.

IDAHO POWER COMPANY

By /sgd/ T. E. Roach
President.

(SEAL)

Attest:

/sgd/ A. C. Inman
Secretary.

IDAHO POWER COMPANY
CERTIFIED COPY OF RESOLUTION ADOPTED BY
THE BOARD OF DIRECTORS

RESOLVED that the President or a Vice President, and the Secretary or Assistant Secretary, of this Company, be and they are hereby authorized, respectively, to execute and to affix the corporate seal and attest, for and on behalf of this Company, an acceptance of license or licenses which may hereafter be issued by the Hydroelectric Commission of Oregon for the Company's Brownlee, Oxbow and Hells Canyon developments on Snake River, with such provisions and upon such terms and subject to such conditions as the said officers of this Company may in their discretion determine to be advisable for the Company, and the proper officers of the Company are hereby authorized and empowered to do and perform any and all acts which they may deem necessary or desirable to carry out and effectuate the purposes of this resolution.

I, A C INMAN, Secretary of Idaho Power Company, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by the Board of Directors of said Corporation at a meeting thereof held on November 23, 1956; that there was then and there present and voted thereon a quorum of said Board; and that said resolution is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this 14th day of December, 1961.

/s/ A. C. Inman
Secretary.

March 27, 1962

RE: Permit No. 22442

Idaho Power Company
1220 Idaho Street
Boise, Idaho

Gentlemen:

Enclosed are the Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. 30998 in the amount of $4,807.00 covering the fees for the Certificate and the License.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

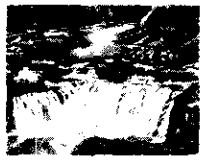
Carl E. Tappen
Assistant State Reclamation Engineer

CET:mr

Enc. license
certificate
receipt

22442

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO

RECEIVED
MAR 26 1962
Department of Reclamation

March 23, 1962

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

Re: Permit No 22442

Attention: George N Carter, State Reclamation Engineer

Gentlemen:

I am forwarding herewith Idaho Power Company check in the amount of $4,807.00 representing statutory fees for completion of works and beneficial use. It is my understanding that you will now issue the Certificate of Completion of Works and License and Certificate of Water Right for our Oxbow project.

Very truly yours,

James E Bruce

James E Bruce
Attorney

JEB:vk

Encl

22442

March 16, 1962

RE: Permit No. 22442

Idaho Power Company
1220 Idaho Street
Boise, Idaho

Gentlemen:

Our engineer's report on his inspection of the completion of works and application of water to beneficial use under the terms of Permit No. 22442 shows that the diversion works are capable of conveying 800,000 miner's inches, or 16,000 c.f.s. of water for the purpose of generation of electric power.

Upon receipt of the statutory fees totaling $4807.00, completion of works $4802.00, and beneficial use $5.00, we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right with priority of June 19, 1947 to the use of 16,000 second feet of surface water with the point of diversion in Lot 8, Section 9, Township 7 South, Range 45 E.W. M. for the generation of electric power.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By

Carl E. Tappan
Assistant State Reclamation Engineer

CET:mr

22442

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 22442

This proof is for Beneficial Use In Water District No.

1. Name of applicant Idaho Power Company

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the Lot 8 of Section 9

T. 7 S. R. 48 E.W.M. County of Baker, Oregon

4. Describe works as they exist, giving dimensions and capacities of same: Diversion Works consist of a rock fill, clay core dam, 950 ft. long, hydraulic height 122 ft.; structural height approximately 200 ft. with impervious sloping clay core adequately protected from erosive action of water by filter zones and selected rock. About 2000 ft. upstream from the dam two concrete lined horseshow shaped tunnels pierce the Oxbow Ridge. These tunnels are each 36 ft. high, 36 ft. wide and each pass into a 130 ft. diameter, 110 ft. high concrete lined surge tank. Each surge tank supplies two 73,000 H. P. turbines through a 23 ft. diameter, steel lined penstock; each turbine drives a 57,777 K. V. A. generator. Oregon spillway is a concrete structure designed to pass 150,000 c.f.s. Idaho spillway is an earth filled dam designed to wash out when the concrete spillway becomes overloaded. Capacity of the Power Penstocks witnessed / was 29,505 cfs; Power output 229,810 KW

5. Water is used for: Generation of electric power

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

POINT OF USE: Lot 2, Sec. 9, 7 S., Rge. 48 E.W.M. in Oregon

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

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

Remarks: This is a well designed, well constructed installation in every respect.

This examination was made on the 9th day of March, 1962

(Signed) Carl E. Tappan
Examiner.

22442

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 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.
6. Give general characteristics of soils, topography, and crops raised.

Gale C. Farley, Agent
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Permit No. 22112

Examination for Beneficial Use

County Baker, Oregon

Sec. 9 T. 7 S R. 48 E.W.M.

Quantity: 16,000 c.f.s.

Source: Snake River

P.D.: Lot 8, Sec. 9, T. 7S.-R. 48EBM.

Use: Generation of Electric Power

Filed: June 19, 1947

Due: Oct. 23, 1962

Extension: to B/W: 10-15-61
B/W: 10-15-67

Completion of Works: Pending inspection

Other Rights: none stated

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 2244

REPORT ON PROOF OF Beneficial Use

Idaho Power Company, 1220 Idaho St., Boise, Idaho

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 22442

This proof is for Completion of Works In Water District No.

1. Name of applicant Idaho Power Company

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the Lot 8 of Section 9

T. 7 S R. 48 E.W.M. County of Baker, Oregon

4. Describe works as they exist, giving dimensions and capacities of same: Diversion works consist of a rock fill, clay core dam, 950 ft. long, hydraulic height 122 ft.; structural height approximately 200 ft. with impervious sloping clay core adequately protected from erosive action of water by filter zones and selected rock. About 2000 ft. upstream from the dam two concrete lined horseshoe shaped tunnels pierce the Oxbow Ridge. These tunnels are each 36 ft. high, 36 ft. wide and each pass into a 130 ft. diameter, 110 ft. high concrete lined surge tank. Each surge tank supplies two 73,000 H. P. turbines through a 23 ft. diameter, steel lined penstock; each turbine ~~drives a 57,777 K. V. A. generator.~~ Oregon spillway is a concrete structure designed to pass 150,000 c.f.s. Idaho spillway is an earth filled dam designed to wash out when the concrete spillway becomes overloaded

5. Water is used for: Generation of electric power Capacity of the Power Penstocks witnessed was 29,505 cfs. Power output: 229,810 KW

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 other than irrigation):

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

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: This is a well designed, well constructed installation in every respect

This examination was made on the 9th day of March, 1962

(Signed) Carl E. Tappan
Examiner.

22442

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 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.
6. Give general characteristics of soils, topography, and crops raised.

Gale C. Farley, Agent
Idaho Power Company
1220 Idaho St., Boise, Idaho
Permit No. 22442

Examination for Completion of Works

County Baker, Oregon

Sec. Lot 8 T. 7 S. R. 48 E W.M.

Quantity: 16,000 c.f.s.

Source: Snake River

P.D.: Lot 8, T. 7S.-R. 48 EWM.

Use: Power.

Filed: June 19, 1947

Due: Oct. 23, 1956

Extended: to Oct. 15, 1961

Completion of Works:

Other Rights: none stated.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 22442

REPORT ON PROOF OF Completion of Works

Idaho Power Company, 1220 Idaho Street, Boise, Idaho

Oxbow permit

OXBOW POWER PLANT - MAXIMUM FLOW TEST
MARCH 9, 1962

This test was conducted at the request and in the presence of C E Tappan, Acting Reclamation Engineer for the State of Idaho, to demonstrate proof of beneficial use water as required by law in connection with the Company's Oxbow water filing.

Test results were as follows:

10:03 AM - All four units at full gate opening

Time	10:05 AM	11:05 AM
Forebay elevation	1804.90	1804.97
Tailrace elevation	1686.00	1686.41
Gross effective head	118.90 ft.	118.56 ft.

Plant output at above heads as determined by timing the integrating watt-hour meters of each unit for 10 revolutions of disk as computed by formula

$$KW = \frac{3600 \times rev. \times K_h}{sec. \times 1000}$$

K_h = meter constant = 43,200

	10:05 AM			11:05 AM	
Unit	Sec./10 rev.	KW	Unit	Sec./10 Rev.	KW
1	27.00	57,600	1	27.25	57,070
2	27.20	57,180	2	27.60	56,350
3	26.55	58,580	3	26.75	58,140
4	26.50	58,690	4	26.70	58,250
		232,050			229,810

Plant output from station log at 11:00 AM and noon was 231,000 KWH. 12:00 noon forebay elevation - 1805.05
tailrace " - 1686.47
gross head - 118.58

USGS Oxbow gage at 12:00 noon	14.4 ft.
Less correction factor per USGS 1/30/62	.1
Net gage height	14.3 ft.
Total flow per gage rating table	31,010 cfs
Flow through spillway gates	800 "
Flow through fish ladder	350 "
Flow of Indian Creek	10 "
Flow of Pine Creek	245 "
Net flow through power plant	29,505 "

Observers:
For Company - G B Soule
R W Moore
M C Welsh
T R Heikes

For State of Idaho - C E Tappan

22442

TRH - 3-12-62

February 28, 1962

Re: Permit No. 22442

Gale C. Farley, Agent
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Farley:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Adams County Leader _____, all submitted in proof of c[redacted] beneficial use on Permit No. 22442.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

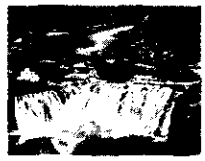
By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

22442

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO

February 27, 1962

RECEIVED
FEB 28 1962
Department of Reclamation

George N Carter,
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Re: Permit No. 22442

Dear Mr Carter:

Enclosed are Depositions of Witnesses, Deposition of Holder and Affidavit of Publication, properly signed and notarized, all in connection with the above-captioned permit.

Very truly yours,

Gale C. Farley

Gale C Farley,
Agent

GCF:vk

Encl

22442

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22442

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Idaho Power Company, 1220 Idaho Street, Boise, Idaho

Occupation: Generation and sale of electric energy.

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. Idaho Power Company, T E Roach, President;

Ans. A C Inman, Secretary, 1220 Idaho Street, Boise, Idaho

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

Ans. Permit No 22442 dated ~~June 19, 1947~~ Oct. 23, 1951; Date of priority - June 19, 1947.

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

Ans. Snake River. Point of diversion - 2509 feet from SW corner, Section 21 T19N, R4W, BM, Adams Co. Idaho and in Lot 8, Section 9, T7S, R48E, WM. Baker Co. Oregon

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Reservoir, dam and hydroelectric plant having 4 generators of 47,500 Kw each or a total name plate rating of 190,000 Kw; estimated maximum capacity ~~230,000 Kw. Plant capable of using estimated 28,500 cfs of water.~~ Water conveyed from point of diversion by 2 concrete-lined, horseshoe-shaped diversion tunnels, each 36' in diameter, each of which divides into two ~~23' diameter penstocks at place of use.~~

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

Ans. Water used for generation of electric energy in Lot 8, Section 9, T7S, R48E, WM, Oregon.

Ques. 6-a If this is a ground water permit, give name and address of person ~~that drilled the well.~~

Ans. Not Applicable.

22442

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

Ans. Water used to operate 4 turbines with generators to produce a total of approximately 308,000 HP maximum of electric energy.

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

Ans. 28,500 cfs

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. Not applicable.

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

Ans. First generator in operation July 13, 1961, As of November 18, 1961, all 4 units were in operation capable of using approximately 28,500 cfs of water to produce electric energy.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Not applicable.

(Sign) T E Roach

T E Roach, President, Idaho Power Company

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** 21st **day of** February, **A. D. 19**62.

Dale C. Farley

My commission expires May 15, 1962.

22442

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 22442

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. John L Eskelin, Jr., 30, 2518 Redway Road, Boise, Idaho
Occupation: Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 22442? How long have you known him and where does he reside?

Ans. Yes; 3 years. Resides at 1220 Idaho Street, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 22442, 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. Point of diversion - approximately 2509 feet from SW corner of Section 21, T19N, R4W, BM, and in Lot 8, Section 9, T7S, R48E, WM. Water conveyed from point of diversion by 2 concrete-lined horseshoe-shaped diversion tunnels, each 36' in diameter, each of which divides into 2 23' diameter penstocks at place of use.

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. Estimate 30,000 cfs; witnessed 28,500 cfs, plus 1000 cfs passing around Oxbow for fish conservation requirements.

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

Ans. Water is used for production of electric energy at Oxbow Power Plant located approximately 2509 feet from SW corner of Section 21, T19N, R4W, BM, and in Lot 8, Section 9, T7S, R48E, WM.

22442

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

Ans. Water is used to operate 4 turbines with generators to produce a total of approximately 308,000 HP maximum of electric energy.

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

Ans. Not applicable.

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. Oxbow power plant was generating 226,000 kilowatts at time of proof of beneficial use, as witnessed by the undersigned, February 20, 1962, as stated in answer to Question 5.

(Signed) John A. Eschelbach

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 21st day of February, A. D. 19 62.

Dale C. Farley
Notary Public.

My commission expires May 15, 1962.

22442

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

FEB 28 1962
Department of Reclamation

PERMIT NO. 22442

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Myron Swendsen, Age 70, 5010 Bel Air, Boise, Idaho
Occupation: Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 22442? How long have you known him and where does he reside?

Ans. Yes; 46 years. Resides at 1220 Idaho Street, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 22442, 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. Point of diversion - approximately 2509 feet from SW corner of Section 21, T19N, R4W, BM, and in Lot 8, Section 9, T7S, R48E, WM. Water conveyed from point of diversion by 2 concrete-lined, horseshoe-shaped diversion tunnels, each 36' in diameter, each of which divides into 2 23' diameter penstocks at place of use.

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. Estimate 30,000 cfs; witnessed 21,400 cfs, not including 1000 cfs being passed around the Oxbow for fish purposes

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

Ans. Water is used for production of electric energy at Oxbow Power Plant located approximately 2509 feet from SW corner of Section 21, T19N, R4W, BM, and in Lot 8, Section 9, T7S, R48E, WM.

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

Ans. Water is used to operate 4 turbines with generators to produce a total of approximately 308,000 H P maximum of electric energy.

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

Ans. Not applicable.

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

Ans. No.

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

Ans. On October 10, 1961, I visited the project and witnessed the use of 21,400 cfs, as determined from the Oxbow USGS guage, through 3 turbines, generating approximately 180,000 kilowatts.

(Signed) Myron Swenson
C/ Interim #153

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 21st day of February, A. D. 19 62.

Dale C. Farley
Notary Public.

My commission expires May 15, 1962.

22442

RECEIVED
FEB 28 1962
Department of Reclamation

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, B. J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County Leader, a newspaper; that a copy of the " Notice of Applicati of Water to Beneficial Use " as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for four (4) consecutive weeks, the first publication of the same being made in the issue dated January 26.1962 and the last in the issue dated February 16.1962 ; that said newspaper is of general circulation in Adams County, Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more thas seventy-eight consecutive weeks prior to the first publication of said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 19th day of February 1962

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 21st day of February, 1962, at Boise, County of Ada, State of Idaho, before Gale C. Farley, a Notary Public, proof will be submitted of the application to beneficial use of 16,000 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 22442 heretofore issued by the Department of Reclamation of the State of Idaho.

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

The use to which said water has been applied is Generation of electric power.

The amount applied to beneficial use is 16,000 cfs.

The point of diversion of said water is 2509 feet from SW corner Section 21, T 19N, R4W, BM, and in Lot 8, Section 9, T7S, R48E, WM.

The place where said water is used (Legal Description) in Lot 2, Section 9 T7S, R48E, WM.

The date of priority which said user is prepared to establish is June 19, 1947.

GEO. N. CARTER
State Reclamation Engineer
Pub. Jan. 26, Feb. 2, 9 & 16, 1962

22442

February 1, 1962

Re: Permit No. 22442
Idaho Power Co.

Adams County Leader
Council, Idaho

Gentlemen:

We received the copy of the Notice of Publication on the above numbered permit, and note the following error.

In Paragraph 5, Line Line 4, Lot 2, should read Lot 8. Please make this correction and mail us another copy of the corrected proof for our files.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

22442

January 18, 1962

Re: Permit No. 22442

Idaho Power Company,
1220 Idaho Street ,
Boise, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 22442 . The proofs are to be made at 10:00 o'clock A.M., on the 21st day of February, 1962, before Gale C. Farley, Notary Public.

As of this date we have mailed the Notice to the Adams County Leader Council, Idaho , with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

22442

1200
6-28-61

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 22442
Idaho Power Company

Date: **Jan. 18, 1962**

Adams County Leader,
Council, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 21, 1962** the date set for proof; the expense of the publication is to be paid by the applicant

Idaho Power Company of **1220 Idaho St., Boise, Idaho**

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

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

Very truly yours,

Geo N. Carter

GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

22442

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 BOISE, IDAHO

January 17, 1962

George N Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr Carter:

Transmitted herewith are Idaho Power Company forms No. 10 and No. 11 in duplicate in connection with our permit No. 22442.

Very truly yours,

Gale C. Farley

Gale C Farley
Agent

GCF;vk

Encl

22442

Form No. 11
2M - 10/60

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 15, 1962

(P. O.) Box 770, Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

IDAHO POWER COMPANY

BY James E. Bruce
Attorney

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

W F Emery Engineer.

22442

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER

TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 21st day of February, 1962, at Boise, County of Ada, State of Idaho, before Gale C Farley, a Notary Public, proof will be submitted of the application to beneficial use of 16,000 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 22442 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Idaho Power Company, 1220 Idaho Street, Boise, Idaho

The use to which said water has been applied is Generation of electric power

The amount applied to beneficial use is 16,000 cfs

The point of diversion of said water is 3924 feet from SW corner Section 21, T 19N, R4W, BM, and in Lot 2, Section 9, T7S, R48E, WM.

The place where said water is used (LEGAL DESCRIPTION) Section 21, T19N, R4W, BM, and in Lot 2, Section 9, T7S, R48E, WM

The date of priority which said user is prepared to establish is June 19, 1947

22442

State Reclamation Engineer

October 18, 1961

Re: Permit No. 2242

Gale C. Farley, Agent
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Farley:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Adams County Leader, all submitted in proof of completion of works ~~and beneficial use~~ on Permit No. 2242.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

2242

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO

October 16, 1961

RECEIVED
OCT 17 1961
Department of Reclamation

Mr George N Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr Carter:

Enclosed herewith are Deposition of Holder and Deposition of Witness for each of two witnesses for Idaho Power Company's Permit No 22442 in connection with our Oxbow Hydroelectric Project. Also enclosed is the Affidavit of Publication of Notice of Proof of Completion of Works and Application of Water to Beneficial Use.

Very truly yours,

Gale C. Farley

Gale C Farley
Agent

GCF:mlm

Encls

22442

Form 15

RECEIVED
OCT 17 1961
Department of Reclamation

PERMIT NO. 22442

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Idaho Power Company, 1220 Idaho Street, Boise, Idaho
Occupation: Generation and sale of electric energy

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, 1220 Idaho Street, Boise, Idaho
T E Roach, President, duly elected by the Board of
Directors of Idaho Power Company

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

Ans. Permit No 22442, dated October 23, 1951, to divert 16,000 cfs from Snake River at a point approximately 2509' from the SW corner of Section 21, T19N, R4W, BM.
in Lot 8, Sec. 9, T. 7S. - R. 4E - WM.

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

Ans. Generation of electric power

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

Ans. Yes. First unit tested June 9, 1961.

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. Yes; with capacity in excess of 16,000 cfs.

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. Rock-fill, clay core dam approximately 200' high and 950' long at crest. Two concrete-lined power tunnels, two surge tanks, four steel penstocks to power plant. Estimated cost, dam and diversion works, $29,401,000.

IDAHO POWER COMPANY
(Sign here.) By T E Roach
President

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 11th day of October A. D. 19 61.

Mary L. Morton
Notary Public.

My Commission expires April 1, 1964

22442

P-4

Form 14

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

Permit No. 22442

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Keith E Anderson, Age 41, 6932 Westfield Place, Boise, Idaho
Occupation: Consulting Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 22442, authorizing the diversion of 16,000 second-feet of the waters of Snake River, at Section 21, T19N, R4W, BM for power / generation purposes? How long have you known him, and where does he reside?

Ans. Yes; 22 years. Resides at 1220 Idaho Street, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 22442, 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. On October 10, 1961, I observed actual diversion of 21,400 cfs for power generation using three of four generators.

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

Ans. A rock-fill, clay core dam approximately 200' high, approximately 950' long with two concrete-lined power tunnels, two surge tanks, four steel penstocks to concrete power plant. Estimated cost of dam and diversion works, $29,401,000. For estimated capacity see answer to question 5.

(Sign here.) Keith E Anderson
Civil Engr. License 1027

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 Ada, Boise County of Ada, State of Idaho, on this 11th day of October, A. D. 1961.

Dale C. Farley

22442

Form 14

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

Permit No. 22442

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Myron Swendsen, Age 70, 5010 Bel Air, Boise, Idaho
Occupation: Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 22442, authorizing the diversion of 16,000 second-feet of the waters of Snake River, at Section 21, T19N, R4W, BM for power / generation purposes? How long have you known him, and where does he reside?

Ans. Yes; 45 years. Resides at 1220 Idaho Street, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 22442, 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. On October 10, 1961, I observed actual diversion of 21,400 cfs for power generating using three of four generators.

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

Ans. A rock-fill, clay core dam approximately 200' high, approximately 950' long. Two concrete-lined power tunnels, two surge tanks, four steel penstocks to concrete power plant. Estimated cost of dam and diversion works, $29,401,000. For estimated capacity see answer to question 5.

(Sign here.) Myron Swendsen
CE Lic. 153

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 11th day of October, A. D. 1961.

Dale C. Farley

22442

RECEIVED
OCT 17 1961
Department of Reclamation

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, B. J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County Leader, a newspaper; that a copy of the " Notice of Proof Completion of Works " as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for four (4) consecutive weeks, the first publication of the same being made in the issue dated August 11.1961 and the last in the issue dated September 1.1961; that said newspaper is of general circulation in Adams County, Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more thas seventy-eight consecutive weeks prior to the first publication of said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 8th day of September, 1961

Kenneth Howard

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF PROOF OF COMPLETION OF WORKS

Notice is hereby given that at 10:00 o'clock A. M., on Wednesday, October 11, 1961, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Gale C. Farley, a Notary Public, proof will be submitted of the completion of works for the diversion in excess of 16,000 cubic feet per second of the waters of the Snake River, in accordance with the terms and conditions of Permit No. 22442, heretofore issued by the Department of Reclamation of the State of Idaho.

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

2. The number of such permit is 22442, and the date set for the completion of such work is October 15, 1961.

3. Said water is to be used for the generation of electrical power.

4. 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 in excess of 16,000 cubic feet per second.

GEO. N. CARTER
State Reclamation Engineer

Pub. Aug. 11, 18, 25, Sept. 1, 1961

22442

ADDRESS ALL COMMUNICATIONS TO THE SECRETARY

FEDERAL POWER COMMISSION
WASHINGTON 25, D.C.

RECEIVED
SEP 18 1961

Department of Reclamation
SEP 13 1961

Project No. 1971
Idaho Power Company

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Transmitted herewith is a copy of Instrument No. 25 of the license for Project No. 1971 issued to Idaho Power Company.

Very truly yours,

J. Leitride
Secretary

Enclosure No. 86882
Copy of Instrument No. 25

23442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Joseph C. Swidler, Chairman; Jerome K. Kuykendall, Howard Morgan and L. J. O'Connor Jr.

Idaho Power Company) Project No. 1971

ORDER FURTHER EXTENDING TIME FOR COMPLETION OF CONSTRUCTION

(Issued September 8, 1961)

Application was filed on June 19, 1961, by Idaho Power Company, licensee for major Project No. 1971, for an extension of time from September 15, 1961, to December 31, 1961, for completion of construction of the Oxbow development of the project.

In support of its application, the licensee advises that construction of the Oxbow development has proceeded continuously and diligently and that test runs of the first generating unit began on May 15, 1961, and of the second such unit on June 14, 1961, both entirely on, or a little ahead of, schedule. However, mechanical difficulties developed in the numbers 1 and 2 turbines, requiring the dismantling of those units, upon the recommendation of the equipment manufacturer, for inspection and correction of the difficulties. Assembly of units 3 and 4 was discontinued so that similar modification might be accomplished, if necessary, on those units. The licensee estimates that all four units cannot be placed in service prior to late November or December.

In additional support of its application, the licensee advises that a slowdown of several weeks between April 1 and May 16, in the installation of the units occured, due to a jurisdictional dispute between two unions, involving neither the licensee nor its contractor.

The license for Project No. 1971 specified in Article 28 thereof that construction of the Oxbow development be commenced within four years from August 1, 1955, the effective date of the license, and be completed within twenty-four months of such commencement. Actual construction of the development was begun on December 13, 1957, so that completion thereof should have been accomplished as of December 12, 1959. However, for good cause shown, by our order issued January 28, 1960, we extended the completion date for construction of the Oxbow development to the September 15, 1961 date.

22442

22442

The Commission finds:

The licensee has carried on construction of the project in good faith and with reasonable diligence, and a further extension as hereinafter provided will not be incompatible with the public interest.

The Commission orders:

The time specified in sub-paragraph (b) of Article 28 of the license for Project No. 1971 for completion of construction of the Oxbow development of the project as extended by our order issued January 28, 1960, is further extended to and including December 31, 1961.

By the Commission.

Joseph H. Gutride,
Secretary.

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

BOISE

August 4, 1961

Re: Permit No. 22442
Idaho Power Company

Idaho Power Company,
Box 770,
Boise, Idaho.

Attention: James E. Bruce, Attorney

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works ~~and Application~~ ~~of Beneficial Use~~ under Permit No. 22442, in the name of **Gale C. Farley, Idaho Power Company**. Final Proof is to be made before ~~you~~ as Notary on the **11th** day of **October, 1961**, ~~1959~~ at **10:00** o'clock ~~A.M.~~, at **1220 Idaho St., Boise** Idaho.

As of this date we have mailed the Notice to the **Adams County Leader** with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. **Rule**
Chief Clerk

Encl.
EPR:Pk
cc: Applicant

(Form 14 in duplicate, and Form 15, were enclosed)

1200
6-28-61

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 22442
Idaho Power Company

Date: August 4, 1961

Adams County Leader,
Council, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to October 11, 1961 the date set for proof; the expense of the publication is to be paid by the applicant

Idaho Power Company of 1220 Idaho St., Boise, Idaho

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

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

Very truly yours,

Geo N. Carter

GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.
cc: Idaho Power Company
Box 770
Boise, Idaho

22442

August 5, 1961

RE: Permit No. 22442

Idaho Power Company
Boise, Idaho

Gentlemen:

Received today from Gale C. Farley, Idaho Power Company, original and copy of legal notice of proof of completion of works under Permit No. 22442, with authorization for publication in the Adams County Leader.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

22442

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 BOISE, IDAHO

August 3, 1961

State of Idaho
Department of Reclamation
Capitol Building
Boise, Idaho

Attention: Mr George N Carter, State Reclamation Engineer

Re: Permit No 22442

Gentlemen:

In accordance with the provisions of 42-214, Idaho Code, we are forwarding herewith Form No 11 executed by myself on behalf of Idaho Power Company and also executed by J F Emery as Engineer. We are also forwarding in duplicate Form No 8, consisting of Notice for Publication, which we understand will be published in the Adams County Leader for a period of four weeks. We would appreciate receiving a copy of the transmittal letter of notification, when you send this to the Adams County Leader for publication in order that we may request from them Affidavit of Publication.

As specified in the notice, we intend to make notice of proof of completion of works on October 11, 1961.

If there is anything further that you desire with respect to this, please contact us.

Very truly yours,

James E Bruce

James E Bruce
Attorney

JEB:mlm

Encls

cc: H R Moore
J F Emery

Form No. 11
2M - 10/60

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 3, 1961

(P. O.) Box 770, Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

IDAHO POWER COMPANY
By James E. Bruce
Attorney

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

J F Emery
J F Emery, Engineer.

22442

RECEIVED
AUG 3 1961
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS

Notice is hereby given that at 10:00 o'clock A M, on Wednesday, October 11, 1961, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Gale C Farley, a Notary Public, proof will be submitted of the completion of works for the diversion in excess of 16,000 cubic feet per second of the waters of the Snake River, in accordance with the terms and conditions of Permit No 22442, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Idaho Power Company, 1220 Idaho Street, Boise, Idaho.
2. The number of such permit is 22442, and the date set for the completion of such work is October 15, 1961.
3. Said water is to be used for the generation of electrical power.
4. 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 in excess of 16,000 cubic feet per second.

Geo. H. Carter

State Reclamation Engineer

22442

Form No. 7

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

July 26, 1961

Re: Permit 22442

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Idaho Power Co.
A. C. Inman, Sec.
1220 Idaho St.
Boise, Idaho

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. 22442.

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 Oct. 23, 1961. Upon receipt of the blank properly filled out, notice of 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 is made, as it only confirms the completion of the 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,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 8 - 11

22442

March 15, 1960

Re: Permit No. 22442 (Oxbow)
Permit No. 24393 (Hells Canyon)
Idaho Power Co.

A. C. Inman, Secretary
Idaho Power Company
Boise, Idaho

Dear Mr. Inman:

We enclose herewith Order Allowing Extension of Time on Permit No. 22442 (Oxbow) to October 15, 1961 and on Permit 24393 (Hells Canyon) to September 30, 1964, both of which have been duly recorded in this office.

Very truly yours,

[illegible]
State Reclamation Engineer

GNC:ew

Enc Extensions (2)

22442-3

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION of Extension of Time of Idaho Power Company, for Completion of Works under Permit No. 22442

ORDER ALLOWING EXTENSION OF TIME

WHEREAS, Permit No. 22442, Idaho Power Company, holder by reason of extension of time previously allowed requires that Proof of Completion of Works shall be made on or before June 24, 1960; and,

WHEREAS, said Permit Holder has been unable to proceed with the construction described in Permit No. 22442 because of delays experienced in obtaining approval of plans as the Federal Power Commission License required; and,

WHEREAS, The Federal Power Commission now requires that the project be completed not later than September 15, 1961.

NOW, THEREFORE, Pursuant to Subdivisions 1 and 2 of Sec. 42-203, Idaho Code, it is hereby ordered that Proof of Completion of Works on Permit No. 22442 shall be made on or before October 15, 1961, and a like extension of time is allowed for each and every other act required under said Permit.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Department of Reclamation, at Boise, Idaho, this 15th day of March, 1960.

Geo. N. Carter

State Reclamation Engineer

22442

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION of Extension of Time of Idaho Power Company, for Completion of Works under Permit No. 22442	))))	ORDER ALLOWING EXTENSION OF TIME

WHEREAS, Permit No. 22442, Idaho Power Company, holder by reason of extension of time previously allowed requires that Proof of Completion of Works shall be made on or before June 24, 1960; and,

WHEREAS, said Permit Holder has been unable to proceed with the construction described in Permit No. 22442 because of delays experienced in obtaining approval of plans as the Federal Power Commission License required; and,

WHEREAS, The Federal Power Commission now requires that the project be completed not later than September 15, 1961.

NOW, THEREFORE, Pursuant to Subdivisions 1 and 2 of Sec. 42-20[illegible], Idaho Code, it is hereby ordered that Proof of Completion of Works on Permit No. 22442 shall be made on or before October 15, 1961, and a like extension of time is allowed for each and every other act required under said Permit.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Department of Reclamation, at Boise, Idaho, this 15th day of March, 1960.

s/ GEO. N. CARTER

State Reclamation Engineer

(SEAL)

22442

S T A T E OF I D A H O

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION of Extension of Time of Idaho Power Company, for Completion of Works under Permit No. 22442

ORDER ALLOWING EXTENSION OF TIME

WHEREAS, Permit No. 22442, Idaho Power Company, holder by reason of extension of time previously allowed requires that Proof of Completion of Works shall be made on or before June 24, 1960; and,

WHEREAS, said Permit Holder has been unable to proceed with the construction described in Permit No. 22442 because of delays experienced in obtaining approval of plans as the Federal Power Commission License required; and,

WHEREAS, The Federal Power Commission now requires that the project be completed not later than September 15, 1961.

NOW, THEREFORE, Pursuant to Subdivisions 1 and 2 of Sec. 42-203, Idaho Code, it is hereby ordered that Proof of Completion of Works on Permit No. 22442 shall be made on or before October 15, 1961, and a like extension of time is allowed for each and every other act required under said Permit.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Department of Reclamation, at Boise, Idaho, this 15th day of March, 1960.

s/ GEO. N. CARTER

State Reclamation Engineer

(SEAL)

22442

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION of Extension of Time of Idaho Power Company, for Completion of Works under Permit No. 22442	))))	ORDER ALLOWING EXTENSION OF TIME

WHEREAS, Permit No. 22442, Idaho Power Company, holder by reason of extension of time previously allowed requires that Proof of Completion of Works shall be made on or before June 24, 1960; and,

WHEREAS, said Permit Holder has been unable to proceed with the construction described in Permit No. 22442 because of delays experienced in obtaining approval of plans as the Federal Power Commission License required; and,

WHEREAS, The Federal Power Commission now requires that the project be completed not later than September 15, 1961.

NOW, THEREFORE, Pursuant to Subdivisions 1 and 2 of Sec. 42-204, Idaho Code, it is hereby ordered that Proof of Completion of Works on Permit No. 22442 shall be made on or before October 15, 1961, and a like extension of time is allowed for each and every other act required under said Permit.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Department of Reclamation, at Boise, Idaho, this 15th day of March, 1960.

Geo. N. Carter

State Reclamation Engineer

22442

IDAHO POWER COMPANY

BOISE, IDAHO

March 8, 1960

RECEIVED
MAR 8 1960
Department of Reclamation

Mr George Carter
State Reclamation Engineer
State Capitol Building
Boise, Idaho

Dear Mr Carter: Re: Permits No 22442 and 24393

Reference is made to our letters dated June 14, 1955, requesting extensions of time with respect to the above permits, and the orders of the State Reclamation Engineer issued June 29, 1955 with respect thereto.

Referring to Permit No 22442 (Oxbow), the order extended the time for completion of works to June 24, 1960, with a similar extension allowed for proof of beneficial use, or until June 24, 1966. Permit No 22442 was issued October 23, 1951. However, due to delays in obtaining the necessary license from the Federal Power Commission, we were unable to commence construction until the plans for the development were approved by the Federal Power Commission, on November 3, 1955. By order of the Federal Power Commission issued January 28, 1960, the Oxbow project is required to be completed by ~~September 15~~, 1961. The diversion works have, of course, long since been completed, and construction of the dam and power plant are proceeding according to schedule, under which it is contemplated that the power plant will be completed for operation, with the last unit in service, by September 15, 1961. In view of the foregoing, and pursuant to subdivisions 1 and 2 of Section 42-204, Idaho Code, it is respectfully requested that the date for making proof of completion of works under Permit 22442 be extended to and including ~~September~~ 30, 1961. Although such extension, under the statute, will provide an automatic corresponding extension of time for making proof of application of water to beneficial use, it is contemplated that such proof will be made at substantially the same time as the proof of completion of works.

Nov. 30

November, via Phone. Gale

With respect to Permit No 24393 (Hells Canyon), the above order extended the time for completion of works to June 24, 1960. Article 29 of our Federal Power Commission license provides that construction shall not begin until the Federal Power Commission has approved the plans relating to the project; and, although such plans have been filed with the Commission, they have not as yet been approved. Article 28 of the license provides for commencement of construction of the Hells Canyon development by August 1, 1961, and completion by August 1, 1964. In view of the foregoing, and the

22442

delays incident to the obtainment of Federal Power Commission license and approval of plans, you are also respectfully requested, pursuant to subdivision 1 of Section 42-204, Idaho Code, to extend the time for completion of works under Permit No 24393 to and including September 30, 1964. Although, under the statute, the time for making proof of beneficial use (now fixed for June 24, 1966) will automatically be correspondingly extended, it is contemplated that such proof will be made at substantially the same time as the proof of completion of works.

Very truly yours,

A C Inman
Secretary

ACI:mb

22-12

March 3, 1960

Re: Permit No. 22442

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

Dear Mr. Inman:

This letter acknowledges receipt of your letter of February 25, 1960, which transmitted two sets of five sheets each, Idaho Power Company Drawing No. E-14571, Revised Plans for Oxbow Hydro-Electric Development.

You requested that if these revised plans are found approvable, that one set thereof bearing the approval of the State Reclamation Engineer be returned to your Company.

I have examined the plans and enclose one set thereof bearing my approval on each of the five sheets of the drawing E-14571 and have retained the other approved set for the files of this office.

Very truly yours,

G. N. Chatburn
State Reclamation Engineer

GNC:ew

Enc. Revised Plans
Oxbow

IDAHO POWER COMPANY

BOISE, IDAHO

February 25, 1960

FEB 26 1960

Department of Reclamation

Mr George Carter
State Reclamation Engineer
State Capitol Building
Boise, Idaho

Dear Mr Carter:

In January 1958 we transmitted for approval, pursuant to Section 42-1707, Idaho Code, the plans for our Oxbow dam and hydro-electric development, our Drawings No E-14571, Sheets 1-5 of 5.

I am enclosing herewith, for your consideration, two sets of prints of the same drawings, as revised August 1959, showing certain changes in the project as a result of final design studies, including the use of a fuse plug installation in lieu of gated spillway on the Idaho side of the dam, which has been approved by both the Army Engineers and the Federal Power Commission.

If these plans and designs for the project meet with your approval, it will be appreciated if you will indicate such approval on each print of one of the sets enclosed, and return to us for our permanent files.

If any further information or details with respect to the project are desired, please advise.

Very truly yours,

A C Inman
Secretary

ACI:mb
Encl

R-5427

FEDERAL POWER COMMISSION
WASHINGTON 25

RECEIVED
MAY 26 1958
Department of Reclamation

Project No. 1971
Idaho Power Company

22442
Gribaw

MAY 22 1958

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed for your information is a copy of Amendment No. 1, Instrument No. 8, of the license for Project No. 1971, issued to the Idaho Power Company.

Very truly yours,

J. H. Gutride
Secretary

Enclosure No. 112778
Copy of Amendment No. 1

22442

22442

Amendment No. 1
Instrument No. 8

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby, Frederick Stueck and Arthur Kline.

In the Matter of)
) Project No. 1971
Idaho Power Company)

RECEIVED
MAY 2 6 1958
Department of Reclamation

ORDER AMENDING LICENSE (MAJOR)

(Issued May 2, 1958)

Application was filed January 20, 1958 and supplemented on January 27 and 29, and April 17, 1958 by Idaho Power Company (Licensee for Project No. 1971), for amendment of its license for Project No. 1971 located on the Snake River in Idaho and Oregon.

The Licensee requests approval of revised Exhibit L drawings and Exhibit M; both for the Oxbow development, which would require a change in the project description and a revision of the capacity component for purposes of annual charges. In addition, the Licensee requests approval of Exhibits J-K and M showing and describing a 230 kilovolt double circuit steel tower transmission line extending from the Oxbow power plant approximately 10.4 miles to the Brownlee power plant switchyard and affecting lands of the United States.

The changes to the project structures of the Oxbow development consist essentially in (1) changing the rock-fill dam design from one with an impervious core to one of the "Nantahela" type; (2) raising the normal water surface elevation of the reservoir from 1800 to 1805 feet; (3) changing the spillway from a five-gated structure located on the Oregon abutment to a six-gated structure equally divided with one-half at the Oregon abutment and one-half at the Idaho abutment; (4) changing the power conduit from an open canal to several tunnels with entrance gates and surge tanks; and (5) changing the initial installed capacity from 151,000 kw (4 units of 37,750 kw each) to 190,000 kw (4 units of 47,500 kw each), and the ultimate installed capacity from 226,500 kw (6 units of 37,750 kw each) to 237,500 kw (5 units of 47,500 kw each).

Public notice of the application was duly given, including publication of notice on February 25, 1958 in the Federal Register (23 F. R. 1188). By informal protest dated March 4, 1958 and filed by Honorable Robert D. Holmes, Governor of the State of Oregon, objection was made to continuance of construction of the Oxbow development. We have considered the informal protest and conclude that the proposed amendment would not alter any of the basic facts upon which the license was issued for Project No. 1971.

DC-17

22442

The Chief of Engineers, Department of the Army, in reporting on the application, advised that the plans of the structures as shown on the tracing are satisfactory insofar as the interests of navigation are concerned.

An Assistant Secretary of the Interior, in reporting on the application for authorization for the proposed Oxbow-Brownlee 230-kv double circuit transmission line, has offered no objection to such line affecting lands of the United States under supervision of the Department of the Interior.

The Licensee, by letter of April 4, 1958, requested pre-amendment permission to proceed with construction of the Oxbow-Brownlee transmission line. On April 17, 1958, the Commission advised the Licensee that it would interpose no objection to commencement of construction at Licensee's risk, provided the Licensee complies with the requirements of the agencies concerned.

The Commission finds:

(1) The license, amended as hereinafter provided, will not alter any of the basic facts upon which the license was issued.

(2) The increased amount of annual charges to be paid under the license as hereinafter amended are reasonable for (a) the cost of administration of Part I of the Federal Power Act, and (b) for the use, occupancy, and enjoyment of lands of the United States to be occupied by the Oxbow-Brownlee transmission line.

(3) The following described exhibits filed as part of the application for amendment conform to the Commission's rules and regulations and should be approved as part of the license for the project:

Exhibit L	F.P.C. No.	Oxbow H. E. Development
Sheet 1 of 5	1971-55	General Plan
" 2 of 5	-56	Dam And Spillway Plan
" 3 of 5	-57 --	Dam And Spillway Elevation And Sections
" 4 of 5	-58 --	Power Intake And Power Conduit, Plan, Profile And Sections
" 5 of 5	-59 --	Powerhouse Plans And Section

Exhibit M (1-14-58) entitled "General Description and Specifications of Equipment" for Oxbow Unit.

Exhibit	F.P.C. No.	Title
J-k	1971-54	Oxbow-Brownlee 230 kv Transmission Line

Exhibit M (1-15-58) entitled "General Description and Specifications of Equipment" - Oxbow-Brownlee 230 kv Transmission Line.

22447

The Commission orders:

(A) The exhibits described in finding (3) above are approved as part of the license for Project No. 1971, and Exhibit L drawings FPC Nos. 1971-20, -21 and -22 and Exhibit M (Oxbow Development), previously approved as part of the license, are superseded and excluded from the license.

(B) The license issued to Idaho Power Company for Project No. 1971, is amended as follows:

(i) Paragraph (5)(b)(2) of the order of August 4, 1955 issuing license is amended to read:

(2) The proposed Oxbow development, to consist of a rock-fill dam having a maximum height of about 180 feet and a crest length of 945 feet at elevation 1820 feet in the Snake River at river mile 273.2 and two concrete spillway sections surmounted by tainter gates at the abutments, creating a reservoir with usable storage capacity of 5,500 acre-feet at a drawdown of 5 feet below elevation 1805 feet; a power intake with entrance gates and two power tunnels across the Oxbow; two surge tanks; penstocks; a powerhouse containing initially four turbines each rated at 73,000 horsepower and connected to a 47,500 kilowatt generator operating under a gross static head of 122 feet, with provision for an additional tunnel and future installation of one similar unit in an extension to the powerhouse; a 230 kv double circuit steel tower transmission line extending from Oxbow power plant approximately 10.4 miles to the Brownlee power plant switchyard.

(ii) Article 28 of the license is amended by addition of subparagraph (d) as follows:

(d) Begin the construction of the 230 kilovolt double circuit steel tower transmission line extending from the Oxbow power plant to the Brownlee power plant switchyard on or before May 1, 1958, and complete the line with one circuit in operation on or before December 1, 1958.

22442

(iii) Article 44 of the license is amended to read as follows:

Article 44.

(a) The Licensee shall pay the United States the following annual charges for the purpose of reimbursing it for the cost of administration of Part I of the Act: One (1) cent per horsepower on the authorized installed capacity (1,268,000) plus two and one-half (2½) cents per 1000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made.

(b) Effective April 17, 1958, for the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands for transmission lines only, $45.94.

(c) The Licensee shall also pay to the United States such charges as may be specified hereafter for the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands, exclusive of transmission lines.

(iv) Article 45 of the license is amended to read as follows:

Article 45. The Commission expressly reserves the right to determine at a later date the question of what additional transmission lines and appurtenant facilities, if any, shall be covered in this license and included as part of the project works.

(C) The amendment authorized herein shall become effective as of the first day of the month in which this order is issued, provided, however, that the authorization for the Oxbow-Brownlee transmission line shall be effective as of April 17, 1958.

(D) This order shall become final thirty (30) days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Act, and failure to file such an application shall constitute acceptance of this amendment of license. In acknowledgment of the acceptance of this amendment of license, this instrument shall be signed for the Licensee and returned to the Commission within sixty (60) days from the date of issuance of this order.

By the Commission.

Joseph H. Gutride,
Secretary.

22442

IN TESTIMONY of its agreement to the foregoing amendment, Idaho Power Company this 5th day of May, 1958, has caused its corporate name to be signed hereto by T. E. Roach, its _____ President, and its corporate seal to be affixed hereto and attested by A. C. Inman, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 13th day of July, 1962 1958, a certified copy of the record of which is attached hereto.

IDAHO POWER COMPANY

By T. E. Roach
President

Attest:

A. C. Inman
Secretary

(Executed in quadruplicate)

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

RECEIVED
FEB 24 1958
Department of Reclamation

In the Matter of)
) Project No. 1971
Idaho Power Company)

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

(February 19, 1958)

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Idaho Power Company, licensee for Project No. 1971 for amendment of license requesting approval of revised Exhibit L drawings for the Oxbow development in accordance with Articles 29 and 30 of the license showing changes in details of design of the dam and spillway based on model tests; powerhouse intake and conduits; powerhouse units, increasing the initial installation from 151,000 kilowatts to 190,000 kilowatts and the ultimate installation from 226,500 kilowatts to 237,500 kilowatts; increasing the normal water surface elevation from 1800 feet to 1805 feet with no change in the project boundary of the pond; and the addition of a 230 kilovolt doublt circuit transmission line extending from the Oxbow power plant approximately 10.4 miles to the Brownlee power plant switchyard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 20, 1958. The application is on file with the Commission for public inspection.

Joseph H. Gutride
Secretary

DC-9

22442

RECEIVED
MAY 1958
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby, Frederick Stueck and Arthur Kline.

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER AMENDING LICENSE (MAJOR)

(Issued May 2, 1958)

Application was filed January 20, 1958 and supplemented on January 27 and 29, and April 17, 1958 by Idaho Power Company (Licensee for Project No. 1971), for amendment of its license for Project No. 1971 located on the Snake River in Idaho and Oregon.

The Licensee requests approval of revised Exhibit L drawings and Exhibit M; both for the Oxbow development, which would require a change in the project description and a revision of the capacity component for purposes of annual charges. In addition, the Licensee requests approval of Exhibits J-K and M showing and describing a 230 kilovolt double circuit steel tower transmission line extending from the Oxbow power plant approximately 10.4 miles to the Brownlee power plant switchyard and affecting lands of the United States.

The changes to the project structures of the Oxbow development consist essentially in (1) changing the rock-fill dam design from one with an impervious core to one of the "Nantahela" type; (2) raising the normal water surface elevation of the reservoir from 1800 to 1805 feet; (3) changing the spillway from a five-gated structure located on the Oregon abutment to a six-gated structure equally divided with one-half at the Oregon abutment and one-half at the Idaho abutment; (4) changing the power conduit from an open canal to several tunnels with entrance gates and surge tanks; and (5) changing the initial installed capacity from 151,000 kw (4 units of 37,750 kw each) to 190,000 kw (4 units of 47,500 kw each), and the ultimate installed capacity from 226,500 kw (6 units of 37,750 kw each) to 237,500 kw (5 units of 47,500 kw each).

Public notice of the application was duly given, including publication of notice on February 25, 1958 in the Federal Register (23 F. R. 1188). By informal protest dated March 4, 1958 and filed by Honorable Robert D. Holmes, Governor of the State of Oregon, objection was made to continuance of construction of the Oxbow development. We have considered the informal protest and conclude that the proposed amendment would not alter any of the basic facts upon which the license was issued for Project No. 1971.

22442

The Chief of Engineers, Department of the Army, in reporting on the application, advised that the plans of the structures as shown on the tracing are satisfactory insofar as the interests of navigation are concerned.

An Assistant Secretary of the Interior, in reporting on the application for authorization for the proposed Oxbow-Brownlee 230-kv double circuit transmission line, has offered no objection to such line affecting lands of the United States under supervision of the Department of the Interior.

The Licensee, by letter of April 4, 1958, requested pre-amendment permission to proceed with construction of the Oxbow-Brownlee transmission line. On April 17, 1958, the Commission advised the Licensee that it would interpose no objection to commencement of construction at Licensee's risk, provided the Licensee complies with the requirements of the agencies concerned.

The Commission finds:

(1) The license, amended as hereinafter provided, will not alter any of the basic facts upon which the license was issued.

(2) The increased amount of annual charges to be paid under the license as hereinafter amended are reasonable for (a) the cost of administration of Part I of the Federal Power Act, and (b) for the use, occupancy, and enjoyment of lands of the United States to be occupied by the Oxbow-Brownlee transmission line.

(3) The following described exhibits filed as part of the application for amendment conform to the Commission's rules and regulations and should be approved as part of the license for the project:

Exhibit L	F.P.C. No.	Oxbow H. E. Development
Sheet 1 of 5	1971-55	General Plan
" 2 of 5	-56	Dam And Spillway Plan
" 3 of 5	-57 --	(Dam And Spillway (Elevation And Sections
" 4 of 5	-58 --	(Power Intake And Power (Conduit, Plan, Profile And (Sections
" 5 of 5	-59 --	(Powerhouse (Plans And Section

Exhibit M (1-14-58) entitled "General Description and Specifications of Equipment" for Oxbow Unit.

Exhibit	F.P.C. No.	Title
J-k	1971-54	Oxbow-Brownlee 230 kv Transmission Line

Exhibit M (1-15-58) entitled "General Description and Specifications of Equipment" - Oxbow-Brownlee 230 kv Transmission Line.

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The Commission orders:

(A) The exhibits described in finding (3) above are approved as part of the license for Project No. 1971, and Exhibit L drawings FPC Nos. 1971-20, -21 and -22 and Exhibit M (Oxbow Development), previously approved as part of the license, are superseded and excluded from the license.

(B) The license issued to Idaho Power Company for Project No. 1971, is amended as follows:

(i) Paragraph (5)(b)(2) of the order of August 4, 1955 issuing license is amended to read:

> (2) The proposed Oxbow development, to consist of a rock-fill dam having a maximum height of about 180 feet and a crest length of 945 feet at elevation 1820 feet in the Snake River at river mile 273.2 and two concrete spillway sections surmounted by tainter gates at the abutments, creating a reservoir with usable storage capacity of 5,500 acre-feet at a drawdown of 5 feet below elevation 1805 feet; a power intake with entrance gates and two power tunnels across the Oxbow; two surge tanks; penstocks; a powerhouse containing initially four turbines each rated at 73,000 horsepower and connected to a 47,500 kilowatt generator operating under a gross static head of 122 feet, with provision for an additional tunnel and future installation of one similar unit in an extension to the powerhouse; a 230 kv double circuit steel tower transmission line extending from Oxbow power plant approximately 10.4 miles to the Brownlee power plant switchyard.

(ii) Article 28 of the license is amended by addition of subparagraph (d) as follows:

> (d) Begin the construction of the 230 kilovolt double circuit steel tower transmission line extending from the Oxbow power plant to the Brownlee power plant switchyard on or before May 1, 1958, and complete the line with one circuit in operation on or before December 1, 1958.

22442

(iii) Article 44 of the license is amended to read as follows:

Article 44.

(a) The Licensee shall pay the United States the following annual charges for the purpose of reimbursing it for the cost of administration of Part I of the Act: One (1) cent per horsepower on the authorized installed capacity (1,268,000) plus two and one-half ($2\frac{1}{2}$) cents per 1000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made.

(b) Effective April 17, 1958, for the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands for transmission lines only, $45.94.

(c) The Licensee shall also pay to the United States such charges as may be specified hereafter for the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands, exclusive of transmission lines.

(iv) Article 45 of the license is amended to read as follows:

Article 45. The Commission expressly reserves the right to determine at a later date the question of what additional transmission lines and appurtenant facilities, if any, shall be covered in this license and included as part of the project works.

(C) The amendment authorized herein shall become effective as of the first day of the month in which this order is issued, provided, however, that the authorization for the Oxbow-Brownlee transmission line shall be effective as of April 17, 1958.

(D) This order shall become final thirty (30) days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Act, and failure to file such an application shall constitute acceptance of this amendment of license. In acknowledgment of the acceptance of this amendment of license, this instrument shall be signed for the Licensee and returned to the Commission within sixty (60) days from the date of issuance of this order.

By the Commission.

22447

Joseph H. Gutride,
Secretary.

IN TESTIMONY of its agreement to the foregoing amendment, Idaho Power Company this _____ day of _____, 1958, 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 _____, 1958, a certified copy of the record of which is attached hereto.

IDAHO POWER COMPANY

By _____
President

Attest:

_____
Secretary

(Executed in quadruplicate)

22442

IDAHO POWER COMPANY
BOISE, IDAHO

January 17, 1958

RECEIVED
FEB 4 1958
Department of Reclamation

Mr Mark R Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr Kulp:

For the purpose of obtaining the approval contemplated by Section 42-1707, Idaho Code, I am transmitting herewith one set of tracings and three sets of prints, Sheets 1-5 of 5, Drawings numbered E-14571-2-3-4-5, showing the general project plans for the Company's Oxbow dam and hydroelectric development.

If and when approved, it will be appreciated if you will indicate such approval on the tracing and all sets of prints enclosed, and return to us for our permanent files the tracings, together with two sets of prints. For the convenience of your files, we will then also prepare a reduced size set of the drawings, showing such approval, and transmit them to you.

If any further information or details are desired concerning our within application, please advise.

Very truly yours,

A C Inman
Secretary

ACI:mb

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IDAHO POWER COMPANY

BOISE, IDAHO

February 3, 1958

RECEIVED
FEB 4 1958
Department of Reclamation

Mr Mark R Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr Kulp:

This will acknowledge receipt of one set of tracings and two sets of prints of Drawings numbered E-14571 - E-14575, inclusive, showing the general plans for the Oxbow dam and hydroelectric development, bearing the approval of your office, pursuant to Section 42-1707, Idaho Code.

I am enclosing herewith one reduced size set of drawings, made from the approved tracings, for your files.

Very truly yours,

A C Inman
Secretary

ACI:mb
Encl

22442

ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY

FEDERAL POWER COMMISSION
WASHINGTON 25

Project No. 1971
Idaho Power Company

NOV 15 1955

NOV 21 1955
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed is a copy of Instrument No. 2 of the license for the Brownlee, Oxbow and Hells Canyon Developments Project No. 1971 of the Idaho Power Company.

Very truly yours,

Leon M. ...

Secretary

Enclosure No. 49061
Copy of Instrument No. 2

Instrument No. 2

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby, Frederick Stueck and William R. Connole.

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER APPROVING REVISED EXHIBITS

A letter was received August 11, 1955, from Idaho Power Company, licensee for major Project No. 1971, authorizing the Commission staff to revise Exhibit J (FPC No. 2133-1), now part of the license for the project, to show the correct acreage and description of lands in Oregon within the project area.

Pursuant to Article 29 of the license for the project, Idaho Power Company on September 12, 1955, filed for Commission approval the following revised Exhibit L drawings showing general design details of principal structures and appurtenant project works for the Oxbow and Brownlee developments:

Exhibit L:
(Revised)

FPC No.	Drawing No.	Title
1971-41	F-140647	Brownlee H.E. Development - General Plan
1971-42	F-140648	" " " - Penstock Section Diversion Section
1971-43	F-140649	" " " - Dam & Spillway Sections
1971-44	F-140650	" " " - Power House Plans and Section
1971-20	F-140697	Oxbow H.E. Development - Dam and Spillway Plan and Sections
1971-21	F-140698	" " " - Intake and Powerhouse Plan and Sections
1971-22	F-140699	" " " - Power House Plans and Section

Exhibit J has been revised as requested and the Secretary of the Army and the Chief of Engineers have approved the plans of the project structures - the above-described revised Exhibit L drawings - in accordance with Section 4(e) of the Federal Power Act.

22442

The Commission finds:

Exhibit J (FPC No. 2133-1), as revised, and superseding Exhibit J (FPC No. 2133-1), now part of the license for the project, and the above-described revised Exhibit L drawings (FPC Nos. 1971-41 through -44 and 1971-20 through -22) conform to the Commission's rules and regulations and should be approved as part of the license for the project and said superseded exhibit should be eliminated from the license.

The Commission orders:

(A) Exhibit J (FPC No. 2133-1), as revised, and the above-described revised Exhibit L drawings (FPC Nos. 1971-41 through -44 and 1971-20 through -22) are approved as part of the license for the project and superseded Exhibit J (FPC No. 2133-1), now part of the license for the project, is eliminated from the license for the project.

(B) This order shall become final thirty (30) days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this order.

By the Commission.

J. H. Gutride,
Acting Secretary.

Adopted: November 2, 1955

Issued: November 3, 1955

22 4/2

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. 22442 of the Idaho Power Company requires proof of completion of works to be made on or before October 23, 1956; and,

WHEREAS, said Permit Holder has been unable to proceed with construction pending al owance of a License by the Federal Power Commission;

NOW, THEREFORE, in accordance with the provisions of Section 42-204, Idaho Code, extension of time is allowed for construction of works under Permit No. 22442 until June 24, 1960 and a similar extension is allowed for each and every action required under the terms and conditions of Permit No. 22442.

Signed at Boise, Idaho, this 29th day of June, 1955.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

22442

June 30, 1955

RE: Permits Nos. 22442 - 23925 - 24593 - R-905

Idaho Power Company
Boise
Idaho

ATTENTION: Mr. A. C. Inman

Gentlemen:

We enclose herewith Approval of the State Reclamation Engineer of Extension of Time for Completion of Works on the above numbered Permits to June 24, 1960.

These should be attached to the original Permits of which they now form a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

IDAHO POWER COMPANY

BOISE, IDAHO

June 14, 1955

RECEIVED
JUN 15 1955
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Gentlemen: Re: Permit No 22442 - Oxbow

Reference is made to the above permit and to Section 42-204, Idaho Code, as amended, and particularly the paragraph numbered 1 thereof.

The above permit was issued October 23, 1951. It calls for completion of one-fifth of the work by April 23, 1954, and full completion of the work by October 23, 1956, with beneficial use to be made by October 23, 1962.

You are, of course, familiar with the delays which have been involved in our obtaining Federal license necessary for this development, our application for license (FPC Project 1971) having been filed with the Federal Power Commission on December 15, 1950. Due to extended hearings, this application is still pending before the Commission. In view of the unavoidable delay which has been involved, request is made for extension of the times indicated above, so that the amount of time lost by such delay can be added to the time given in the original permit, as provided in the statute referred to above.

Very truly yours,

A C Inman
Secretary

ACI:mb

22442

M E M O R A N D U M

RE: Oxbow, Brownlee and Hells Canyon Water Permits

The following time limits are set forth in the Oxbow, Brownlee and Hells Canyon permits granted by the Idaho State Department of Reclamation.

Oxbow - Permit No 22442

October 23, 1951	-	Permit issued
April 23, 1954	-	One-fifth of work to be completed
October 23, 1956	-	All work to be completed
October 23, 1962	-	Beneficial use of water to be made.

Brownlee - Permit No 23925

April 2, 1953	-	Permit issued
October 2, 1955	-	One-fifth of work to be completed
April 2, 1958	-	All work to be completed
April 2, 1963	-	Beneficial use of water to be made.

Brownlee - Permit No R. 905

April 2, 1953	-	Permit issued
October 2, 1955	-	One-fifth of work to be completed
April 2, 1958	-	All work to be completed
April 2, 1964	-	Beneficial use of water to be made.

Hells Canyon - Permit No 24393

August 24, 1953	-	Permit issued
February 24, 1956	-	One-fifth of work to be completed
August 24, 1958	-	All work to be completed
August 24, 1964	-	Beneficial use of water to be made.

From the above time table it is evident the Company will not be able to comply with the requirements of the Permit, however, 42-204, Idaho Code, as amended in 1949, provides for an extension of time as follows:

> 1. "In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the Federal Government because of the pending of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the Department of Reclamation upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required."

It would seem advisable for the Company to prepare applications requesting extension of the time limits so as to forestall any petition filed by individuals under Chapter 3 of Title 42, relating to Continuation of Permits.

JEB:c:6/9/55

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

RECEIVED
OCT 26
Department of Re

Before Commissioners: Jerome K. Kuykendall, Chairman; Claude L. Draper and Nelson Lee Smith.

In the Matters of)
) Projects Nos. 1971, 2132 and 2133
Idaho Power Company)

ORDER DENYING MOTIONS RESPECTING APPLICATIONS AND REORDERING HEARINGS AND REQUEST FOR ORAL ARGUMENT THEREON, AND DENYING MOTION FOR STAY OF FURTHER HEARING

On October 1, 1953, Lewis County Public Utility District, et al. and National Hells Canyon Association, Inc. (Interveners), filed a motion for stay of further hearing in the above-designated matters until such time as the Commission shall have acted upon the Interveners' motions filed in these matters on July 14, 1953.

On the last mentioned date the Interveners moved:

(1) That the applicant (Idaho Power Company) be directed to revise and complete its applications for Projects Nos. 1971, 2132 and 2133, in accordance with 16 U.S.C. 802 and Secs. 1.11 and 4.31 of the Commission's General Rules and Regulations;

(2) That, upon the revision and completion of said applications, the Commission thereafter reorder this matter for hearing in conformance with 16 U.S.C. 802 and Secs. 1.19 and 1.20 of the Commission's General Rules and Regulations; and

(3) Alternatively, should the foregoing motions be denied, the applications for Projects Nos. 1971, 2132 and 2133 should be rejected.

The Interveners also requested an opportunity for oral argument on the motions filed July 14, 1953.

A review of the practices and procedures followed by this Commission in considering applications for licenses and of the compliance with the Commission's practices and procedures in these proceedings by the Idaho Power Company, shows that notwithstanding any lack of detailed information in the applications, the applications as filed were considered to be sufficiently complete under our rules and regulations for acceptance, for the issuance of public notice, and for other initial action thereon, including the public hearing.

22442

Sec. 1.11 of the Commission's rules provides, among other things, for the filing of supplements to an application during the course of a hearing, and we note that pursuant to such rule, the applicant herein, Idaho Power Company, filed supplements to its application on July 22, 1953, in the form of additional detailed information.

The applicant herein has the burden of proof, of course, and it may file such further supplements to its application to incorporate additional detailed data as may be appropriate during the remaining course of the hearing.

It is apparent from a review of the record in these proceedings that all parties, including the Interveners, are being afforded ample time and opportunity to present all relevant and material evidence in support of their respective positions and to fully cross-examine witnesses. We note in addition that the Presiding Examiner granted a recess of two months preceding reconvening of the hearing on October 5, 1953. From the daily transcript subsequent to that date, it is apparent that the Interveners are proceeding to cross-examine fully the applicant's witnesses and we are convinced that under the hearing procedure being followed that the interveners have been and will continue to be afforded due process to the fullest extent possible under the administrative procedure process.

It is the customary practice of this Commission to order a public hearing on an application for license, either upon its own motion or upon the motion of any party in interest, whenever the Commission deems it to be in the public interest.

The Commission finds:

In the circumstances recited herein, the aforesaid motions and request should be denied.

The Commission orders:

The aforesaid motions and request of the Interveners be and they are hereby denied.

By the Commission.

Leon M. Fuquay,
Secretary.

Adopted: October 21, 1953

Issued: October 22, 1953

22402

RECEIVED
SEP 14 1953
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Claude L. Draper, Nelson Lee Smith, Dale E. Doty, and Seaborn L. Digby.

In the Matters of)
) Project Nos. 1971, 2132 and 2133
Idaho Power Company)

ORDER DENYING MOTION APPEALING
PRESIDING EXAMINER'S RULING ON RECESS

On August 27, 1953, Lewis County Public Utility District, et al, and National Hells Canyon Association, Inc. (Interveners), filed a motion appealing the Presiding Examiner's ruling on the recess in the above-designated matters, in which it is requested:

(1) That the recess ordered by the Presiding Examiner be extended to November 9, 1953 and that the Commission make appropriate arrangements for the Interveners to confer during the recess with the personnel of the Department of Interior and the Army Corps of Engineers and to consult such data in the possession of those agencies preparatory to the Interveners' cross-examination of the Applicant's witnesses;

(2) or that the Commission reorder the hearing so that the witnesses from Interior and the Army Corps will be presented for direct examination prior to the return of the Applicant's witnesses for cross-examination, and that, therefore, the hearing be further continued for an additional period of 90 days to allow the Interveners time to prepare for their cross-examination of witnesses;

(3) or that the present recess be extended from September 21, 1953 to October 12, 1953 to enable the interveners to prepare to cross-examine the Applicant's witnesses only.

The request by the Interveners for a change in the customary hearing procedure does not appear to be necessary in order to obtain a proper and complete record in this matter. Nor have the Interveners shown that time for preparation for cross-examination of the witnesses for the Applicant, in addition to the time fixed by the Presiding Examiner, is necessary. Moreover, it is noted that no recess was requested of the Examiner by the Interveners, nor did the Interveners request a particular period of time when the recess was granted by the Examiner. In any event, any motion for an extension of the recess fixed by the Examiner should have been addressed to him in the first instance.

32442

Under the hearing procedure established by the Presiding Examiner, all parties to this matter will have adequate time and opportunity to present all affirmative evidence in support of their positions and to fully cross-examine the witnesses and evidence presented by other parties.

Applicant herein, Idaho Power Company and Staff Counsel filed answers to the Interveners' motion requesting that the motion be denied.

The Commission finds:

The motion for changes in hearing procedure and in the alternative for extension of the period of recess fixed by the Presiding Examiner should be denied.

The Commission orders:

The afore-mentioned motion of the Interveners be and it is hereby denied.

By the Commission. Commissioner Doty stated that he is of the opinion that the request for extension of time to October 12, 1953, to enable the interveners to prepare to cross-examine the Applicant's witnesses only should be granted.

Leon M. Fuquay,
Secretary.

Adopted: September 9, 1953

Issued: September 10, 1953

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Claude L. Draper, Nelson Lee Smith, Dale E. Doty, and Seaborn L. Digby.

In the Matters of)
) Project Nos. 1971, 2132 and 2133
Idaho Power Company)

ORDER DENYING MOTION APPEALING
PRESIDING EXAMINER'S RULING ON RECESS

On August 27, 1953, Lewis County Public Utility District, et al, and National Hells Canyon Association, Inc. (Interveners), filed a motion appealing the Presiding Examiner's ruling on the recess in the above-designated matters, in which it is requested:

(1) That the recess ordered by the Presiding Examiner be extended to November 9, 1953 and that the Commission make appropriate arrangements for the Interveners to confer during the recess with the personnel of the Department of Interior and the Army Corps of Engineers and to consult such data in the possession of those agencies preparatory to the Interveners' cross-examination of the Applicant's witnesses;

(2) or that the Commission reorder the hearing so that the witnesses from Interior and the Army Corps will be presented for direct examination prior to the return of the Applicant's witnesses for cross-examination, and that, therefore, the hearing be further continued for an additional period of 90 days to allow the Interveners time to prepare for their cross-examination of witnesses;

(3) or that the present recess be extended from September 21, 1953 to October 12, 1953 to enable the interveners to prepare to cross-examine the Applicant's witnesses only.

The request by the Interveners for a change in the customary hearing procedure does not appear to be necessary in order to obtain a proper and complete record in this matter. Nor have the Interveners shown that time for preparation for cross-examination of the witnesses for the Applicant, in addition to the time fixed by the Presiding Examiner, is necessary. Moreover, it is noted that no recess was requested of the Examiner by the Interveners, nor did the Interveners request a particular period of time when the recess was granted by the Examiner. In any event, any motion for an extension of the recess fixed by the Examiner should have been addressed to him in the first instance.

22412

Under the hearing procedure established by the Presiding Examiner, all parties to this matter will have adequate time and opportunity to present all affirmative evidence in support of their positions and to fully cross-examine the witnesses and evidence presented by other parties.

Applicant herein, Idaho Power Company and Staff Counsel filed answers to the Interveners' motion requesting that the motion be denied.

The Commission finds:

The motion for changes in hearing procedure and in the alternative for extension of the period of recess fixed by the Presiding Examiner should be denied.

The Commission orders:

The afore-mentioned motion of the Interveners be and it is hereby denied.

By the Commission. Commissioner Doty stated that he is of the opinion that the request for extension of time to October 12, 1953, to enable the interveners to prepare to cross-examine the Applicant's witnesses only should be granted.

Leon M. Fuquay,
Secretary.

Adopted: September 9, 1953

Issued: September 10, 1953

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Dale E. Doty, Claude L. Draper, Nelson Lee Smith and Harrington Wimberly.

RECEIVED
JUN 22 1953
Department of Reclamation

In the Matters of	)	
	)	Projects Nos. 1971, 2132 and
Idaho Power Company	)	2133

ORDER DENYING MOTIONS FOR CONTINUANCE OF HEARING

On June 4, 1953 Northwest Public Power Association, intervener, filed a motion requesting a continuance to October 12, 1953 of the hearing now set for July 7, 1953 on the Idaho Power Company applications for licenses under the Federal Power Act for the Hells Canyon, Oxbow, and Brownlee projects (Nos. 2132, 1971, and 2133, respectively), and on June 11, 1953 Hells Canyon Development Association, National Rural Electric Cooperative Association, and Washington State Grange, jointly, and Idaho-Oregon Hells Canyon Association, all being interveners, filed similar motions. In addition many letters have been received, some urging and some opposing postponement of the resumption of the hearing.

The applications for the Hells Canyon and Brownlee projects were by Commission order issued May 27, 1953 consolidated for purposes of a hearing with the prior application for license for the Oxbow project.

Among other things, the motions state that the consolidation of the two new applications (Hells Canyon and Brownlee) with the Oxbow application raises new and additional questions for disposition, but the motions fail to state what additional questions are supposedly raised. In addition, the motions state that in view of the decision of the Secretary of the Interior not to present evidence at the hearing the interveners need the requested additional time to compile, organize and prepare technological and economic data of the magnitude and scope required to make an adequate showing in these proceedings. Although the new applications were filed on May 15, 1953, the Company's plans for either a five-project or a three-project scheme of development were brought to the attention of the parties by the formal filing on November 10, 1952 of an exhibit to the application for the Oxbow project.

The three applications for license propose development of the same stretch of the Snake River as is proposed for development under the Bureau of Reclamation plan to construct the high Hells Canyon project for power, navigation and flood-control purposes. The Bureau has completed detailed studies of that project and has also made detailed studies comparing the Bureau and the Company three-project plans for development of that stretch of the Snake River.

22442

On May 14, 1953 the Commission invited the Secretary of the Interior to present at the hearing any evidence he deemed appropriate to aid the Commission in deciding this case. The Solicitor of the Department has advised the Commission that the studies and reports in this matter prepared by the Department will be made available to the Commission so that they may be placed in the record at the hearing. Therefore, it appears that the primary purpose for which a continuance was requested will be accomplished without the necessity of continuing the hearing.

The power supply in this general area is not sufficient to meet the power demands and new construction is required if future loads are to be carried. Not only are the customers served by the Idaho Power Company entitled to prompt decisions upon the future generating installations to meet their loads, but the consumers supplied by others in this area who could utilize the power output of developments on the Snake River must in all fairness be considered. To delay unnecessarily is not in the public interest.

It is evident that in the hearing which has been scheduled the applicant must make a complete showing if its application is to be given further consideration. In addition, the voluminous data assembled by the Department of the Interior over a period of several years and the analyses which have been made by its engineers and consultants and the data and analyses prepared by the Commission's own staff should all be presented at the hearing so that a complete factual record will be available for all of those interested and for the ultimate determination of the questions by the Commission. Consolidation of the new applications with the Oxbow application does not appear to raise any additional questions which were not inherent in the study of the development of this general area required for a proper determination of what comprehensive plans can best be followed in the broad public interest, nor do the motions for continuance state other grounds which would justify a continuance at this time.

The Commission finds:

Under the circumstances it will not be inconsisent with the public interest to deny the aforesaid motions for continuance.

The Commission orders:

The aforesaid motions for a continuance of the public hearing in these proceedings are hereby denied.

By the Commission. Commissioner Doty dissenting.

Leon M. Fuquay,
Secretary.

12402

Adopted: June 17, 1953

Issued: June 18, 1953

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Dale E. Doty, Claude L. Draper, Nelson Lee Smith and Harrington Wimberly.

JUN 1 1953
Department of Reclamation

In the Matters of	)	
	)	Projects Nos. 1971,
Idaho Power Company	)	2132 and 2133

ORDER FIXING HEARING ON APPLICATIONS FOR LICENSES AND CONSOLIDATING PROCEEDINGS

On May 15, 1953, Idaho Power Company (Applicant) of Boise, Idaho, filed applications for licenses under the Federal Power Act for proposed hydroelectric developments on the Snake River, Idaho, one known as the Brownlee development designated as Project No. 2133, and the other known as the Hells Canyon development designated as Project No. 2132.

The above-designated proposed projects together with Applicant's proposed Oxbow development on the Snake River, designated as Project No. 1971, would, if constructed, develop a continuous stretch of the river for about 95 miles above the proposed Hells Canyon site.

Because of widespread public interest in Applicant's proposal to construct the Oxbow project (No. 1971), the Commission by order dated May 13, 1952 set the matter down for public hearing which was convened in Baker, Oregon and recessed for further hearing in Washington, D. C. to be reconvened on July 7, 1953.

In view of the fact that Projects Nos. 2132 and 2133 would develop the stretches of the Snake River immediately above and below the proposed Oxbow project, no less widespread public interest is anticipated in these projects. Moreover, studies of Project No. 1971 per force have embraced proposed developments at the sites of Projects Nos. 2132 and 2133.

The Commission finds:

In the circumstances recited herein, it is appropriate and in the public interest that the proceedings involving Projects Nos. 1971, 2132 and 2133 be consolidated for the purpose of a public hearing thereon as hereinafter provided.

The Commission orders:

The proceedings upon applications for licenses for Projects Nos. 2132 and 2133 be and they are hereby consolidated with the proceeding in the matter of Project No. 1971 for the purpose of a public hearing thereon, presently scheduled to be held on July 7, 1953 commencing at 10:00 a.m. (EDST) at the Commission's Hearing

In the Matters of)
) Projects Nos. 1971, 2132 and 2133
Idaho Power Company)

DOTY, Commissioner, dissenting:

My disagreement with the order of the majority in this proceeding is procedural in character. I have no doubt that in the normal course of the hearing on this matter all parties will be given an opportunity to fully present their point of view, including the right of cross-examination. I believe, however, that in the unusual circumstances of this case it would have been preferable to spell out the hearing procedure to be followed so that all concerned could be fully advised and make their plans accordingly. Particularly, it is my opinion the Commission should have provided specifically that, after direct testimony had been completed, a recess of a reasonable period would be granted to permit the interested parties to review the record and to prepare their presentations more thoroughly. I feel that the petitions of those asking for a continuance was a reasonable request in the circumstances of this situation. While the action of the Commission, with which I concurred, in inviting the Secretary of the Interior to present at the hearing any evidence he deemed appropriate in deciding this case, and the acceptance on the part of the Solicitor of the Department of the Interior of this invitation will be most helpful in developing the record we shall need to decide this matter, this evidence will not be sufficient unless those intervenors who requested a continuance are given a reasonable time to prepare and present their case.

22442

Dale E. Doty, Commissioner

Filed: June 18, 1953

Issued: June 18, 1953

Room, General Accounting Office Building, 441 G Street, N. W., Washington, D. C., respecting the matters involved and issues presented in the proceedings involving Projects Nos. 1971, 2132 and 2133.

By the Commission.

Leon M. Fuquay,
Secretary.

Adopted: May 26, 1953.

Issued: May 27, 1953

22442

Permit 2242

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty, Claude L. Draper and Nelson Lee Smith.

RECEIVED
MAY 22 1953
Department of Reclamation

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER RESCINDING ORDER GRANTING INTERVENTION

By its order issued July 7, 1952, the Commission granted the Secretary of the Interior permission to intervene in this proceeding pursuant to his petition therefor filed June 27, 1952. On May 6, 1953 the Commission received a letter from the Solicitor of the Department of the Interior requesting that the aforesaid petition be withdrawn, reserving, however, the right of the Secretary to submit such information from time to time in this proceeding as the Commission may request or as he may desire.

The Commission finds:

In the circumstances it would be appropriate and in the public interest to permit withdrawal of the aforementioned petition to intervene.

The Commission orders:

Permission is hereby granted the Secretary of the Interior to withdraw the above-mentioned petition to intervene in this proceeding and the aforesaid order issued July 7, 1952 granting intervention is hereby rescinded.

By the Commission.

Leon M. Fuquay,
Secretary.

Adopted: May 14, 1953

Issued: May 19, 1953

22442

Permit 2242

40826-1

MAY 13 1953

Department of Reclamation

Leon M. Fuquay, Secretary
Federal Power Commission
Washington 25, D. C.

Dear Mr. Fuquay:

In the matter of the Idaho Power Company, Project No. 1971.

One June 27, 1952, this Department filed with the Commission a petition of intervention in the above entitled matter. Since that time the Department has been engaged in an analysis of the many complicated issues raised by the above application and the petition of intervention filed by this Department. We have also carefully considered the functions and obligations of this Department and its relation to the Federal Power Commission.

As we view the matter, the granting of licenses for the construction of dams and hydroelectric plants on the rivers of the United States is the primary function and responsibility of the Federal Power Commission and not of this Department. On the other hand, this Department wishes to assist the Commission to whatever extent the Commission shall request to enable it to arrive at its conclusions. This Department will therefore make available to the Commission all of the information which it has regarding the above entitled application, and render to the Commission such assistance as the Commission may request in order that a full and complete examination of the merits of the above application may be available to the Commission, and will cooperate in any way which the Commission desires to assist it in the fulfillment of its functions. It is not felt that a formal petition of intervention is necessary for that purpose, and that in some respects the Department destroys its own value as a repository of information when it becomes a partisan contestant.

We therefore respectfully request that the petition of intervention heretofore filed on behalf of this Department be withdrawn, reserving the right to submit such information from time to time as the Commission may request.

Sincerely,

Clarence A. Davis
Solicitor

2242

Permit 22942

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

RECEIVED
MAY 4 1953
ment of Reclamation

In the Matter of	)	
	)	Project No. 1971
Idaho Power Company	)	

April 30, 1953

NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above-designated matter, now scheduled for May 25, 1953, is continued to 10:00 a.m. (EDST), July 7, 1953, at the Commission's Hearing Room, General Accounting Office Building, 441 G Street, N. W., Washington, D. C.

Leon M. Fuquay,
Secretary.

22942

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Claude L. Draper, Nelson Lee Smith and Harrington Wimberly.

DENVER
MAY 21953
Department of Reclamation

In the Matter of)
)
Idaho Power Company)

Project No. 1971

ORDER DENYING MOTION FOR CONTINUANCE OF HEARING

On April 9, 1953 Idaho-Oregon Hell's Canyon Association; an intervener, filed a motion requesting that the public hearing in this matter set to reconvene on May 25, 1953, be continued until Idaho Power Company, applicant for license for Project No. 1971, has made formal application for license to authorize the construction of additional specified projects on the Snake River. A hearing has already been started on this application for license, however, and is scheduled to resume on May 25, 1953. Such a hearing will afford an opportunity for the presentation of evidence bearing upon the plans for development of the affected water resources, the relationship of the proposed Oxbow project to plans for comprehensive development, and the desirability of issuing a license for the Oxbow project and, if so, what conditions should be included therein.

The Commission finds:

The motion does not state any reason which would justify continuance of the hearing and, therefore, the motion should be denied.

The Commission orders:

The motion for continuance filed by Idaho-Oregon Hell's Canyon Association in this matter be and it is hereby denied.

By the Commission.

Leon M. Fuquay,
Secretary.

Adopted: April 28, 1953

Issued: April 29, 1953

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

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APR 30 1953
Department of Reclamation

In the Matter of)
) Project No. 1971
Idaho Power Company)

April 27, 1953

NOTICE OF CONTINUANCE OF HEARING

Upon consideration of the request on behalf of the Secretary of the Interior, filed April 24, 1953, notice is hereby given that the hearing in this matter, now scheduled to resume on May 13, 1953, is hereby continued to May 25, 1953, at 10:00 a.m. in the Main Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Leon M. Fuquay,
Secretary.

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of)
) Project No. 1971
Idaho Power Company)

PRESIDING EXAMINER'S NOTICE OF EXTENSION OF TIME FOR PRE-HEARING EXCHANGE OF EXHIBITS, TESTIMONY, ETC.

Notice is hereby given that the date for the pre-hearing exchange among counsel of the documentary materials to be offered at the hearing in this matter, and, where possible, prepared expert testimony of witnesses, as outlined in the Presiding Examiner's Memorandum to All Counsel, dated September 4, 1952, and modified as to date on October 15, 1952, December 9, 1952 and March 12, 1953, has been further modified to conform to the hearing date announced in the Notice of the Secretary in this matter issued on April 27, 1953.

The documents and testimony outlined in the basic memorandum of September 4, 1952, should be exchanged among counsel at least fourteen (14) calendar days prior to any date which has been or may be prescribed for the resumption of the hearing in this matter.

William J. Costello
Presiding Examiner

Washington, D. C.
April 27, 1953

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APR 13 1953
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty, Claude L. Draper and Harrington Wimberly.

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER PERMITTING WITHDRAWAL OF PETITIONS TO INTERVENE AND PARTIALLY RESCINDING ORDER GRANTING INTERVENTION

By its order of February 12, 1953, the Commission, among other things, granted The Farmers' Educational and Cooperative Union of America permission to intervene in this proceeding, pursuant to petition therefor filed on December 8, 1952. For reasons stated, the intervener on March 19, 1953 has filed a notice of withdrawal of its petition to intervene.

On December 30, 1952, Charles F. Brannan, then Secretary of Agriculture, filed petition to intervene in this proceeding. However, before Commission action on the petition, the Commission received a letter on February 12, 1953 from the Solicitor of the Department of Agriculture informing the Commission of the withdrawal by the Department of Agriculture of the aforementioned petition of the then Secretary of Agriculture.

The Commission finds:

In the circumstances, it would seem appropriate and in the public interest to permit withdrawal of the aforementioned petitions to intervene.

The Commission orders:

Permission is hereby granted The Farmers' Educational and Cooperative Union of America and the Department of Agriculture to withdraw their above-mentioned petitions to intervene in this proceeding on Project No. 1971, and the aforesaid order of February 12, 1953 is hereby rescinded insofar as it granted The Farmers' Educational and Cooperative Union of America intervention in this proceeding.

By the Commission.

Leon M. Fuquay,
Secretary.

Adopted: April 9, 1953

Issued: April 10, 1953

Permit 2242

RECEIVED
MAR 17 1953
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of
Idaho Power Company

Project No. 1971

March 12, 1953

NOTICE OF CONTINUANCE OF HEARING

Upon consideration of the request on behalf of the Secretary of the Interior, notice is hereby given that the hearing in this matter, now scheduled to resume on April 13, 1953, is hereby continued to May 13, 1953, at 10:00 a.m. in the Main Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Leon M. Fuquay,
Secretary.

2242

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of)
) Project No. 1971
Idaho Power Company)

PRESIDING EXAMINER'S NOTICE OF EXTENSION OF TIME
FOR PRE-HEARING EXCHANGE OF EXHIBITS, TESTIMONY, ETC.

Notice is hereby given that the date for the pre-hearing exchange among counsel of the documentary materials to be offered at the hearing in this matter, and, where possible, prepared expert testimony of witnesses, as outlined in the Presiding Examiner's Memorandum to All Counsel, dated September 4, 1952, and modified as to date on October 15, 1952 and December 9, 1952, has been further modified to conform to the hearing date announced in the Notice of the Secretary in this matter issued on March 12, 1953.

The date now prescribed for the exchange of documents etc. is May 1, 1953.

William J. Costello
Presiding Examiner

March 12, 1953

32442

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty, Nelson Lee Smith and Harrington Wimberly.

February 12, 1953

In the Matter of

Idaho Power Company

Project No. 1971

RECEIVED FEB 19 1953 Department of Reclamation

ORDER GRANTING INTERVENTION

On December 8, 1952 and January 19, 1953, respectively, The Farmers' Educational and Cooperative Union of America and National Rural Electric Cooperative Association, in the order named, filed petitions to intervene in the above designated matter on the application of Idaho Power Company for a license under the Federal Power Act for proposed Project No. 1971, known as the Oxbow project, on the Snake River in Idaho and Oregon.

In previous orders granting intervention in this matter, the Commission took the view that such intervention may be in the public interest in that as an intervenor the petitioner may establish the facts and law from which the nature and validity of its alleged right, or interests and the relationship thereof to the pending application may be determined and show what further action may be appropriate under the circumstances in the administration of the Act. For the same reasons the present petitions should be granted.

The Commission finds:

Participation by the above-named petitioners in the proceeding in Project No. 1971 as intervenors and parties thereto may be in the public interest.

The Commission orders:

The petitioners described above be and they are hereby permitted to become intervenors in this proceeding; provided that such intervention shall not be taken as recognition by the Commission that petitioners may be aggrieved by any order or orders of the Commission issued in this proceeding.

By the Commission.

22442

Leon M. Fuquay,
Secretary.

Date of Issuance: February 16, 1953

Federal Power Commission Projects
2132 and 2133 and 1971

The applicant company has complied with the laws of the State of Idaho as to the appropriation of water for Federal Power Commission Project No. 2132 locally known as Hells Canyon; Project No. 2133 locally known as Brownlee, ~~both for direct flow and storage,~~ and Project No. 1971 locally known as Oxbow.

The combination of these three projects is a logical and proper development of the hydro-electric resources of the Snake River between elevations 2077 and 1475 and fits readily into basin development for early as well as future power production.

The Brownlee storage of one million acre feet is adequate for a stream so well regulated by upstream irrigation storage as is the Snake River between the mouth of the Weiser and the mouth of the Salmon River.

The restrictions written into the permits under authority of the Idaho Constitution and Statutes adequately safeguards future upstream irrigation development.

2242

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty, Claude L. Draper, Nelson Lee Smith and Harrington Wimberly.

December 3, 1952

RECEIVED
DEC 8 1952
Department of Reclamation

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER ON MOTIONS

On November 10, 1952, the Idaho Power Company, applicant for license under the Federal Power Act for the proposed Oxbow Project (No. 1971) on Snake River, Idaho and Oregon, filed a supplement to its application for license for the project. The supplement consisted of (1) an amended Exhibit N, revised estimate of the cost of the proposed Oxbow Project, and (2) an amended Exhibit Q, revised statement of plans for comprehensive development. The original Exhibit Q presented a plan to develop the power resources of the stretch of the Snake River between Weiser, Idaho, and a point about 100 miles downstream with five low head dams (Bayhorse, Sturgill, Brownlee, Oxbow, and Hells Canyon). The amended Exhibit Q includes this plan for five low head dams and in addition presents an alternative plan calling for low head dams at the Oxbow and Hells Canyon sites and a high head dam at the Brownlee site in lieu of the three low head dams at the Brownlee, Sturgill and Bayhorse sites. Amended Exhibit Q states that the installed capacities and the estimated costs given for each development under the two alternative plans are based on preliminary studies; that further investigation and appraisal of the Brownlee site and the comparative merits of the two plans are being conducted by the applicant; and that the results of the further investigations and studies will be supplied to the Commission.

The supplement does not change or amend the proposal to construct the Oxbow Project, the only project for which a license is requested.

On November 12, 1952, the applicant filed a motion requesting the Commission to postpone the further hearing in this proceeding, now set for January 12, 1953 in Washington, D. C., for approximately 30 days. The motion stated that the additional time was needed in view of the further investigations and appraisals now being conducted with respect to the proposal for a high head dam at the Brownlee site and other work in connection with the alternative plan, for comprehensive development, and in view of the several holiday periods between November 12, 1952 and January 12, 1953. In addition, the Commission takes notice of the fact that it will be extremely difficult, if not impossible, for its staff members and any others from places outside of Washington, D. C.,

who plan to attend or participate in the hearing to obtain hotel accommodations in or around Washington, D. C., in January 1953, due to the Presidential Inauguration which is to occur January 20, 1953.

The motion, together with a copy of the supplement to the application, was served by the applicant on all parties of record in this proceeding.

On November 21, 1952, the Secretary of the Interior, an intervener in this proceeding, filed motions in opposition to applicant's motion for continuance and to strike the supplement to the application filed November 10, 1952. In the alternative, the Secretary requested that if the motion to strike the supplement be denied, such denial be without prejudice to his right to answer thereto within 30 days from the date of the Commission's action on the motions and that no action be taken on the motion for continuance and that the Secretary be accorded a period of 10 days from the date of the Commission's action to answer the motion for continuance on the merits. Counsel for the Secretary, by a letter filed November 28, 1952, requested that, if the Commission finds it is not possible to resume the hearings as now scheduled, the deferment should be until about April 15, 1953.

No other party filed an answer to the applicant's motion for continuance within the 10-day period provided for such answers by the Commission's rules and regulations. However, Commission Staff Counsel filed an answer stating that additional time was needed to investigate and study the alternative plan for comprehensive development presented in the amended Exhibit Q and requested postponement of the further hearing.

The supplement to the application is being referred to the Secretary of the Interior for an appropriate report and comment as was the original application for license. This will afford him an opportunity to make any representations and to request any affirmative relief in this matter he deems necessary or appropriate.

The Commission finds:

(1) An applicant for license has the right to supplement its application for license to present revised or amended data and plans for consideration by the Commission and, therefore, the motion of the Secretary of the Interior to strike the supplement should be denied as hereinafter provided.

(2) The Secretary of the Interior was served with a copy of the applicant's motion for continuance of the further hearing and has made representations with respect thereto within the 10-day period provided by the Commission's rules and regulations.

(3) Under the existing circumstances it is appropriate and in the public interest to postpone the further hearing in this matter as hereinafter provided.

The Commission orders:

(A) The motion of the Secretary of the Interior to strike the supplement to the application for license for Project No. 1971, filed November 10, 1952, is hereby denied without prejudice to the right of the Secretary to make further representations or request such affirmative relief as he deems necessary or appropriate.

(B) The further hearing in the above-entitled matter now set to commence on January 12, 1953, is hereby postponed to commence on April 13, 1953, at 10:00 a.m. (EST) in the Hearing Room of the Federal Power Commission, 12th Floor, 1800 Pennsylvania Avenue, N.W., Washington, D. C.

By the Commission.

Leon M. Fuquay
Secretary.

Date of Issuance: December 5, 1952

22442

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Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of)
) Project No. 1971
Idaho Power Company)

NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above-designated matter, now scheduled to resume on November 17, 1952, is hereby continued to January 12, 1953, at 10:00 a.m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington 25, D. C.

The pre-hearing exchange among counsel of the documentary materials to be offered at the hearing on this matter and, where possible, prepared expert testimony of witnesses, as outlined in the Presiding Examiner's Memorandum to All Counsel, dated September 4, 1952, should be accomplished on or before December 30, 1952.

William J. Costello
Presiding Examiner

WJC:hh

RECEIVED
AUG 18 1952
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty and Harrington Wimberly.

August 12, 1952

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER GRANTING INTERVENTION

Petitions have been filed for permission to intervene in the above proceeding on the application of Idaho Power Company for a license under the Federal Power Act for a proposed hydroelectric development (Oxbow) on the Snake River in Idaho and Oregon by the following:

Northwest Public Power Association, Inc.,
1311 Columbia Street, Vancouver, Washington,
filed July 22, 1952;

California-Pacific Utilities Company,
San Francisco, California, filed July 25, 1952;

Snake River Free Enterprise Association,
Baker, Oregon, filed July 28, 1952; and

Independent Engineers For Private Enterprise,
507 Title and Trust Building, Portland, Oregon,
filed July 28, 1952.

The Commission finds:

The participation of the petitioners as intervenors may be in the public interest.

The Commission orders:

The above-named petitioners be and they are hereby permitted to become intervenors in this proceeding; provided that such intervention shall not be taken as recognition by the Commission that any of the petitioners may be aggrieved by any order entered by the Commission in connection with this proceeding.

By the Commission.

Leon M. Fuquay,
Secretary.

Date of Issuance: August 14, 1952

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Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Dale E. Doty, Claude L. Draper and Nelson Lee Smith.

July 15, 1952

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER GRANTING INTERVENTION

The following filed on July 7, 1952, petitions to intervene and become parties to the above-designated matter on the application of Idaho Power Company for a license under the Federal Power Act for a proposed hydro-electric development (Oxbow) on the Snake River in Idaho and Oregon:

(a) Washington State Grange;

(b) Albert C. Ullman, Byron C. Brinton, and Clint Haight, Jr.;

(c) Idaho-Oregon Hells Canyon Association;

(d) Gus Norwood, Executive Secretary, The Northwest Public Power Association;

(e) John Glasby, President of the Mountain Home Reclamation Chapter, of Mountain Home, Idaho; and

(f) Joseph Chamber of Commerce, Joseph, Oregon.

The Commission finds:

Participation by the above-named petitioners in the proceeding in Project No. 1971 as interveners and parties thereto may be in the public interest.

The Commission orders:

The petitioners described above be and they are hereby permitted to become interveners in this proceeding; provided that such intervention shall not be taken as recognition by the Commission that petitioners may be aggrieved by any order or orders of the Commission issued in this proceeding.

By the Commission.

22442

Leon M. Fuquay,
Secretary.

Date of Issuance: July 16, 1952

RECEIVED
JUL 10 1952
Department of Reclamation

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Harrington Wimberly, Acting Chairman; Dale E. Doty, Claude L. Draper and Nelson Lee Smith.

July 3, 1952

In the Matter of)
) Project No. 1971
Idaho Power Company)

ORDER GRANTING INTERVENTION

On June 27, 1952, a petition was filed by the Secretary of the Interior for permission to intervene in the above-designated matter on the application of Idaho Power Company for a license under the Federal Power Act for a proposed hydroelectric development (Oxbow) on the Snake River in Idaho and Oregon.

The Commission finds:

The participation of the Secretary of the Interior as intervenor may be in the public interest.

The Commission orders:

The Secretary of the Interior be and he is hereby permitted to become an intervenor in this proceeding; provided that such intervention shall not be taken as recognition by the Commission that the petitioner may be aggrieved by any order entered by the Commission in connection with this proceeding.

By the Commission.

Leon M. Fuquay,
Secretary.

Date of Issuance: July 7, 1952

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Thomas C. Buchanan, Chairman; Claude L. Draper and Nelson Lee Smith.

May 13, 1952

In the Matter of)
) Project No. 1971
Idaho Power Company)

MAY 31 195
Department of Reclamation

ORDER FIXING HEARING

On December 15, 1950 Idaho Power Company (Applicant) of Boise, Idaho, filed an application for license under the Federal Power Act for a proposed hydroelectric development, known as the Oxbow development (Project No. 1971) located in and along the Snake River in Adams and Washington Counties, Idaho, and Baker County, Oregon. The Oxbow development is proposed in the application as the first in a series of five proposed hydroelectric projects for ultimate development of a stretch of the Snake River for a distance of approximately 100 miles downstream from Weiser, Idaho.

Responses to the notice of application indicate a widespread public interest in the proposed development of the Snake River.

The Commission finds:

In order to carry out the provisions of the Federal Power Act, particularly Section 4(e) thereof, it is appropriate and in the public interest that a hearing be held on the aforesaid application.

The Commission orders:

(A) A public hearing be held commencing on July 14, 1952 at 10 a.m. P.S.T. in the Central School Auditorium at Baker, Oregon; said hearing to be recessed to reconvene on July 16, 1952 at 10 a.m., M.S.T. in the House Legislative Chambers, State Capitol Building at Boise, Idaho, and said hearing to be recessed to reconvene at the earliest practicable time and date to be fixed by the Presiding Examiner in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and issues presented in this proceeding on the aforesaid application for license for proposed Project No. 1971.

(B) The hearings to be held in Baker, Oregon, and Boise, Idaho, shall be for the purpose of permitting the introduction of views and evidence of a non-technical nature and expert and technical evidence shall be presented only at the reconvened hearing to be held in Washington, D. C.

By the Commission.

Leon M. Fuquay,
Secretary.

Date of Issuance: May 27, 1952

C O P Y

April 1, 1952

Mr. Mark R. Kulp
State Reclamation Engineer
B U I L D I N G

Dear Sir:

Your letter of March 20 requests the opinion of this office as to whether:

"1. The state may limit the use in a power permit and license to the extent of writing into the permit and license a provision restricting the future exercise of the right beyond the amount left after depletions due to future irrigation development.

"2. If so, (would) legislative authority * be necessary?

It is thought that the law is quite well settled to the effect that under our Constitution the waters of the state are first devoted to domestic use and irrigation purposes.

The section of our Constitution to which your letter refers, Article XV, Section 3, was discussed and debated in the Constitutional Convention at such length that it is entirely out of the question to quote the debates here. The final decision of the Convention, approved by the citizens at the election which followed produced the section as it was originally drawn, so that it read as follows:

> "§3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference

C O P Y

22442

over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in Section 14 of Article I of this Constitution."

The 1927 Legislature proposed an amendment which was adopted in the general election of 1928, by adding at the close of the first sentence the words, "except that the state may regulate and limit the use thereof for power purposes." Otherwise, the section remained the same. The record of that amendment is found in the Session Laws of 1929 at page 691.

The Constitutional Convention proceedings demonstrate that the members fully understood that this provision must be made to look to the future. It is quite apparent that the conditions suggested by you for incorporation in a permit for the use of water for the manufacture of power, are designed to guarantee and protect domestic and irrigation, and perhaps mining, uses of the state waters in the future. Seen in this light the condition would be a practical application of the 1928 Constitutional Amendment above quoted.

That Amendment changed the scope of the earlier phrase, "shall never be denied", as it was theretofore applied to water used for producing power. The word "except" makes that plain, and the language which follows that word provides not only for regulation, but also for limitation, when application is made for permit to use the state waters for power purposes. Prior to the 1928 Amendment there were some decisions of our Supreme Court which we cite here, to-wit:

Speer v. Stephenson,
17 Idaho 737 (1909).

Montpelier Mill Co. v. Montpelier,
19 Idaho 213 (1910).

22442

Basinger v. Taylor,
30 Idaho 289 (1917).

Short v. Praisewater,
35 Idaho 691 (1922).

There are no decisions in point since the Amendment which would answer the question which you have submitted. However, we quote Lewis' Sutherland Statutory Construction, Section 351, which would apply just as much to the construction of a constitutional provision:

> "The exception of a particular thing from the operation of the general words of a statute shows that in the opinion of the law-maker the thing excepted would be within the general words had not the exception been made."

Here, of course, the "law-maker" was the people of Idaho who adopted the Amendment in 1928.

Our Supreme Court has held very clearly that in interpreting a section of the Constitution, the language employed must be taken and understood in its natural, ordinary, general and popular sense. Bannock County v. Citizens, etc., Trust Co., 53 Idaho 159 (1933). Accordingly, the word "limit" in the 1928 Amendment should be given its proper meaning. Again quoting our Court,

> "The word 'limit' in its very inception carried the idea of 'extreme boundary' that it carries now. As the ancient 'cowpath' of the Latins it signified a res 'quam ultra, non,' 'beyond which, not', a definition not yet improved on."

Lane v. Lukens,
48 Idaho 517, 523 (1930).

Therefore, the Constitutional Amendment under consideration definitely authorizes the establishment of a right of use of the state waters for power purposes within specified "boundaries", that is, limitations, and it seems clear that the reason for the provision is to recognize that the rights of use for domestic and irrigation purposes, and possibly mining, are first in the waiting line, to use a phrase common in any discussion of irrigation.

COPY

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There would seem to us to be no valid reason why such a restriction as your inquiry suggests might not be written into the permit and license, particularly since that restriction would be devoted to the protection of future irrigation development. Of course, water used for the development of power is still available for irrigation purposes; in other words, such use in no way reduces the amount of water. But it is conceivable that in some instances the construction of the works for the purpose of producing power would interfere with future irrigation development by preventing later appropriation and distribution of the water to irrigable land. It is thought that whether such a result would follow would depend upon the physical facts in each instance.

Your second question as to whether legislative authority would be necessary offers a field for speculation. It would probably be helpful in administering the Constitutional grant of power if there existed legislative direction in the form of a statute. However, the case of Speer v. Stephenson, cited supra, goes a long way in support of the view that your Department already has authority to incorporate the proposed limiting condition in a power use permit, and it seems quite sure that incorporation of such a condition would not be any usurpation of judicial power on your part. If such an applicant wished the final word of our courts on the matter, nothing prevents a court action for the purpose of testing your power. However, a statutory provision expressly vesting such authority in your Department would do away with any argument on the subject and would seem to us clearly within the Legislature's Constitutional power.

Yours very truly,

FOR THE ATTORNEY GENERAL

J. A. Snead
Assistant Attorney General

J.A.S:hw

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STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

LEN JORDAN
GOVERNOR

RECEIVED
MAR 24 1952
Department of Reclamation

March 22, 1952

Mr. Mark Kulp
State Reclamation Engineer
B U I L D I N G

Dear Mr. Kulp:

I am attaching hereto a letter from Idaho Power Company which should become a part of the Oxbow license permit. This letter is not only a clear exposition of the Idaho Power Company's attitude toward upriver consumptive use of water for irrigation, but it contains an amendatory statement to the Oxbow permit as follows:

> "the rights herein granted for the use of the waters, stream bed and other lands of the State of Idaho, necessary for the construction and operation of the dam and reservoir, are subject to the condition that the project shall be operated in such manner as will not conflict with 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 waters, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed."

After you have filed this letter with the Oxbow permit, will you please send me a certified copy of the Oxbow permit and the Idaho Power letter of March 14?

Yours truly,

Len Jordan

Governor

LJ.k

Enclosure

22442

IDAHO POWER COMPANY

BOISE, IDAHO

March 14, 1952

OFFICE OF THE GOVERNOR

Honorable Len Jordan
State Capitol
Boise, Idaho

My dear Governor Jordan:

This letter will confirm the results of our conferences with you relating to the proposed hydroelectric developments of Idaho Power Company in Snake River between Hells Canyon and Weiser, and particularly our Oxbow water permit and application therefor as filed by the Company on June 19, 1947.

The Company's proposed developments will operate almost entirely on run-of-river flow, and the 16,000 cubic feet per second covered by our filing is based upon the maximum quantity which the turbines can utilize, and not upon the amount of water flowing in the stream. Except for a few weeks of late spring runoff when the flow of the river exceeds the quantity of water filed upon, such quantity is obtained for use during peak load hours through the daily storage and peaking operation of the project.

Idaho Power Company fully recognizes the primary importance in southern Idaho of the use of water for reclamation and irrigation purposes, and over more than 35 years of its existence has cooperated fully with water users in the Snake River valley. Our system has been planned and built accordingly, and in the entire history of the Company, I know of no instance where the Company has ever protested a water appropriation filing, or raised any objection to diversion or use of water, for such purposes.

In accordance with our understanding with you, we are pleased to affirm that any license and certificate of water right issued to the Company pursuant to the Oxbow permit may contain the provision that "the rights herein granted for the use of the waters, stream bed and other lands of the State of Idaho, necessary for the construction and operation of the dam and reservoir, are subject to the condition that the project shall be operated in such manner as will not conflict with 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 waters, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed." Our application and permit may be considered as amended to include the foregoing provision.

Very truly yours,

A C Inman
Vice-President and Secretary

ACI:mb

22442

March 12, 1952

RE: Permit No. 22442

Mr. C. H. Petersen
C/o Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Petersen:

We acknowledge receipt of your letter of March 11, 1952, enclosing $1,000 bond in connection with Permit No. 22442.

We note that this bond is dated November 2, 1951, but through an inadvertence has not been forwarded sooner.

The bond is acceptable and has been placed on file in connection with your Oxbow filing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22442

IDAHO POWER COMPANY

BOISE, IDAHO

March 11, 1952

RECEIVED
MAR 12 1952
Department of Reclamation

Mr Mark R Kulp
State Reclamation Engineer
Department of Reclamation
State Capitol Building
Boise, Idaho

Attention Jeanne L Anderson

Dear Mr Kulp:

With regard to our Permit No 22442, covering our Oxbow water filing, I am enclosing herewith for your files original executed bond of Aetna Casualty And Surety Company, dated November 2, 1951, for $1,000. Inadvertently, this bond has been kept in our file, instead of being filed with you as of December 31, 1951.

Very truly yours,

G H Petersen
Special Agent

mb
Encl

3241.3

B O N D

KNOW ALL MEN BY THESE PRESENTS, That Idaho Power Company, a corporation, of Boise, Idaho, as Principal, and AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized and doing business under and by virtue of the laws of the State of Connecticut, and duly qualified and licensed for the purpose of becoming sole surety upon bonds and undertakings required or authorized by the laws of the State of Idaho, as Surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand Dollars ($1,000.00), lawful money of the United States, to the payment of which sum, well and truly to be made, said Principal and Surety bind themselves, their successors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named Principal on the 19th day of June, 1947, filed in the office of the State Reclamation 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 27696, in accordance with which said application the State Reclamation Engineer granted and issued to the said Principal herein a certain permit numbered No 22442, a full, true and complete copy of which application No 27696 and permit No 22442 is of record in the office of the State Reclamation Engineer in Book 80 of Permits, at page 22442.

NOW, if the above bounden Principal shall faithfully carry to completion the said works of diversion as specified in said application No 27696 and permit No 22442, in the manner and form prescribed therein and within the time allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said Surety has hereunto set its hands and seal this 2nd day of November, 1951.

AETNA CASUALTY AND SURETY COMPANY

(Seal)

By R. S. Campbell
Resident Vice President

COUNTERSIGNED:

DOLLARD-PERRAULT-CAMPBELL AGENCY
Resident Agent

By William S. Campbell

Attest:
M. E. Reese
Resident Assistant Secretary

22442

November 1, 1951

RE: Permit No. 22442

Idaho Power Company
C/o Mr. A. C. Inman
1220 Idaho Street
Boise, Idaho

Dear Sir:

We enclose Permit No. 22442, also plans in connection therewith which have been approved by the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22442

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of)
) Project No. 1971
Idaho Power Company)

March 1, 1951

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U.S.C. 791(a)-825(r)) that Idaho Power Company of Boise, Idaho, has made application for license for proposed major project No. 1971 (Oxbow Development) to be located on the Snake River in Adams and Washington Counties, Idaho and Baker County, Oregon. The proposed project would affect lands of the United States. It would consist of a rockfill dam and gated concrete spillway across Snake River at the Oxbow site creating a reservoir about 13 miles long and covering about 2,000 acres with highwater level at elevation 1,805 feet at the dam; a canal to be excavated across the bow in the river about 1,000 feet long, 275 feet wide at the top; intake works; four 275 foot penstocks; a powerhouse on the Oregon side of the river with installed capacity of about 140,000 kilowatts in 4 units of equal size; three 138-kilovolt transmission lines, one extending about 50 miles to Huntington, another extending approximately 75 miles to Ontario and a third extending to Baker, all in the State of Oregon, and appurtenant facilities.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting should be submitted on or before the 16th day of April, 1951, to the Federal Power Commission, Washington 25, D. C.

J. H. Gutride,
Acting Secretary.

RECEIVED
MAR 5 1951
Department of Reclamation

22-4-12

In the House of Representatives

H. B. No. 147

By JUDICIARY, RULES AND ORDER OF BUSINESS COMMITTEE

AN ACT

AMENDING SECTIONS 42-401, 42-403 AND 42-404, IDAHO CODE, RELATING TO APPROPRIATIONS OF WATERS OF THE STATE OF IDAHO FOR USE IN THE STATE OF OREGON, AND PROVIDING THAT THE DEPARTMENT OF RECLAMATION MAY REQUIRE THE INTENDING APPROPRIATOR TO FILE SPECIFIED CERTIFICATES FROM THE APPROPRIATE OREGON OFFICIAL AS A CONDITION TO THE ISSUANCE OF PERMITS, CERTIFICATES OF COMPLETION OF WORKS AND LICENSES WITH RESPECT TO SUCH APPROPRIATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-401, Idaho Code, be and the same is hereby amended to read as follows:

Section 42-401. APPROPRIATION FOR USE IN OREGON.—Whenever it shall be desired to appropriate the public waters of the state of Idaho for use in the state of Oregon, the department of reclamation shall grant a permit upon proper application therefor, provided the department be satisfied that the interests of the state of Idaho will not be materially injured by such use of its public waters in the state of Oregon, and provided <u>that the department may as a condition to the granting of any such permit require that</u> the intending appropriator shall file with his application for permit a certificate from the proper officer or official of the state into which the water is to be diverted, showing to the satisfaction of the department of reclamation that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible.

SECTION 2. That Section 42-403, Idaho Code, be and the same is hereby amended to read as follows:

22442

Section 42-403. PROOF OF COMPLETION OF WORKS.—Proof of completion of works under such permit shall be made in accordance with the laws of the state of Idaho relative to proof of completion under a permit to appropriate the public waters of the state of Idaho, as to all works of diversion under such permit * * *: provided, that the department of reclamation * * * may as a condition to the issuance of a certificate of completion under such proof * * * require from the officer or official mentioned in section 42-401 a certificate to the effect that the proper public records of such sister state show the works to have been completed under said permit, said certificate to show in second feet the capacities of the various conduits constructed and to show in acre feet the capacities of reservoir, if any there be, constructed in such sister state under said permit.

SECTION 3. That Section 42-404, Idaho Code, be and the same is hereby amended to read as follows:

Section 42-404. LICENSE.—The department of reclamation shall issue a license in accordance with the laws of the state of Idaho relative to the issuance of license under a permit, * * * upon receipt of such proof as will satisfy the department as to application of the waters to beneficial use, and may as a condition of granting any such license require a certificate from the officer or official mentioned in section 42-401, to the effect that the proper public records of such sister state show that beneficial use has been made of the waters sought to be appropriated under said permit, said certificate to show the extent of such use in second feet. If such use is for irrigation, such certificate shall give a description by legal subdivisions of the land which is irrigated by such water. If such use is for power purposes such certificate shall describe the location of the point of use.

22442

In the House of Representatives

H. B. No. 147

By JUDICIARY, RULES AND ORDER OF BUSINESS COMMITTEE

AN ACT

AMENDING SECTIONS 42-401, 42-403 AND 42-404, IDAHO CODE, RELATING TO APPROPRIATIONS OF WATERS OF THE STATE OF IDAHO FOR USE IN THE STATE OF OREGON, AND PROVIDING THAT THE DEPARTMENT OF RECLAMATION MAY REQUIRE THE INTENDING APPROPRIATOR TO FILE SPECIFIED CERTIFICATES FROM THE APPROPRIATE OREGON OFFICIAL AS A CONDITION TO THE ISSUANCE OF PERMITS, CERTIFICATES OF COMPLETION OF WORKS AND LICENSES WITH RESPECT TO SUCH APPROPRIATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-401, Idaho Code, be and the same is hereby amended to read as follows:

Section 42-401. APPROPRIATION FOR USE IN OREGON.—Whenever it shall be desired to appropriate the public waters of the state of Idaho for use in the state of Oregon, the department of reclamation shall grant a permit upon proper application therefor, provided the department be satisfied that the interests of the state of Idaho will not be materially injured by such use of its public waters in the state of Oregon, and provided <u>that the department may as a condition to the granting of any such permit require that</u> the intending appropriator shall file with his application for permit a certificate from the proper officer or official of the state into which the water is to be diverted, showing to the satisfaction of the department of reclamation that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible.

SECTION 2. That Section 42-403, Idaho Code, be and the same is hereby amended to read as follows:

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Section 42-403. PROOF OF COMPLETION OF WORKS.—Proof of completion of works under such permit shall be made in accordance with the laws of the state of Idaho relative to proof of completion under a permit to appropriate the public waters of the state of Idaho, as to all works of diversion under such permit * * *: provided, that the department of reclamation * * * may as a condition to the issuance of a certificate of completion under such proof * * * require from the officer or official mentioned in section 42-401 a certificate to the effect that the proper public records of such sister state show the works to have been completed under said permit, said certificate to show in second feet the capacities of the various conduits constructed and to show in acre feet the capacities of reservoir, if any there be, constructed in such sister state under said permit.

SECTION 3. That Section 42-404, Idaho Code, be and the same is hereby amended to read as follows:

Section 42-404. LICENSE.—The department of reclamation shall issue a license in accordance with the laws of the state of Idaho relative to the issuance of license under a permit, * * * upon receipt of such proof as will satisfy the department as to application of the waters to beneficial use, and may as a condition of granting any such license require a certificate from the officer or official mentioned in section 42-401, to the effect that the proper public records of such sister state show that beneficial use has been made of the waters sought to be appropriated under said permit, said certificate to show the extent of such use in second feet. If such use is for irrigation, such certificate shall give a description by legal subdivisions of the land which is irrigated by such water. If such use is for power purposes such certificate shall describe the location of the point of use.

22442

October 14, 1947

Idaho State Reclamation Association
Attention: Mr. Wm. E. Welsh, Secretary
Building

Gentlemen:

I have your letter of September 12th, regarding an application by The Idaho Power Company for permit to appropriate 16,000 c.f.s. of the waters of the Snake River at the Oxbow site.

On June 19, 1947, The Idaho Power Company made an application which by departmental procedure is now identified as Application for Permit No. 27696. This application was accompanied by the correct filing fee and conformed in all ways with the Idaho Statutes and rules and regulations of the Department of Reclamation. The application was advertised as required by statutes in the Adams County Leader in July, 1947. No protests were received.

Concurrently, certificate was requested from the State Engineer of Oregon, as required by Section 41-401, I.C.A. The State Engineer of Oregon has not issued the required certificate pending a report from the Federal Power Commission. If the certificate is received from the State Engineer of Oregon and it meets the requirements of Section 41-401, I.C.A., the Department will have but little discretion in the matter of approving the application and issuing the permit.

Your letter urges that if the permit is granted, limitations be imposed upon the power company limiting it to only such use as does not conflict with any beneficial consumptive use in the Snake River Valley in southern Idaho.

Article XV., Section 3, of the Constitution of the State of Idaho was amended by adding "except that the State may regulate and limit the use thereof for power purposes". No statutory limitations have been made except in Section 41-408, I.C.A., which pertains to specified streams and lakes in North Idaho.

#2
Idaho State Reclamation Ass'n
10/14/47.

Article XV., Section 3, of the Constitution also gives domestic use and agriculture preference over manufacturing "subject to such provision of law regulating the taking of private property for public and private use, as referred to in Section 14 of Article I. of this Constitution". Therefore, the limitations you urge is already imposed except that when the water is required for domestic or agricultural use the prior rights for power would have to be condemned and purchased.

In the absence of specific legislation, no limitations could be written into the permit.

The interstate boundary character of the stream might nullify the Idaho constitutional guarantees as all the works except one-half of the dam are in the State of Oregon and the State of Oregon assumes concurrent jurisdiction over the waters of a boundary stream.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer.

MRK:lt

3-24-47

IDAHO POWER COMPANY

BOISE, IDAHO

March 26, 1951

RECEIVED
MAR 27 1951
Department of Reclamation

Department of Reclamation
State Capitol Building
Boise, Idaho

Attention Mr Mark R Kulp
State Reclamation Engineer

Dear Mr Kulp:

I am enclosing herewith affidavit of publication of your notice of our Application No 27696 to appropriate 16,000 cubic feet per second of the waters of Snake River for electric power generation, said notice having been published in three consecutive issues of The Adams County Leader, the first publication having been made on June 27, and the last on July 11, 1947.

Very truly yours,

A C Inman
Secretary

ACI:mb
Encl

22442

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, N. K. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County Leader, a newspaper: that a copy of the Notice

as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for ~~Three~~ (3) consecutive weeks, the first publication of the same being made in the issue dated June 27, 1947 and the last in the issue dated July 11, 1947; that said newspaper is of general circulation in Adams County, Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said Notice as aforesaid.

Norris K. Rogers

Subscribed and sworn to before me this 23rd day of March, 1951.

Notary Public for Idaho,
Residing at Council, Idaho

State of Idaho
Department of Reclamation
Notice of Application to Appropriate the Public Waters of the State of Idaho in Accordance with the Provisions of Section 41-203, Idaho Code Annotated

NOTICE IS HEREBY GIVEN That on the 19th day of June, 1947, Idaho Power Company, of Boise, Idaho, made application to appropriate Sixteen Thousand (16,000) cubic feet per second of the waters of Snake River, for the generation of electric power.

That the point of diversion of said waters is located 2509 feet distant from the Southwest corner of Section 21, Township 19 North, Range 4 West, B.M. (Adams County, Idaho), and in Lot 8, Section 9, Township 7 South, Range 48 East, W. M., Baker County, Oregon.

That the point of use of said water is located 3924 feet distant from the Southwest corner of Section 21, Township 19 North, Range 4 West, B. M., and in Lot 2, Section 9, Township 7 South, Range 48 East, W. M. (In Oregon)

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name, and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 20th day of June, 1947.

MARK R. KULP
State Reclamation Engineer

Date of first publication: June 27, 1947.

Date of last publication: July 11, 1947.

Last date for protest: July 30, 1947.

Service of the Foregoing, by copy, is hereby admitted, this 23rd day of June, 1947.

IDAHO POWER COMPANY
By A. C. Inman
Its Secretary

IDAHO POWER COMPANY

BOISE, IDAHO

May 3, 1951

RECEIVED
MAY 4 1951
Department of Reclamation

Mr Mark R Kulp
State Reclamation Engineer
Department of Reclamation
State Capitol Building
Boise, Idaho

Dear Mr Kulp:

I am enclosing herewith for the purposes of obtainment of approval of the plans and specifications of our proposed Oxbow diversion dam, pursuant to the requirements of Section 42-1707, Idaho Code, one set of tracings and two sets of white-line prints, each set consisting of four sheets, Drawing No E-10106, with respect to which we shall be pleased to furnish any further information or details which you may require.

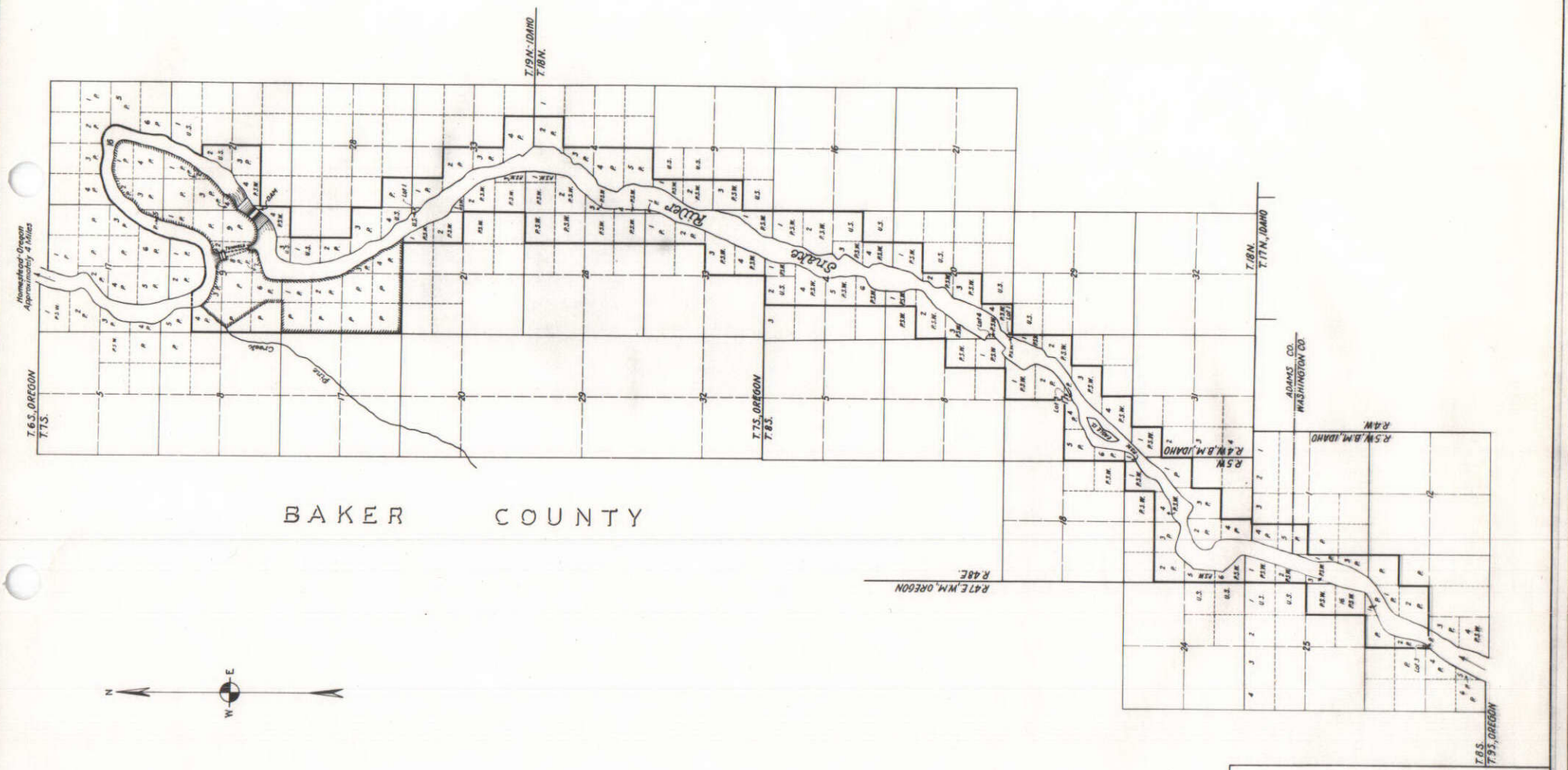
Following your action thereon, it will be appreciated if you will return to us the tracings and one set of the drawings for our permanent records, following which we will furnish you with a complete set of reduced size photostatic copies of all four sheets of the drawing for your convenience for filing purposes.

Very truly yours,

A C Inman
Secretary

ACI:mb
Encl

22447



22442

MAP TO ACCOMPANY
APPLICATION FOR PRELIMINARY PERMIT
FOR POWER DEVELOPMENT
In the Vicinity of Homestead - Oregon
Idaho Power Company
Boise - Idaho
May - 1947 Scale:- 1 Inch = 2000 Feet

E-6922

This map is a part of the application for preliminary permit made by the undersigned this 26th. day of May-1947 - Idaho Power Company

C. J. Strike
President & General Manager

Scale in Miles

0 1 2 3 4 5 6 7 8

LEGEND

Project Boundary
Idaho Power Co. Property
P.S.W. Power Site Withdrawal Land
U.S. United States Vacant Public Land
P. Private Land

IDAHO POWER COMPANY
BALANCE SHEET, MAY 31, 1947
(Subject to Approval of Independent Auditors)

ASSETS

ELECTRIC PLANT (see Note 1):		
Electric plant in service	$41,852,107.88	
Construction work in progress	7,327,668.21	
Electric plant acquisition adjustments	2,155,624.11	
Total electric plant		$51,335,400.20
INVESTMENT AND FUND ACCOUNTS:		
Other physical property	$ 169,528.64	
Miscellaneous investments	10,508.00	
Miscellaneous special funds	2,956.85	
Total investment and fund accounts		182,993.49
CURRENT AND ACCRUED ASSETS:		
Cash in banks - On demand	$ 2,049,825.31	
Special deposits	7,860.25	
Working funds	34,027.88	
Notes receivable	6,136.59	
Accounts receivable:		
Customers	496,414.09	
United States Government - Refund of prior years' income and excess profits taxes - Net (see Note 2)	155,272.32	
Other	19,716.78	
Materials and supplies (at average cost or less)	866,305.27	
Prepayments	33,879.85	
Other current and accrued assets	425.00	
Total current and accrued assets		3,669,863.34
DEFERRED DEBITS:		
Premium on preferred stocks retired and other expenses related thereto - Unamortized portion	$ 345,869.62	
Expenditures in connection with conversion of gas users to electric service (see Note 3)	338,532.91	
Other	149,818.58	
Total deferred debits		834,221.11
CAPITAL STOCK EXPENSE:		269,305.20
CONSIGNMENTS (contra)		19,559.36
TOTAL		$56,311,342.70

Notes 1 to 4 inclusive are an integral part of this statement and should be considered in connection therewith.

22402

~~EXHIBIT 8 - Page 3~~

IDAHO POWER COMPANY
BALANCE SHEET, MAY 31, 1947
(Subject to Approval of Independent Auditors)

LIABILITIES

CAPITAL STOCK:		
4% preferred, cumulative, $100 par; authorized, 200,000 shares; outstanding, 100,000 shares	$10,000,000.00	
Premium on 4% preferred stock	278,826.00	
Common, $20 par; authorized, 900,000 shares; outstanding, 450,000 shares	9,000,000.00	
Total capital stock		$19,278,826.00
LONG-TERM DEBT:		
First Mortgage Bonds, 3 1/8% Series due 1973	$18,000,000.00	
First Mortgage Bonds, 2 3/4% Series due 1977	5,000,000.00	
Total long-term debt		23,000,000.00
CURRENT AND ACCRUED LIABILITIES:		
Accounts payable	$ 517,131.04	
Liability for preferred stocks and bonds called for redemption (cash in special deposits)	7,745.25	
Customers' deposits	60,750.80	
Taxes accrued (see Note 2)	2,061,556.60	
Interest accrued	70,743.32	
Preferred dividends accrued	33,333.33	
Other current and accrued liabilities	26,319.24	
Total current and accrued liabilities		2,777,579.58
DEFERRED CREDITS:		
Unamortized premium on debt	$ 466,834.38	
Customers' advances for construction	14,275.12	
Other	303,322.12	
Total deferred credits		784,431.62
RESERVES:		
Property retirement (see Note 4)	$ 7,297,362.91	
Amortization of electric plant acquisition adjustments (see Note 1)	621,757.41	
Uncollectible accounts	17,143.06	
Injuries and damages	14,685.15	
Total reserves		7,950,948.53
CONTRIBUTIONS IN AID OF CONSTRUCTION		195,159 60
CONSIGNMENTS (contra)		19,559.36
EARNED SURPLUS		2,304,838.01
TOTAL		$56,311,342.70

Notes 1 to 4 inclusive are an integral part of this statement and should be considered in connection therewith.

2242

IDAHO POWER COMPANY
NOTES TO BALANCE SHEET, MAY 31, 1947

1 - Electric plant in service is stated on the basis of original cost when first devoted to public service in accordance with reports filed with the Federal Power Commission and state regulatory authorities. Pursuant to orders of such authorities, a reserve is being provided for amortization of the item of electric plant acquisition adjustments, $2,155,624.11, by annual charges to income; of this amount $2,091,576.09 is being amortized over a period of fifteen years beginning with the year 1943. The book value of electric plant does not purport to represent present realizable values or replacement cost.

2 - The Federal income tax returns of the Company for the years 1941 to 1944, inclusive, have been examined by the United States Treasury Department. The amount of $155,272.32, shown as a receivable from the United States Government in the above balance sheet, represents refunds of Federal income and excess profits taxes of prior years receivable on the basis of the Revenue Agent's adjustments for those years.

3 - In accordance with regulatory authority, the Company is amortizing expenditures made to December 31, 1946, in connection with conversion of gas users to electric service, by monthly pro rata charges to income over a period of approximately six and two-thirds years beginning January 1, 1945.

4 - It is the Company's practice to provide for retirements of property by making such provisions from current income as are considered by the management necessary to provide for retirements when they occur. Such provisions are considered to be adequate in view of the Company's maintenance program and a study made by the Company of depreciation requirements based on the estimated lives of individual units of depreciable property. Charges to property retirement reserve consist of the book value of property retired (estimated if not known) plus removal costs, less salvage.

2-2447

March 28, 1951

Re: Application No, 27696

Mr. A. C. Inmen, Secretary
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Inmen:

We acknowledge receipt of your letter of March 26, 1951, enclosing Affidavit of Publication in the Adams County Leader, in connection with the above numbered application to appropriate water at the Ox Bow site.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

27642

September 22, 1947

Mr [illegible] E Rogers
Adams County Leader
Council, Idaho

Dear Mr Rogers:

Some weeks ago the Department of Reclamation sent to you for publication a notice in connection with this Company's application for water permit in connection with our Oxbow power site.

We have not yet received the affidavit of publication, and if the publication has now been completed, I shall appreciate your sending one copy of the affidavit to the Department of Reclamation, and an additional signed copy to the undersigned for our files, together with your billing for publication, which will be promptly paid.

Very truly yours,

[illegible]

A C Inman
Secretary

ACI:mb

cc: Department of Reclamation
State of Idaho

[illegible]

[illegible]

A SOUND RECLAMATION POLICY DEVELOPS IDAHO'S RESOURCES

Idaho State Reclamation Association

Affiliated with National Reclamation Association

Boise, Idaho

September 12, 1947

Honorable Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

The attention of the Board of Directors of the Idaho State Reclamation Association has been called to the fact that there is now pending before your Department an application by the Idaho Power Company for a permit to appropriate 16,000 second feet of water from Snake River for a proposed dam and power development at the Oxbow site, Idaho-Oregon boundary, in Hells Canyon below Weiser.

In this connection we would like to call your attention to a statement, copy of which is attached, which was submitted by this Association at a hearing, held in Lewiston, Idaho, July 9th of this year, by the Corps of Engineers, for the purpose of obtaining the views of local and interested citizens relative to proposed dams on Snake River in Hells Canyon above Lewiston. The Idaho State Reclamation Association takes the same position with respect to the proposed dam by the Idaho Power Company.

If your Department is considering granting a permit to the Idaho Power Company, we would like to urge that in the granting of said permit, limitations be imposed upon the power company limiting it to only such use as does not conflict with any beneficial consumptive use in the Snake River Valley in southern Idaho. We believe that the waters of the Snake River and its tributaries in southern Idaho should be forever protected and preserved for the development of that area.

Respectfully submitted,

IDAHO STATE RECLAMATION ASSOCIATION

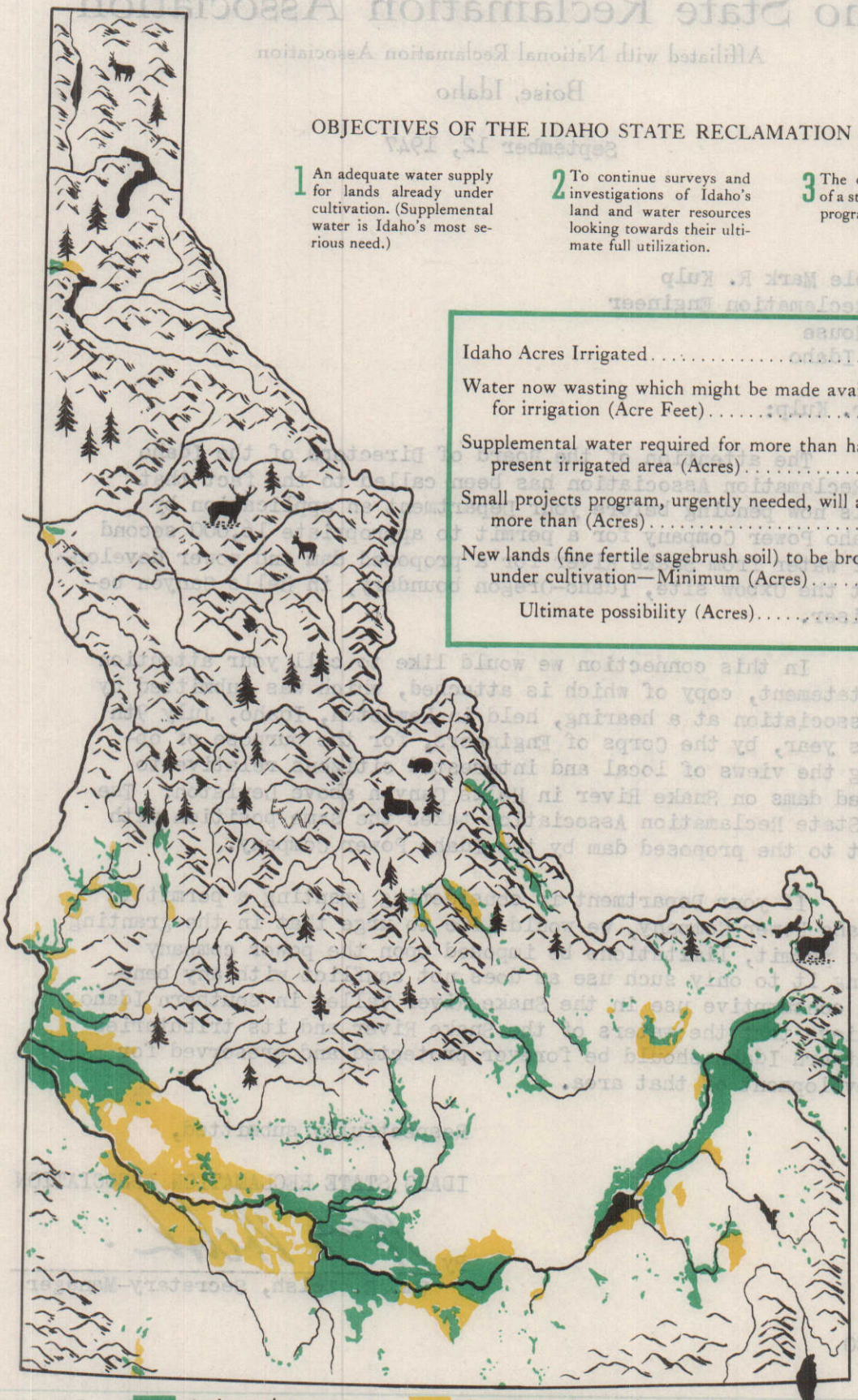
By Wm. E. Welsh

Wm. E. Welsh, Secretary-Manager

2-2-42

WEW:JCO
Encl.

Officers:	N. V. Sharp, Filer, *President* — Wm. E. Welsh, Boise, *Secretary-Manager*
Directors:	A. R. Babcock, Moore, Big and Little Lost Rivers and Salmon River . . . George W. Davidson, Emmett, Payette River Valley . . . Ed G. Gooding, Shoshone, Big and Little Wood Rivers . . . Walter Hereth, Lewiston, North Idaho . . . John E. Kelley, Shelley, Middle Snake River Valley . . . Wells McEntire, Preston, Great Basin, Bear and Malad Rivers . . . Eph Ricks, Sugar City, Upper Snake River Valley . . . N. V. Sharp, Filer, Lower Snake River . . . Ellis B. Snow, Council, Weiser River Valley . . . Forrest Sower, Boise, Government Project, Boise River . . . Wm. E. Welsh, Boise, Stewart Decree, Boise River . . . Mark R. Kulp, ex-Officio Member, State Reclamation Engineer



OBJECTIVES OF THE IDAHO STATE RECLAMATION ASSOCIATION:

1. An adequate water supply for lands already under cultivation. (Supplemental water is Idaho's most serious need.)
2. To continue surveys and investigations of Idaho's land and water resources looking towards their ultimate full utilization.
3. The orderly development of a state-wide reclamation program.

Idaho Acres Irrigated	2,300,000
Water now wasting which might be made available for irrigation (Acre Feet)	6,000,000
Supplemental water required for more than half of present irrigated area (Acres)	1,300,000
Small projects program, urgently needed, will affect more than (Acres)	100,000
New lands (fine fertile sagebrush soil) to be brought under cultivation—Minimum (Acres)	1,300,000
Ultimate possibility (Acres)	1,900,000

PUBLIC HEARING
BY DISTRICT ENGINEER
CORPS OF ARMY ENGINEERS
ON
ASOTIN, NEZ PERCE, MOUNTAIN SHEEP
AND HELLS CANYON DAM SITES,
SNAKE RIVER, OREGON AND IDAHO

STATEMENT PRESENTED ON BEHALF OF THE IDAHO STATE RECLAMATION ASSOCIATION AT THE ABOVE HEARING, HELD IN LEWISTON, IDAHO, JULY 9, 1947, AT 10:00 A.M., IN THE LEWIS AND CLARK HOTEL

This statement is submitted on behalf of the Idaho State Reclamation Association. The membership of this Association includes officers and directors of canal companies, irrigation districts and other water users' organizations, representing more than 80 per cent of the irrigated area of the state, or more than 1,800,000 acres. It is a typical "grass roots" organization. By the articles of association, voting is restricted to water users' organizations.

This Association has a board of directors of 11 members, each representing a different section of the State of Idaho. Its officers are N. V. Sharp, President, Filer, Idaho, and Wm. E. Welsh, Secretary-Manager, Boise, Idaho.

The Association was reorganized in 1936 and has been very active since that time. Regular meetings have been held once each year, except for a short period during the war. Special meetings have also been held from time to time. These meetings have always been exceptionally well attended, especially by water users and others representing the irrigation interests of the state.

This Association in 1939 adopted a declaration of policy, still in effect, as follows:

1. An adequate water supply for lands already under cultivation. (Supplemental water is Idaho's most serious need.)

2. To continue surveys and investigations of Idaho's land and water resources looking toward their ultimate full utilization.

3. The orderly development of a state-wide reclamation program.

2-5442

The need for supplemental water in some areas is being taken care of by the construction of projects by the Bureau of Reclamation, in some of which the Corps of Engineers is cooperating. These include Anderson Ranch Reservoir on the south fork of the Boise River, Cascade Reservoir on the north fork of the Payette River, and Palisades Reservoir on the south fork of the Snake River.

We wish to express to you, Colonel Walsh, and to your associates, our sincere appreciation for this opportunity to submit a statement on behalf of the Idaho State Reclamation Association. We like the policy of the Corps of Engineers in holding hearings such as this in order that those interested may have an opportunity to present their arguments either for or against the proposed project. We have had the privilege of attending and participating in several of these hearings, and we believe this to be a truly democratic way of ascertaining the reaction of the people living within the area, who are most vitally affected by the proposed project.

We are fearful that the construction of the dams referred to in the notice of this hearing, and particularly the two high dams on the middle Snake River above the Salmon River--namely, Mountain Sheep Dam and Hells Canyon Dam--may adversely affect future development of our water resources in southern Idaho.

We are fearful that the construction of these high dams on the Snake River above the mouth of the Salmon River, primarily, if not entirely, for power purposes, will acquire a prior right to the now unappropriated waters of the Snake River and its tributaries in southern Idaho.

We are protected against the danger of losing the waters of the Snake River and its tributaries to navigation development, by the adoption of the so-called O'Mahoney-Millikin Amendments to the 1944 Flood Control Act and the 1945 Rivers and Harbors Act, which contain the following provision:

> "(b) The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction, of waters arising in States lying wholly or partly west of the ninety-eighth meridian shall be only such use as does not conflict

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with any beneficial consumptive use, present or future, in States lying wholly or partly west of the ninety-eighth meridian, of such waters for domestic, municipal, stock water, irrigation, mining, or industrial purposes."

There is, however, no similar provision of law to our knowledge which will protect us against downstream power development. We are particularly concerned because of the fact that these two proposed high dams will be located above the mouth of the Salmon River where the only water that is available for power purposes will come from the Snake River and its tributaries in southern Idaho and eastern Oregon. This is the water that we must preserve and protect for future reclamation development in southern Idaho.

We note with particular interest in the circular letter announcing this hearing, the following statements:

"The present trend of economic and industrial development of the Pacific Northwest is such that a serious power shortage will develop in the near future unless major power generating facilities are installed to meet the increasing demand. Construction of the project authorized by Congress for development of Snake River downstream from Lewiston, Idaho, by a system of dams, primarily for navigation, would create large blocks of power to assist in meeting this demand."

"Power and storage sites on Snake River above the mouth of Salmon River could be developed in lieu of lower Columbia and lower Snake River dams and, thus, relieve pending power shortage without interference to migratory fish spawning in Salmon and Clearwater Rivers."

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We also note that there is considerable opposition to immediate construction of dams on the lower Snake River and on the Columbia River below the mouth of the Snake River and that it is proposed that "construction of dams on lower Columbia and Snake Rivers be postponed approximately 10 years".

In view of the fact that these high dams under consideration in this hearing have apparently been proposed for construction in lieu of, or as a substitute for, the Snake River dams below Lewiston, at least as far as power development is concerned, we would like to call attention to a resolution which was adopted by the Idaho State Reclamation Association more than a year ago, in which said Association approved slack water navigation on the Snake River below Lewiston and urged that the Army Engineers do everything within their power to expedite the construction of this project. This resolution, adopted at the annual meeting of the Association in Twin Falls, Idaho, May 17-18, 1946, is as follows:

> "WHEREAS, The Rivers and Harbors Act, approved by the Congress March 2, 1945, authorized the Army Engineers to construct a series of dams on the river between the mouth of the Snake River and Lewiston for the purpose of providing slack water navigation; and
>
> "WHEREAS, Such navigation is most urgently needed and will prove highly beneficial to Lewiston and to the entire State of Idaho; and
>
> "WHEREAS, This section of Idaho produces between fifteen and twenty million bushels of wheat annually, as well as large harvests of peas, the shipment of which will be especially benefited by navigation; and
>
> "WHEREAS, Other industries which will also be benefited include lumber, livestock and mining; and
>
> "WHEREAS, We endorse the principle contained in the so-called O'Mahoney-Millikin Amendments to the 1944 Flood Control Act and the 1945 Rivers and Harbors Act, to the effect that upstream consumptive use shall have a prior right to the use of the waters of all streams of the nation rising west of the 98th meridian; and
>
> "WHEREAS, We are advised that if sufficient dams are constructed in the Snake River below Lewiston to provide slack water navigation that only a flow of 1,000 second feet will be required, which can be supplied entirely by the Clearwater and other rivers of that region without in any way affecting or interfering with the use of the waters of southern Idaho for irrigation purposes:
>
> "THEREFORE, BE IT RESOLVED, by the Idaho State Reclamation Association, at its annual meeting in Twin Falls, Idaho, May 17th and 18th, 1946, that we do hereby approve said program for slack water

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navigation to Lewiston and urge that the Army Engineers do everything within their power to expedite the consummation of this project; and

"BE IT FURTHER RESOLVED, That we urge each member of the Idaho Congressional delegation to continue their support for securing funds for this project."

We would like to suggest that if it be desirable to construct additional hydro-electric plants, in order to meet the increasing demand for power in the Pacific Northwest, first, that consideration be given to power development now being planned in connection with our multiple-purpose reclamation development projects in southern Idaho, most of which could be constructed without a great deal of delay in time and which require power revenues for repayment; and second, that immediate construction of the navigation project dams below Lewiston, already authorized by the Congress, would assist materially in meeting that demand. We would also like to emphasize that if further development be desirable, in order to meet the increasing demand for power referred to, consideration be given to projects farther downstream, for two reasons; (a) Downstream locations would be much closer to the centers of population and industrial development, thereby very greatly reducing the cost of transmission; (b) Downstream locations would have a much greater year-round flow of water available without interfering with reclamation development, which is so important to southern Idaho.

The records of the U. S. Geological Survey disclose that the minimum flow of record for the Snake River at Oxbow was 4,890 second feet, which occurred during August, 1924, whereas the minimum flow of record of the Snake River below Clarkston was 10,600 second feet, which occurred in August and September, 1931. In other words, the minimum flow of the Snake River below Clarkston is more than double the minimum flow of the Snake River in the vicinity of the two high dams proposed. Furthermore, storage possibilities on the Clearwater and Salmon Rivers, which could be used and made available to augment and stabilize the flow of the Snake River below Clarkston, is almost double the storage that might be made available for Mountain Sheep and Hells Canyon Dams.

We believe that the highest use which can be made of the waters of Snake River is for the development of reclamation projects in the Snake River Basin. We believe that the means of determining the value of such reclamation development may be had by an examination of the accomplishments of irrigation and

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reclamation development in southern Idaho to date. For that purpose we would like particularly to call your attention to a statement entitled, "Reclamation Development in Idaho", prepared by the Idaho State Reclamation Association. This statement was presented at a hearing on navigation, conducted by the Corps of Engineers, in the legislative chambers of the State Capitol Building, Boise, Idaho, June 22, 1944. You undoubtedly have a copy of this statement in your record of the hearings.

You will find this statement to be complete and comprehensive as to the accomplishments in agricultural production in the Snake River Basin, as well as a complete listing of the projects, reservoirs and other reclamation development under consideration for the area. You will note from this statement, on Page 24, that the irrigated area in the Snake River Basin is a little under two million acres. The total value of agricultural production for the Snake River Basin, as shown in this statement on Page 26, is as follows:

	1939	1943
Crops	$42,622,507.	$132,000,000.
Livestock Produce	26,198,408.	66,000,000.
	$68,820,915.	$198,000,000.

It has been estimated on numerous occasions that at least 1,300,000 acres of new land can be brought into cultivation by reclamation development in southern Idaho. Eventually and ultimately this figure may be increased to 1,900,000 acres. Assuming the lesser and more generally accepted figure of 1,300,000 acres is correct, and basing estimates on 1940 values, we find the benefit which southern Idaho will receive through reclamation might be summarized briefly as follows:

Increased population	260,000
Increased annual farm income	$52,000,000
New business and industrial enterprises	5,200
Increased assessed valuation, cities and farms (real, personal and utilities)	$158,600,000

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If these estimates were to be based upon today's values, the increased annual farm income would be more than double the amount shown, or an increase of more than $100,000,000.

Future reclamation development in southern Idaho will depend to a large extent upon power revenues for repayment to the federal government. Without full benefit of all possible power revenues from all Idaho reclamation storage projects, most of our southern Idaho reclamation projects under consideration for future development cannot be found feasible on a self-liquidating basis. We should point out that all of the projects which are easy to construct and easy to pay for have long ago been completed. The projects that are left must be considered from a multiple-purpose viewpoint. They must include not only irrigation and reclamation, but all of the other uses possible, including navigation, flood control, power, fish and wildlife, recreation and domestic uses. Each of these various uses must bear its proportionate share of the cost of the project. In addition to the allocation of costs to these various uses, power revenues must repay to the treasury of the United States all of those costs allocated to irrigation but which are beyond the ability of the water users to repay. This is a most important consideration if our projects are to be made feasible under the repayment plan of our present law.

We believe reclamation will continue to be on a repayment basis for some time to come. The Congress will require that moneys from the federal treasury, expended on reclamation projects, must be repaid to the federal treasury within a reasonable period of time. This means that the costs of these projects must be distributed among all of the various features of the project and, as previously stated, that power must be given a large share of the burden of repayment. To accomplish this we must have a market for this power. If we lose this market, then, under our present repayment plan, our projects for future reclamation development cannot be made feasible.

Another phase of this development which should not be overlooked is the fact that some day there may be a demand for navigation up the Snake River through Hells Canyon to southern Idaho. This has long been the dream of

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southern Idahoans since the pioneers first settled here many years ago. High dams such as the proposed Mountain Sheep and Hells Canyon Dams would require locks several times higher than have yet been built. The feasibility of such locks would seem very doubtful and, in our judgment, would forever preclude the people of southern Idaho from enjoying this means of transportation.

In conclusion we would like to say that the Idaho State Reclamation Association, representing more than 80 per cent of the water users of Idaho, is primarily interested in the fullest possible development and utilization of all the water resources of the state. We are interested not only in protecting all present water rights, but in preserving and protecting the waters of southern Idaho for future reclamation development. We would like to urge that if any consideration is to be given to the construction of dams for power purposes in Hells Canyon, that the legislation authorizing such projects should contain language similar to the provisions of the O'Mahoney-Millikin Amendments to the Flood Control Act of 1944 and the Rivers and Harbors Act of 1945, to the end that the use of these waters for power purposes shall not conflict with any beneficial consumptive use, and especially that it shall not conflict with the right to the future use of these waters for reclamation development in southern Idaho. We believe that in any power development program proposed for Idaho first consideration should be given to power projects which may be developed incidental to and in conjunction with our multiple-purpose reclamation projects, in order that the revenues from said power development may be used to help defray the costs of the project beyond the ability of the water users to repay. We believe that the waters of the Snake River and its tributaries in southern Idaho should be forever protected and preserved for the development of that area.

22442

THE SECRETARY OF THE INTERIOR
WASHINGTON

RECEIVED
SEP
AUG 29 1947 Department of Reclamation

My dear Mr. Kulp:

In order that the Department of Reclamation of the State of Idaho may be informed with regard to the position of this Department relative to the application of the Idaho Power Company, now pending before the Federal Power Commission, to construct a dam and power plant at the Ox Bow site on the Snake River between Oregon and Idaho, I am enclosing a copy of my letter of this date to Mr. Nelson Lee Smith, Chairman of the Federal Power Commission.

Sincerely yours,

J. A. Krug

Secretary of the Interior.

Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Enclosure

FOR VICTORY
BUY UNITED STATES SAVINGS BONDS AND STAMPS

22442

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

c o p y

Aug 29, 1947

My dear Mr. Smith:

Your request of July 14, 1947 for comments of the Department of the Interior with reference to the application of the Idaho Power Company for a permit to construct a dam and power plant at the Ox Bow site on the Snake River between Oregon and Idaho has been received.

I recommend that the application of the Idaho Power Company be denied. The reasons for this position are developed below.

Construction Incompatible with Full Development of Water Resources of Snake River Basin

Construction of a dam at the Ox Bow site is incompatible with the optimum, full development of the water resources of the Snake River Basin, and might preclude such development. It is our understanding that the proposed dam would be comparatively low (100-120 feet above river level), the reservoir to be created to have virtually no active storage capacity.

Full use of the waters of the Snake Basin requires the regulation of flows of the Snake River in the interests of existing and potential power and navigation developments and of flood control on the lower Snake and Columbia rivers. Regulation of the important inflows to the Snake just above the head of the Snake River Canyon makes it essential that the needed storage capacity be developed below that point. Any high dam in the canyon as far downstream as to be below the mouth of the Salmon River, however, is undesirable in the near future because such a structure would block the access of anadromous fish to the Salmon River, a stream of great importance for spawning. Moreover, ignoring the fish problem, adequate regulation of the Snake by a single structure below the mouth of the Salmon is impracticable because of the very large amount of storage capacity required. Adequate regulation would require storage on the Snake above the mouth of the Salmon; substantial storage on the Salmon; and additional storage on the Snake below the mouth of the Salmon.

Storage on the Snake is required, then, in the canyon above the mouth of the Salmon River. The minimum desirable storage capacity, making allowances for future upstream depletion for irrigation and other consumptive uses, is approximately 3,500,000 acre-feet.

The only site at which it is believed that the requisite capacity, together with a large power potential, can economically be developed is in that portion of the canyon with extremely narrow cross-section known

2247

as Hell's Canyon. A dam approximately 750 feet high above foundation would provide about 3,500,000 acre-feet of active storage capacity at that site, and develop a power head ranging from 360 to 600 feet. Explorations by the War Department have indicated that sites between Hell's Canyon and Salmon River are unsatisfactory for a structure which would create comparable storage capacity.

A dam at Hell's Canyon providing the requisite storage would result in the inundation of the Ox Bow site. To provide the regulation required in the interests of full use of the waters of the Snake, the Department has recognized, for reasons noted above, that the Hell's Canyon Dam is a key, potential structure on the lower river. Hence, construction of a dam at the Ox Bow site would be inconsistent with the view of the Department, for it would, at least, substantially increase the cost of attaining that full use of the waters of the Snake. Except for the relatively small interim gain in power output, the investment in the low dam would result in no permanent contribution to the power supply problems of the region. And the presence of such a dam could result in substantial delay in the building of the larger dam.

Construction Inimicable to Solution of Urgent Power and Fish Problems

Construction of a dam at the Ox Bow site would prevent the solution of related problems of power supply and preservation of salmon runs of concern to the Department and to the economy of the Pacific Northwest.

There is urgent need within the next decade for the installation of generating capacity in excess of that which can be placed in power plants at existing dams in the Columbia River Basin. The currently proposed schedule of installations to meet estimated loads in the region involves the early construction of authorized power and navigation dams on the lower Snake River. These structures, in combination with McNary Dam, now under construction on Columbia River, would imperil the runs of anadromous fish into the important spawning areas afforded by the Snake Basin, particularly in the drainage area of the Salmon River. This, in turn, would imperil the valuable commercial fishing industry and treaty rights of Indian tribes based on these fish. In order to provide greater flexibility for solution of these problems-by transplanting runs to lower tributaries of the Columbia, improvement of facilities to pass fish over main-stream structures and other means - the Department has proposed interagency investigation now underway of a possible project rescheduling which might involve the temporary deferment of Lower Snake construction and meeting of power needs of the next few years from sources further upstream in the Columbia River Basin.

The statement of policy adopted by the major private and public utilities of Oregon and Washington at a meeting in Tacoma on January 22,

22447

this year, showed a need for total new capacity by 1953 of 2,310,000 kilowatts. Additional installations in existing dams will make up part of this requirement, but a very substantial part must be provided from new dams. The load estimates agreed upon by the major utilities at the Tacoma meeting indicate that the potential loads on Oregon, Washington, and northern Idaho for December 1953, will be 4,764,000 kilowatts peak and 3,359,000 kilowatts average energy requirements. These estimates now appear to be conservative. Industrial demands being made at present indicate loads considerably greater than were discussed at the Tacoma meeting. Furthermore, the Tacoma estimate made no allowance for national defense needs. The participants of the Tacoma meeting also unanimously agreed that the increased power must be provided by dams constructed on the Columbia and its tributaries by the Federal government.

The existing capacity plus new units on order and plus the programmed new plants in the area (Hungry Horse, McNary, Detroit, Foster Creek, and two plants on the lower Snake) will be capable by 1953 of meeting the loads with a reasonable margin of peak capacity for reserves and a reasonable margin of energy for future growth. If any sizable delays develop in the schedule, the margin of both peak and average capacity above requirements would be substantially reduced and the provision for future growth of load would be limited.

The estimated load growths beyond 1953 show a continued increase, with industrial loads for this area of Oregon, Washington and northern Idaho indicating sharp rises in the following five years.

However, the above summary does not include the estimated load requirements for southern Idaho, which is particularly dependent upon the full and economic development of the Snake River. The Bureau of Reclamation and the Bonneville Power Administration have jointly studied the power situation for this area and are in agreement on future load estimates for it.

These joint studies show that this area's power requirements for phosphate production, other mineral processing, and mining as well as commercial and domestic consumers will exceed the capacity of the existing and approved power installations in the area, including completion of Anderson Ranch Dam by 1951. From 1951 to 1955, the area's power deficiency can be met by completion of the Bureau of Reclamation's Hungry Horse Project in 1951, the proposed Lower and Upper Scriver Creek plants in 1952 and 1953, Palisades Dam in 1953, and the proposed Garden Valley plant in 1955, with some help from McNary Dam in 1955. By 1956 all firm power installations in these projects and other authorized projects in the Basin should be completed and the initial power must be available from Hell's Canyon Project to meet the loads both in the eastern and western service areas of the Basin.

22442

It will be seen readily enough that only by undertaking the Hell's Canyon Dam at the earliest possible date can the Department achieve its objective of taking care of the power requirements of the Pacific Northwest in a manner that will afford a reasonable opportunity for the solving of the fishery problem.

It should be noted, additionally, that Hell's Canyon Dam is strategically located between two expanding power areas of the Pacific Northwest-Washington and Oregon on the west would receive benefits as well as Idaho and western Montana on the east.

Construction Prejudicial to Provision of Financial Assistance Required for Irrigation Development

Through its report on the Development of Water and Other Resources in the Columbia River Basin, the Department has proposed a financial arrangement whereby power revenues in excess of those required for return of construction costs of the projects with which the power is associated may be utilized to return construction costs of worthy irrigation developments which water users cannot reasonably be expected to repay. Virtually all single-purpose irrigation projects remaining to be constructed in Idaho, Oregon, and other parts of the Columbia River Basin, though meriting development because of favorable benefit-cost relationships from the national standpoint, will require such assistance to permit full return of construction costs, as provided by Reclamation policy. Revenues from power installations at the Hell's Canyon Dam would materially assist in the financing of irrigation developments. One plan for making such revenues available for that purpose was outlined in the Department's statement submitted at the Public Hearing on the Hell's Canyon Dam held in Lewiston, Idaho, on July 9, 1947. Surplus revenues from that project will be required in the near future to permit the authorization and construction of needed irrigation developments. The Department therefore concludes that construction of a dam at the Ox Bow site would prejudice the carrying out of this or similar plans, thereby delaying and impairing programs for development of land and water resources of the region to the detriment of the region and of the nation as a whole.

Status of Investigations of Hell's Canyon

Preliminary investigations of the Hell's Canyon site are now under way by the Corps of Engineers, as that organization reported in the Public Hearing at Lewiston, Idaho, on July 9. This Department is also giving active consideration to investigations of the site, looking toward the accomplishment of the objectives above outlined that would be gained by the early construction of a dam there.

Our position, in summary, is this:

The Hell's Canyon Dam, strategically located as it is

22442

with respect to the Snake Basin and the Columbia Basin proper, is required as early as its investigation, authorization and construction can be had to meet the power requirements in the Pacific Northwest in a manner compatible with a reasonable effort to solve the fish problem in the region.

The Hell's Canyon Dam is required to be undertaken as a Federal project in order to permit this Department to achieve the goal of the fullest economic development of the land and water resources of the Pacific Northwest.

It is clear, in view of the power requirements above stated, that a dam at Ox Bow with a power installation of 140,000 kilowatts and power available 90% of the time equal to only 82,000 kilowatts because of insufficient storage to level out stream flows during low water months, would be inadequate within just a few years, requiring its replacement by the larger dam, and the investment that could not reasonably be amortized over that relatively short period would be an economic waste.

By reason of this economic waste and for other reasons, it is entirely probable that the construction of an inadequate dam at the Ox Bow site would tend to delay for many years the installation of the needed high dam at this strategic location. Thus, it would deny to the people of the Pacific Northwest the maximum use of a great natural resource at a time when it is greatly needed.

Accordingly, I urge that the application for a permit to build the Ox Bow Dam be denied.

I will be glad to supply detailed figures on power estimates, transmission requirements, and other data which you may wish to have in connection with the points I have discussed above.

Sincerely yours,

(Sgd) J A Krug
Secretary of the Interior.

Mr. Nelson Lee Smith,
Chairman, Federal Power Commission,
Washington 25, D. C.

22-442

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

RECEIVED
SEP 2 1947
Department of Reclamation

copy

AUG 29 1947

My dear Mr. Smith:

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Sincerely yours,

(Sgd) J. A. Krug
Secretary of the Interior.

Mr. Nelson Lee Smith,
Chairman, Federal Power Commission,
Washington 25, D. C.

22442

THE SECRETARY OF THE INTERIOR
WASHINGTON

AUG 29 1947

My dear Mr. Kulp:

In order that the Department of Reclamation of the State of Idaho may be informed with regard to the position of this Department relative to the application of the Idaho Power Company, now pending before the Federal Power Commission, to construct a dam and power plant at the Ox Bow site on the Snake River between Oregon and Idaho, I am enclosing a copy of my letter of this date to Mr. Nelson Lee Smith, Chairman of the Federal Power Commission.

Sincerely yours,

(Sgd) J. A. Krug

Secretary of the Interior.

Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Enclosure

22492

THE SECRETARY OF THE INTERIOR

WASHINGTON

Aug 29, 1947

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Sincerely yours,

J A Krug (Signed)

Secretary of the Interior

Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Enclosure

22442

22442

July 24, 1947

Mr. Leon M. Fuquay, Secretary
Federal Power Commission
Washington, 25, D. C.

Project No. 197.-Idaho and Oregon

Dear Sir:

The Idaho Power Company has made application No. 27696 for permit to appropriate 16,000 cubic feet per second of the public waters of Idaho for power purposes at the Oxbow Site on the Snake River Idaho-Oregon boundary.

Approval of the application has not been granted pending the action of the State of Oregon, under Sections 41-401, Idaho Code Annotated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:FS

2-2442

GEORGE W. JOSEPH, II . . . *Chairman*
F. C. DILLARD . . . *Vice Chairman*
CHAS. E. STRICKLIN . . . *Secretary*
COMMISSIONERS

STATE OF OREGON

OFFICE OF THE
HYDROELECTRIC COMMISSION OF OREGON
SALEM

ADDRESS ALL COMMUNICATIONS
HYDROELECTRIC COMMISSION OF OREGON
CHAS. E. STRICKLIN, *State Engineer*
SECRETARY

July 22, 1947

RECEIVED
JUL 23 1947
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

A public hearing will be held by the Hydroelectric Commission of Oregon in Room 321, Capitol Building, Salem, Oregon at the hour of 10:30 a.m. on the 15th day of September 1947, upon the application of the Idaho Power Company for a preliminary permit to appropriate 16,000 cubic feet of the waters of the Snake River for the development of a hydroelectric power project.

Enclosed you will find a notice of application for a preliminary permit for this project.

Yours very truly,

HYDROELECTRIC COMMISSION OF OREGON

Chas. E. Stricklin

Chas. E. Stricklin, Secretary

DJM:rb
Enc.

22-407

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT FOR POWER PROJECT

Notice hereby is given that the Idaho Power Company, whose address is 1220 Idaho Street, Boise, Idaho, has made application to the Hydroelectric Commission of Oregon for a preliminary permit to appropriate water for the development of a water power project (designated on the records of the Commission as Project No. 161) for the ultimate generation of 140,000 kilowatts, more or less, of electric power, said water to be appropriated from Snake River, an interstate stream, tributary of Columbia River. It is proposed to divert 16,000 cubic feet, more or less, of such water, at a point approximately 2,042 feet South 53° 19' West from the quarter corner common to Sections 9 and 10, Township 7 South, Range 48 East, W. M., being in Lot 8 of Section 9, Township 7 South, Range 48 East, W. M., in Baker County, Oregon, to a power plant located in Lot 2 of Section 9, Township 7 South, Range 48 East, W. M., in said Baker County.

A concrete diversion dam would be constructed across Snake River, which would raise the river level at the damsite about 105 feet and back the water up said river approximately eleven miles.

Said application is subject to the terms of Title 119, Chapter 1, O. C. L. A., and is subject to protest or remonstrance on behalf of the public or any district organized for public purposes, or any interested private person or persons, on the ground that the proposed construction, development or improvement would damage or destroy the use or utility of the stream or other body of water involved for other beneficial purposes including the propagation of fish, scenic, esthetic, recreational, park, highway or other beneficial use.

All such protests and remonstrances must be filed with the Commission at Salem, Oregon on or before September 2, 1947 and must be in writing duly verified by the parties so protesting. A certified copy thereof must be served upon the applicant, the Idaho Power Company, at the address given above, with proof of service endorsed upon the original protest or remonstrance filed with the Commission.

2242

In accordance with the provisions of Section 119-107, O. C. L. A., a public hearing will be held upon said application by the Hydroelectric Commission in Room 321, Capitol Building, Salem, Oregon at the hour of 10:30 a.m. on the 15th day of September 1947.

Dated at Salem, Oregon this 16th day of July, 1947.

HYDROELECTRIC COMMISSION OF OREGON

By Chas. E. Stricklin
Chas. E. Stricklin, Secretary

22442

Copy for Departme of Reclamation

FEDERAL POWER COMMISSION
WASHINGTON 25

Project No. 1971-Idaho and Oregon

JUL 14 1947

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Pursuant to the provisions of the Federal Power Act, you are hereby notified that Idaho Power Company, of Boise, Idaho, has filed with this Commission an application for a preliminary permit for a proposed water-power project (No. 1971) on Snake River in Baker County, Oregon, and Adams and Washington Counties, Idaho, affecting public lands of the United States.

The proposed project consists of a concrete dam across Snake River at the Oxbow site approximately 4 miles in a southerly direction from Homestead, Oregon, and approximately 11 miles downstream from the Brownlee dam site, creating a reservoir about 11 miles long and with area of about 1,000 acres; two tunnels, one of which would be an existing tunnel enlarged, through the Oxbow to the powerhouse site; and a powerhouse with installed capacity of approximately 140,000 kilowatts in four units at the outlet of the tunnels on the Oregon bank of the river about 3 miles downstream from the dam, replacing a smaller existing power plant. The energy generated would be distributed through the company's existing system for public-utility purposes.

Any objection to this application or request for a hearing thereon, together with any briefs or other data of which consideration is desired, should be submitted to the Commission on or before August 22, 1947.

Very truly yours,

Leon M. Fuquay
Secretary

Registered

EXHIBIT A

STATEMENT OF IDENTITY OF APPLICANT'S OFFICERS, DIRECTORS, AND RESIDENT ATTORNEY IN FACT IN OREGON

OFFICERS

C J Strike, President and Chairman of Board of Directors,	1220 Idaho Street, Boise, Idaho
T E Roach, Executive Vice-President and General Manager, and Director	" " " " "
A C Inman, Vice-President, Secretary, and Director	" " " " "
J H Rogers, Vice-President, Treasurer, and Director	" " " " "
E A Anderson, Assistant Secretary.	" " " " "
G E Barnard, Assistant Treasurer.	" " " " "

DIRECTORS

C C Anderson, C C Anderson Co, Boise, Idaho.
J G Conley, Irrigators Lumber Company, Caldwell, Idaho
B Glavin, Stockman and Farmer, Twin Falls, Idaho.
A C Inman, Idaho Power Company, Boise, Idaho.
W J Lloyd, Lloyd Lumber Co, Nampa, Idaho.
A L. Merrill, Attorney, Pocatello, Idaho.
Dr Charles E Palmer, Ontario, Oregon.
T E Roach, Idaho Power Company, Boise, Idaho.
J H Rogers, Idaho Power Company, Boise, Idaho.
H L Senger, Idaho Power Company, Boise, Idaho.
J R Simplot, J R Simplot Co, Boise, Idaho.
Nathan Sommer, Boise Wholesale Dry Goods Company, Boise, Idaho.
C J Strike, Idaho Power Company, Boise, Idaho.
E T Waters, Stockman and Farmer, Weiser, Idaho.

RESIDENT ATTORNEY IN FACT IN OREGON

John A Laing, Laing Gray & Smith, Public Service Building, Portland 4, Oregon.

FEDERAL POWER COMMISSION
WASHINGTON 25

Project No. 1971-Idaho and Oregon

JUL 14 1947

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Pursuant to the provisions of the Federal Power Act, you are hereby notified that Idaho Power Company, of Boise, Idaho, has filed with this Commission an application for a preliminary permit for a proposed water-power project (No. 1971) on Snake River in Baker County, Oregon, and Adams and Washington Counties, Idaho, affecting public lands of the United States.

The proposed project consists of a concrete dam across Snake River at the Oxbow site approximately 4 miles in a southerly direction from Homestead, Oregon, and approximately 11 miles downstream from the Brownlee dam site, creating a reservoir about 11 miles long and with area of about 1,000 acres; two tunnels, one of which would be an existing tunnel enlarged, through the Oxbow to the powerhouse site; and a powerhouse with installed capacity of approximately 140,000 kilowatts in four units at the outlet of the tunnels on the Oregon bank of the river about 3 miles downstream from the dam, replacing a smaller existing power plant. The energy generated would be distributed through the company's existing system for public-utility purposes.

Any objection to this application or request for a hearing thereon, together with any briefs or other data of which consideration is desired, should be submitted to the Commission on or before August 22, 1947.

Very truly yours,

Leon M. Fuquay
Secretary

Registered

22447

RECEIVED
JUL 1947
Department of Reclamation

July 14, 1947

Re: Application No. 27696

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

Dear Mr. Inman:

We enclose copy of letter received from Mr. Charles Stricklin, State Engineer of Oregon, in connection with Oxbow Application, as requested by you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FS

Encl.

22442

GEORGE W. JOSEPH, II . . . *Chairman*
F. C. DILLARD . . . *Vice Chairman*
CHAS. E. STRICKLIN . . . *Secretary*
COMMISSIONERS

STATE OF OREGON

OFFICE OF THE
HYDROELECTRIC COMMISSION OF OREGON
SALEM

ADDRESS ALL COMMUNICATIONS
HYDROELECTRIC COMMISSION OF OREGON
CHAS. E. STRICKLIN, *State Engineer*
SECRETARY

June 30, 1947

RECEIVED
JUL 3 1947
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State of Idaho
Boise, Idaho

Dear Mr. Kulp:

This will acknowledge receipt of your letter dated June 27, 1947, together with a copy of the application of the Idaho Power Company for the appropriation of 16,000 cubic feet per second of the waters of Snake River for use in the generation of hydroelectric energy at what is know as the "Oxbow" plant on Snake River.

Enclosed herewith you will find a compilation of the Hydroelectric Act of Oregon, and your attention is called to Section 116-107, O.C.L.A., found upon Pages 7 and 8 of the compilation. It will be noted upon reading this section that the Hydroelectric Commission of Oregon cannot issue a preliminary permit until after the expiration of six months from the time that the application for a permit is filed with the Commission. Section 116-109 found upon Page 9 of the comp lation, it will be found upon reading the same, provides that the purpose of issuing a preliminary permit to enable the applicant to make the necessary examination, surveys, and prepare maps, plans, specifications, and cost estimates of the proposed project.

Section 119-108 provides that the Commission at its discretion may decline to grant any application for a preliminary permit. Section 119-109 relates to the granting of a license. Upon reading this, it will be noted that the Hydroelectric Commission, even though a preliminary permit may be granted, can deny the application for a license, if in its judgment the project is unfeasible, or the public interests required the denial thereof.

The Idaho Power Company has filed an application with the Hydroelectric Commission of Oregon for a preliminary permit for the Oxbow project, but the certificate which you requested cannot be furnished until after the Commission has authorized the issuance of a license for the Idaho Power Company by issuing a preliminary permit and making application for a license.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys
Encl.

2242

apl. 27696

June 27, 1947

Mr. Charles F. Stricklin
State Engineer
Salem, Oregon

Dear Mr. Stricklin:

Pursuant to the water laws of this state, the Idaho Power Company has filed an application for the diversion of 16,000 cubic feet per second of the waters of Snake River for use in the development and operation of its Oxbow site. The river at the intended location is the boundary between the States of Idaho and Oregon, and the points of diversion, use and return of the water to the river are all located in the State of Oregon. The diversion is to be accomplished by a dam across the river, with its East end on the Idaho bank or shore, by means of which the water will be diverted through tunnels, through the bend in the river known as the "Oxbow" to the power plant site at the Northerly end of the tunnels. The application indicates that all land involved is private property owned by the applicant.

Chapter 4 of Title 41, Idaho Code Annotated 1932, Sections 41-401 to 41-409, deals with appropriations of water for use outside of the State of Idaho, and authorize the State of Idaho to grant applications for diversion in cases where the sister state "shall have enacted legislation generally similar in purport to the provisions of this chapter, whereby water may be appropriated within such sister state for use within the state of Idaho" (Section 41-408).

It is also provided (Section 41-401) that there be filed with any such application "a certificate from the proper officer or official of the state into which the water is to be diverted, showing to the satisfaction of the department of reclamation that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible."

In addition to the preliminary certificate above referred to, Sections 41-403 and 41-404 also provide for subsequent certificates from the proper officer or official of the state into which the water is to be diverted, indicating, respectively, that the works have been completed and that beneficial use has been made. The latter two certificates will, of course, not be required for some time, but the initial certificate called for in Section 41-401 of the Idaho statutes is desired at this time, as this Department is now processing the application referred to.

22+42

Examination has been made of Section 116-428, Oregon Compiled Laws annotated, relating to the diversion of water in Oregon for use outside of the state, and I am advised that, subject to the obtainment of the necessary certifications from Oregon, the provisions of the Oregon statutes are sufficient under the requirements of Section 41-408 of the Idaho statutes so that, for the purpose of the application now pending before this Department, reciprocal legislation may be said to exist between the States of Idaho and Oregon authorizing the issuance of permits for diversion in one state for use in the other.

I am transmitting herewith copy of the application of the Idaho Power Company, including print of map filed therewith, for your examination. It is assumed that the Idaho statutes are available for reference in your office, and I shall appreciate receiving from you the initial certificate referred to in Section 41-401, I. C. A. 1932, to the effect that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible.

Very truly yours,

MARK A. KULP

State Reclamation Engineer

Encl.

2-2447

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN That on the 19th day of June, 1947, Idaho Power Company, of Boise, Idaho, made application to appropriate Sixteen Thousand (16,000) cubic feet per second of the waters of Snake River, for the generation of electric power.

That the point of diversion of said waters is located 2509 feet distant from the Southwest corner of Section 21, Township 19 North, Range 4 West, B.M. (Adams County, Idaho), and in Lot 8, Section 9, Township 7 South, Range 48 East, W. M., Baker County, Oregon.

That the point of use of said water is located 3924 feet distant from the Southwest corner of Section 21, Township 19 North, Range 4 West, B. M., and in Lot 2, Section 9, Township 7 South, Range 48 East, W. M. (In Oregon)

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name, and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 20th day of June, 1947.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: July 30, 1947.

SERVICE OF THE FOREGOING, by copy, is hereby admitted, this _____ day of June, 1947.

IDAHO POWER COMPANY

By _____

Its _____

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

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Dated this 20th day of June, 1947.

MARK A. KULP

State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: July 30, 1947.

SERVICE OF THE FOREGOING, by copy, is hereby admitted, this _____ day of June, 1947.

IDAHO POWER COMPANY

By _____

Its _____

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name, and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 20th day of June, 1947.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: July 30, 1947.

SERVICE OF THE FOREGOING, by copy, is hereby admitted, this 23 day of June, 1947.

IDAHO POWER COMPANY

By A. E. Ehman

Its Secretary

June 23, 1947

Adams County Leader
Council, Idaho

Gentlemen:

Enclosed find notice for publication once a week for three consecutive weeks, commencing with your next issue, the expense of the publication to be paid by the applicant, Idaho Power Company, C/o A. C. Inman, Secretary, 1220 Idaho Street, Boise, to whom you should furnish proof of publication, when completed.

Please acknowledge receipt of this notice, and also furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

A
Encl.

3-3442

Address all communications to

(Form No. 1)

Idaho Power Company
Attn. A. C. Inman, Secretary
~~1220~~ Idaho St. Boise, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. 27696

District No. 22442

1. Name of applicant: _____

Post office address IDAHO POWER COMPANY County _____ State _____

I. If applicant is a corporation, give: Boise Ada Idaho

(a) Date and place of incorporation: _____

(b) Amount of Capital stock: $ May 6, 1915- Augusta, Maine (c) Amount paid in: $

(d) Names and addresses of directors: authorized 30,000,000 19,000,000
C.C.ANDERSON, Boise, Idaho; J.C.Conley, Caldwell, Idaho; B.Glavin, Twin Falls, Idaho; A.C.Inman, Boise, Idaho; W.J.Lloyd, Nampa, Idaho; A.L.Merrill, Pocatello, Idaho; C.E.Palmer, Ontario, Oregon; T.E.Roach, Boise, Idaho; J.H.Rogers, Boise, Idaho; H.L.Senger, Boise, Idaho; J.R.Simplot, Boise, Idaho; NathanSommer, Boise, Idaho; C.J.Strike, Boise, Idaho; E.W.Waters, Weiser, Idaho;

II. The financial resources of the applicant are: (a) Cash on hand: $

(b) Treasury stock: _____ (c) Bonds to be issued: (See Balance sheet attached-in file)

(d) Other resources: _____

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

3. Source of water supply: 16,000

which is tributary of Snake River

4. Location of point of diversion: Columbia River feet distant from the _____ corner of Section _____, T _____ R 2509, B. M., and is in the Southwest; of Section 21, T 19 N. R 4 W., B. M., County of ~~XX~~ Lot 8

5. Water is to be used for: 9 7 S. 48 E. W.M. ~~XXXX~~ Baker, Oregon

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

(a) Point of use of water: _____ feet distant from _____ corner of Section _____ T _____, R _____, B. M., in the _____ of Section _____, T _____, R 3924 B. M. in Oregon

(b) Amount of power generated: 19 N. 4 W. H. P., under Lot 2 9 7 S. 43 E. ~~XXXX~~ feet head.

(c) Water is to be returned to 138,000 at a point 120 feet distant from the Snake River corner of Section _____, T approx. 3934, R _____, B. M., in the SW of Section 21, T 19 N., R 4 W., B. M.

Lot 2 9 7 S. 48 E. ~~XXXX~~ W.M. in Oregon

7. Estimated cost of works: $ 25,000,000.

8. Kind of works: _____
(Reservoir, dam, ditch, flume, pipe, etc.)

Concrete dam, concrete lined tunnels, steel penstock, concrete power plant.

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet;
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.) Approx. 220 Approx. 1,000 Approx. 900

material used in dam Concrete and steel

10. Size of headgate: Width _____ feet; Height _____ feet

To be determined

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume None; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

22442

12. The time required for the completion of such work is **Five (5)** years.

13. The time required for the complete application of the water to the proposed use is **Six (6)** additional years.

14. The land to be irrigated is described in the following tabulation:
(Give irrigable acreage in each 40-acre subdivision)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total Number of Acres to be Irrigated ....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: ....

....

22442

Approval of State Reclamation Engineer

The number of this permit is 22442

Recorded in Book 60 Page 22442 Approved October 23, 1951

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 $ 1,000 to be filed before December 23, 1951

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

One-fifth of the work above specified to be completed on or before April 23, 1954

The whole of said work to be completed on or before October 23, 1956

Beneficial use of water appropriated in accordance herewith, to be made on or before October 23, 1962

Witness my hand this 23rd day of October 1, 195__.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of October, 1951.

Countersigned:

By IRA H. MASTERS Secretary of State.

STATE OF IDAHO

By LEN JORDAN Governor.

(SEAL)

No. 22442

PERMIT

Date of first receipt at office of State Reclamation Engineer

4:30 P. M. June 19, 1947

Returned to applicant for correction

Corrected application received

Fees, $

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. $5.00

For each additional Sec. Ft. or Fraction

Thereof .25

22442

16. (a) Is reservoir to be used? ~~See Remarks~~ (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:

Remarks: Reservoir created by dam will be fluctuated approximately 5 feet for daily regulation of power output and power plant peaking purposes.

Steel flood gates will be provided in dam to handle approximately 100,000 c.f.s. of flood waters.

Water will be diverted from the Snake River, common to the states of Idaho and Oregon, and will be conducted through a tunnel in the state of Oregon to a power plant located in the state of Oregon where it will be returned to the Snake River channel.

Idaho Power Company, applicant herein, is a corporation duly qualified to do business in and under the laws of the State of Idaho, evidence thereof having heretofore been filed with the Department of Reclamation, reference to which is hereby made, reference also being made to the official files and records in the office of the Secretary of State of Idaho pertaining to said Company.

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 A. C. Inman, Agent
Vice President and Secretary

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, , of , County of , State of , do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
) ss.
County of)

On this day of , 195, before me, a Notary Public for the State of Idaho, residing at , personally appeared known to me to be the person whose name subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires

22442

Boise, Idaho
June 23, 1947

Mr Charles E Stricklin
State Engineer
Salem, Oregon

Dear Sir:

Pursuant to the water laws of this state, Idaho Power Company has filed an application for the diversion of 16,000 cubic feet per second of the waters of Snake River for use in the development and operation of its Oxbow site. The river at the intended location is the boundary between the States of Idaho and Oregon, and the points of diversion, use and return of the water to the river are all located in the State of Oregon. The diversion is to be accomplished by a dam across the river, with its east end on the Idaho bank or shore, by means of which the water will be diverted through tunnels, through the bend in the river known as the "Oxbow" to the power plant site at the northerly end of the tunnels. The application indicates that all land involved is private property owned by the applicant.

Chapter 4 of Title 41, Idaho Code Annotated 1932, Sections 41-401 to 41-409, deals with appropriations of water for use outside of the State of Idaho, and authorize the State of Idaho to grant applications for diversion in cases where the sister state "shall have enacted legislation generally similar in purport to the provisions of this chapter, whereby water may be appropriated within such sister state for use within the state of Idaho" (Section 41-408).

It is also provided (Section 41-401) that there be filed with any such application "a certificate from the proper officer or official of the state into which the water is to be diverted, showing to the satisfaction of the department of reclamation that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible."

2-3-42

In addition to the preliminary certificate above referred to, Sections 41-403 and 41-404 also provide for subsequent certificates from the proper officer or official of the state into which the water is to be diverted, indicating, respectively, that the works have been completed and that beneficial use has been made. The latter two certificates will, of course, not be required for some time, but the initial certificate called for in Section 41-401 of the Idaho statutes is desired at this time, as this Department is now processing the application referred to.

Examination has been made of Section 116-428, Oregon Compiled Laws Annotated, relating to the diversion of water in Oregon for use outside of the state, and I am advised that, subject to obtainment of the necessary certifications from Oregon, the provisions of the Oregon statutes are sufficient under the requirements of Section 41-408 of the Idaho statutes so that, for the purpose of the application now pending before this Department, reciprocal legislation may be said to exist between the States of Idaho and Oregon authorizing the issuance of permits for diversion in one state for use in the other.

I am transmitting herewith copy of the application of Idaho Power Company, including print of map filed therewith, for your examination. It is assumed that the Idaho statutes are available for reference in your office, and I shall appreciate receiving from you the initial certificate referred to in Section 41-401, ICA 1932, to the effect that the intended appropriation would be beneficial, and that the project for which the intended appropriation is required is feasible.

Very truly yours,

State Reclamation Engineer

ENCL

6-2-42

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 23, 1947

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

TO THE STATE RECLAMATION ENGINEER:
~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

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

Idaho Power Company
by R. E. Inman
Secretary.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

B. C. Russell
Engineer.

22442

June 20, 1947

Re: Application No. 27696

Idaho Power Company
No. 1220 Idaho Street
Boise, Idaho

Attention- Mr. A. C. Inman

Gentlemen:

We have placed on file your application for permit to appropriate 16,000 second feet of water from Snake River, for power purposes, and enclose Departmental Receipt No. 20024 for the $4,004.75 filing fee.

We enclose duplicate copies of the Notice in connection with this application. Please acknowledge service of the original, retaining the other for your own file.

Please also execute Form 11 enclosed, which is your authorization for us to have the notice published, at your expense, in the designated newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A Chief Clerk
Encls.

22442

APPLICATION FOR A PRELIMINARY PERMIT
(Oxbow-Snake River)

TO THE HYDROELECTRIC COMMISSION OF OREGON:

1. Idaho Power Company, of 1220 Idaho Street, Boise, Ada County, Idaho, being an applicant for license under the provisions of Chapter 67, Oregon Laws, 1931, does hereby make application for a preliminary permit for 24 months, for the project described herein. This application is made in order that the applicant may secure and maintain priority for a license while procuring the data and performing the acts necessary to perfect an application for such license.

2. Idaho Power Company is a corporation organized under the laws of the State of Maine, on May 6, 1915. It is duly qualified, doing business and in good standing in and under the laws of the State of Oregon. A statement as to the identity of applicant's officers, directors and resident attorney in fact in the State of Oregon is filed with this application as Exhibit A.

3. The name of the stream from which water is proposed to be used is Snake River, tributary of Columbia River.

4. The quantity of water to be appropriated is 16,000 cubic feet per second. Applicant has existing rights acquired under water location made by Dominicus J. Winslow on November 3, 1906, for 8,000 cfs of the waters of Snake River, as filed in the offices of the County Recorder of Baker County, Oregon, and the State Engineer of the State of Oregon, reference to said latter filing being hereby made.

5. Head to be utilized: Approximately 120 feet.

6. Number of theoretical horsepower to be developed: 218,182.

7. Location of point of diversion: Approximately 2,042 feet South 53°19' West from the quarter corner common to Sections 9 and 10, Township 7 South, Range 48 East, WM, being within Lot 8 of Section 9, Township 7 South, Range 48 East, WM, in Baker County, Oregon. Exact locations of point of diversion, power plant and point of return, as referred

to in paragraphs 7, 8, 9 and 12 of this application, may vary slightly from stated locations herein, and cannot be exactly ascertained, pending completion of field investigations, surveys and details of design, for which purpose this application for preliminary permit is filed. Reference is made to general map of proposed project and project area, filed herewith as Exhibit B.

8. The power plant is to be located in Lot 2 of Section 9, Township 7 South, Range 48 East, WM. See statement in paragraph 7.

9. Give name of stream to which water will be returned after passing through plant: Snake River.
Location of point of return: In Lot 2 of Section 9, Township 7 South, Range 48 East, WM. See statement in paragraph 7.

10. Water will be diverted from the point of diversion and carried to the power plant location through two concrete-lined tunnels, each having a capacity of approximately 8,000 cfs, approximately 1,100 feet long, extending through the narrow neck of the bow or bend in Snake River known as the "Oxbow." No canal, pipe line or flume is contemplated, except the short steel penstocks connecting the northerly or downstream end of the tunnels with the water wheels. See statement in paragraph 14.

11. Description of diversion dam: Applicant contemplates construction of a gravity section, concrete dam with steel flood control gates adequate to handle a flood of approximately 100,000 cfs. The dam will raise the river level at the damsite 100 to 105 feet (to create an effective head of approximately 115 to 120 feet).

RESERVOIR

12. (a) Name of reservoir: Oxbow.

(b) Location of reservoir: In the channel of Snake River, tributary
(c) of the Columbia River, extending southerly from the damsite adjacent to Section 9, Township 7 South, Range 48 East, WM, a distance of approximately eleven miles upstream, to Section 25, Township 8 South,

5-2447

Range 48 East, WM, in or adjacent to Baker County, Oregon. Reference is made to general map of proposed project and project area, filed herewith as Exhibit B.

(d) Location of dam. The dam will be located in part on land owned by applicant and in part in the bed of Snake River adjacent to Sections 9 and 10, Township 7 South, Range 48 East, WM.

(e) Quantity of water to be stored: Useable storage is estimated at 4,000 to 5,000 acre-feet, depending upon daily fluctuations of reservoir elevation, which may amount to approximately five feet, for daily power plant regulation and peaking purposes.

(f) Description of dam: See statement in paragraph 11. Exact height, length on top, thickness at top and bottom, and type of construction and details of design of dam cannot be definitely ascertained, pending completion of field investigations and surveys, for which purpose this application for preliminary permit is filed.

(g) Reference is made to existing rights of applicant under permit for dam and reservoir granted by E H Hitchcock, Secretary of the Interior, to D J Winslow, on or about December 18, 1906, under Act of Congress approved February 15, 1901 (37 Stat 790).

13. The estimated cost of the proposed project is: $25,000,000.

14. The proposed scheme of development for the project is as follows:

A concrete dam will be constructed across Snake River at the proposed location to create an effective head of approximately 120 feet, backing the water up Snake River approximately 11 miles and forming a storage pond estimated to have a top area of approximately 1,000 acres. An approximate 5-foot draw-down will be utilized for daily regulation of power output for peaking purposes.

Two concrete-lined tunnels, having an aggregate capacity of approximately 16,000 cfs of water and approximately 1,100 feet long, will be constructed through the neck of the bow or bend in the river known as the "Oxbow," from the point of diversion on the left bank of the river, a short distance upstream from the dam, to carry water from the reservoir to the power house.

A reinforced concrete power plant building will be constructed at the northerly or downstream outlet of the tunnels with four hydroelectric generating units of approximately 35,000 KW capacity each, providing an ultimate installed rated capacity of approximately 140,000 kilowatts (188,000 HP). Power available 90% of the time is estimated to be 82,000 kilowatts (110,000 HP).

Exact location, capacity and details of construction and installations are not available, pending completion of field tests,

investigations and surveys. It is possible that final designs will provide for only one large tunnel instead of two smaller ones, this application being made to secure and maintain priority for license while procuring necessary data to perfect an application for license.

Idaho Power Company, applicant herein, is the owner in fee of all land upon which the point of diversion, tunnels, power plant and point of return will be located.

15. The proposed use or market for the power to be developed is as follows:

For residential, farm, commercial, industrial, municipal, public utility and interchange uses and purposes on and through the interconnected system of applicant. See map, Exhibit C, filed herewith.

16. The location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for are described briefly as follows:

For locations of power plants and markets supplied thereby, see map, Exhibit C, filed herewith. Further information concerning power plants comprising applicant's interconnected system is as follows:

Power Plants	Approximate Location	Installed Capacity-KW	Ultimate Capacity-KW	Source of Water
Existing				
American Falls	Power Co, Idaho	27,000	27,000	Snake River
Twin Falls	Twin Falls Co, Idaho	9,375	13,500	" "
Shoshone Falls	Jerome Co, Idaho	12,500	12,500	" "
Clear Lake	Gooding Co, Idaho	2,100	3,500	Clear Lake Springs
Thousand Springs	Gooding Co, Idaho	7,500	7,500	Thousand Springs
Upper Salmon	Twin Falls Co, Idaho	18,000	34,500	Snake River
Lower Salmon	Gooding Co, Idaho	7,200	60,000	" "
Lower Malad	Gooding Co, Idaho	5,000	13,500	Malad Springs
Swan Falls	Ada County, Idaho	11,000	11,000	Snake River
Oxbow	Baker Co, Oregon	600	140,000	" "
Horseshoe Bend	Boise Co, Idaho	1,800	1,800	Payette River
Barber	Ada Co, Idaho	1,050	1,050	Boise River
Cascade	Valley Co, Idaho	300	300	Payette River
Bellevue	Blaine Co, Idaho	600	600	Wood River
	Total Installed Capacity	104,025		
Under Construction				
Lower Salmon	Gooding Co, Idaho	52,800	60,000	Snake River
Upper Salmon	Twin Falls Co, Idaho	16,500	34,500	" "
Lower Malad	Gooding Co, Idaho	8,500	13,500	Malad Springs
Upper Malad	Gooding Co, Idaho	7,200	7,200	" "
	Total under Construction	85,000		

The Company has interconnections, through transmission lines with the systems of California-Pacific Utilities Company at Baker, Oregon; U S Bureau of Reclamation at Emmett, Barber, and Minidoka, all in Idaho; and Utah Power & Light Company at Blackfoot, Pocatello, and American Falls, also all in Idaho.

17. The following exhibits are filed herewith and made a part of this application:

Exhibit A - Statement of identity of applicant's officers, directors and resident attorney in fact in Oregon.

Exhibit B - General Project Map.

Exhibit C - System Map.

18. If this application is made by a corporation or association, give the date of authorization thereof by the board of directors: June 5, 1947.

IN WITNESS WHEREOF, this application is signed this 19th day of June, 1947.

IDAHO POWER COMPANY

SEAL

(CORPORATE SEAL)

By (Sgd) C J Strike
President.

ATTEST:

(Sgd) A C Inman
Secretary.

HYDROELECTRIC COMMISSION
OF OREGON

APPLICATION FOR PRELIMINARY
PERMIT

Project No. 161

This instrument was first received in the office of the Hydroelectric Commission of Oregon on the 23 day of June, 1947, at 8:00 o'clock A.M.

HYDROELECTRIC COMMISSION OF
OREGON,

By (Sgd) Chas. E. Stricklin
Secretary

WATER RIGHT NUMBER 03-2019

OWNER LAST NAME - IDAHO POWER COMPANY FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE -
SOURCE - SNAKE RIVER TRIBUTARY OF - COLUMBIA RIVER
STAGE - LICENSE STATUS - PRIORITY - 06-19-1947 COUNTY - 03 TOTAL DIV. RATE - 16000.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
X&L → DIVERSION POINT - 09 07S 48E LOT 08 REDIV - 272.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 272.3
FROM - 01-01 TO - 12-31 USE - POWER USE DIV. RATE - 16000.0000 CFS USE DIV. VOLUME - .00 AFA
USE - POWER X&L PLACE OF USE - TWN 07S RNG 48E SEC 09 TRACT LOT 02 AC
DECREE NAME - DATE - TOTAL ACRES 0
X&L REMARKS - P/D IN BAKER CNTY. OR. [redacted], Lic. Describes P/D in Baker CNTY: OREGON: LOT 8, S9, T7S, R48E, W.M,
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE - Lic, Describes P/U in Baker CNTY: OREGON: LOT 2, S9, T7S, R48E, W.M.
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

LOT 4
S 20 19N 4W

9/78

IDENT. No. 63-2019

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
KB	2-12-79	K.B
D.W.	8/3/83	p/d + p/u change

Approved General Design drawings are found Plan File No. 1, Pocket #2, Folder #3, in vault.

License 22,442
Special Condition - subject to deletion

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 21st day of February, 1962, at Boise, County of Ada, State of Idaho, before Gale C. Farley, a Notary Public, proof will be submitted of the application to beneficial use of 16,000 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 22442 heretofore issued by the Department of Reclamation of the State of Idaho.

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

The use to which said water has been applied is Generation of electric power.

The amount applied to beneficial use is 16,000 cfs.

The point of diversion of said water is 2509 feet from SW corner Section 21, T 19N, R4W, BM, and in Lot 2, Section 9, T7S, R48E, WM.

The place where said water is used (Legal Description) in Lot 2, Section 9 T7S, R48E, WM.

The date of priority which said user is prepared to establish is June 19, 1947.

GEO. N. CARTER
State Reclamation Engineer

NOTICE OF PROOF OF COMPLETION

Notice is hereby given that at 10:00 o'clock A. M. on the 21st day, October 11, 1961, at Boise, County of Ada, State of Idaho, before Gale C. Farley, a Notary Public, proof will be submitted of the completion of works for the diversion in excess of 16,000 cubic feet per second of the waters of the Snake River, in accordance with the terms and conditions of Permit No. 22442, heretofore issued by the Department of Reclamation of the State of Idaho.

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

2. The number of such permit is 22442, and the date set for the completion of such work is October 15, 1961.

3. Said water is to be used for the generation of electrical power.

4. 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 in excess of 16,000 cubic feet per second.

GEO. N. CARTER
State Reclamation Engineer
Pub. Aug. 11, 18, 25, Sept. 1, 1961

IDAHO

OREGON

IDAHO

STATE LINE

IDAHO OREGON

IDAHO OREGON

COPPERFIELD

SNAKE RIVER

SNAKE RIVER

TO HOMESTEAD

POWERHOUSE

PENSTOCKS

ROAD

INTAKE

AXIS OF DAM

SPILLWAY

DAM

PINE CREEK

Sec. 9, T. 7 S. - R. 48 E. W.M., OREGON.

Sec. 10

Sec. 21

STATE LINE

OREGON IDAHO

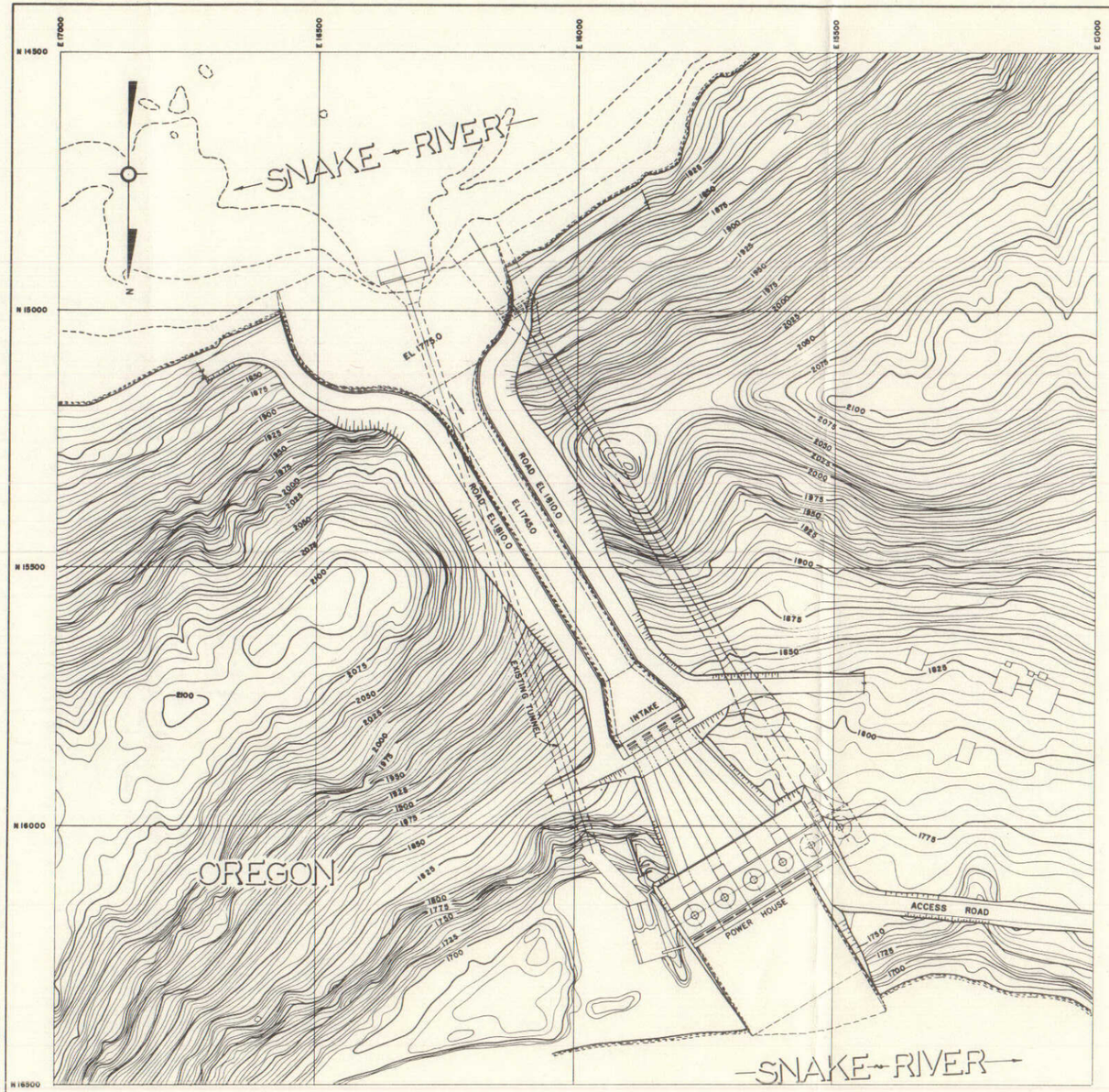
T. 19 N., R. 4 W. B.M.

N

Scale 1" = 800'-0"

0 400 800 1600 2400 3200 4000 4800

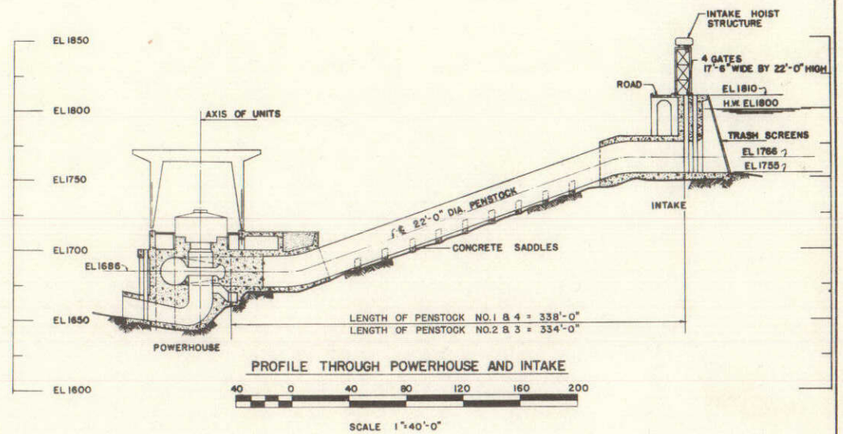
I.D.P. CO.
22442 - Oxbow
Part of Sheet 1 of 4.



PLAN OF INTAKE & POWERHOUSE

100 0 100 200 300 400 500

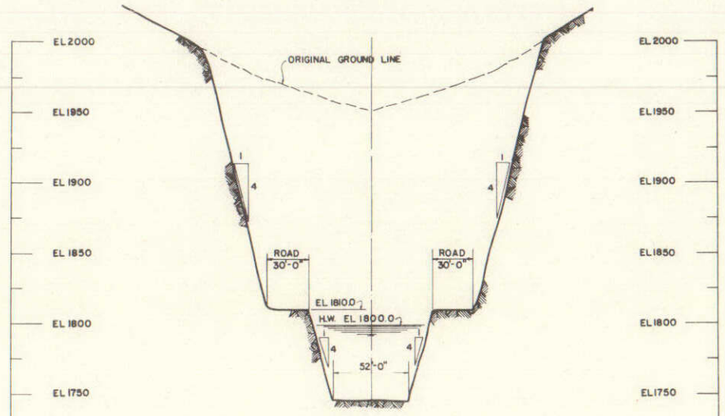
SCALE 1"= 100'-0"



PROFILE THROUGH POWERHOUSE AND INTAKE

40 0 40 80 120 160 200

SCALE 1"=40'-0"



TYPICAL SECTION THROUGH ENTRANCE CHANNEL

LENGTH = 560'-0"

SCALE 1"=40'-0"

THIS DRAWING IS FILED PURSUANT TO ARTICLE 29 OF LICENSE FOR PROJECT 1971 ISSUED AUGUST 4, 1955

IDAHO POWER COMPANY

BY _____

VICE PRESIDENT

DATED September 1 1955

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT

INTAKE AND POWERHOUSE

PLAN AND SECTIONS

IDAHO POWER COMPANY

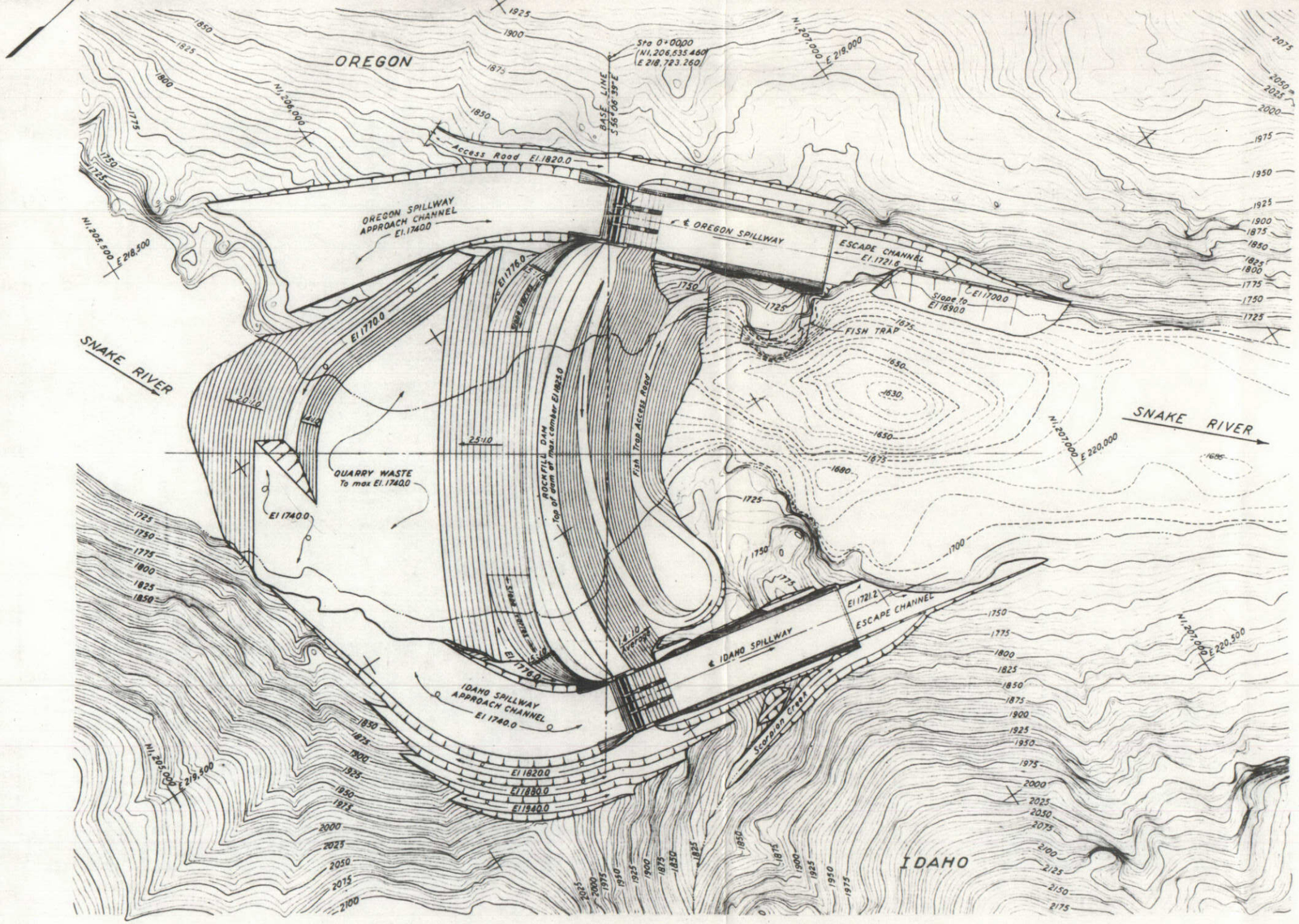
BOISE, IDAHO

SCALE AS SHOWN SHEET 2 of 4

REVISED AUG. 1955

F-140698

22442



NOTE:
Fish trap at end of Oregon spillway and access road thereto subject to approval of fish agencies.

22442

SHEET 2 OF 5

OXBOW H. E. DEVELOPMENT

DAM & SPILLWAY PLAN

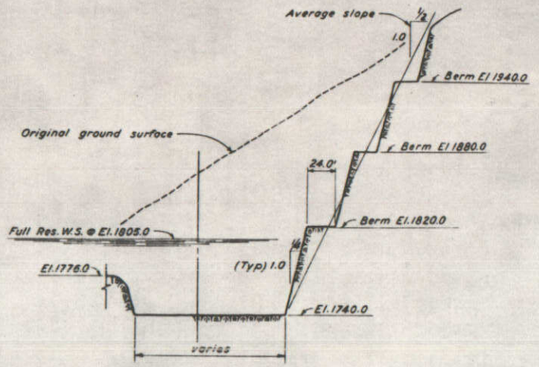
MAP TO ACCOMPANY
APPLICATION FOR APPROVAL OF DAM
UNDER SECTION 42-1707, IDAHO CODE

Idaho Power Company
Boise Idaho

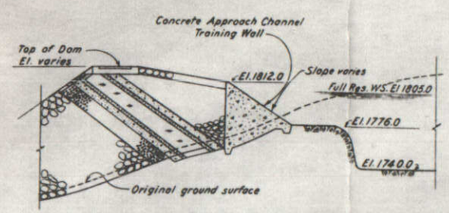
January 1958

E-14572

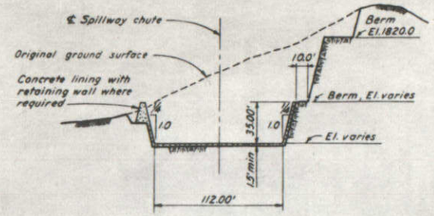
Mark R. Kulp



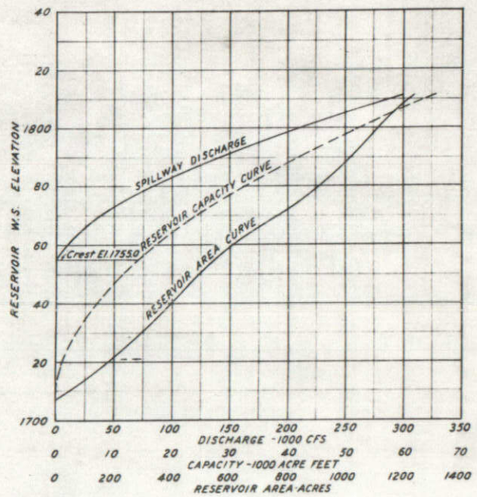
SECTION THRU IDAHO
SPILLWAY APPROACH CHANNEL
(Typical)

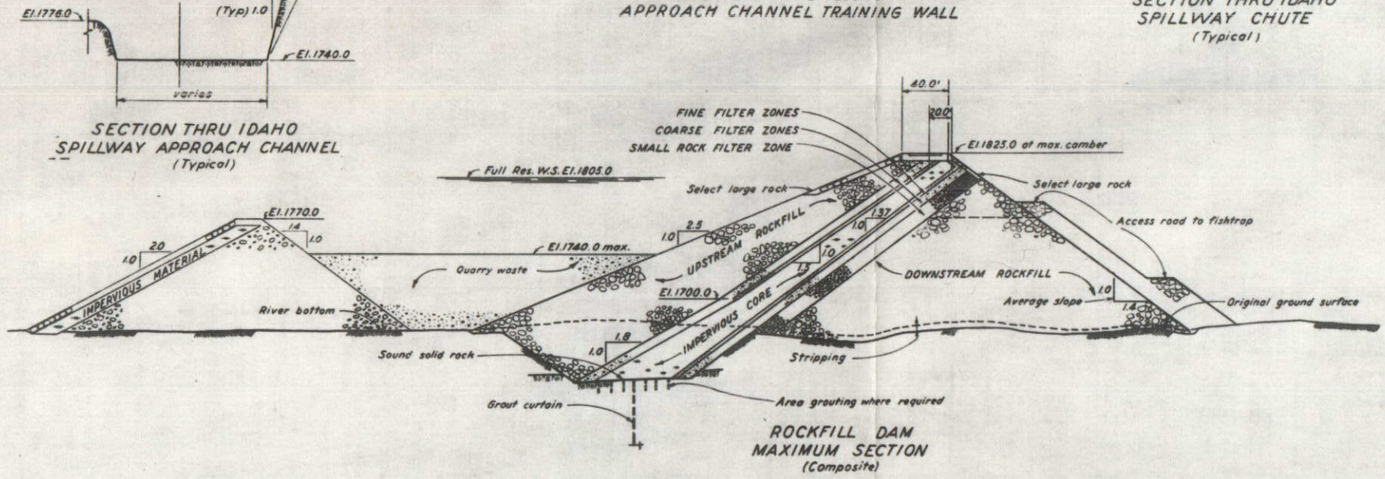


SECTION THRU IDAHO
APPROACH CHANNEL TRAINING WALL

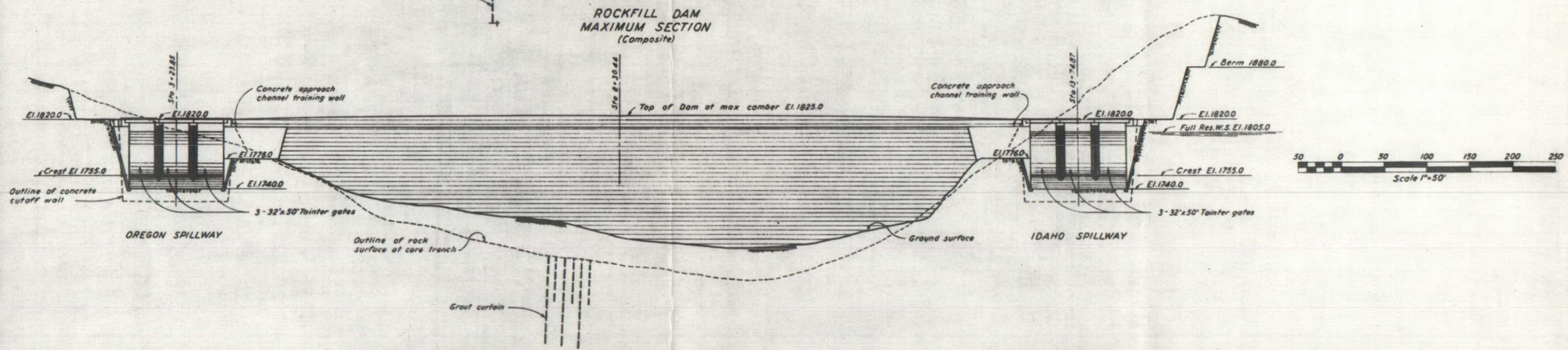


SECTION THRU IDAHO
SPILLWAY CHUTE
(Typical)

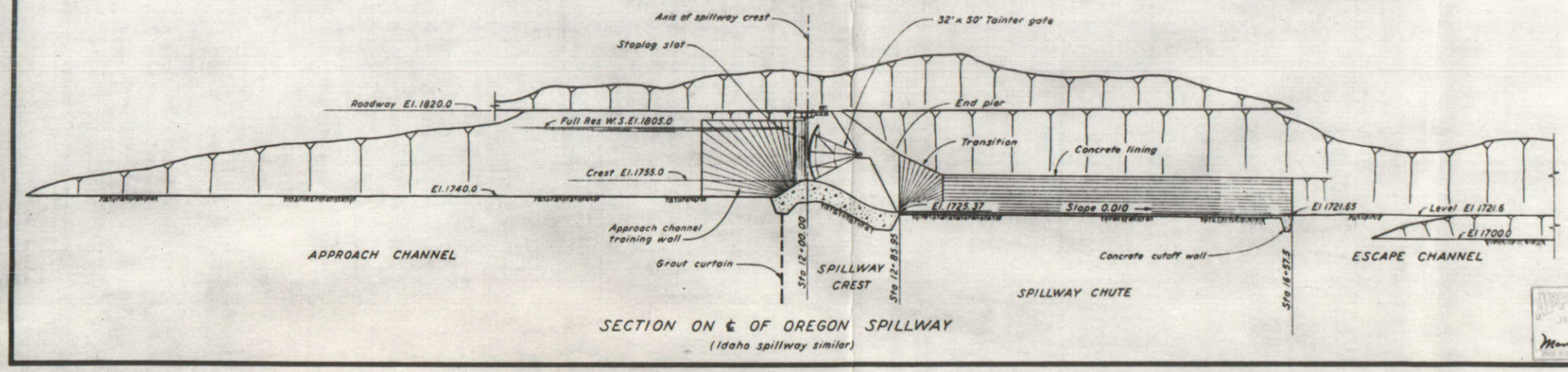




ROCKFILL DAM
MAXIMUM SECTION
(Composite)



DEVELOPED UPSTREAM ELEVATION



SECTION ON ℄ OF OREGON SPILLWAY
(Idaho spillway similar)

22442

SHEET 3 OF 5

OXBOW H. E. DEVELOPMENT

DAM & SPILLWAY - ELEV. & SECTIONS

MAP TO ACCOMPANY
APPLICATION FOR APPROVAL OF DAM
UNDER SECTION 42 - 1707, IDAHO CODE

Idaho Power Company
Boise Idaho

January 1958

E-14573

IDAHO

OREGON

STATE LINE

IDAHO
OREGON

COPPERFIELD

BAKER CO.
OREGON

SNAKE RIVER

IDAHO

SNAKE RIVER

POWERHOUSE

PENSTOCKS

ROAD

INTAKE

AXIS OF DAM

SPILLWAY

DAM

TO MOMESTEAD

CREEK

PINE

TO ROBINETTE

OREGON
IDAHO

STATE LINE

Sec. 10

Sec. 21

N

T. 19 N., R. 4W. B.M. ADAMS CO.

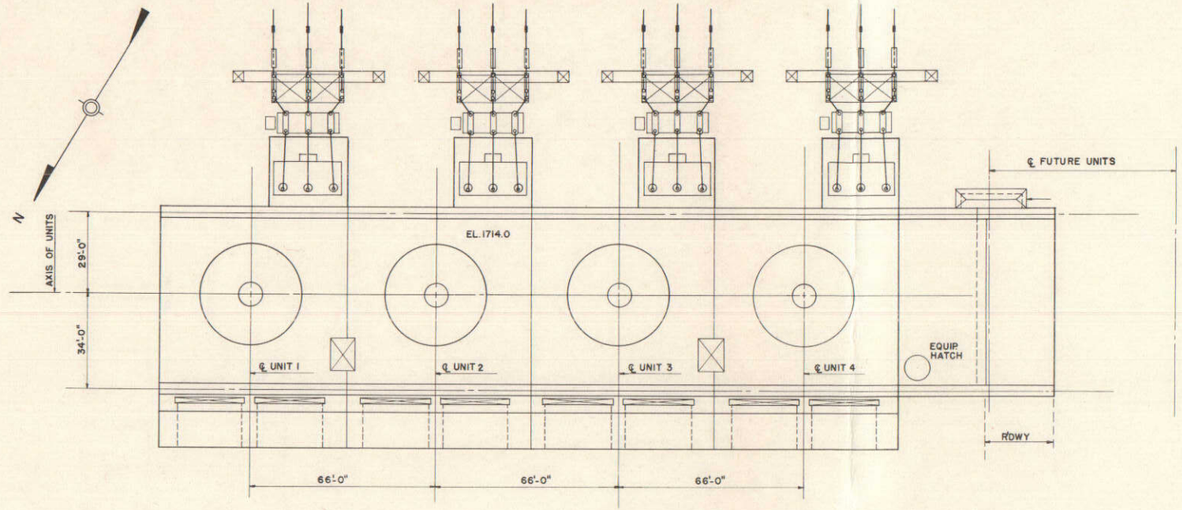
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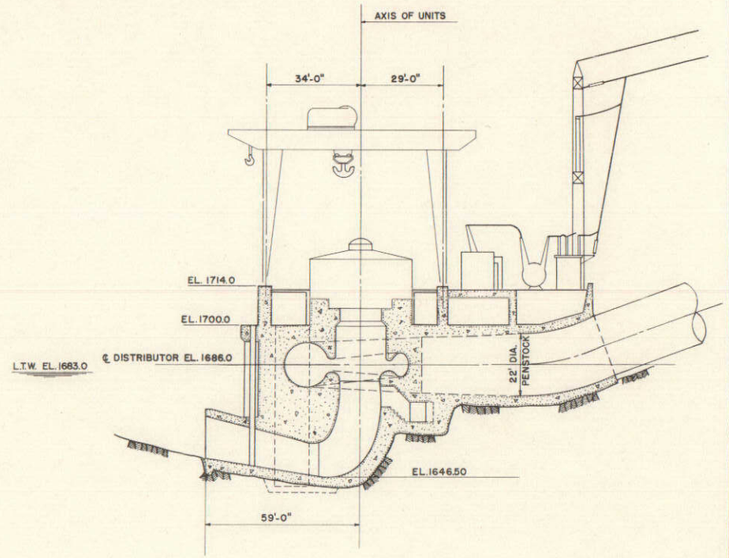
22442

I.P.C. Co.
22442 - Oxbow

Part of Sheet 1 of 4

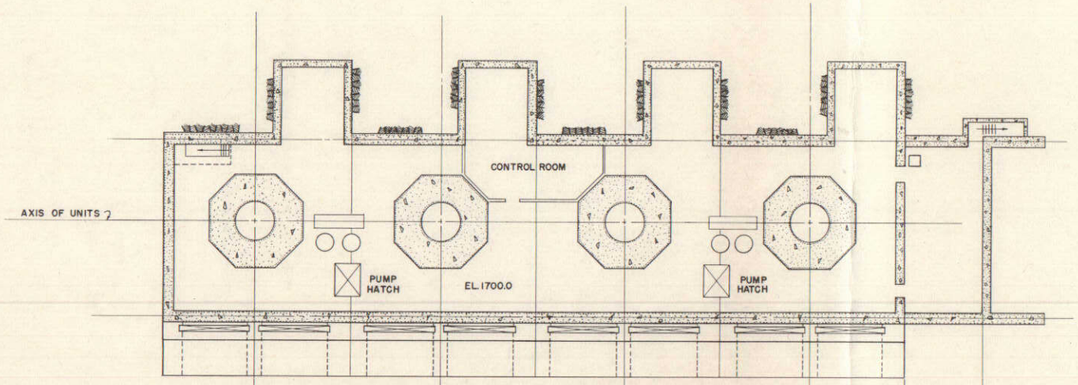


ROOF PLAN

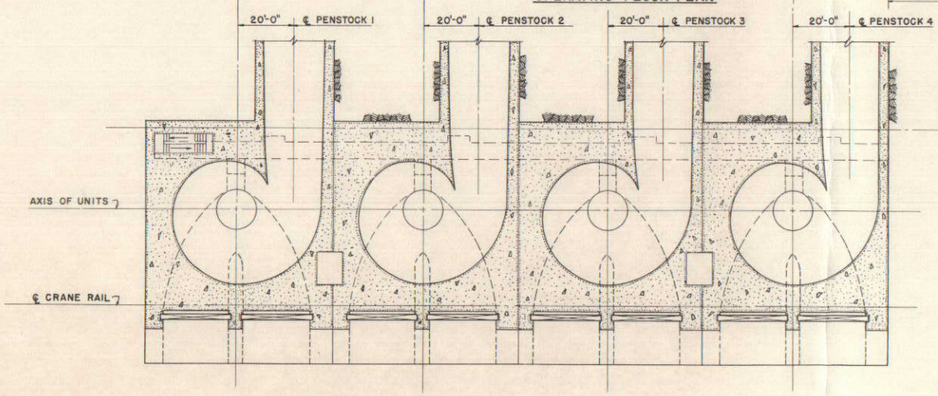


POWER HOUSE CROSS SECTION

20 0 20 40 60 80 100
SCALE 1"=20'-0"



OPERATING FLOOR PLAN



PLAN AT ℄ OF DISTRIBUTOR

NOTES:

TURBINES- Francis type
58,000 H.P. 112.5 R.P.M.

GENERATORS-
37,750 K.W.- 42000 K.V.A

GANTRY CRANE
MAIN HOOKS 175 TON CAPACITY

THIS DRAWING IS FILED PURSUANT TO ARTICLE 29 OF LICENSE FOR PROJECT 1971 ISSUED AUGUST 4, 1955

IDAHO POWER COMPANY
BY R. C. Stamon
VICE PRESIDENT
DATED September 1 1955

REVISED AUG. 1955

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT
POWER HOUSE
PLANS AND SECTION
IDAHO POWER COMPANY
BOISE, IDAHO
SCALE AS SHOWN SHEET 3 of 4

F-140699

22442



22442

SHEET 1 OF 5

OXBOW H.E. DEVELOPMENT

GENERAL PLAN

MAP TO ACCOMPANY
APPLICATION FOR APPROVAL OF DAM
UNDER SECTION 42-1707, IDAHO CODE

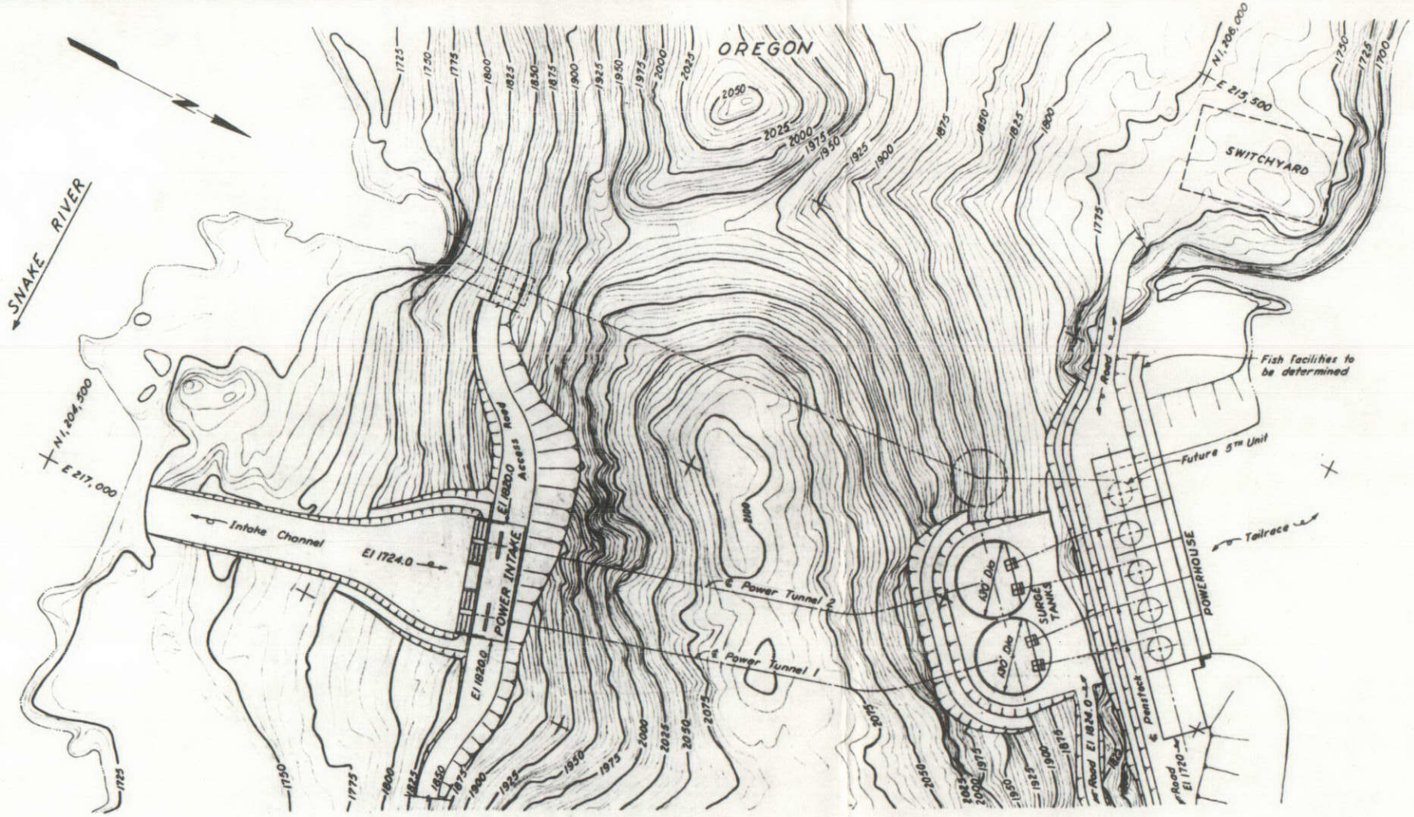
Idaho Power Company
Boise Idaho

January 1958

E-14571

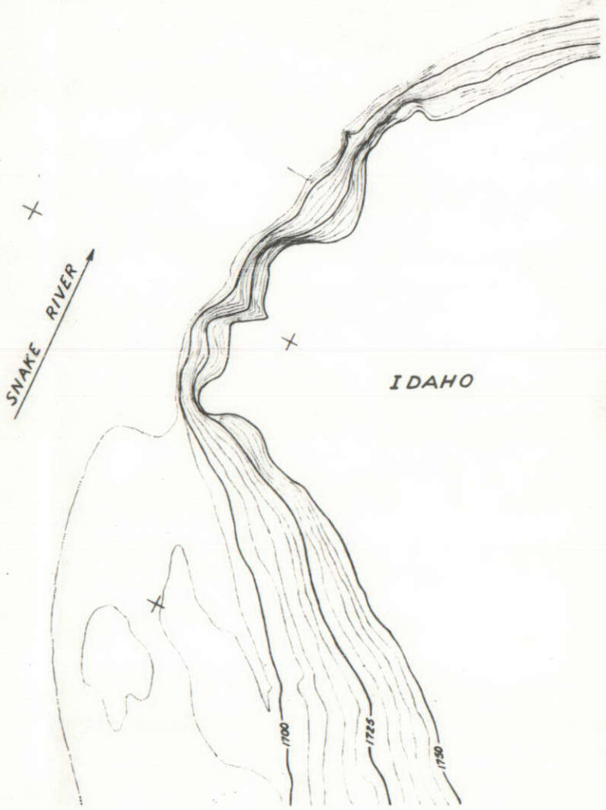
(Jan 30-1958)

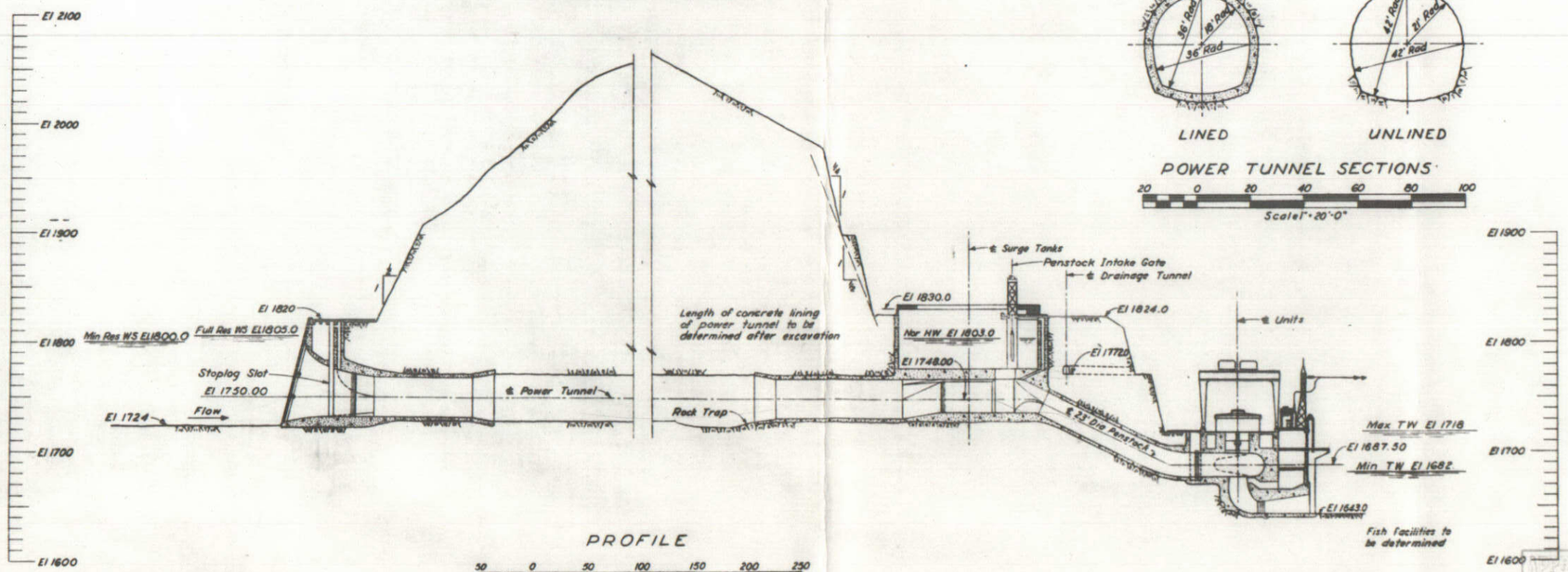
APPROVED
Mark R. Kulp



PLAN

Scale 1" = 100'-0"





PROFILE

Scale 1" = 50'-0"

LINED UNLINED

POWER TUNNEL SECTIONS

Scale 1" = 20'-0"

22442

SHEET 4 OF 5

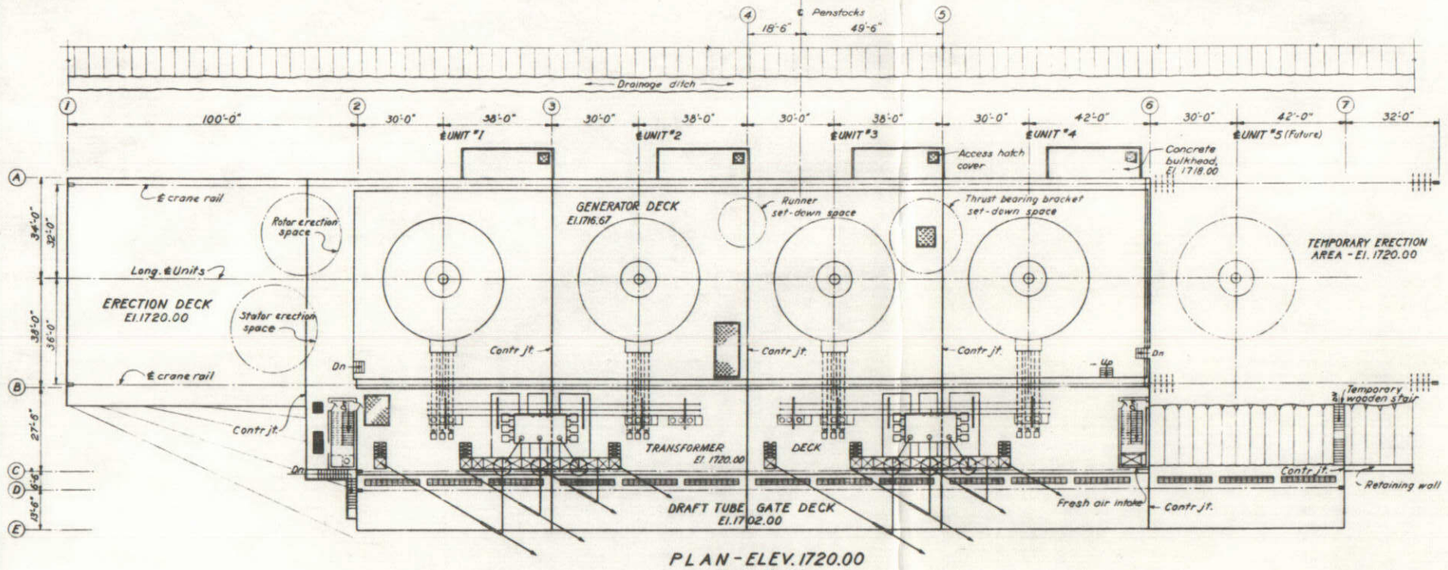
OXBOW H. E. DEVELOPMENT
POWER INTAKE & POWER CONDUIT
PLAN, PROFILE & SECTIONS

MAP TO ACCOMPANY
APPLICATION FOR APPROVAL OF DAM
UNDER SECTION 42-1707, IDAHO CODE

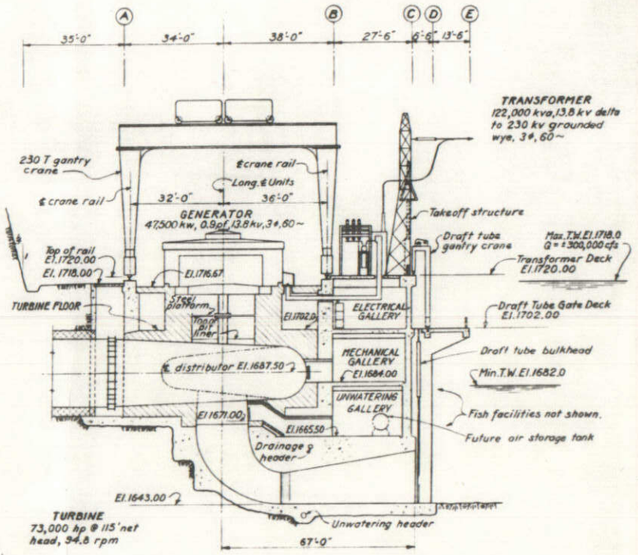
Idaho Power Company
Boise Idaho

January 1958

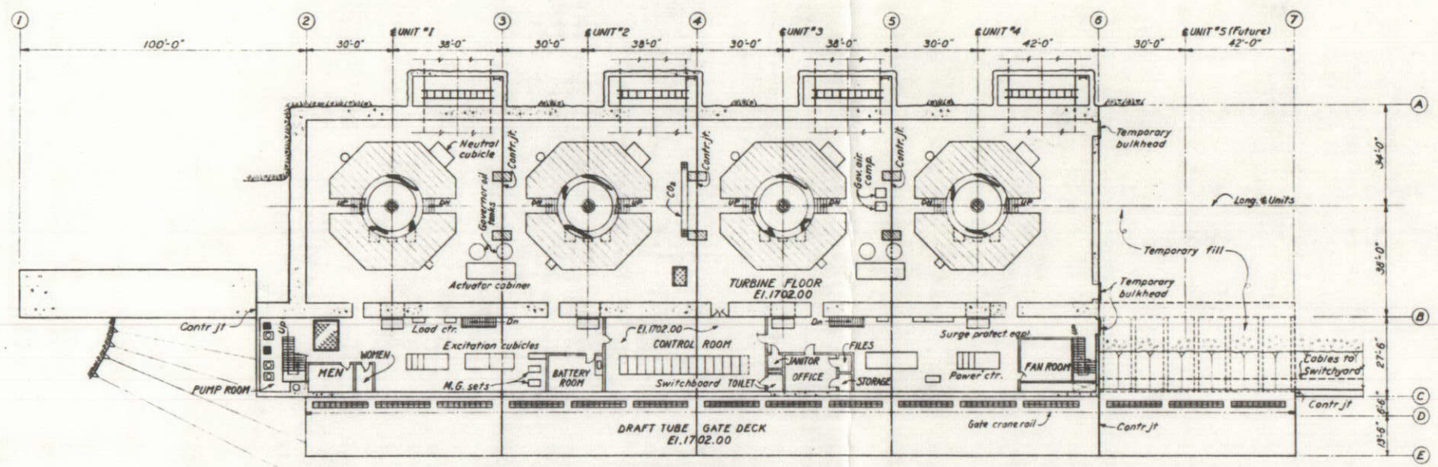
E-14574



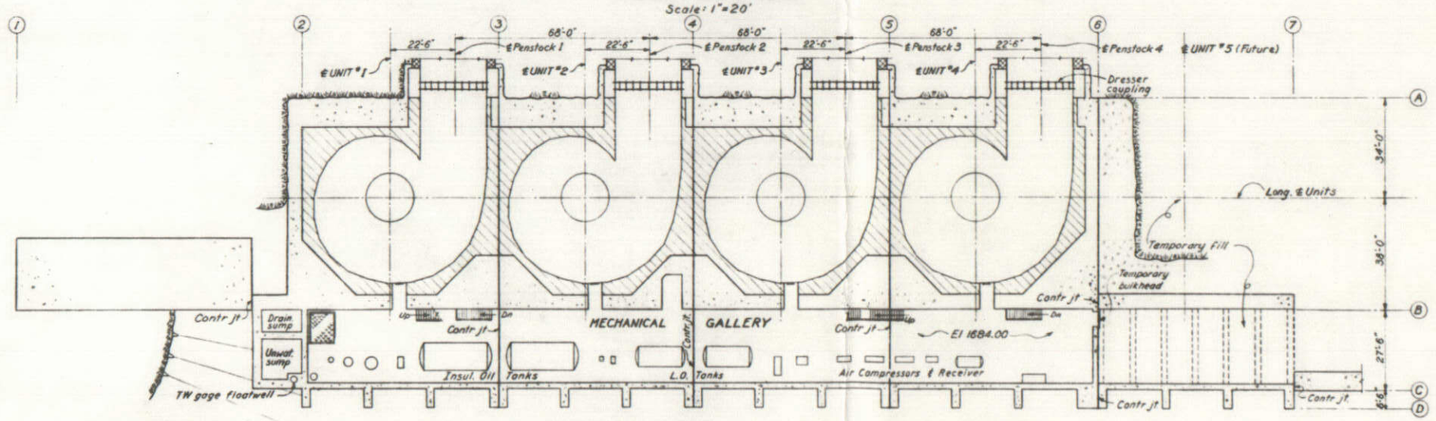
PLAN - ELEV. 1720.00
Scale: 1"=20'



TRANSVERSE SECTION
Scale: 1"=20'



PLAN - ELEV. 1702.00
Scale: 1"=20'



PLAN - ELEV. 1687.50
Scale: 1"=20'

20 0 20 40 60 80 100
Scale: 1"=20'-0"

2 2442

SHEET 5 OF 5

OXBOW H E DEVELOPMENT

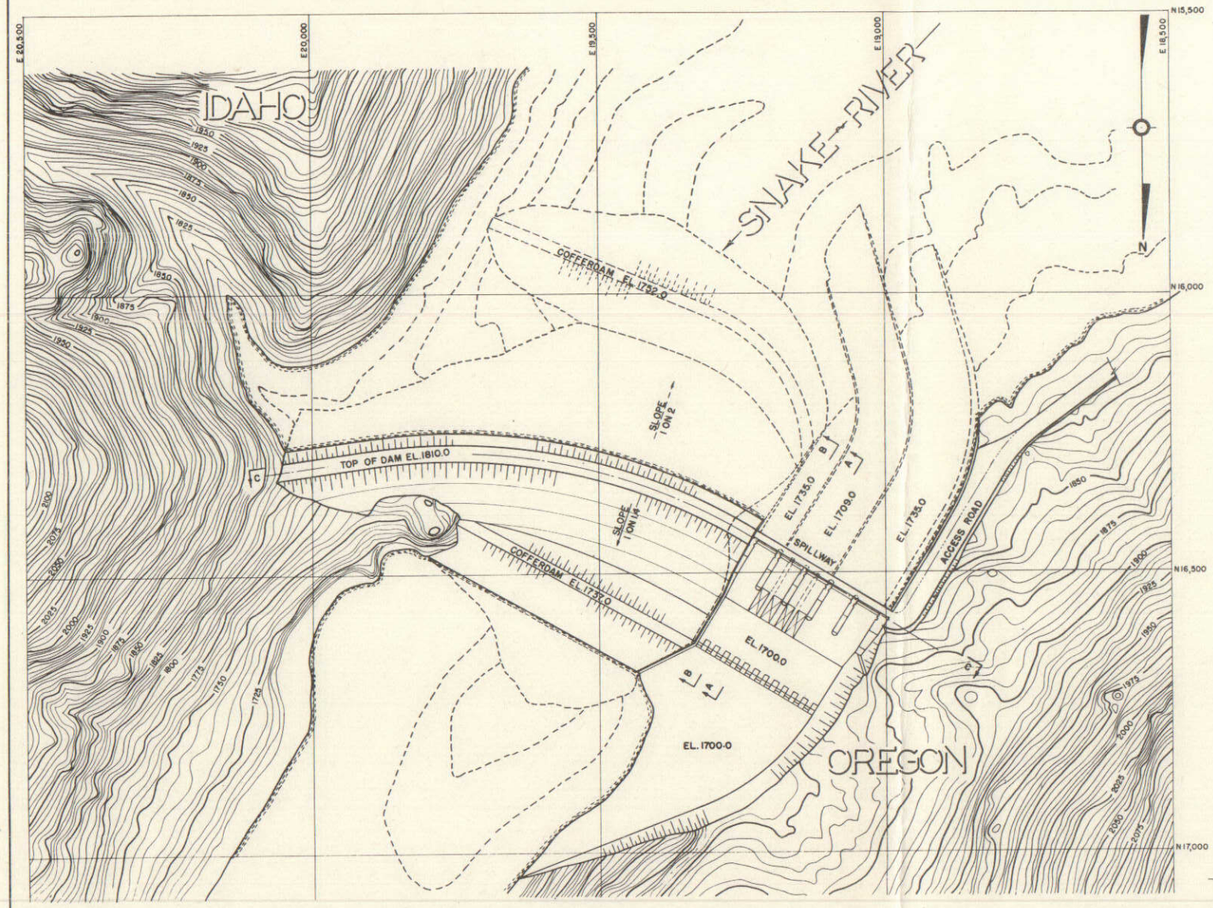
POWERHOUSE - PLANS & SECTION

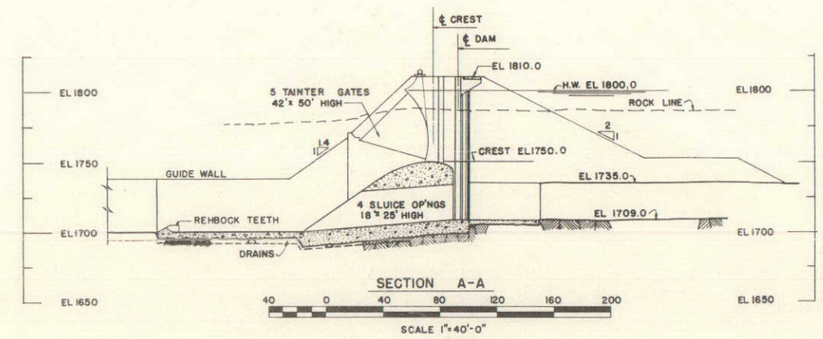
MAP TO ACCOMPANY APPLICATION FOR APPROVAL OF DAM UNDER SECTION 42-1707, IDAHO CODE

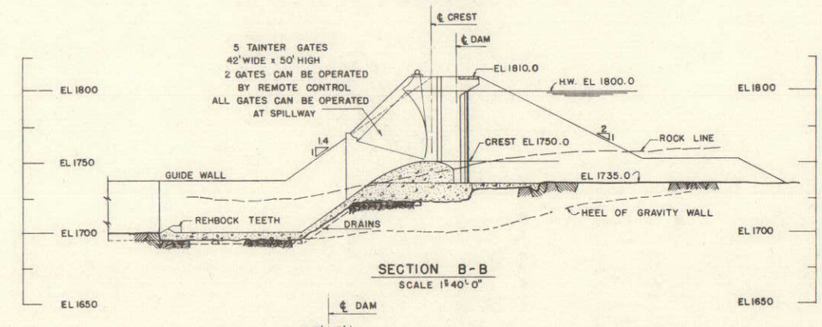
Idaho Power Company
Boise Idaho

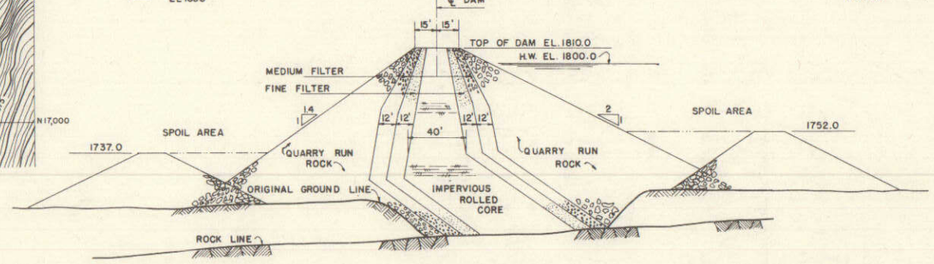
January 1958

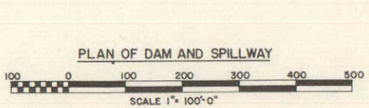
E-14575







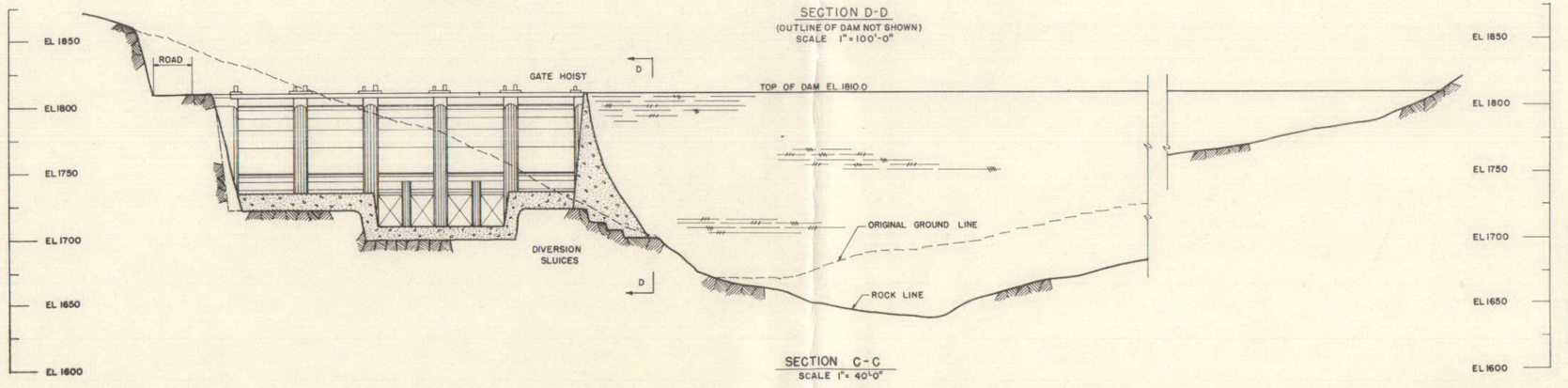




PLAN OF DAM AND SPILLWAY

100 0 100 200 300 400 500

SCALE 1"= 100'-0"



THIS DRAWING IS FILED PURSUANT TO ARTICLE 29 OF LICENSE FOR PROJECT 1971 ISSUED AUGUST 4, 1955

IDAHO POWER COMPANY

BY _____ VICE PRESIDENT

DATED September 1 1955

REVISED AUG. 1955

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT

DAM AND SPILLWAY

PLAN AND SECTIONS

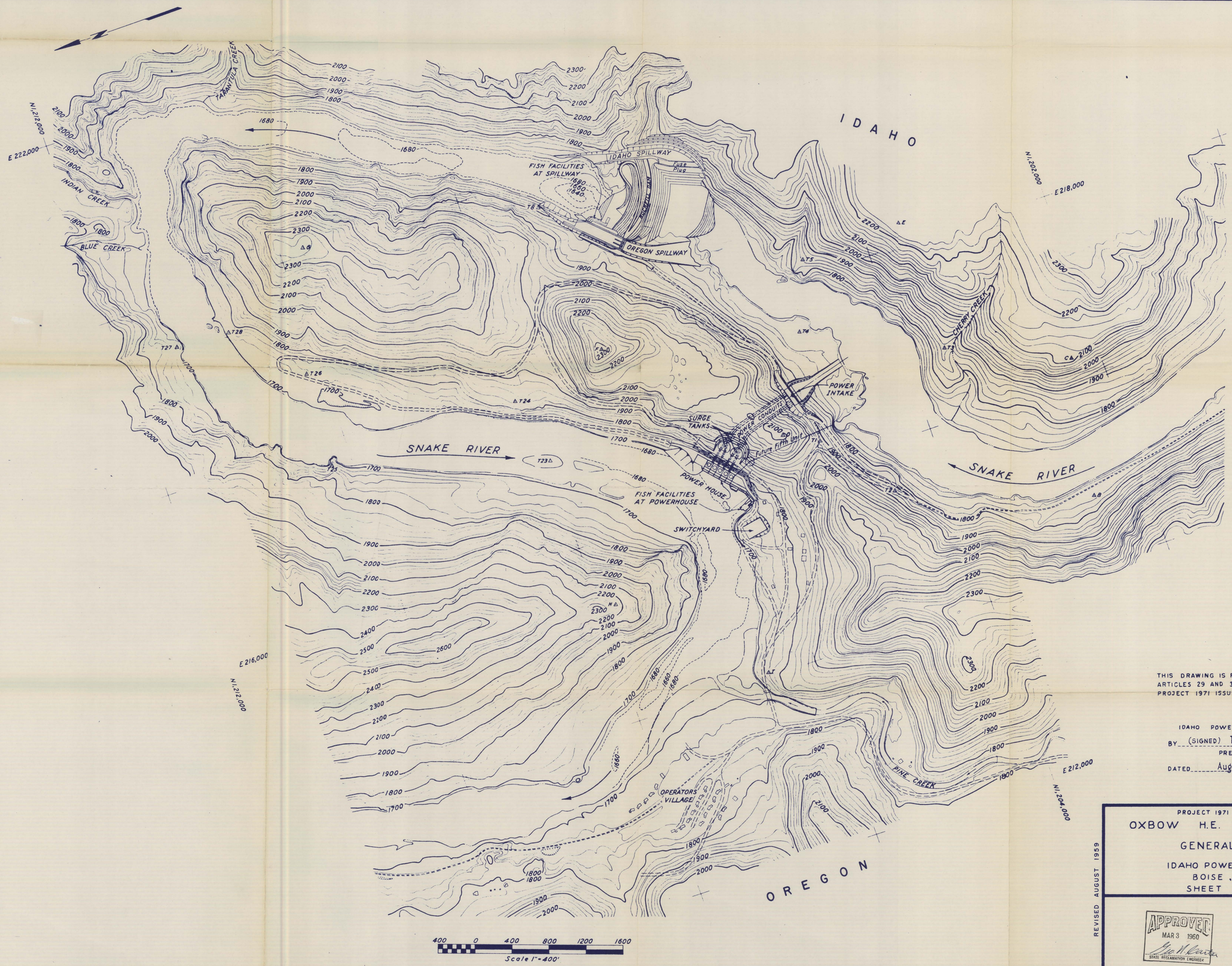
IDAHO POWER COMPANY

BOISE, IDAHO

SCALE AS SHOWN SHEET 1 of 4

F-140697

22442



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IDAHO POWER COMPANY

BY (SIGNED) T. E. Roach

PRESIDENT

DATED August 31 1959

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT

GENERAL PLAN

IDAHO POWER COMPANY

BOISE, IDAHO

SHEET 1 OF 5 E-14571

REVISED AUGUST 1959

APPROVED MAR 3 1960

Geo. W. Carter

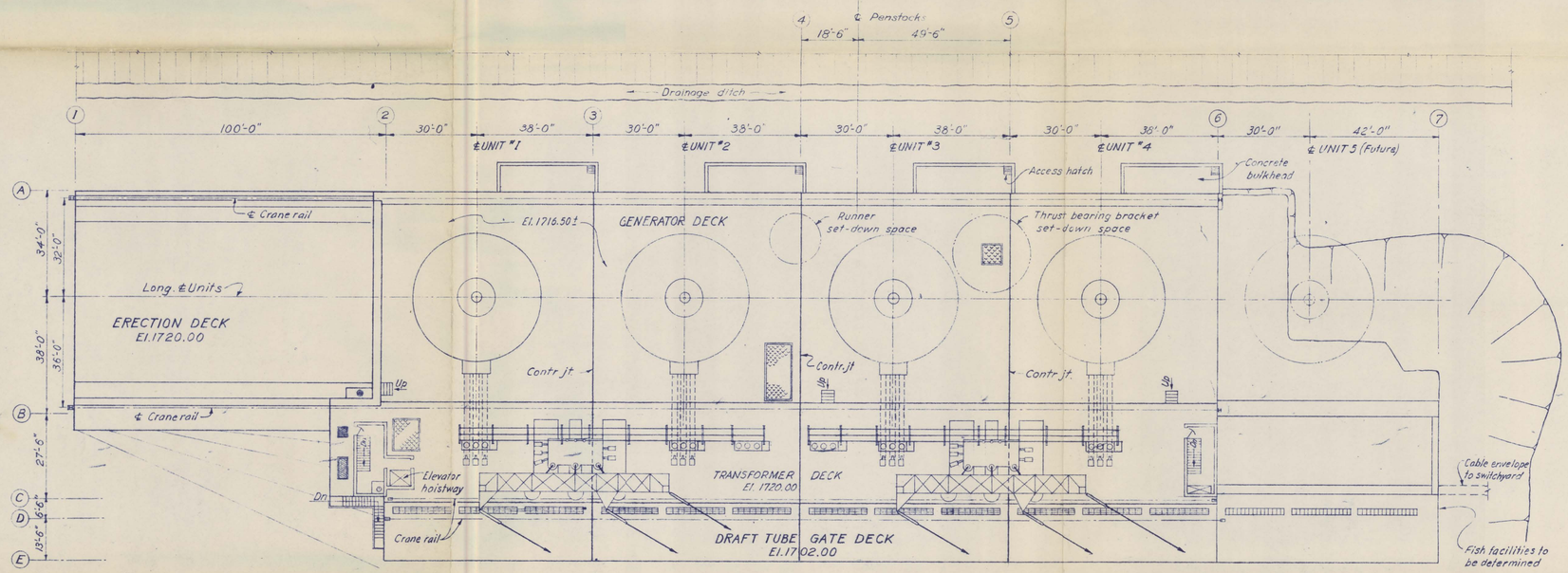
STATE RECLAMATION ENGINEER

22442

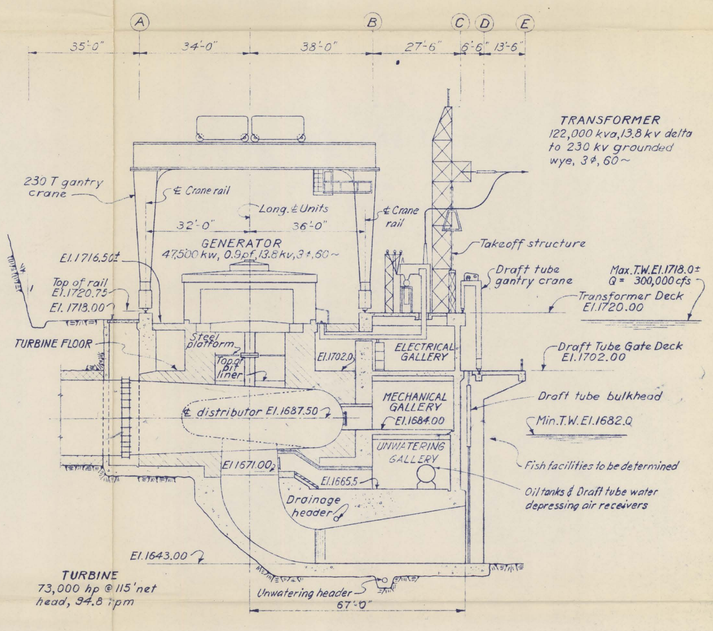
RECEIVED FEB 2 61960

Department of Reclamation

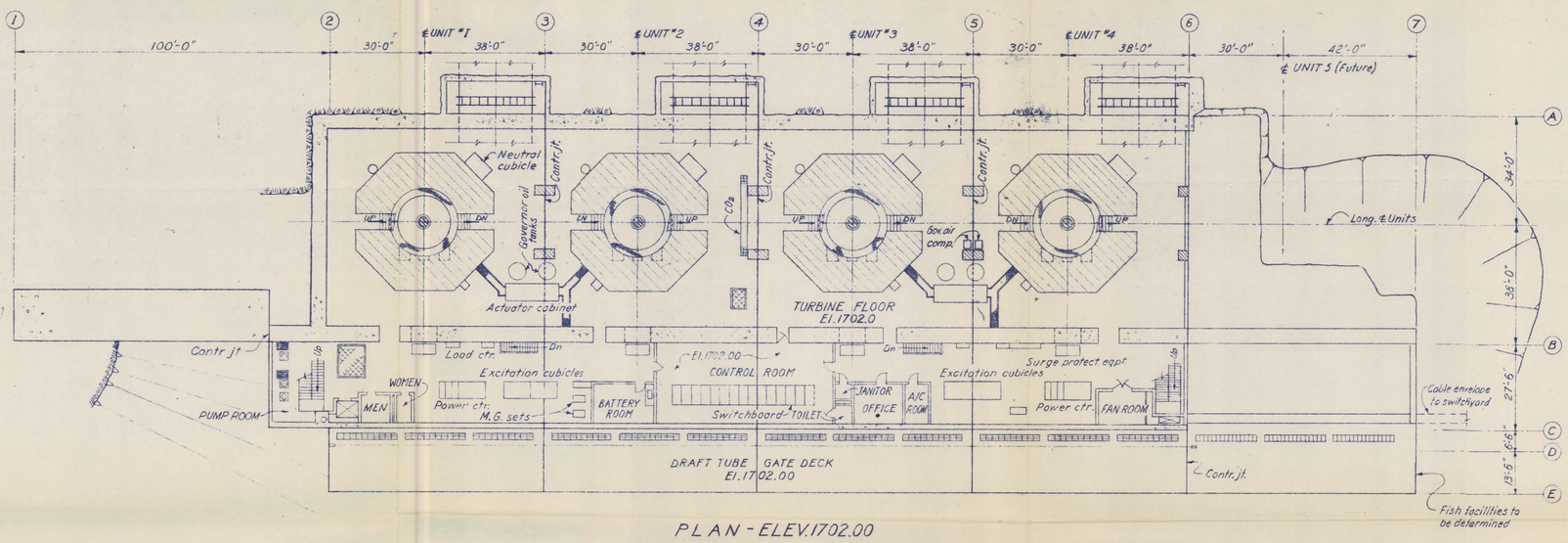
FEB 24 1960



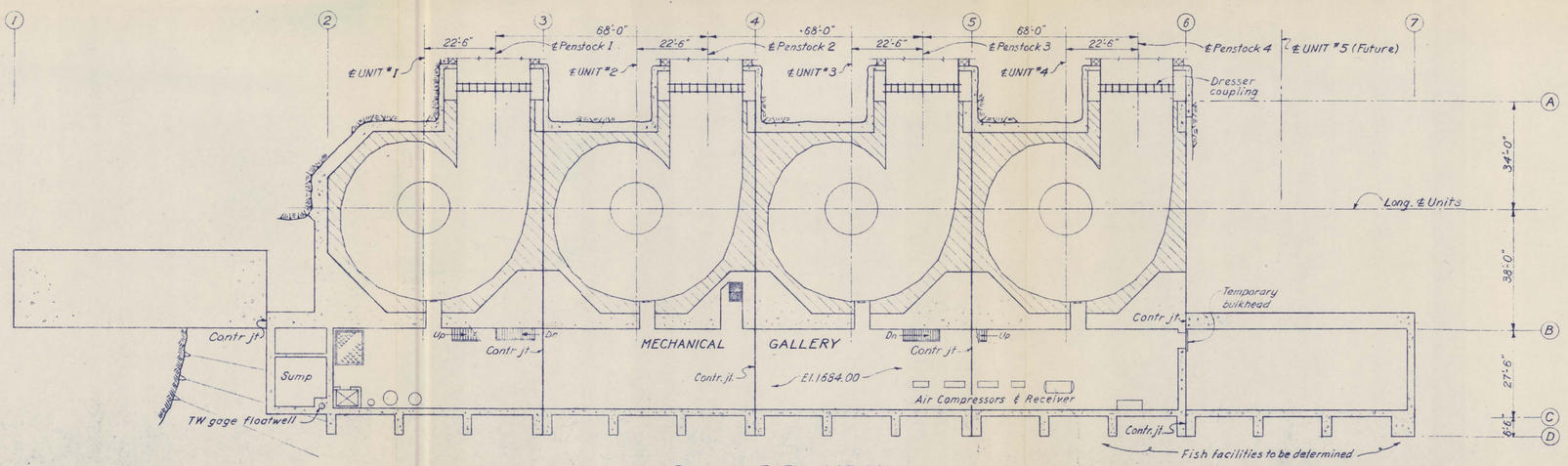
PLAN - ELEV. 1720.00



TRANSVERSE SECTION



PLAN - ELEV. 1702.00



PLAN - ELEV. 1687.50

20 0 20 40 60 80 100

Scale: 1"=20'-0"

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IDAHO POWER COMPANY

BY (SIGNED) T. E. Roach

PRESIDENT

DATED August 31 1959

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT
POWERHOUSE
PLANS AND SECTION

IDAHO POWER COMPANY

BOISE, IDAHO

SHEET 5 OF 5 E-14575

REVISED AUGUST 1959

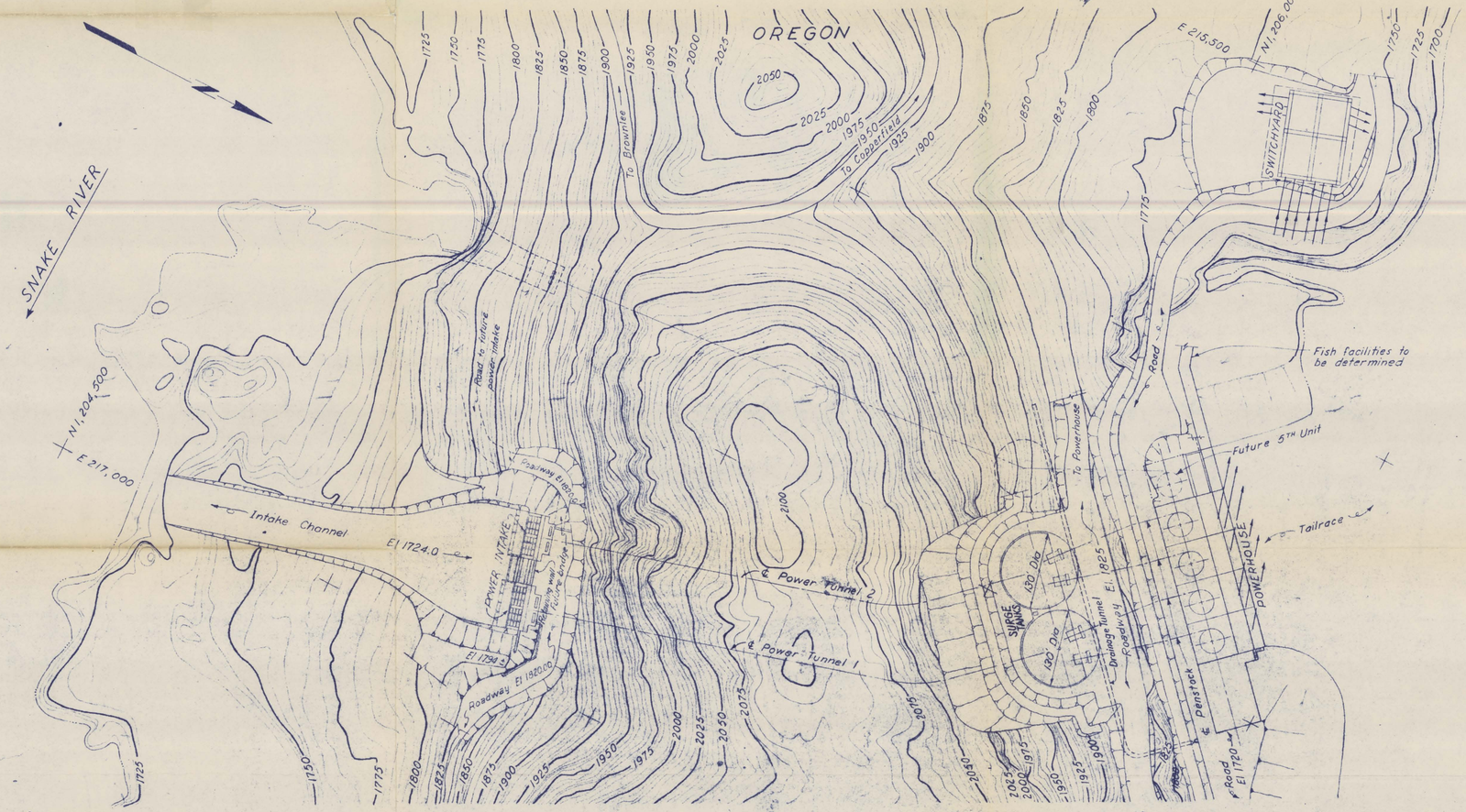
APPROVED MAR 3 1960

STATE RECLAMATION ENGINEER

FEB 24 1960

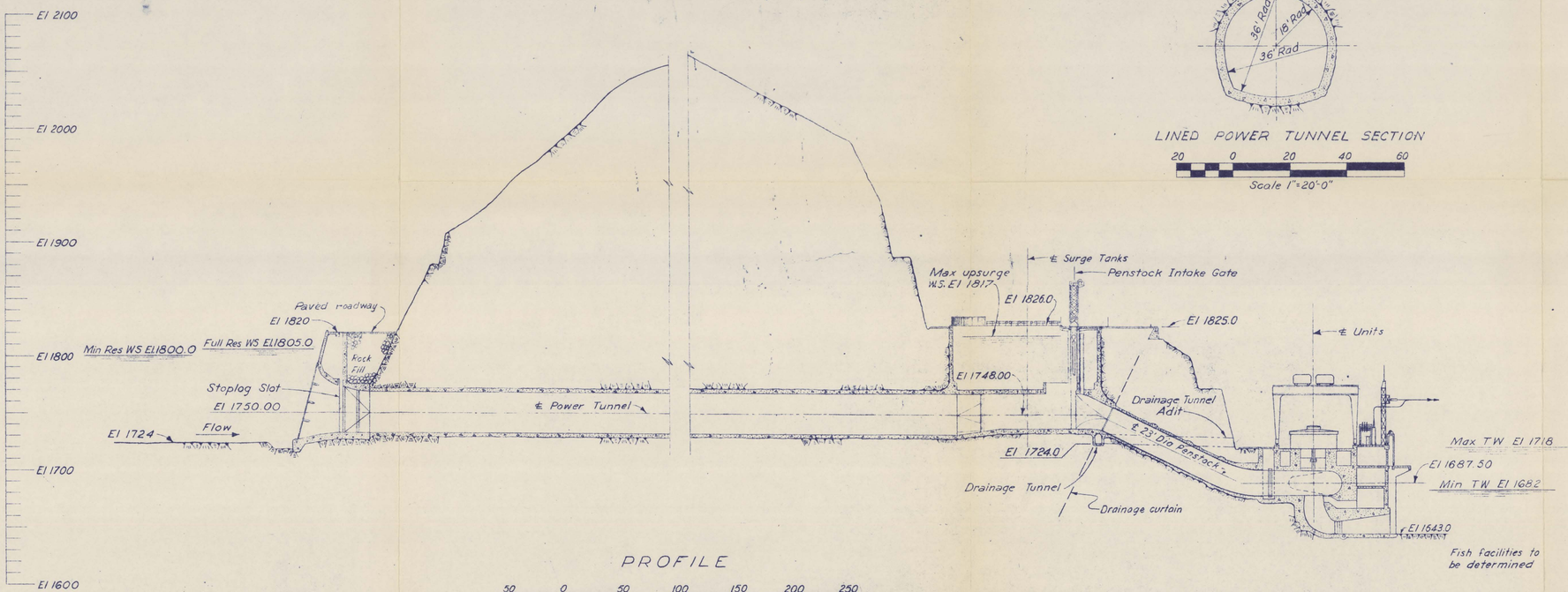
2242

RECEIVED FEB 24 1960



PLAN

Scale 1"=100'-0"



PROFILE

Scale 1"=50'-0"

LINED POWER TUNNEL SECTION

Scale 1"=20'-0"

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IDAHO POWER COMPANY

BY (SIGNED) T. E. Roach

PRESIDENT

DATED August 31 1959

REVISED AUGUST 1959

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT

POWER INTAKE AND POWER CONDUIT

PLAN, PROFILE AND SECTIONS

IDAHO POWER COMPANY

BOISE, IDAHO

SHEET 4 OF 5 E-14574

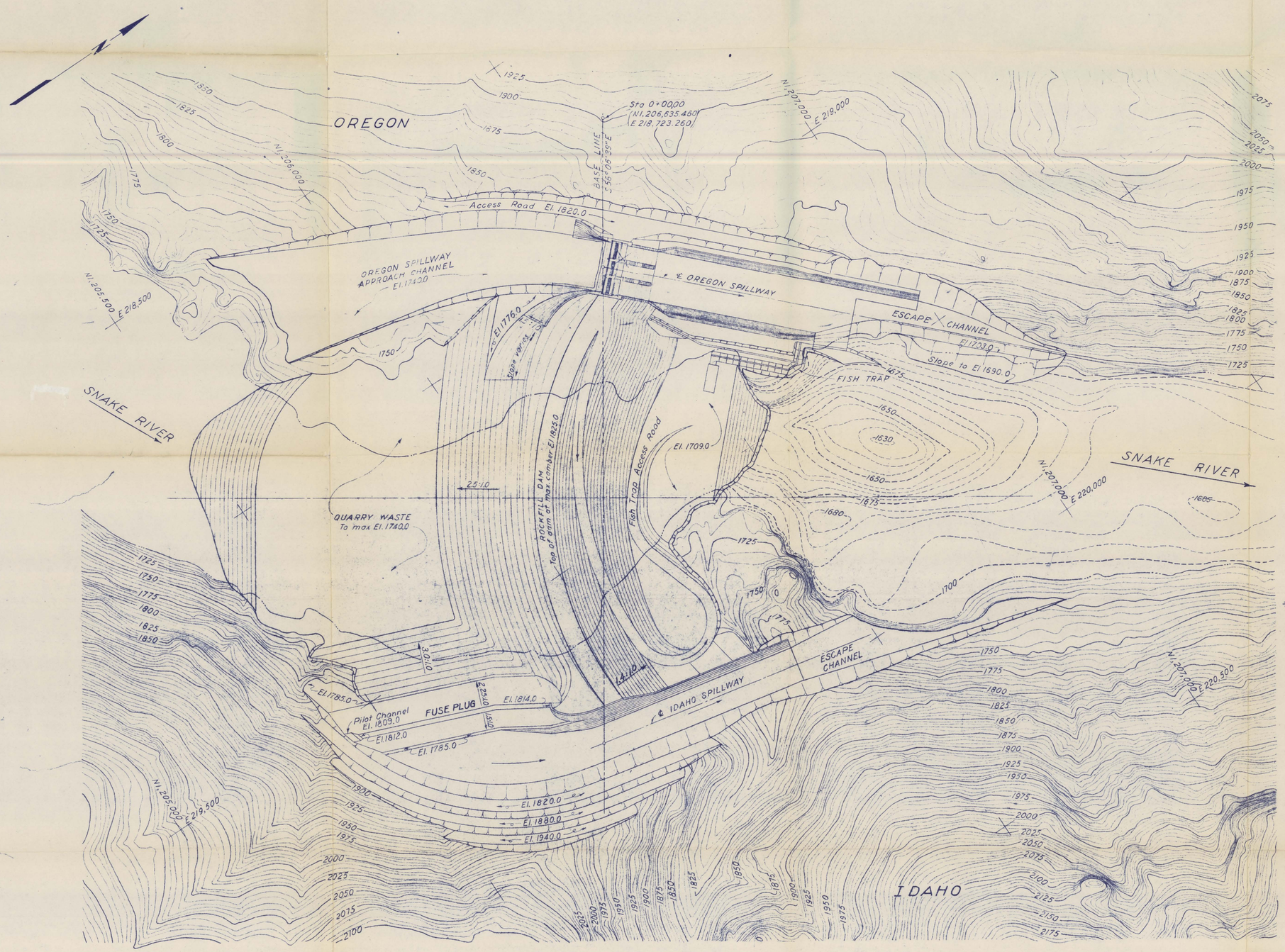
APPROVED MAR 3 1960

STATE RECLAMATION ENGINEER

22442

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FEB 24 1960



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IDAHO POWER COMPANY
BY (SIGNED) T.E.Roach
PRESIDENT
DATED August 31 1959

PROJECT 1971 EXHIBIT L
OXBOW H.E. DEVELOPMENT
DAM AND SPILLWAY
PLAN
IDAHO POWER COMPANY
BOISE, IDAHO
SHEET 2 OF 5 E-14572

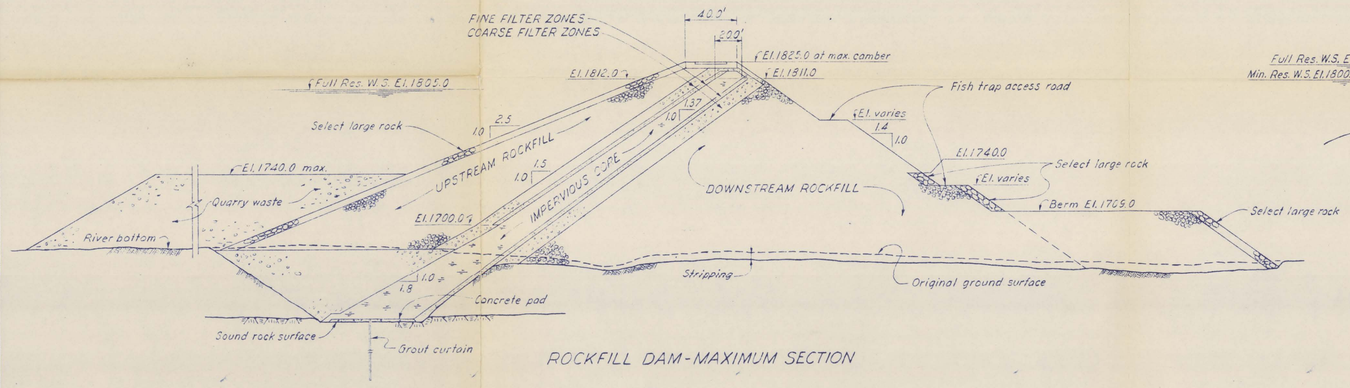
REVISED AUGUST 1959

APPROVED MAR 3 1960
STATE REGLAMATION ENGINEER

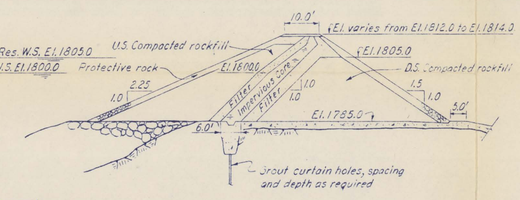
2242

RECEIVED FEB 2 1960 Department of Reclamation

FEB 24 1960

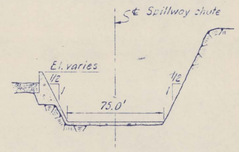


ROCKFILL DAM - MAXIMUM SECTION

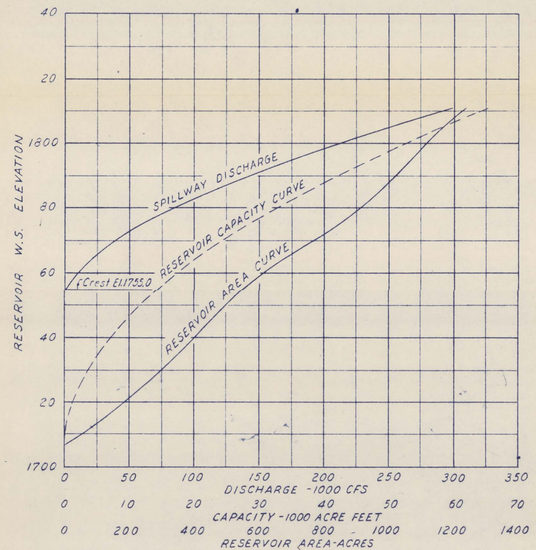


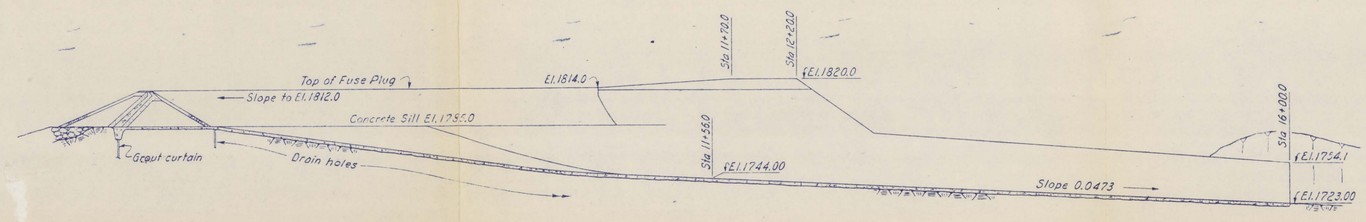
SECTION THRU FUSE PLUG

Scale: 1" = 20'

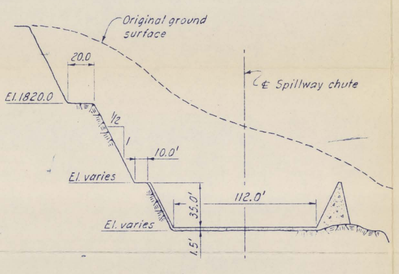


SECTION THRU IDAHO SPILLWAY CHUTE

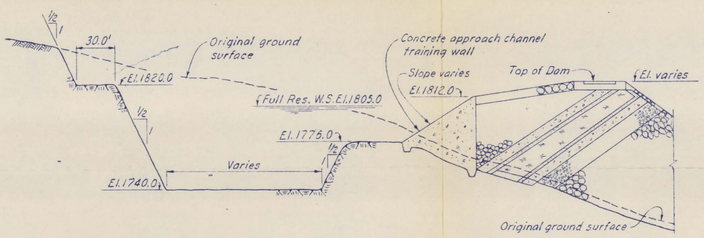




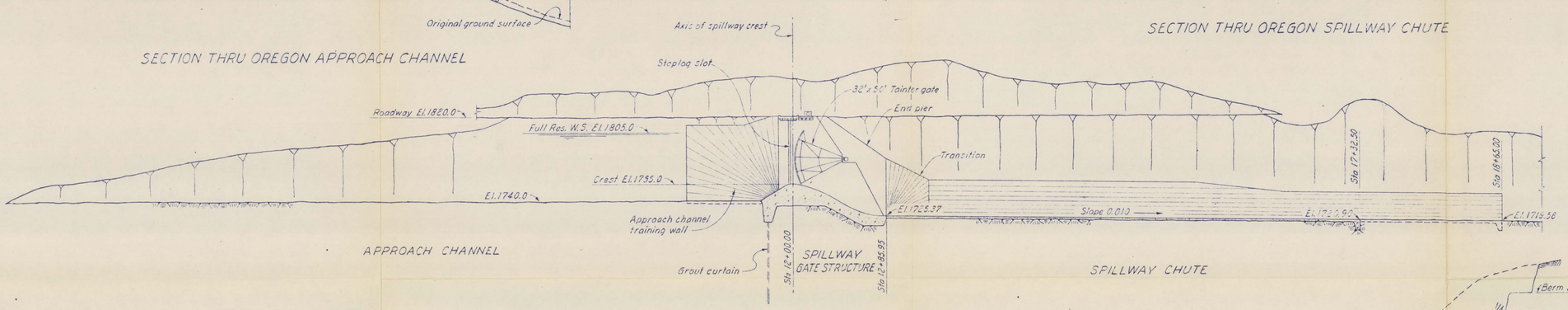
SECTION ON ℄ OF IDAHO SPILLWAY



SECTION THRU OREGON SPILLWAY CHUTE

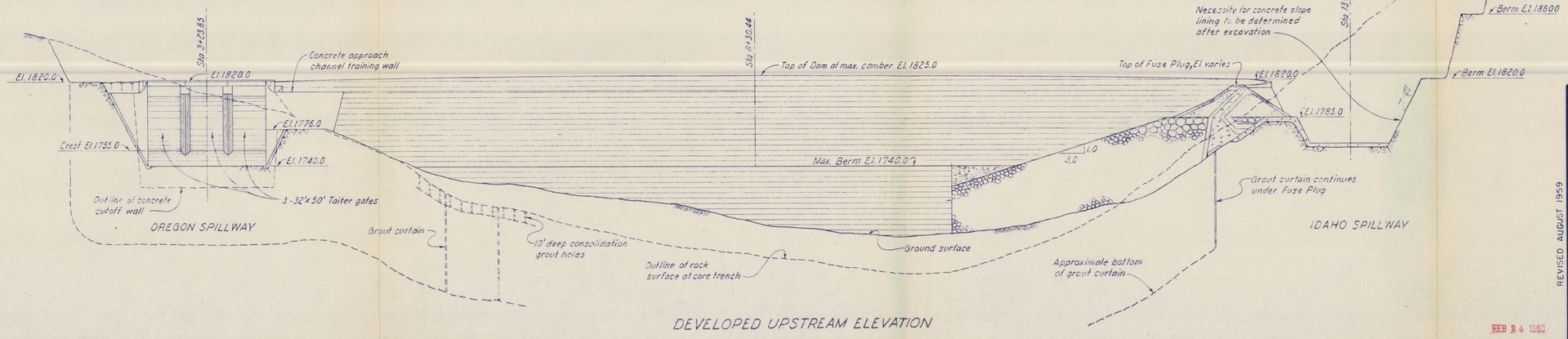


SECTION THRU OREGON APPROACH CHANNEL



SECTION ON ℄ OF OREGON SPILLWAY

Scale 1" = 50'



DEVELOPED UPSTREAM ELEVATION

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BY (SIGNED) T.E. Roach
PRESIDENT
DATED August 31 1959

PROJECT 1971 EXHIBIT L

OXBOW H.E. DEVELOPMENT
DAM AND SPILLWAY
ELEVATION AND SECTIONS
IDAHO POWER COMPANY
BOISE, IDAHO
SHEET 3 OF 5 E-14573

REVISED AUGUST 1959

APPROVED
MAR 3 1960
Geo. W. Carter
STATE RECLAMATION ENGINEER

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FEB 24 1960