№ 17348

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

Application No. 24351.
Permit No. 17348.
District No.

1. Name of Applicant: City of Soda Springs.

Postoffice address: Soda Springs; County: Caribou; State: Idaho.

I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: 50 cubic feet per second.

3. Source of water supply: Soda Creek, which is a tributary of Bear River.

4. Location of point of diversion: S. 54° 20' W. 2180 feet distant from the N.E. corner of Section 36, T. 8 S., R.41 E., B. M., and is in the NW¼ of the NE¼ of Section 36, T. 8 S., R. 41 E., B. M., County of Caribou.

5. Water is to be used for: Electrical power generation.

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

(a) Point of use of water: N.48°32'E.166 feet distant from S.E. corner of Section 36 T. 8 S., R.41 E., B. M., in the SW¼ SW¼ of Section 31, T. 8 S., R. 42 E., B. M.

(b) Amount of power generated: 469 H. P., under 78 feet head.

(c) Water is to be returned to Soda Creek at a point N. 64° E. 191 feet distant from the S.E. corner of Section 36, T. 8 S., R. 41 E., B. M., in the SW¼ SW¼ of Section 31, T. 8 S., R. 42 E., B. M.

7. Estimated cost of works: $ 10,000 Dam, Ditch & Bldg., $12,000 Installation, Total $22,000.

8. Kind of works: Conc. Diversion Dam, ditch, wood stave penstock.

9. Height of dam 3.9 feet; length of dam at top 100 feet; length of dam at bottom 40 ft. feet; material used in dam: Concrete and earth and rock rip rap.

10. Size of headgate: Width eight feet; height five feet.

11. Ditch: Width at bottom 6 feet; width at water line 13.9 feet; depth of water 2.6 feet; dimensions of flume

Diameter of pipe 36 inches; length of conduit one miles.

Average grade per mile 5.28 feet.

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

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

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

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

City of Soda Springs, *Applicant.*

By Miss Leslie Stewart, Clerk, *Agent.*

Date of first receipt at Department of Reclamation: 9 A. M., June 5, 1930.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17348.
Recorded in Book 62, Page 17348, Approved August 5, 1930.
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 $ 1000 to be filed on or before October 3, 1930.
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before February 5, 1933.
The whole of said work to be completed on or before August 5, 1935.
Beneficial use of water appropriated in accordance herewith, to be made on or before August 5, 1941.

Witness my hand this 5th day of August, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

Remarks:

14.

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

POWER FILING UNDER CHAPTER 212.
1929 SESSION LAWS.

Date of Notice 6-5 19 30
Date of Publication or Posting 6-17 19 30
Last Date for Protest 8-4 19 30
IF PROTESTED
Date of Notice of Hearing 19
Date of Hearing 19
Notice of Appeal Filed 19

PERMIT NO. 17348

APPROVAL OF COMMISSIONER OF RECLAMATION

WHEREAS, Application for an extension of time for completion of works under Permit No. 17348 has been made by the owner thereof, which application was duly advertised in the Soda Springs Sun of Soda Springs, Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at Boise, Idaho, on July 22, 1935, as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony introduced at the said hearing, it appears that the owner of the said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, by virtue of the authority vested in me under Senate Bill No. 129, Session Laws of 1935, hereby extend the time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17348, to August 5, 1937.

WITNESS My hand this 20th day of August, 1935.

R. W. FARIS
Commissioner of Reclamation

Permit No. 17348

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CITY OF SODA SPRINGS, of Soda Springs, County of Caribou, and State of Idaho, the holder of Permit No. 17348, issued upon Application No. 24351, bearing date of priority of June 5, 1930, authorizing the diversion of 50 second feet of the waters of Soda Creek, which is a tributary of Bear River, County of Caribou, State of Idaho, for electrical power generation 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 50 second feet of the waters of Soda Creek; that the point of diversion of said waters is S. 54° 20' W.2180 feet distant from the NE corner of Section 36, T. 8 So., R. 41 E., B. M., in the NW¼NE¼ of Section 36, T. 8 S., R. 41 E., B. M.

Witness my hand this 17th day of January, A. D. 1939.

JAMES SPOFFORD

Commissioner of Reclamation

Proof of Completion of Works made April 17, 1937
Certificate issued January 17, 1939

LICENSE ISSUED FOR 50.0 SEC. FT.
MAR 27 1942 #4104

J. M. LAURITSON, MAYOR
LESLIE STEWART, CLERK
MRS. WM. S. GAGON, TREASURER

COUNCILMEN
J. D. WOODALL
T. H. HORSLEY
S. E. MATTHEWS
C. A. LALLATIN

CITY OF SODA SPRINGS

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO
June 4, 1930

Department of Reclamation
Boise, Idaho

Gentlemen:

Inclosed you will please find Application for Permit to Appropriate the Public Waters of the State of Idaho, also Maps and cashiers check to cover filing charges, for your consideration.

Yours truly,

Miss Leslie Stewart

City Clerk

17348

June 5, 1930

MR. E. J. BAIRD
Soda Springs
I d a h o

Dear Ed:

Application for permit to appropriate the public waters of the state of Idaho for power purposes by the city of Soda Springs, accompanied by maps and Cashier's Check for $12.25, is received.

Under Paragraph 2, I have marked the quantity of water claimed - 30 cubic feet per second. Paragraph 3, source of water supply - Soda Creek, tributary to Bear River. Under paragraph 12, time required for the completion of such works -5 years. Paragraph 13, time for the complete application of water to the proposed use - 6 years.

These four paragraphs were unanswered in the application, and if this is okey, think nothing of it; but if there is any change from this, please let us know at your earliest convenience.

Yours very truly,

GEO. N. CARTER
Commissioner of Reclamation

17348

By

June 11, 1930.

City of Soda Springs
Miss Leslie Stewart, Clerk
Soda Springs, Idaho

Dear Miss Stewart:

We are mailing you herewith two copies of notice of application to appropriate water for power purposes in accordance with the provisions of Chapter 212, Session Laws of 1929.

Kindly acknowledge service of same by your signature as applicant and return both copies to this office for posting.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

G
Incl. 2

17348

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER FOR POWER PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 212, 1929 LAWS

NOTICE IS HEREBY GIVEN That on the 5th day of June, 1930, the City of Soda Springs, whose address is Soda Springs, Idaho, made application No. 24351, to appropriate fifty (50) cubic feet per second of the waters of Soda Creek for the purpose of electrical power generation.

That the said water is to be diverted in the NW¼NE¼ of Section 36, Twp. 8 S., Range 41 E.,B.M., County of Caribou.

That the point of use of the said water is in the SW¼SW¼ of Section 31, Twp. 8 S., Range 42 E., B.M.

That the point of return of the said water is in the SW¼SW¼ of Section 31, Twp. 8 S., Range 42 E., B.M.

That any protests against the approval of this application should be filed in the Department of Reclamation within sixty days of the date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

Dated this 5th day of June, 1930.

Geo. N. Carter
Commissioner of Reclamation.

Date of first posting: 6-17-30.

Date of last posting: 8-4-30.

(Service of the foregoing by copy is hereby admitted this 13th day of June, 1930.)

Leslie Stewart et Clerk
Applicant.

17348

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17348.

Boise, Idaho, August 5, 1930.

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

City of Soda Springs
Miss Leslie Stewart, Clerk
Soda Springs, Idaho

GEO. N. CARTER
Commissioner of Reclamation.

17348

Form No 18-B

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise

Permit No. 17348.

August 5, 1930.

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of $ 1000.00 must be filed in the office of the Commissioner of Reclamation on or before October 3, 1930, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

GEO. N. CARTER
Commissioner of Reclamation

17348

J. W. LAURITSON, MAYOR
LESLIE STEWART, CLERK
MRS. WM. GAGON, TREASURER

COUNCILMEN
J. D. WOODALL
T. H. HORSLEY
S. E. MATTHEWS
C. A. LALLATIN

CITY OF SODA SPRINGS

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO
September 6,1930

Department of Reclamation
Geo. N. Carter, Commissioner
Boise, Idaho

Dear Sir:

Will you please be so kind as to send us a copy of the Permit of the recent water filing, of the City of Soda Springs, for Power Purposes.

I am willing to pay any charges there may be to get a copy of this permit.

If you will please send it as soon as possible it will be greatly appreciated.

Yours truly,

Miss Leslie Stewart

City Clerk

17348

September 9, 1930

Re: Permit 17348.

Miss Leslie Stewart, City Clerk
City of Soda Springs
Soda Springs, Idaho

Dear Miss Stewart:

In compliance with your request of September 6, we are mailing you herewith copy of the above numbered permit, which we have certified. Kindly remit one dollar ($1.00) at your convenience for this copy.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

Encl.

17348

BUREAU OF WATER RESOURCES
MYRON SWENDSEN
ASSISTANT COMMISSIONER

STATE OF IDAHO

H. C. BALDRIDGE, GOVERNOR
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, COMMISSIONER
BOISE

September 9, 1930

Re: Permit 17348.

Miss Leslie Stewart, City Clerk
City of Soda Springs
Soda Springs, Idaho

Dear Miss Stewart:

In compliance with your request of September 6, we are mailing you herewith copy of the above numbered permit, which we have certified. Kindly remit one dollar ($1.00) at your convenience for this copy.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By E. Brown
Chief Clerk

Encl.

17348

Soda Springs Idaho
Sept. 11 1930

Mr. Sam Lane
Dept of Reclamation
Boise, Idaho

Dear friend;

I am writing this as a semi-personal letter, wishing some information which I thought you might give me.

I made a power site filing this spring for the City of Soda Springs which was approved Aug.5, Permit No.17348, with the stipulation for filing ma bond in sum of $1000 before Oct,3.

After making this filing the City called a bond election, intending to construct the plant this fall, but the issue failed to carry by a misunderstanding of a majority of the voters.

Since that time the City is re-advertising the bond election for Oct.14.

Now, what we wish to know is, could we have the date for filing the bond postponed until after the election, or if such bond were posted and the election failed to carry what would be the penalty exacted by failure to construct and comply with the terms of the permit.

We would also like to know the exact nature fo the bond required, whether a surety bond or otherwise. The law seems vague on this requirement and the penalities to be exacted etc.

I would thank you for this information if it is not too much trouble.

17348

This has been a very busy season for me and have been fishing only once and on the opening day for birds went out for a couple of hours in the morning and got my limit, That is the extent of my sports this summer.

I had planned to get in a trip or two to the Snake River htis fall but am still auful busy but if you will come down will find some way. Now is the time as I have wird that they are to reduce the flow today. Any time between now and the last of the month would be all right if it doesnt rain; that is always the gamble. Come and bring Lola if you can possibly arrange it.

Do nat know just when we can come to Boise but may find a way for a visit some time this winter. Congratulations on your golf championship this summer.

With best regards

C. J. Davis.

September 18, 1930

Re: PERMIT No. 17348

Mr. E. J. BAIRD
Soda Springs
Idaho

Dear Ed:

In response to your letter of September 11, addressed to SAM LANE, you are informed that time within which bond may be filed can not be extended as it is a statutory provision; however, this permit will not be canceled by motion of this office unless some adverse claimant to the water protests and asks for cancellation, in which event cancellation will not be made until the applicant has been given notice by mail and adequate time within which to comply with the requirement.

Bond must be a surety bond and is given to idemnify the state against any damage which the state might sustain by failure of the applicant to complete the works as contemplated. I do not know of any damage which the state could sustain by such failure; there has never been any attempt to recover on such bonds.

SAM is in Portland for the purpose of some medical attention. I understand he is having a sinus operation and a general check up on his entire physical condition.

With kindest regards, I remain,

Cordially yours,

17348

J. W. LAURITSON, MAYOR
LESLIE STEWART, CLERK
MRS. WM. S. GAGON, TREASURER

COUNCILMEN:
J. D. WOODALL
T. H. HORSLEY
S. E. MATTHEWS
C. A. LALLATIN

CITY OF SODA SPRINGS

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

November 13, 1930

Department of Reclamation
Geo.N. Carter, Commissioner
Boise, Idaho

Dear Sir:

Inclosed you will please find Surety Bond #S B-260357 to be filed in your office as one of the requirements to hold the water filing for power purposes of the City of Soda Springs, Permit # 17348.

I hope this is satifactory with your department.

Very truly yours,

Mrs Leslie Stewart

City Clerk

17348

Bond.

APPROVED
NOV 14 1930
Geo. N. Carter

KNOW ALL MEN BY THESE PRESENTS, That City of Soda Springs, of Soda Springs, Ida. as principal, and The Aetna Casualty & Surety Company, Hartford, Connecticut, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand and no/100 - - - - - ($ 1,000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 5th day of June, 1930, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 24351, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. 17348, a full, true and complete copy of which application No. 24351 and permit No. 17348, is of record in the office of the Commissioner of Reclamation in Book 62 of Permits, at Page 17348.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 24351 and permit No. 17348, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals, this Sixth day of November, 1930.

WITNESSES:

S. T. Matthews

CITY OF SODA SPRINGS (SEAL)

By Leslie Stewart City Clerk (SEAL)

THE AETNA CASUALTY & SURETY CO.

By Harry O. Snow (SEAL)
Resident Vice President

Attest: Alfred H. Robins
Resident Ass't. Secretary

STATE OF IDAHO,
County of ..... } ss:

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

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

.....

.....

Subscribed and sworn to before me this ..... day of ....., 19....

.....

17348

FORM S-975 B

State of UTAH } ss.:
County of SALT LAKE }

On this 6th day of November 1930, before me personally came Harvey O. Snow, to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Salt Lake; that he is Resident Vice President of THE ÆTNA CASUALTY AND SURETY COMPANY, the corporation described in, and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; that he signed his name thereto by like order; (if individual Attorney-in-Fact the following will not be completed). That he is acquainted with Alfred H. Robins; that he knows him to be the Resident Vice President of said Company; that the signature of said Alfred H. Robins, subscribed to said instrument, is in the genuine handwriting of said Alfred H. Robins and was thereto subscribed by like order of said Board of Directors, and in the presence of him, the said Harvey O. Snow

Helen G. Williamson
Notary Public.

At a regular meeting of the Board of Directors of the Company, duly called and held on the 28th day of December, A. D. 1911, the following By-Law was adopted:

Article 8 Resident Officers, Attorneys-in-Fact and Agents.

SECTION 1. The President, any Vice-President or the Secretary may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries, Attorneys-in-Fact and Agents to represent and act for and on behalf of the Company, and either the President, any Vice-President, the Secretary or the Board of Directors may at any time remove any such Resident Vice-President, Resident Assistant Secretary, Attorney-in-Fact or Agent, and revoke the power and authority given him.

SECTION 2. Resident Vice-Presidents may, subject to the provisions and limits named in their certificate of authority, sign and execute on behalf of the Company any and all bonds and undertakings and other writings obligatory in the nature of a bond, and may bind the Company thereby as fully and to the same extent as the President or any other Officer could bind it; Such bonds and undertakings, however, to be attested in every instance by a duly appointed Resident Assistant Secretary.

SECTION 3. Resident Assistant Secretaries may, subject to the provisions and limits named in their certificate of authority, affix the seal of the Company to and attest on behalf of the Company any and all bonds and undertakings and other writings obligatory in the nature of a bond, and may bind the Company thereby as fully and to the same extent as the Secretary or any other Officer could bind it; such bonds and undertakings, however, to be signed and executed in every instance by a duly appointed Resident Vice-President.

SECTION 4. Attorneys-in-Fact may, subject to the provisions and limits named in their certificate of authority, execute and deliver and attach the seal of the Company to any and all bonds and undertakings and other writings obligatory in the nature of a bond on behalf of the Company, and any such instrument executed by any such Attorney-in-Fact when attested by any other Attorney-in-Fact shall be as binding upon the Company as if signed, sealed, and attested by any Officer of the Company.

At a regular meeting of the Board of Directors of the Company, duly called and held on the 25th day of April, A. D. 1912, the following By-Law was adopted:

SECTION 5. Attorneys in-Fact may, subject to the provisions and limits named in their Certificate of Authority, execute and deliver and attach the seal of the Company to any and all bonds and undertakings and other writings obligatory in the nature of a bond on behalf of the Company, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Secretary.

State of Connecticut } ss.:
County of Hartford }

I, L. M. Potter, of THE ÆTNA CASUALTY AND SURETY COMPANY, have compared the foregoing By-Laws with the originals thereof, as recorded in the Minute Book of said Company, and do hereby certify that the same are true and correct transcripts therefrom, and of the whole of said original By-Laws.

Given under my hand and the seal of the Company, at Hartford, Connecticut, this 1st day of July 19 25

L M Potter
Resident Assistant Secretary.

173148

Form No. 7

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Miss LESLIE STEWART, Clerk
Soda Springs,
I d a h o

Boise, Idaho

June 10, 1935

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. 17348.

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 August 5, 1935. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application 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,

R. W. FARIS

Commissioner of Reclamation.

17348

S E MATTHEWS, MAYOR
LESLIE STEWART, CLERK
JESSIE GAGON, TREAS.

ASK TO BE DIRECTED TO
LOVER'S DELIGHT SPRING
TOWN, OR HORSESHOE SPRING
IDAN-HA OR 90 PER CENT SPRING
HOOPER, THE FAVORITE SPRING

"Founded In 1870 On The Old Oregon Trail"

CITY OF SODA SPRINGS

HOME OF IDAN-HA NATURAL SODA WATER

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY
"YOU'LL LIKE OUR HEALTH GIVING MINERAL SPRINGS"

SODA SPRINGS, IDAHO

COUNCILMEN
F. J. COPPAGE
J. O. WALLACE
T. J. CORRIGAN
C. A. LALLATIN

A FEW ACTIVITIS.
MINING OF HUGE PHOSPHATE DEPOSITS
MUNICIPAL WATER POWER PLANTS
SHEEP ON A THOUSAND HILLS
CATTLE ON THE OPEN RANGES
GRAIN AND HAY IN THE VALLEYS

June 14, 1935

RECEIVED
JUN 17 1935
DEPARTMENT OF RECLAMATION

R. J. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

With reference to your letter of the 10th inst., we will need an extention of time on our water filing permit number 17348.

We have a project approved by the I.E.R.A. for a power plant, also we have all the blue prints and all the engineers plans ready, we expect to need perhaps one or two years to complete, however if we have real good luck we may be able to complete the plant in eight months, but to be on the safe side we would like very much to get an extention of time of two years.

We will greatly appreciate an immediate reply.

Very truly yours,
The City of Soda Springs
By Leslie Stewart
City Clerk.

17348

June 20, 1935

Re: Permit No. 17348

MISS LESLIE STEWART
City Clerk,
Soda Springs, Idaho

Dear Miss Stewart:

In conformance with your request of June 14th, we are enclosing herewith the proper form for an application for extension of time in which to complete the works required under the above permit.

Immediately upon receipt of this application, we shall prepare a notice and forward a copy of same to one of your county newspapers with instructions to publish it once a week for two consecutive weeks, The date for hearing will be fixed far enough in advance to allow sufficient time for the publication. The City of Soda Springs will, of course, be required to pay for the publication.

Very truly yours,

R. F. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLR/rg
Encl.

17348

Affidavit of Publication

RECEIVED
AUG 20 1935
Department of Reclamation

County of Caribou, }
State of Idaho, } SS.

Wm S Hildreth being first duly sworn on his oath, states:

That ....he is Publisher of the Soda
(Printer, Foreman or Principal Clerk)

Springs Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for Two successive weekly issues thereof, the date of the first publication being the 11th day of July, 1935, the date of the last publication being the 18th day of July 1935.

Wm S Hildreth

Subscribed and sworn to before me this 13th day of August, 1935

Colin Chester

(SEAL)

~~Notary Public~~. residing at Soda Springs, Idaho.

My Commission expires the.....
day of .....,19.....

COST: 43 lines at 10 cents a line for the first insertion and 3 cents a line for each of 1 subsequent insertions, total $ 6.45

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 129, Session Laws of 1935.

Notice is hereby given that on the 22nd day of July, 1935, at 10:00 A. M., a hearing will be held by the State Commissioner of Reclamation, or his deputy, at Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17348. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17348.

2. The name and post-office address of the person or persons or corporation holding said permit or permits are:

City of Soda Springs, Soda Springs, Idaho.

3. The amount of water claimed by the said permit or permits is 50 second feet from Soda Creek which is tributary to Bear River.

4. This notice is to be published at the expense of the applicant or applicants above named. The publisher is hereby authorized to deliver to the said applicant the proof of publication upon payment for the said publication.

R. W. FARIS, Com. of Rec.

First. Pub July 11 — last July 18

17348

(2nd Affidavit)

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL No. 129, SESSION LAWS OF 1935

Notice is hereby given, that on the 22nd day of July, 1935, at 10:00 o'clock, A. M., a hearing will be held by the State Commissioner of Reclamation, or his deputy, at Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17348. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17348.

2. The name and post-office address of the person or persons or corporation holding said permit or permits are:

CITY OF SODA SPRINGS, Soda Springs, Idaho

3. The amount of water claimed by the said permit or permits is 50 second feet from Soda Creek, which is tributary to Bear River.

4. This notice is to be published at the expense of the applicant or applicants above named. The publisher is hereby authorized to deliver to the said applicant the proof of publication upon payment for the said publication.

17348

R. W. FARIS

Commissioner of Reclamation

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

17348

Date July 5, 1935

EDITOR, SODA SPRINGS SUN
Soda Springs,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~ two consecutive weeks prior to July 22, 1935, the date set for ~~proof~~ hearing, the expense of the publication to be paid by the applicant,

CITY OF SODA SPRINGS, Soda Springs, Idaho

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17348

PERMIT No. 17348

EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL No. 129
SESSION LAWS OF 1935

RECEIVED
JUN 28 1935
Department of Reclamation

STATE OF IDAHO)
County of Bingham) ss.

S. E. Matthews, Mayor, / Mayor of Soda Springs, of _____, State of Idaho, being first duly sworn, upon his oath, deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 17348.

That under the terms and conditions of said Permit, Completion of Works thereunder is required by August 5, 1935.

That he has heretofore in good faith performed the following work and taken the following steps to bring about the completion of the said works described under the said Permit, to-wit:

Surveys have been made, rights of way purchased and under signature, plans, blue-prints and specifications have been prepared. Bond in the sum of $1000 has been continually filed with the Department of Reclamation, Boise, Idaho.

That he is unable to complete the remainder of the said works and submit proof of Completion of Works within the required time for the following reasons, to-wit:

Governmental Approved Project for Federal Aid on construction; due to change in set-up the actual working agreement not yet arrived at; at present we are awaiting governmental instructions before commencing actual construction.

WHEREFORE, He makes application to the Commissioner of Reclamation to extend the time for Completion of Works under the said Permit to August 5, 1937, pursuant to the provisions of Senate Bill No. 129, Session Laws of 1935.

CITY OF SODA SPRINGS, A MUNICIPAL CORP.,
By: S. E. Matthews
Mayor
Applicant

Subscribed and sworn to before me this 27th day of June, 1935

My Commission expires:
My Commission Expires July 2, 1937

L. T. Torgerson
Notary Public for Idaho, residing at Sodaspring, Idaho

Date of receipt at office of Department of Reclamation: _____ 19

APPROVAL OF COMMISSIONER OF RECLAMATION

WHEREAS, Application for an extension of time for Completion of Works under Permit No. 17348 has been made by the owner thereof, which application was duly advertised in the Soda Springs Sun of Soda Spring, Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at Boise, Idaho, on July 22, 1935, as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony introduced at the said hearing, it appears that the owner of the said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, by virtue of the authority vested in me under Senate Bill No. 129, Session Laws of 1935, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17348, to August 5, 1937.

WITNESS My hand this 20th day of August, 1935.

17348

R. W. Faris
Commissioner of Reclamation

July 6, 1935

Re: Permit No. 17348
City of Soda Springs

MISS LESLIE STEWART,
City Clerk,
Soda Springs, Idaho

Dear Miss Stewart:

This will acknowledge receipt of your application for an extension of two years time in which to complete the works required under the above permit. We have set the date for hearing, in connection with this application, as July 22nd at 10:00 o'clock A. M. in this office.

A notice for publication has been prepared, setting forth this date, and a copy of same mailed to the Soda Springs,Sun at Soda Springs, Idaho, with instructions to publish it once a week for two consecutive weeks prior to July 22nd.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17348

August 21, 1935

Re: Permit No. 17348
City of Soda Springs

MISS LESLIE STEWART,
City Clerk,
Soda Springs, Idaho

Dear Miss Stewart:

We are enclosing herewith Approval of Commissioner of Reclamation for an extension of time within which to complete the works of diversion required under the above numbered permit. The time has been extended to August 5, 1937, as per your application.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

17348

August 3, 1935

Re: Permit No. 17348
City of Sada Springs

MISS LESLIE STEWART, Clerk
Soda Springs,
Idaho

Dear Miss Stewart:

As you know, an application for an extension of time under the above permit was filed in this department several weeks ago. We set the date for hearing at 10:00 A. M. on July 22nd in this office. No protests were filed and, consequently, there could be no objection to the approval of the City's application for an additional two years time, within which to complete the works required.

However, we have not yet received an affidavit of publication from the Soda Springs Sun . Will you kindly contact the editor of this newspaper and request him to mail us this instrument, at your earliest convenience. The application will be approved immediately upon its receipt.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

17348

APRIL
Twenty-fifth,
Nineteen Thirty-six.

RECEIVED
APR
RECLAMATION

HON. R. W. FARIS,
Commissioner of Reclamation,
State House,
Boise, Idaho

Dear Commissioner:

Re: Permit No. 17,348 - City of Soda Springs

Law Offices
O. R. Baum
Pocatello, Idaho

Thank you for furnishing me the papers in the above entitled matter - I shall, also, need application for extension of time by the City of Soda Springs. Would you please forward this to me at Soda Springs in care of the Hotel Enders? I am enclosing self-addressed envelope for that purpose.

Thanking you in advance, I am,

Very truly yours,

O. R. Baum

O. R. BAUM

ORB:s

17348

April 27, 1936

Re: Permit No. 17348

HON. OR R. BAER,
Attorney at Law,
c/o Hotel Enders,
Soda Springs, Idaho

Dear Sir:

In conformance with your request of April 25th, we are enclosing herewith a copy of the application for an Extension of Time, filed by the City of Soda Springs, under Permit No. 17348. This copy has not been certified since both the commissioner and the custodian of records are out of the office. However, I trust that it will be sufficient for your purpose.

The charge for preparing and certifying the copy which I mailed to you under date of April 26th will be $1.500 There will be no charge for the enclosed copy.

Very truly yours,

DEPARTMENT OF RECLAMATION

By _____

G
Encl.

17348

May 1, 1936

Re: Permit No. 17348

HON. O. R. BAUM,
Attorney at Law,
Pocatello, Idaho

Dear Sir:

We are enclosing herewith our office receipt in the amount of $1.50, which was the sum due in connection with a certified copy of the above numbered permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17348

February 5, 1937

xxxxxxxxxx
Barzilla W. Clark

Re: Permits No. R-615 & 17348

MAX SNELL, Supt. Light & Water
Soda Springs, Idaho

Dear Sir:

This will acknowledge receipt of your fee of $5.00 submitted in connection with proof under Permit No. R-615. A Certificate of Completion of Works has been issued under this permit, and will be mailed to you within a few days with our office receipt for the fee.

As per your request, we are enclosing at this time, the necessary papers for final proof under Permit No. R-615, and also the proper forms for proof of completion of works under Permit No. 17348.

For your convenience, we are also enclosing the form letter of instructions with each set of blanks, and after you have completed them in accordance with such instructions, if you will kindly return them to this department, they will be given our immediate attention.

Very truly yours

Chief Clerk & Office Engineer

17348

PLH/oj
encl

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 11, 1937

(P. O.) Soda Springs, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

L. G. Gauchay
Mayor

(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 Cuddy CE 77
Engineer.

17348

FORM 8

Notice for Publication

Notice is hereby given that at 10:00 A.M., on the 17th day of April 1937, at Soda Springs, County of Caribou, State of Idaho, before Hon. D. K. McLean, Probate Judge proof will be submitted of the completion of works for the diversion of 50 cubic feet per second of the waters of Soda Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is City of Soda Springs

2. The postoffice address of such person or principal place of business of such corporation is Soda Springs, County of Caribou, State of Idaho.

3 The number of such Permit is 17348, and the date set for the completion of such work is August 5, 1937

4. Said water is to be used for generation of electrical power purposes.

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

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

(No irrigation)

R. W. FARIS

Commissioner of Reclamation.

17348

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date February 18, 1937

Re: Permit No. 17348

EDITOR, Soda Springs Sun
Soda Springs, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 17, 1937, the date set for proof, the expense of the publication to be paid by the applicant, City of Soda Springs, Idaho

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17348

xxxxxxxxx
Barzilla W. Clark

February 18, 1937

Re: Permits No. 17348 & R-615

MAYOR, City of Soda Springs
Soda Springs, Idaho

Dear Sir:

This will acknowledge receipt of notices in duplicate for publication in connection with proof of completion of works under Permit No. 17347 and beneficial use proof under Permit No. R-615, and also your authorization to have these notices published in the Soda Springs Sun of Soda Springs, Idaho.

Copies of the notices have been mailed to the newspaper with instructions to publish them once a week for four consecutive weeks prior to April 17, 1937. About ten days prior to this date, depositions consisting of one for the holder and one each for two witnesses will be mailed to D. K. McLean, Probate Judge, at Soda Springs so that he will have them in ample time for the proof.

On the date designated, you should appear at Judge McLean's office with two disinterested witnesses, who are familiar with the terms of these permits and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

17348

cj

Form No. 22-A

State of Idaho

ENGINEERING DEPARTMENT

BOISE

April 7, 1937

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

D. K. MC LEAN, Probate Judge
Soda Springs, Idaho

Boise, Idaho,

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 17348

Deposition of Permit Holder,
Depositions of Two Witnesses.

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

1. On April 17, 1937, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one eachfor two witnesses) should be filled out and sworn to, at Soda Springs, Idaho before D. K. McLean, Probate Judge

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

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

Yours truly,

17348

R. W. FARIS
Commissioner of Reclamation

Form 15

PERMIT NO. 17348

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. J. O. Wallace, Pharmacist, Soda Springs, Idaho

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

Ans. A municipal Corporation, The City of Soda Springs located in Caribou County, Idaho, I am chairman of the Board of the City Council of said City, acting as Mayor in the absence of S. E. Matthews who is today in Utah.

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

Ans. ~~R 615, July 23, 1936, 240 acre feet,~~ 17348 Aug. 5, 1930 50 sec. ft. point of diversion ~~about 25 W.~~ from the center of ~~the~~ NW4 NE4 of Sec. 36. Twp. 8 South, Range 41 East B. M. Source is Soda Creek. Caribou Co.

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

Ans. For the development of the electrical energy for the City of Soda Springs and its residents.

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. The water has been turned into the diversion works on about November 5th 1936, and on November 10th 1936, the entire flow of Soda Creek was turned through the turbine.

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 to both of these questions.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. The Works of diversion do comply with all the terms of permit.

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

Ans. Works consist of a dam reinforced concrete 66 feet, earth abutements 214 feet, width of headgate, 2 headgates 6 feet wide, Canal, Height 3 feet bottom width 4 ft. water line width 11½ ft. depth of water 2½ ft. pipeline to turbine 36 inches, length of canal 4000 ft. average grade 5.28 ft. per mile. Cost approximately $20,000.00.

(Sign here.) J. O. Wallace

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 Soda Springs, County of Caribou, State of Idaho, on this 17th day of April A. D. 19 37

Notary Public,

My Commission expires

Probate Judge

17348

Form 14

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

Permit No. 17348

Proof of Completion of Works

RECEIVED
APR 20 1937
Department of Reclamation

DEPOSITION OF WITNESS

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

Ans. Max Snell, Supertindent of the Light and Water of the City of Soda Springs, residing at Soda Springs, Idaho.

Ques. 2. Are you acquainted with City of Soda Springs, the holder of Permit No. 17348, authorizing the diversion of ~~240 Acre~~ 50 second feet ~~second~~-feet of the waters of Soda Creek, at ~~about 25 rods West from the center of the~~ NW¼ NE¼ of Sec. 36, Twp. 8 South, Range 41 E.B.M. for Power purposes? How long have you known him, and where does he reside?

Ans. The City of Soda Springs is a municipal corporation located in Caribo County, where I have lived for 20 years and by whom I have been employed 12 yrs.

Ques. 3. Have you read or heard read said Permit No. 17348, and are you familiar with its terms and conditions?

Ans. Yes to both questions.

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

Ans.

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

Ans. Yes

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

Ans. Works consist of a dam reinforced concrete 66 ft. earth abutements 1214 feet, Height 3 feet Two headgates 6 feet wide, canal bottom width 4 ft. water line width 10½ ft. depth of water 2½ ft. pipeline to turbine 36 in. Length of canal 4000 ft. Average grade 5.28 ft. per mile. Cost approximately $20,000. The capacity of the ditch is 50 sec. ft. with minor repairs and improvements, the ditch at this time is sufficient to carry the present flow of Soda Creek.

(Sign here.) Max Snell

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 Soda Springs County of Caribou, State of Idaho, on this 17th, day of April, A. D. 19 37.

D. H. McLean
Probate Judge

17348

Form 14

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

Permit No. 17348

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Melburn Marriott, employee of the City Water and Light Plants, Postoffice address, Soda Springs, Idaho.

Ques. 2. Are you acquainted with The City of Soda Springs, the holder of Permit No 17348, authorizing the diversion of ~~240 cubic~~ 50 sec ft ~~per~~ second-feet of the waters of Soda Creek ~~West from the Center of the~~ NW¼ NE¼ of Sec. 36, Twp. 8 South, Range 41 E.B.M. at ~~about 25 rods~~ for Power purposes? How long have you known him, and where does he reside?

Ans. The City of Soda Springs is a municipal corporation located in Caribou County, where I have lived 29 years, by whom I have been employed 5 yrs.

Ques. 3. Have you read or heard read said Permit No. 17348, and are you familiar with its terms and conditions?

Ans. Yes to both questions.

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

Ans.

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

Ans. Yes

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

Ans. Works consist of a dam reinforced concrete 66 feet, earth abutements 214 feet. height 3 feet. Two headgates 6 feet wide/ canal bottom width 4 ft. water line width 11½ ft. depth of water 2½ ft. pipeline to turbine 36 in. Length of canal 4000 ft. Average grade 5.28 ft. per mile. Cost approximately $20,000.00. The capacity of the ditch is 50 sec. ft. with minor repairs and improvements. The ditch at this time is sufficient to carry the present flow of Soda Creek.

(Sign here.) Melburn Marriott

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 Soda Springs County of Caribou, State of Idaho, on this 17th. day of April, A. D. 19 37.

[signature]

17348

Affidavit of Publication

County of Caribou, } SS.
State of Idaho, }

Wm S Hildreth being first duly sworn on his oath, states:

That he is Publisher of the Soda
(Printer, Foreman or Principal Clerk)

Springs Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for Four successive weekly issues thereof, the date of the first publication being the 25th day of February, 1937, the date of the last publication being the 18th day of March, 1937

Wm S Hildreth

Subscribed and sworn to before me this 17th day of April, 1937

D K McLean

(SEAL)

Notary Public, residing at Soda Springs, Idaho.

My Commission expires the 18 day of September, 1939

COST: ..... lines at ..... cents a line for the first insertion and ..... cents a line for each of ..... subsequent insertions, total $.....

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M., on the 17th day of April, 1937, at Soda Springs, County of Caribou, State of Idaho, before Hon. D. K. McLean Probate Judge, proof will be submitted of the completion of works for the diversion of 50 cubic feet per second of the waters of Soda Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is City of Soda Springs.
2. The postoffice address of such person or principal place of business of such corporation is Soda Springs, County of Caribou, State of Idaho.
3. The number of such Permit it 17348, and the date set for the completion of such work is August 5, 1937.
4. Said water is to be used for generation of electrical power purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is fifty cubic feet per second.
6. The amount of lands for which said water is available is ..... acres, particularly described as follows: (No Irrigation)

R. W. FARIS,
Commissioner of Reclamation

First Pub. Feb. 25—last March 18

17348

RECEIVED
APR 20 1937
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RECEIVED
APR 16 1937

IN THE MATTER OF THE SUBMISSION OF FINAL PROOF BY THE CITY OF SODA SPRINGS FOR THE DIVERSION OF FIFTY CUBIC FEET PER SECOND OF THE WATERS OF SODA CREEK SET FOR HEARING AS OF TEN O'CLOCK A.M. ON THE 17th DAY OF APRIL, 1937.	)	PROTEST OF T. E. THOMPSON

State of Idaho, (
County of Caribou) ss

Comes now the protestant, T. E. Thompson, and states:

That he is the owner of and user of that certain water right bearing priority date as of June 17, 1889 for .5 C.F.S. and date of priority of October 13, 1883 for 2.9 C.F.S. of the waters of Soda Creek, such right being set forth in that certain action entitled UTAH POWER & LIGHT COMPANY -v- LAST CHANCE CANAL COMPANY, et al, defendants, in Equity #203, such decree being dated July 14,1920 and recorded October 8,1920 at 5;00 p.m. in Book 1 of Deeds page 188 records of Caribou County, Idaho, and commonly known and referred to as the Mary E. Corrigan rights, and that your protestant herein has heretofore made application for the transfer of certain other waters aforementioned to the NW¼ Section 31, Township 8 South of Range 42 E.B.M. and that the said city of Soda Springs filed a protest to the transfer of the said water by your said protestant from the lands to which said water was originally decreed, as shown by the decree aforementioned to the last above described lands;

That the said City of Soda Springs, Idaho, while making application under date of June 5, 1930 for 50 cubic feet per second of time of the waters of Soda Creek, permitted its application to lapse and did not comply with the conditions thereof, in this, to-wit:

That one fifth of said work was to be performed on or before the 5th day of February,1933, and that one fifth of said work was not performed prior to such date, nor was an application for extension made prior to such date nor was any application pending for an extension prior to the expiration of the one fifth time period;

That one fifth of said work on said permit was never performed or any substantial part thereof performed until subsequent to the time your

Law Offices
O. R. Baum
Pocatello, Idaho

17348

protestant herein made application to transfer the point of use, and change the point of use of the waters so belonging to him in Soda Creek from the lands to which they were originally decreed, to the lands set forth in this petition.

That Soda Creek does not produce nor yield nor flow fifty cubic feet per second, and that the said city of Soda Springs at no time has utilized such amount of water or any part or portion thereof.

That any rights that the said City of Soda Springs has now in the waters of Soda Creek or any rights that have accrued to said City of Soda Springs by reason of the said application, are junior and inferior to the rights of the protestant herein.

That a hearing was had on your said protestant's petition or application for transfer of the place of use and permission was denied by the Commissioner of Reclamation of the State of Idaho, and that an appeal has been taken to the District Court of the Fifth Judicial District of the State of Idaho in and for Caribou County, and that a hearing soon will be had thereon.

Dated this 13th day of April, 1937.

T. E. Thompson.

State of Idaho (
) ss
County of Caribou (

T. E. THOMPSON, being first duly sworn, according to law, deposes and says:

That he has read the above and foregoing protest, knows the contents thereof, and that the facts therein stated he verily believes to be true.

T. E. Thompson.

SUBSCRIBED AND SWORN TO before me this 13th day of April, 1937.

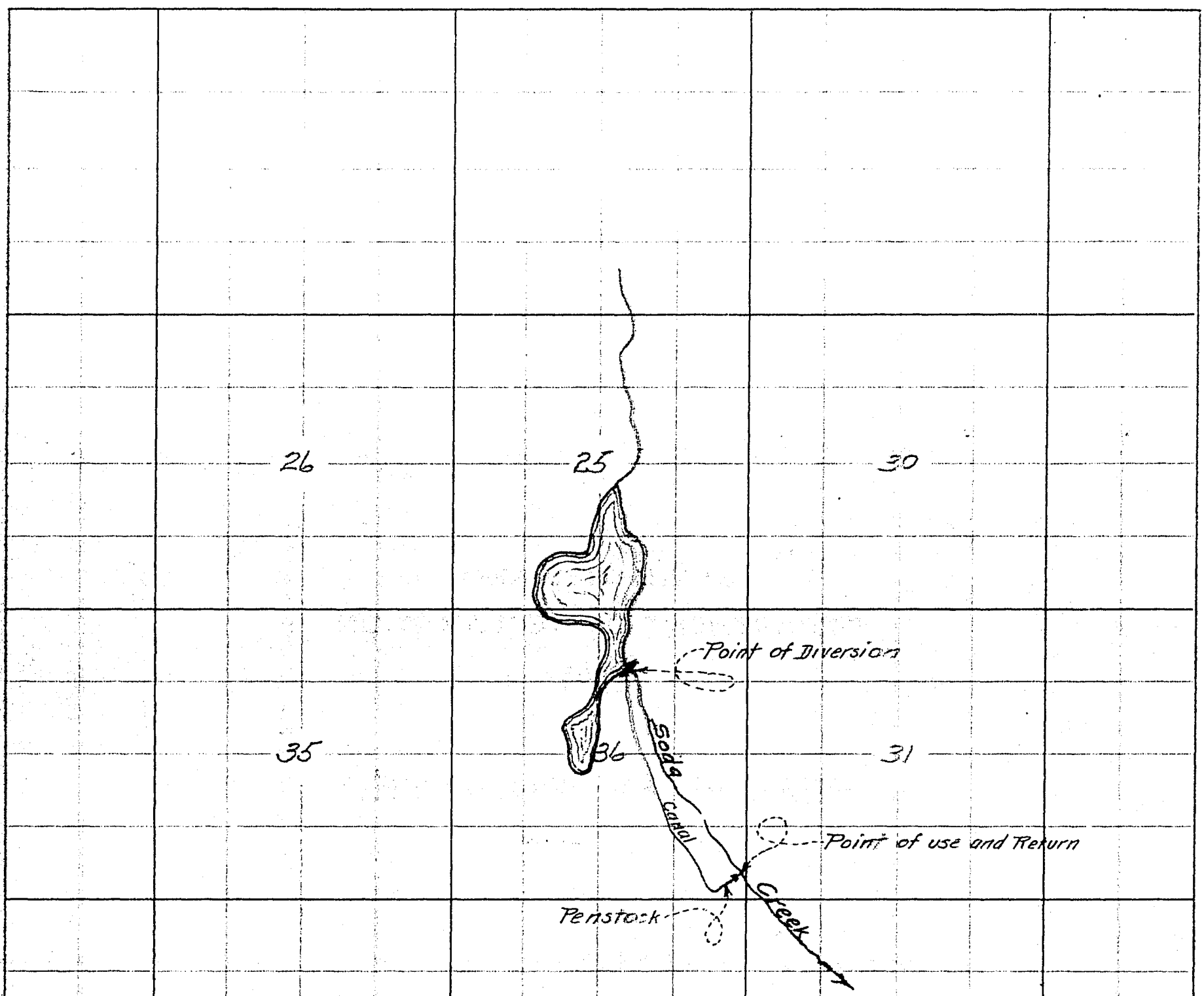
O. R. Baum

(SEAL)

NOTARY PUBLIC FOR IDAHO, residing at Soda Springs therein. Com.exp. Sept. 18, 1939

Law Offices
O. R. Baum
Pocatello, Idaho

17318



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17348

Form 28

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17348

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

1. Name of applicant City of Soda Springs

2. Source of water supply: Soda Creek

3. Location of point of diversion: Is in the NW¼NE¼ of Section 36

T. 8 S. R. 41 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Dam of earth and concrete 212 ft Long x 12' high, Ditch 4' wide x 2.5 deep, 150' concrete flume, 435' of 36 steel penstock under 70' head Max, Power house 18'x24' inside James LaFellet turbine, 187 K.V.A. generator, 2400 volts, 45 amps. at 720 R.P.M. Capacity of diversion works 50. second feet

5. Water is used for: Power Purposes

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

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

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

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

Remarks: Plant requirements as metered by M. E. J. Baird on April 23rd 1937 were as follows.

Power developed	water used
135. K.W.	32.8 Sec.Ft.
100 "	27.12 " "
45 "	14.63 " "
Zero Load	6.1 " "

This examination was made on the 16th day of May, 1937

(Signed) Fred H. Dolman
Examiner.

1(348

RECEIVED
APR 16 1937
Reclamation

Tuesday
April thirteenth
Nineteen thirty seven

T. E. Thompson water matter

Hon. R. F. Faris,
Commissioner of Reclamation,
Boise, Idaho.

City of Soda Springs,
Soda Springs, Idaho.

Gentlemen:

Law Offices
O. R. Baum
Pocatello, Idaho

Herewith enclosed please find protest in the above matter.

Kindly file, and acknowledge receipt. Thank you.

Very truly yours,

O R Baum

ORB LAWS

O. R. BAUM

1734 8

April 17, 1937

Re: Permit No. 17348
City of Soda Springs

O. R. BAUM
Attorney at Law
Pocatello, Idaho

Dear Sir:

This will acknowledge receipt of the protest of Mr. T. E. Thompson against the City of Soda Springs' proof of completion of works to divert fifty second feet of water from Soda Creek for power purposes.

The matter to which you referred as being scheduled for 10:00 o'clock A. M. on the 17th day of April will consist of nothing more than the taking of a deposition from some person acting as the agent for the City of Soda Springs and the taking of depositions of two witnesses. They will then be submitted to this department for its consideration, and under the law, no action can be taken until such time as a field examination has been made by an engineer of this department.

Your protest, however, will be filed and given consideration at such time as the Field Engineer's report is on file in this office.

Very truly yours

Deputy Commissioner of Reclamation

17348

PLH/cj
cc City Clerk
Soda Springs

April 22, 1937

Re: Permits No. 17348 & R-615
City of Soda Springs

S. E. MATTHEWS, Mayor
Soda Springs, Idaho

Dear Sir:

This will acknowledge receipt of the following papers in connection with Permits No. 17348 and R-615, to-wit:

Deposition of the holder and depositions of two witnesses for proof of completion of works under Permit No. 17348.

Deposition of the holder and depositions of two witnesses in connection with beneficial use proof under Permit No. R-615.

Affidavits of publication in connection with both of these proofs from the Soda Springs Sun.

These proofs will both be held in abeyance until such time as the Field Engineer of this department has an opportunity to make an examination in connection with each of them.

Furthermore, it will be of interest to you to know that a protest has been filed against proof of completion of works under Permit No. 17348 by T. E. Thompson who alleges that the City of Soda Springs has not complied with the terms of the permit with reference to the time when one-fifth of the work should have been completed.

Therefore, at such time as we receive the Field Engineer's report covering these proofs, we shall give consideration to the protest as well as your proof. Whatever action is taken by the department will be largely dependent upon the engineer's findings.

Very truly yours

Deputy Commissioner of Reclamation

17348

PLW/cj

BONDED R. E. BROKER

ESTABLISHED IN 1919

S. E. MATTHEWS FINANCIAL AGENCY

SOUTHEASTERN IDAHO FARM SALES AND RENTALS

OPERATING ALSO

CARIBOU COUNTY ABSTRACT CO.

BONDED ABSTRACTERS

SODA SPRINGS, IDAHO

INSURANCE
INVESTMENTS
ABSTRACTS

MTG LOAN CORRESPONDENT
PHOENIX MUTUAL LIFE INS CO.
GEO. W. MOORE AND COMPANY

RECEIVED
OCT 28 1937

Oct. 27th, 1937.

Department of Reclamation,
R. W. Farris, Commissioner,
Boise, Idaho.

Gentlemen:-

Re: City of Soda Springs - Power Filing
Bond No. 260357 Dated: Oct. 3, 1930 Ø $1,000.00

From Oct. 3, 1930 to October 3, 1937 (7 years) at a total cost of $70.00 this City has kept in full force and effect the above described bond.

Having completed the power filing, constructing a power plant and delivering electricity since September of 1936 the City Board felt there was no further necessity of continuing the bond as of Oct. 3, 1937.

The bonding company (AEtna Casualty & Surety Co., through its Salt Lake City General Agents, Ed. D. Smith & Sons) was notified of this decision but we are having considerably difficulty in convincing that office that there is no further necessity for the bond. In fact, this company insists upon charging a premium until and unless your office notifies them that the bond is NOT required and that no further liability exists. This city notified Ed. D. Smith & Sons, that no further liability exists, but that does not seem to be sufficient.

PLEASE be good enough to write to Ed. D. Smith & Sons, General Agents, Salt Lake City, Utah (favoring us with a copy thereof) to the effect that it is in order to cancel this bond as of Oct. 3, 1937.

Ordinarily municipalities are not required to post bonds in the first place, and after having carried this bond for 7 years it would seem it should not be so difficult to effect a cancellation!

Thanking you in anticipation of your co-operation, we remain,

Yours respectfully,

CITY OF SODA SPRINGS,

By: S. E. Matthews
Mayor.

17348

Carbon Copy to Ed. D. Smith & Sons, General Agents, (AEtna) Salt Lake City, Utah.

October 29, 1937

Re: Permit 17348.

Mr. S. E. Matthews
Mayor of Soda Springs
Soda Springs, Idaho

Dear Sir:

I have your letter of October 27th concerning the bond filed under one of the City's permits. You did not give the number of the permit in question, but I feel reasonably sure that it is Number 17348, which claims the use of 50 second feet of water from Soda Creek. This permit was issued to the City on August 5, 1930, and the bond filed thereunder is dated November 6, 1930. Proof of completion of works was offered under this permit on the 17th day of April, 1937, and received in this department on April 20, 1937.

I quite agree with you that there is no longer any necessity in carrying this bond, although this department has no authority to release any bond, according to the Attorney General. Nevertheless, I feel reasonably sure that this letter will suffice for the bonding company to cancel it.

Your other permit under which a bond is required is No. 17723, which was issued September 20, 1932, and is for 48 second feet of water from Soda Creek. As you know, both proofs have been offered under this permit and a license issued by the Department.

It does not seem material to me which one of these permits you have reference to, since in either case I can see no necessity for any longer having the bond.

I do not have the address of Ed D. Smith & Sons, Salt Lake Agents for the Aetna Casualty & Surety Co., but I am enclosing a copy of this letter so that you can forward it to the company.

If there is anything else needed in this connection, kindly advise me at once, and we shall attempt to supply it.

Very truly yours,

17348

Deputy Commissioner of Reclamation

PLM:jl

Acting

James Spofford xxxxxxx

xxxxxxxxxxxxx
C. A. Bottolfsen

January 3, 1939

Re: Permit No. 17348

City of Soda Springs,
Soda Springs, Idaho.

Gentlemen:-

A short time ago we received the report of our field engineer on proof of completion of works under the above numbered permit.

Our engineer found that the works would be capable of diverting 50 cubic feet per second of water from Soda Creek.

Therefore, upon receipt of the statutory fee, which in this case would be $17.00, a certificate of completion of works will be issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

17348

S. E. MATTHEWS, MAYOR
LESLIE STEWART, CLERK
JESSIE GAGON, TREAS.

FOR NATURAL SODA WATER
ASK TO BE DIRECTED TO
HOOPER, THE FAVORITE SPRING
LOVER'S DELIGHT SPRING
IDAN-HA OR 90 PER CENT SPRING

Founded In 1870 On The Old Oregon Trail
Ft. Connor Established on Original Site in 1863

CITY OF SODA SPRINGS

HOME OF IDAN-HA NATURAL SODA WATER

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY
"YOU'LL LIKE OUR HEALTH GIVING MINERAL SPRINGS"

SODA SPRINGS, IDAHO

COUNCILMEN
R. J. COPPARD
J. O WALLACE
T. J. CORRIGAN
C. A. LALLATIN

A FEW ACTIVITIES:
MINING OF HUGE PHOSPHATE DEPOSITS
MUNICIPAL WATER POWER PLANTS
SHEEP ON A THOUSAND HILLS
CATTLE ON THE OPEN RANGES
GRAIN AND HAY IN THE VALLEYS

January 9,1939

RECEIVED
JAN 10 1939
Department of Reclamation

Department of Reclamation
James Spofford, Commissioner
Boise, Idaho

Re: Permit #17348
Soda Springs

Dear Sir:

In answer to your letter of January 3 rd you will please find Warrant #9150 for the amount of $17.00 to pay fee for certificate of completion of works on Power Plant.

Please handle this warrant same as a check and it will be paid, also inclosed is a claim please sign on the back before a notary public and return for our files.

Yours truly,

(Miss) Leslie Stewart

City Clerk

17348

James Spofford xxxxxxx

xxxxxxxxxxxx

C. A. Bottolfsen

January 18, 1939

Re: Permit No. 17348
City of Soda Springs

Miss Leslie Stewart,
City Clerk,
Soda Springs, Idaho.

Dear Madam:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit to the City of Soda Springs, to appropriate 50 second feet of the waters of Soda Creek, for electrical power generation purposes.

The Department's Receipt No. 16816 for the $17.00 fee is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

JLA
Enc.

17348

S. E. MATTHEWS, MAYOR
LESLIE STEWART, CLERK
JESSIE GAGNON, TREAS

FOR NATURAL SODA WATER
ASK TO BE DIRECTED TO
HOOPER, THE FAVORITE SPRING
LOVER'S DELIGHT SPRING
IDAN-HA OR 80 PER CENT SPRING

Founded In 1874 On The Old Oregon Trail
Ft. Connor Established on Original Site in 1863

CITY OF SODA SPRINGS

HOME OF IDAN-HA NATURAL SODA WATER

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY
YOU'LL LIKE OUR HEALTH GIVING MINERAL SPRINGS

COUNCILMEN
R. J. CORRIDAN
J. O. WALLACE
T. J. CORRIDAN
C. A. LAULETTA

A FEW ACTIVITIES
MINING OF HUGE PHOSPHATE DEPOSITS
MUNICIPAL WATER POWER PLANTS
SHEEP ON A THOUSAND HILLS
CATTLE ON THE OPEN RANGES
GRAIN AND HAY IN THE VALLEYS

SODA SPRINGS IDAHO

February 4,1939

Department of Reclamation
Boise, Idaho

Gentlemen:

In checking "Certificate of Completion of Works", "Permit #17348", we find there is an error in the description for point of diversion of water.

Permit #17348 reads "N 54° 20'W.2180 feet distant from the N.E.corner of Section 36,T. 8 S.,R.41 E., B.M.in the NW¼NE¼ of section 31,T.8 S., R. 41 E.B.M."

Should read N. 54° 20' W.2180 feet distant from the N.E.corner of Section 36,T.8 S., R. 41 E., B.M. in the NW¼NE¼ of section 36, T. 8 S., R. 41EB.M.

May we change the 31 to 36 on our copy and you change your copy or do you want us to send our copy in to you for correction.

Yours truly,
The City of Soda Springs
By (Miss) Leslie Stewart
City Clerk

17348

March 7, 1939

Re: Permit No. 17348
City of Soda Springs.

Miss Leslie Stewart,
City Clerk,
Soda Springs, Idaho.

Dear Miss Stewart:-

We are in receipt of your letter of February 4th, in which you state that you find an error in the description, which should be NW¼ NE¼ Section 36, To. 8 S., R. 41 E., B.M. instead of NW¼ NE¼ of Section 31, T. 8 S., R. 41 E., B.M.

Our record of this permit gives the description as Section 36 in every instance; and if the Certificate of Completion of Works recently sent you reads Section 31, this will be your authority to make the correction accordingly.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

17348

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

June 20, 1941

Re: 17348

City of Soda Springs
Soda Springs, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 17348, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is Aug. 5, 1941, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG.

Commissioner of Reclamation

17348

Form No. 11

RECEIVED
JUN 27 1941
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 26,1941

(P. O.) Soda Springs, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

L. E. Matthews, Mayor
Per Lucile Stewart
City Clerk,

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

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

Engineer.

Gentlemen:

If I have date of priority wrong please change it for me but the certificate of completion of works gave the priority date as June 5, 1930.

L.S. 17348

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 17348

Date June 27, 1941 . . . . . .

Soda Sprins Sun
Soda Springs, Idaho

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to Aug. 5, 1941 , the date set for proof, the expense of the publication to be paid by the applicant, City of Soda Springs, SodaSprings, Idaho

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

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

Very truly yours,

E. V. HERG.

Commissioner of Reclamation

17348

Form 10

RECEIVED
JUN 27 1941
...of Irrigation

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 5th day of Aug., 19 41, at Soda Springs, County of Caribou, State of Idaho, before D.K.McLean, a Notary Public, proof will be submitted of the application to beneficial use of 50 cubic feet per second of the waters of Soda Creek in accordance with the terms and conditions of Permit No. 17348 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are The City of Soda Springs, Soda Springs, Idaho

The use to which said water has been applied is Electrical power generation

The amount applied to beneficial use is 50 cubic feet per second

The place where said water is used (~~if for irrigation, give full and accurate description of the lands irrigated~~) N.48 32' E. 166 feet distant from S.E. corner of Section 36 T. 8 S., R 41 E, B.M., in the E.W. ¼, S.W. ¼ of Section 31, T 8 S, R. 42 E, B.M.

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

The right to take water from such works is based upon Permit No. 17348

The source of supply from which such water is diverted is Soda Creek

The date of priority which said user is prepared to establish is June 5, 1930.

E. V. BERG,
Commissioner of Reclamation.

17348

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

July28, 1941
Boise, Idaho,

Re: 17348

City of Soda Springs

D. K. McLean, Notary Public
Soda Springs, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No.....17348.....

Deposition of Permit Holder,
Depositions of Two Witnesses.

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

1. On.....August 5, 1941....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, ~~at~~ before.....D. K. McLean, Notary Public.....before at Soda Springs, Idaho.....

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

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

Yours truly,

E. V. BERG.

Commissioner of Reclamation.

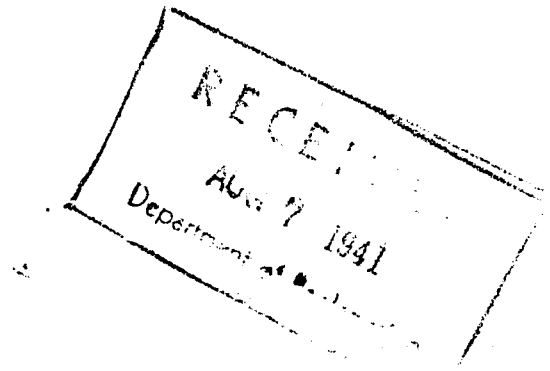
17348

Form 16.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO



Permit No. 17348

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. City of Soda Springs, by Leslie Stewart Clerk, 48, Soda Springs, City Clerk, Soda Springs, Idaho.

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

Ans. Leslie Stewart, City Clerk

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

Ans. 17348, August, 5th. 1930, priority June 5th. 1930.

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

Ans. Soda Creek, South 54 degrees 20 feet West, 2180 feet distant from the N.E.Cor. of Sec. 36, T. 8 S.R. 41 E.BM. and is in the NW¼NE¼, Sec. 36; T 8 S.R. 41E.B.M.

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

Ans. Conc. Diversion Dam, ditch, steel penstock, 50 cubic feet per second, Power Plant Canal.

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. Electrical Power Generation, N 43 degrees West 726 feet distant from the Southeast Corner of Sec. 36 T. 8 S., R. 41 E.., B.M. in the SE¼SE¼, of Sec. 36 T. 8 S.R. 41 E.B.M.

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

Ans. H.P. 469, under a 78 foot head.

17345

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

Ans. 50 cubic feet per second

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

Ans. Agent as City Clerk

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

Ans. The Electric Plant was built in 1936, by canal and steel penstock, and when the Creek is running full the 50 cubic feet per second is used, or the full flow of creek continuously

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. None

City of SodaSprings

By (Sign) Lucile Stewart
City Clerk

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ~~him~~ her to be the person she represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Soda Springs, County of Caribou, State of Idaho, on this 5th. day of August, A. D. 1941.

Notary Public
Soda Springs, Idaho.

My commission expires Sept.18th.1943.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 7 1941

PERMIT NO. 17348

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. Melburn Marriott, 34, Soda Springs, Assintant Electrician, Soda Springs, Idaho.

Ques. 2. Are you acquainted with The City of Soda Springs, the holder of Permit No. 17348? How long have you known him and where does he reside?

Ans. All my life, it is a Municipal Corporation

Ques. 3. Have you read or heard read said Permit No. 17348, 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 frrom point of diversion to place of use.

Ans. Soda Creek, in the $N\frac{1}{2}NE\frac{1}{4}$, Section 36; Township 8 South, Range 41 East Boise Meridian, through an open canal, from a cement dam for about 4000 feet to 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. 50 cubic feet per second, 45 cubic feet per second

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

Ans. Electric Energy at place of use is N 43 degrees West 726 feet distant from the Southeast corner of Sec. 36 T. 8 S., R. 41 E.B.M. in the $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 36. T. 8 S. R. 41 E.B.M.

17348

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

Ans. Through a steel penstock conveying the water to place of use.

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. xx

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

Ans. As a citizen and I am working for the City.

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. About 5 years ago when the Plant was built, I was working for the City at that time, and I have seen it in operation almost daily since it was built.

(Signed) Nelson Merrill

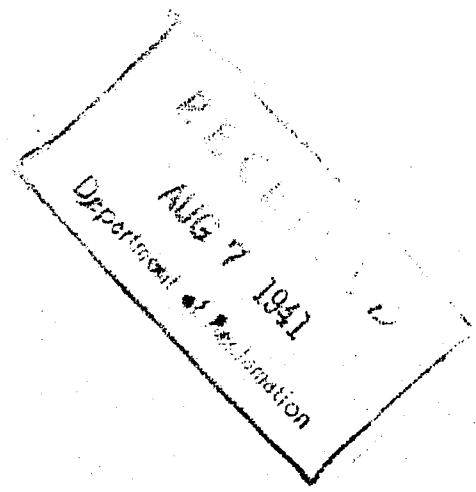
I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Soda Springs, County of Caribou, State of Idaho, on this day of August, 5th. A. D. 19 41

Notary Public.

My commission expires Sept. 18th. 1943.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17348

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. Robert B.Maughan, 50, Soda Springs, Supt.of Light & Water, Soda Springs, Idaho.

Ques. 2. Are you acquainted with City of Spda Springs, the holder of Permit No. 17348? How long have you known him and where does he reside?

Ans. A Municipal Corporation

Ques. 3. Have you read or heard read said Permit No. 17348, 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 frrom point of diversion to place of use.

Ans. Soda Creek, N½NE¼, Section 36; Township 8 South, Range 41 East, Boise Meridian, Open Canal from Cement Dam about 4000 feet to 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. 50 cubic feet per second, 45 cubic feet per second

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

Ans. Electric Energy at place of use in N 45 degrees West 726 feet distant from the South east corner of Sec.36 T.8.S.R.41 E.B.M.in the SE¼SE¼, Sec.36.T.8 S.R.41 E.B.M.

17348

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

Ans. Through a steel Penstock conveying the water to a Terbine Wheel

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. xx

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

Ans. Just as a Citizen

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. For the past 18 months, by being supt. of the electric works, to the full amount of the works.

(Signed) Robert B. Maughan

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Soda Springs, County of Caribou, State of Idaho, on this day of August, 5th, A. D. 1941.

Notary Public.

My commission expires Sept. 18th, 1943

RECEIVED
AUG 7 1941
Department of Reclamation

Affidavit of Publication

County of Caribou, } SS.
State of Idaho, }

A. Ira Cox being first duly sworn on his oath, states:

That he is Foreman of the Soda
(Printer, Foreman or Principal Clerk)

Springs Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 5 successive weekly issues thereof, the date of the first publication being the 3rd day of July, 1941, the date of the last publication being the 31st day of July, 1941.

A. Ira Cox

Subscribed and sworn to before me this 7th day of August, 1941.

(SEAL)

Notary Public, residing at Soda Springs, Idaho.

My Commission expires the 18 day of August, 1943

COST: 47 lines at 10 cents a line for the first insertion and 5 cents a line for each of 4 subsequent insertions, total $14.10

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 5th day of August, 1941, at Soda Springs, County of Caribou, State of Idaho, before D. K. McLean, a Notary Public, proof will be submitted of the application to beneficial use of 50 cubic feet per second of the waters of Soda Creek in accordance with the terms and conditions of Permit No. 17348 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are The City of Soda Springs, Soda Springs, Idaho.

The use to which said water has been applied is Electrical power generation.

The amount applied to beneficial use is 50 cubic feet per second.

The place of use is N. 43 degrees West 726 feet distant from the Southeast corner of Sec. 36 T. 8 S., R. 41 E., B. M., in the SE¼SE ¼ of Sec. 36 T. 8 S., R. 41 E., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Power Plant Canal.

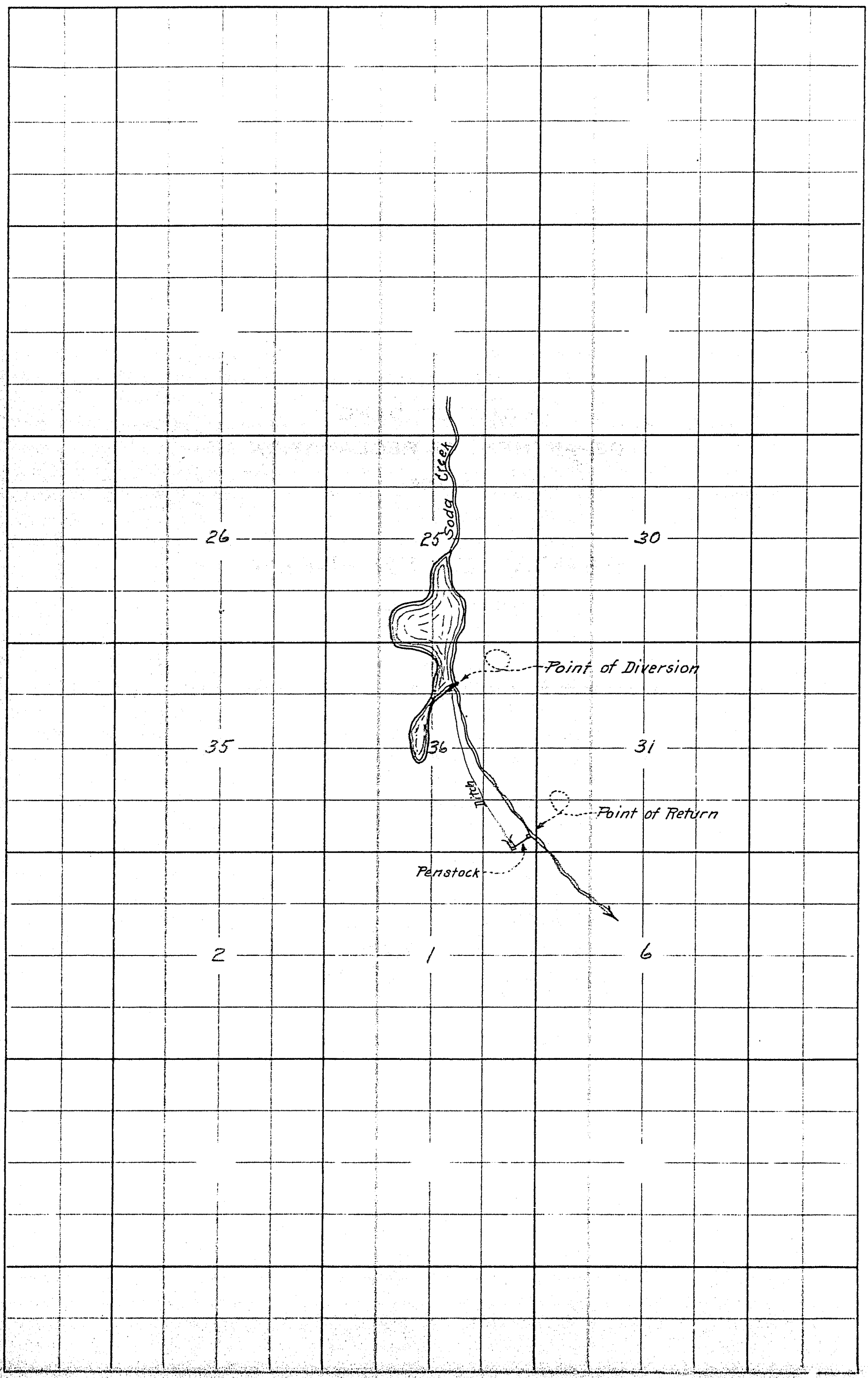
The right to take water from such works is based upon Permit No. 17348.

The source of supply from which such water is diverted is Soda Creek.

The date of priority which said user is prepared to establish is June 5, 1930.

E. V. BERG
Commissioner of Reclamation.

17348



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17348

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17316

This proof is for Beneficial Use In Water District No.

1. Name of applicant City of Soda Springs

2. Source of water supply:

3. Location of point of diversion: Is in the NE¼NE¼ of Section 36

T. 8 S. R. 41 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Earth and concrete dam 212 feet long, and 12 feet high; diversion canal 4 feet bottom width; concrete flume 150 feet long; steel penstock 435 feet long X 36 inches diameter, and turbine operating under 70 foot static head.

5. Water is used for: Power

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

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

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

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

Remarks:

This installation runs at full capacity of 185 H.P. to supply general municipal requirements.

This examination was made on the 21st day of September, 1941

(Signed) Fred L. Ackman
Examiner.

August 12, 1941

Re: 17348

The City of Soda Springs
Soda Springs, Idaho

Gentlemen:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of publication from the Soda Springs Sun, all in connection with Beneficial Use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, field engineer for the department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

When the engineer's report is filed, you will be notified of the amount due for Beneficial Use proof, and upon receipt of your remittance a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation.

ml. BY: Chief Clerk.

17348

March 2, 1942

Re: 17348

City of Soda Springs
Soda Springs, Idaho

Gentlemen:

We are in receipt of our Engineer's report on your permit for Beneficial Use proof. The fee is $5.00, upon receipt of which a License will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

ml.

17348

S. E. MATTHEWS, MAYOR
LESLIE STEWART, CLERK
JESSIE GAGON, TREAS.

Founded In 1870 On The Old Oregon Trail
Ft. Connor Established on Original Site in 1863

CITY OF SODA SPRINGS

IDAHO'S NATURAL SODA WATER CITY
HEALTH GIVING MINERAL SPRINGS

Famous 175 foot Carbon Dioxide Gas Geyser

COUNTY SEAT OF CARIBOU COUNTY
SODA SPRINGS, IDAHO

COUNCILMEN
D. E. ROMPEL
J. O WALLACE
T J. CORRIGAN
EARL GUNNELL

FOR NATURAL SODA WATER
ASK TO BE DIRECTED TO
HOOPER, THE FAVORITE SPRING
LOVER'S DELIGHT SPRING
IDAN-HA OR 90 PER CENT SPRING

A FEW ACTIVITIES:
MINING OF HUGE PHOSPHATE DEPOSITS
MUNICIPAL WATER POWER PLANTS
SHEEP ON A THOUSAND HILLS
CATTLE ON THE OPEN RANGES
GRAIN AND HAY IN THE VALLEYS

March 13,1942

Re: 17348

Department of Reclamation
E.V.Berg,Commissioner
Boise, Idaho

RECEIVED
MAR 14 1942
Department of Reclamation

Gentlemen:

Inclosed you will please find Warrant #909,Fee for Permit for Beneficial Use Proof.

Also I have enclosed a claim blank if you will sign on the back before a Notary Public and return to us for our files it will be appreciated.

Very truly yours,
(Miss) Leslie Stewart
City Clerk

17348

March 17, 1942

Re: Permit No. 17348

Miss Leslie Stewart, City Clerk
City of Soda Springs
Soda Springs, Idaho

Dear Miss Stewart:

We wish to acknowledge receipt of your letter of March 13, 1942, enclosing Warrant #909, fee for Permit for Beneficial Use Proof and claim blank to be signed and notarized.

We are enclosing herewith the notarized claim and State of Idaho Receipt No. 18151 for $5.00.

Very truly yours,

E. V. HERG
Commissioner of Reclamation

By: Dorothy Broyles
Secretary

DJB
Encl.-2

17348

April 1, 1942

Re: 17348

City of Soda Springs
Soda Springs, Idaho

Gentlemen:

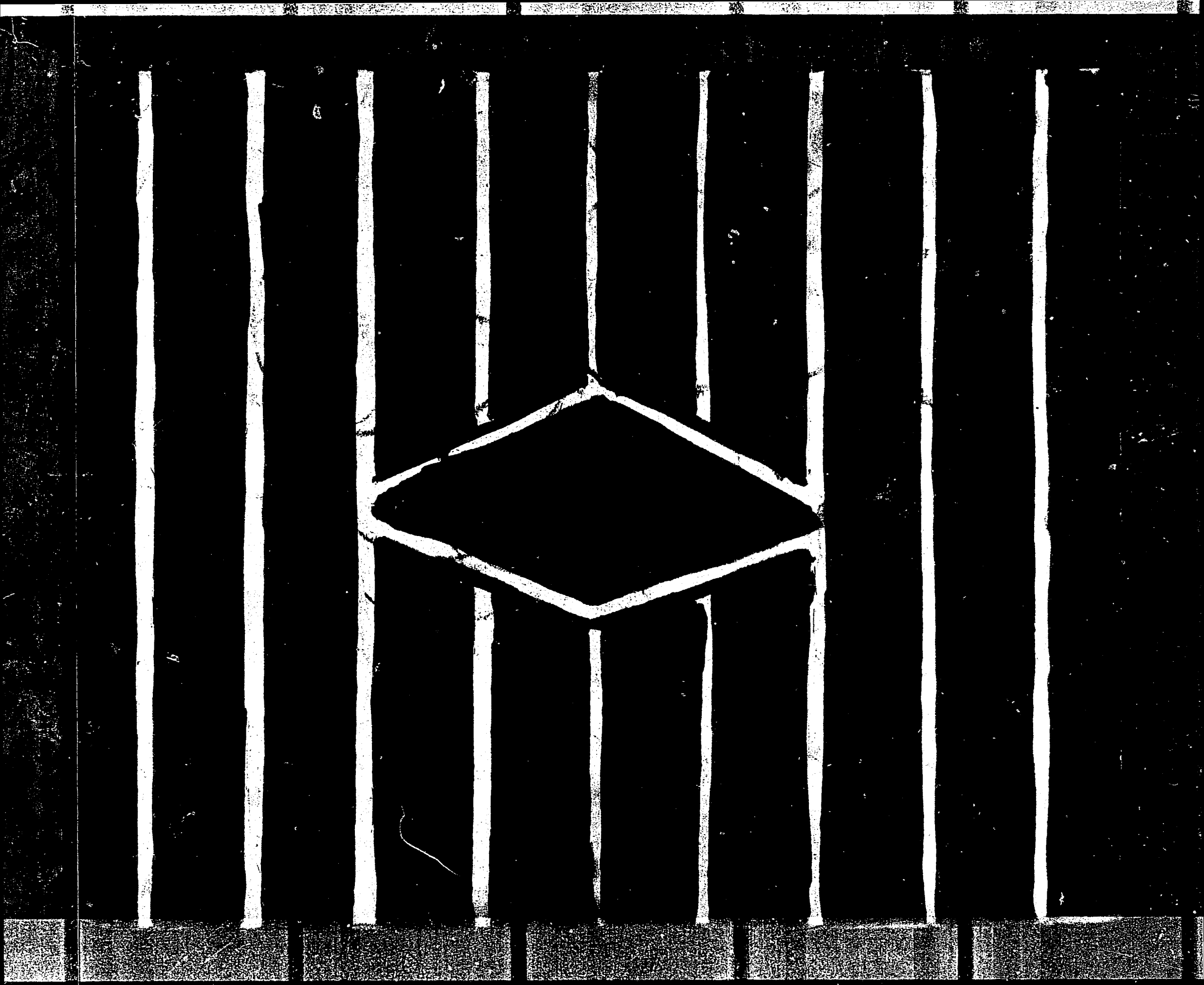
We are enclosing License and Certificate of Water Right for 50.0 cubic feet per second of the waters of Soda Creek for generating power with pointof diversion in the NW¼NE¼, Sec. 36, Twp. 8 S., Rge 41E., with a priority date of June 5, 1930.

Very truly yours,
E. V. BERG
Commissioner of Reclamation

BY: Chief Clerk.

ml.

17348



4104

State of Idaho

License and Certificate of Water Right

Water License No. 17348 Amount 50.0 c.f.s.

Water District No. Priority June 5, 1930

THIS IS TO CERTIFY that CITY OF SODA SPRINGS of Soda Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 5, 1930, 19; that Permit No. 17348 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 50.0 second feet, was issued thereunder on January 17, 1939, 19, showing that said works were completed on the 17th day of April, 1937; and that on the 5th day of August, 19 41,

CITY OF SODA SPRINGS

of Soda Springs, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Soda Creek, a tributary of Bear River, for the purpose of electrical power generation, under Use Permit No. 17348 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4104, on the 27th day of March, 19 42;

The right hereby confirmed dates from June 5, 1930, 19;

The Point of Diversion is located in the NW¼ ¼ NE¼ ¼, Sec. 36, Tp. 8 S, R. 41 E, B. M. Caribou

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 50.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
				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 Commissioner of Reclamation, affixed at Boise, Idaho, this 27th day of March, 19 42

E. V. BERG

Commissioner of Reclamation

(SEAL)

11 2091

Form 222
1-87

Page 1 of 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4550

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED
JAN 2 6 1995
Department of Water Resources

Name of applicant City of Soda Springs Phone (208) 547-2600

Post Office address 9 West 2ND South, Soda Springs ID 83276

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other No Split

2. Describe the reason for the proposed changes This transfer is being filed to change the water rights to reflect actual current use. These rights are used at Power Plant No. 4 and the former site, Power Plant 3, has been demolished. These rights are diverted through New Kackley Ditch.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
11-02091	06-05-1930	50.00cfs	Power	01-01	to 12-31
11-02156	07-23-1936	240.0 af	Power Storage	01-01	to 12-31
		240.0 af	Power from Storage	01-01	to 12-31
11-02161	11-27-1954	40.00 cfs	Power	01-01	to 12-31

2. Total amount of water being transferred 90.00 cubic feet per second and/or 240.0 acre-feet per annum. STORAGE

3. Source of water Soda Creek tributary to Bear River

4. Point(s) of Diversion: No Change

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	36	8S	41E	Caribou	Soda Dam

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8S	42E	31											Lot 4 P						—

Total acres —

Transfer No. 45550

PART 1

6. General Information:

a. Description of diversion system Diversion structure near base of Soda Dam, earthen + concrete-lined canal approximately 5,600 feet long, intake structure, penstock to Power House No. 4 adjacent to Soda Creek, discharged to 100 foot channel to Soda Creek.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

d. Remarks:

Right Nos. 11-02091 + 11-02156 originally developed to serve power plant no. 3. Right No. 11-02161 was developed to serve both power plant no. 3 + new plant no. 4, although a specific place of use was not identified on the license. Transfer will change + clarify use of these rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

_____

4550

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-02091

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
POWER	to	50.00 CFS

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 06/05/1930

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 36, Township 08S, Range 41E
CARIBOU County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/U NOT SHOWN ON LIC.

A.9. Describe any other water rights used for the same purpose as described above 11-02156 & 11-02161.

A.10. To you knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe.

4550

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-02156

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE		DIVERSION RATE	ANNUAL VOLUME
POWER STORAGE		to		240.0 AF
POWER FROM STORAGE		to		240.0 AF
		Totals		240.0 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 07/23/1936

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 36, Township 08S, Range 41E
CARIBOU County

PLACE OF USE: POWER STORAGE

TWN	RGE	SEC	
08S	41E	36	SESE

PLACE OF USE: POWER FROM STORAGE, same as POWER STORAGE us

CONDITIONS/REMARKS:

A.9. Describe any other water rights used for the same purpose as described above 11-05091 & 11-02161.

A.10. To you knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe.

45550

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-02161

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
POWER	to	40.00 CFS

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 11/27/1954

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 36, Township 08S, Range 41E
CARIBOU County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/U WITHIN CITY LIMITS OF SODA SPRINGS.

A.9. Describe any other water rights used for the same purpose as described above 11-02091 & 11-02156.

A.10. To you knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe

T08S
R42E

City of Soda Springs
WR# 11-02091
11-02156
11-02161

T# 45550

Page 7 of 9

...cts Designated	By whom surveyed	Date of Contract	Amt. of Surveys			When commenced	When com...
			Miles	Chains	Links		
	"						

Transfer No. 4550

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED MAP

Figure A-2
+ Plat

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. 4550

PART 3

B. CHANGES IN NATURE OF USE NA

1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Kirk R. Hanson
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of January, 19 95.

Brenda L. Erickson
(Notary Public)

My commission expires June 26, 1995

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and _____ attachments

Received by JW Date 1-26-95 Protest filed by _____

Prelim. check by _____ Fee $100.00 C032055

Receipted by JW Date 1-26-95

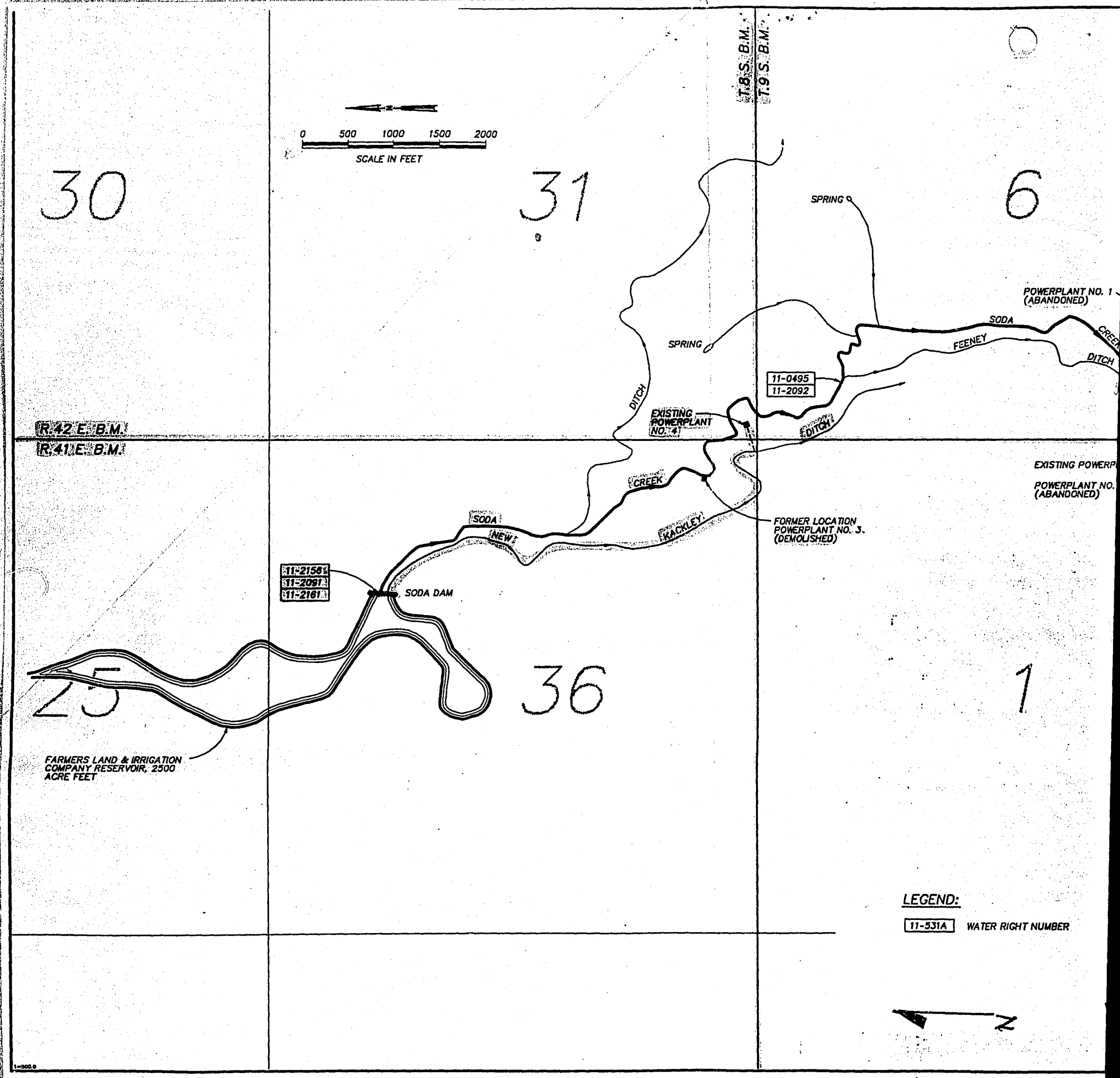
Published in News Examiner & statewide Copies of protest forwarded by _____

Pub. dates February 16 and 23, 1995 Hearing held by _____ Date _____

Watermaster recommendation requested on 2-21-1995 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by BDC

Copy of transfer sent to lien holder _____


0 500 1000 1500 2000
SCALE IN FEET
T.8 S. B.M.
T.9 S. B.M.
30
31
6
SPRING
POWERPLANT NO. 1
(ABANDONED)
SODA
CREEK
FEENEY
DITCH
SPRING
11-0495
11-2092
DITCH
EXISTING
POWERPLANT
NO. 41
DITCH
R.42 E. B.M.
R.41 E. B.M.
EXISTING POWERP
POWERPLANT NO.
(ABANDONED)
CREEK
SODA
NEW
KACKLEY
FORMER LOCATION
POWERPLANT NO. 3.
(DEMOLISHED)
11-2156
11-2091
11-2161
SODA DAM
25
36
1
FARMERS LAND & IRRIGATION
COMPANY RESERVOIR, 2500
ACRE FEET
LEGEND:
11-531A WATER RIGHT NUMBER
N

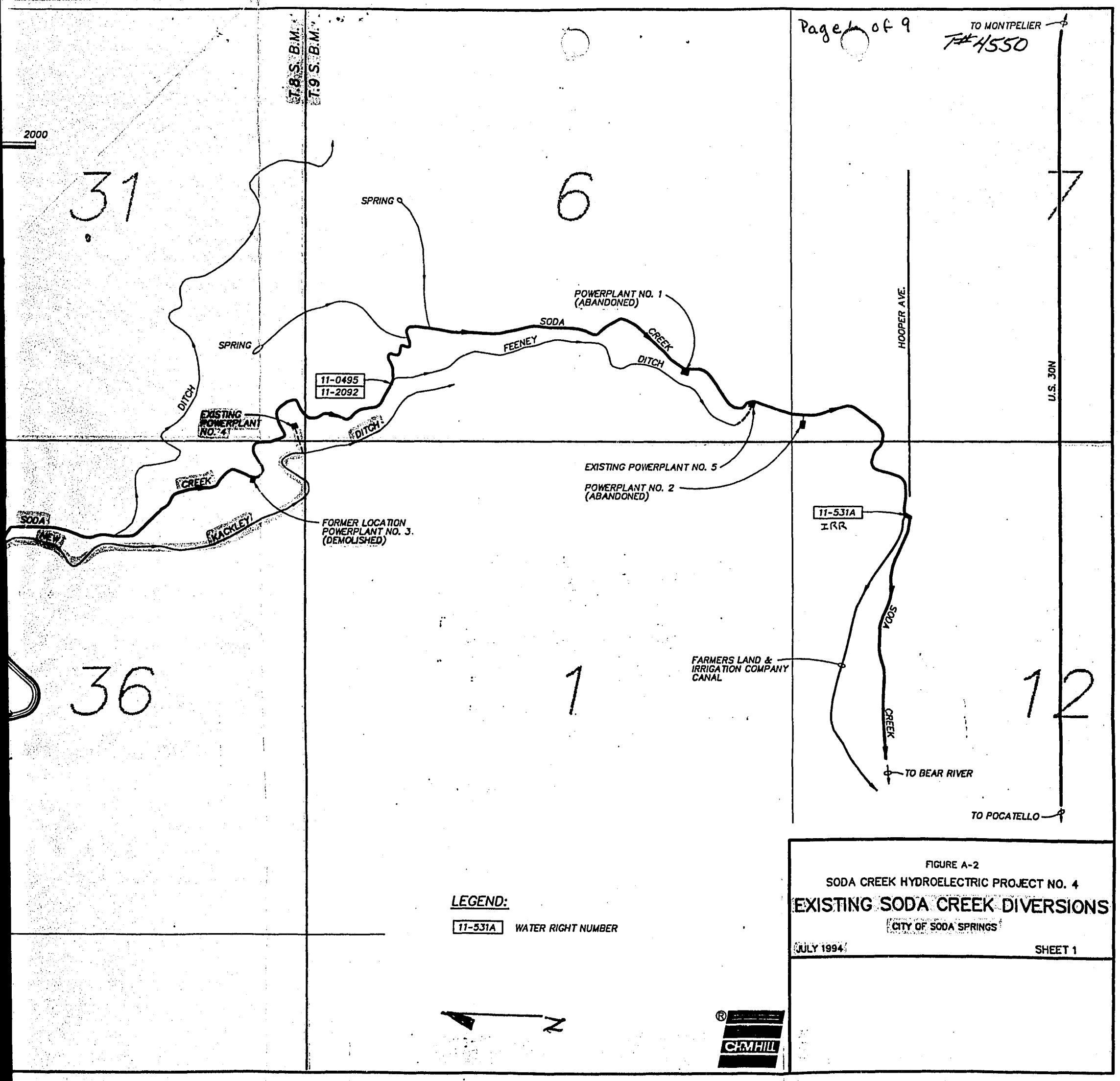


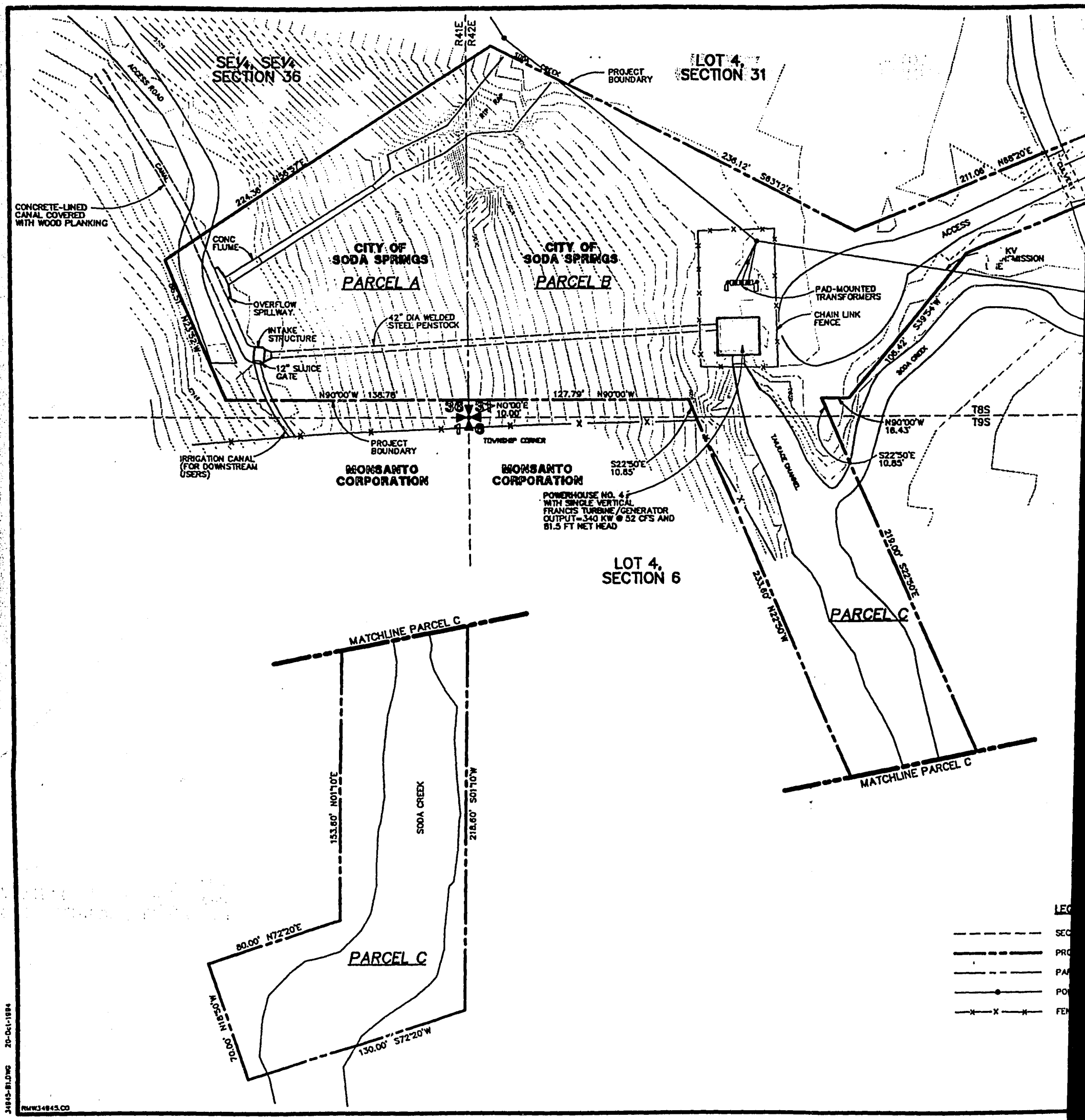
FIGURE A-2

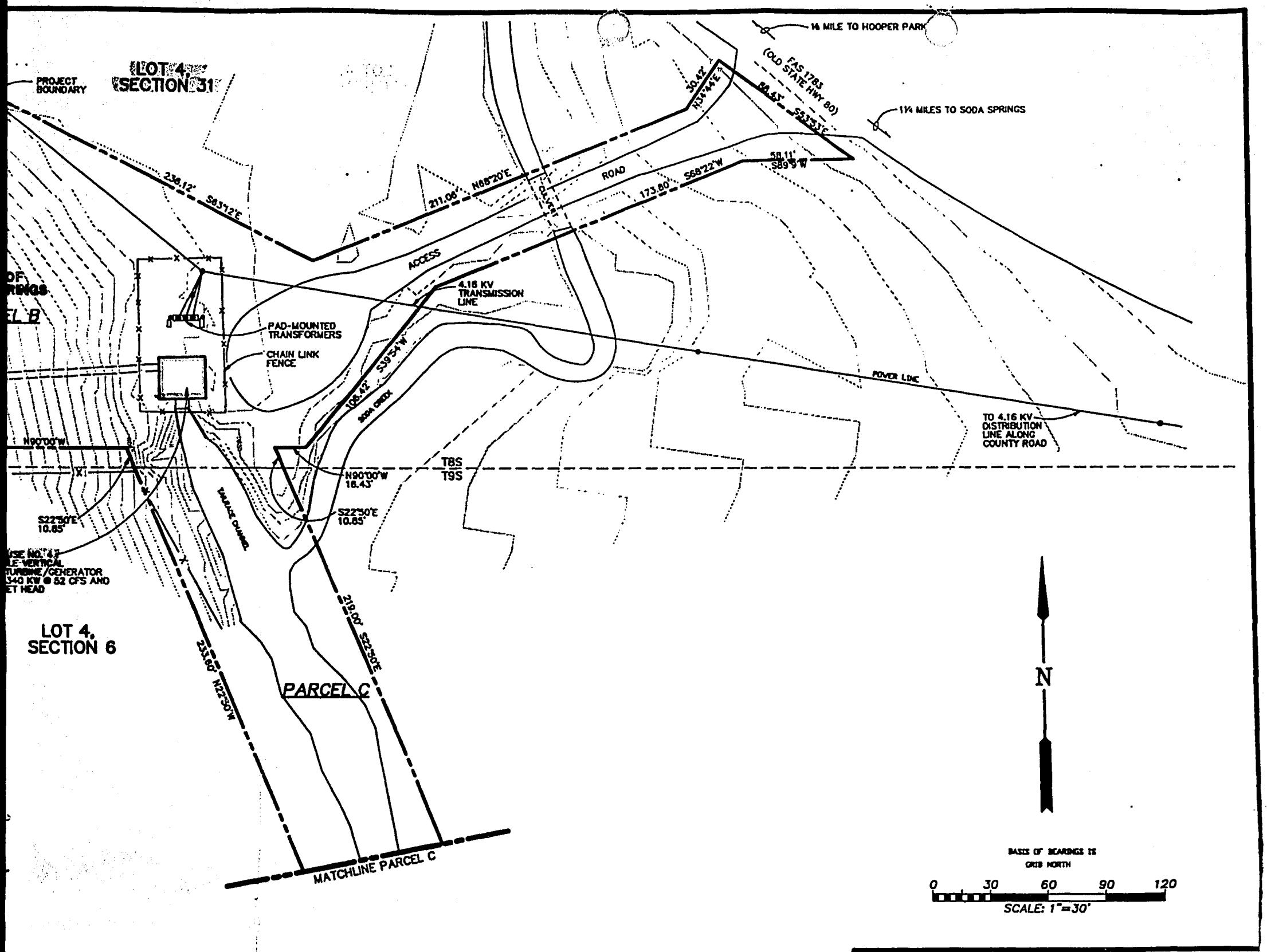
SODA CREEK HYDROELECTRIC PROJECT NO. 4

EXISTING SODA CREEK DIVERSIONS

CITY OF SODA SPRINGS

JULY 1994 SHEET 1


SE¼, SE¼
SECTION 36
R41E
R42E
PROJECT BOUNDARY
LOT 4,
SECTION 31
ACCESS ROAD
CANAL
224.36'
N56°37'E
CONCRETE-LINED CANAL COVERED WITH WOOD PLANKING
CONC FLUME
OVERFLOW SPILLWAY
INTAKE STRUCTURE
12" SLUICE GATE
42" DIA WELDED STEEL PENSTOCK
CITY OF SODA SPRINGS
PARCEL A
CITY OF SODA SPRINGS
PARCEL B
236.12'
S83°12'E
211.08'
N86°20'E
ACCESS
PAD-MOUNTED TRANSFORMERS
CHAIN LINK FENCE
106.42'
S39°54'W
SODA CREEK
N90°00'W 136.76'
36
31
N0°00'E 10.00'
127.79'
N90°00'W
6
TOWNSHIP CORNER
T8S
T9S
N90°00'W 16.43'
S22°30'E 10.85'
PROJECT BOUNDARY
IRRIGATION CANAL (FOR DOWNSTREAM USERS)
MONSANTO CORPORATION
MONSANTO CORPORATION
POWERHOUSE NO. 4 WITH SINGLE VERTICAL FRANCIS TURBINE/GENERATOR OUTPUT=340 KW @ 52 CFS AND 81.5 FT NET HEAD
TAILRACE CHANNEL
LOT 4,
SECTION 6
219.00' S22°30'E
233.60' N22°30'W
PARCEL C
MATCHLINE PARCEL C
MATCHLINE PARCEL C
153.60' N01°10'E
SODA CREEK
218.60' S01°10'W
80.00' N72°20'E
70.00' N18°50'W
130.00' S72°20'W
PARCEL C
20-Oct-1984
34845-B1.DWG
RMW34845.CO



LEGEND

- SECTION LINE
- PROJECT BOUNDARY
- PARCEL BOUNDARY
- POWER LINE
- FENCE

CH2M HILL

EXHIBIT B

SODA CREEK HYDROELECTRIC PROJECT NO. 4

PROJECT BOUNDARY AND PROJECT OWNERSHIP MAP

CITY OF SODA SPRINGS

OCTOBER 1994 SHEET 1 OF 1

T# 4550

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4550
WATER RIGHT NO(S). 11-02091/11-02156/11-02161

This is to certify that: **CITY OF SODA SPRINGS**
9 W 2ND S
SODA SPRINGS ID 832760000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	
Right No. 11-02091 :			
POWER	01/01 to 12/31	50.00 CFS	
Right No. 11-02156 :			
POWER STORAGE	01/01 to 12/31		240.0 AF
POWER FROM STORAGE	01/01 to 12/31		240.0 AF
Right No. 11-02161 :			
POWER	01/01 to 12/31	40.00 CFS	
	TOTAL:	**90.00 CFS**	**240.0 AF**

DATE OF PRIORITY:
Right No. 11-02091 : 06/05/1930
Right No. 11-02156 : 07/23/1936
Right No. 11-02161 : 11/27/1954

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 36, Township 08S, Range 41E
CARIBOU County

PLACE OF USE: POWER

TWN	RGE	SEC	
08S	42E	31	Lot 4(SWSW)

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.

TRANSFER NO. 4550
WATER RIGHT NO(S). 11-02091/11-02156/11-02161

CONDITIONS/REMARKS:

2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. The storage of water under Right No. 11-02156 is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7. Place of use is Powerplant No. 4.

Dated this 18th day of May, 1995

L. Glenn Saxton
Chief, Water Alloc. Bureau

Dir

11-2091

11-0495

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

These two water rights will be used SDF

State of Idaho P-7959
Dept. of Water Resources
State House
Boise, Idaho 83720

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351

U.S.MAIL

RECEIVED
MAR 19 1984
Department of Water Resources

P-7959-000

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(March 15, 1984)

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

DC-A-20

a. Type of Application: 5MW Exemption

b. Project No: 7959-000

c. Date Filed: January 5, 1984

d. Applicant: City of Soda Springs

e. Name of Project: Soda Creek Hydro Project

f. Location: On Soda Creek in Caribou County, Idaho

g. Filed Pursuant to: Section 408 of the Energy Security Act (Act) (16 U.S.C. §§2705 and 2708 as amended).

h. Contact Person: David H. Clegg, Mayor, City of Soda Springs, 9 West Second South, Soda Springs, Idaho 83276.

i. Comment Date: APR 3 0 1984

j. Description of Project: The proposed run-of-river project would consist of: (1) an existing diversion dam at El. 5841.8 feet m.s.l.; (2) an existing power canal, 3,636 feet long, to be extended approximately 800 feet; (3) a new intake structure and trashrack; (4) a new 42-inch penstock, approximately 400 feet long; (5) a new powerhouse containing a turbine-generator unit rated at 370-kW; (6) a tailrace returning flow to Soda Creek; (7) a new 12.5-kV underground transmission line, approximately 150 feet long, connecting to an existing line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,900,000 kWh. Project energy would be utilized by the Applicant. Applicant has the real property interests required for the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity -- Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

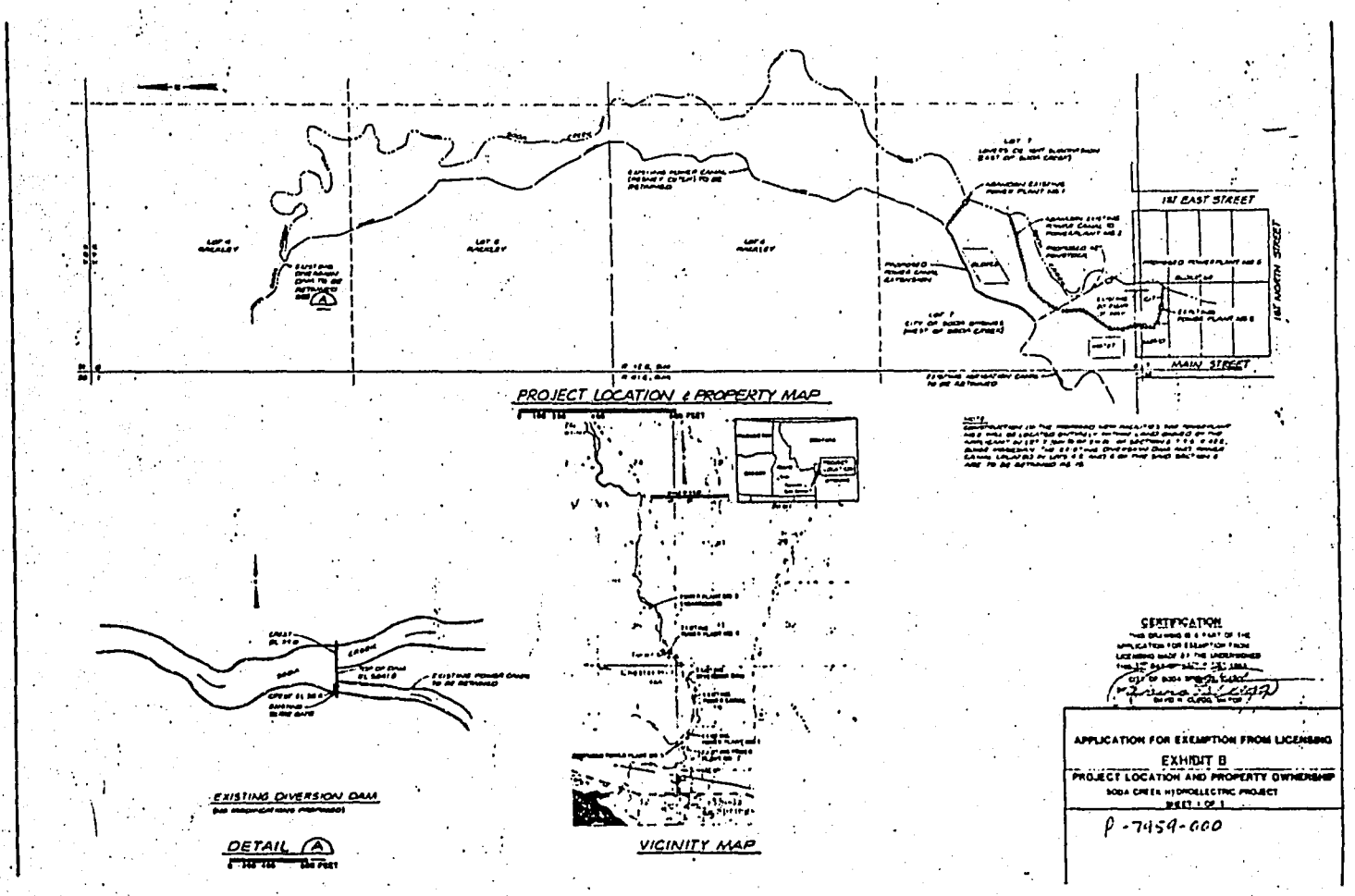
A9. Notice of intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

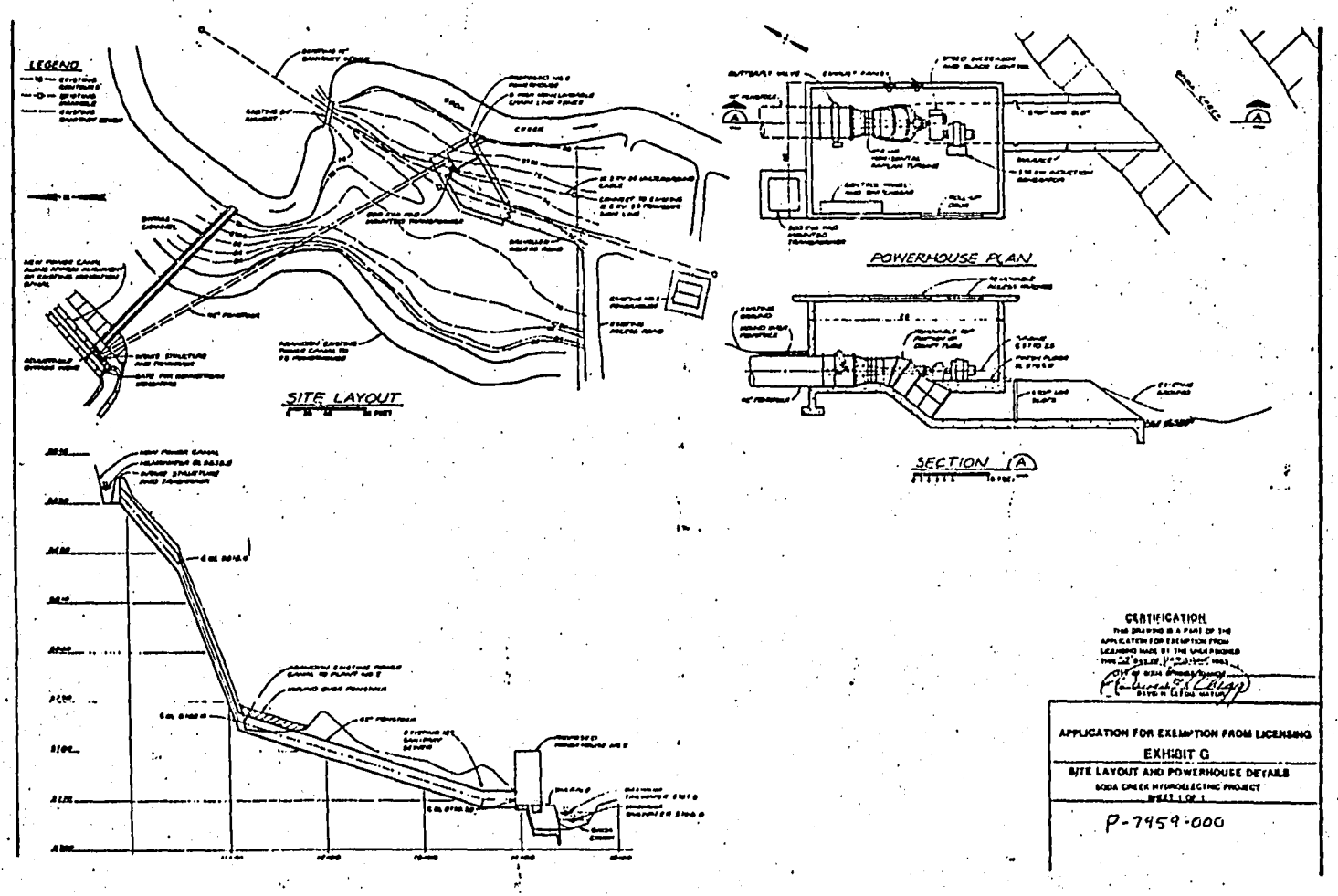
B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D3a. Agency Comments - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coorination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb
Secretary


1ST EAST STREET
1ST NORTH STREET
MAIN STREET
PROJECT LOCATION & PROPERTY MAP
EXISTING DIVERSION DAM
DETAIL A
VICINITY MAP
CERTIFICATION
APPLICATION FOR EXEMPTION FROM LICENSING
EXHIBIT B
PROJECT LOCATION AND PROPERTY OWNERSHIP
SODA CREEK HYDROELECTRIC PROJECT
SHEET 1 OF 1
P-7459-000


LEGEND
SITE LAYOUT
POWERHOUSE PLAN
SECTION A
CERTIFICATION
APPLICATION FOR EXEMPTION FROM LICENSING
EXHIBIT G
SITE LAYOUT AND POWERHOUSE DETAILS
SODA CREEK HYDROELECTRIC PROJECT
SHEET 1 OF 1
P-7459-000

11-2091 & 11-0495 } are the water rts proposed for use per BDF

93 FERC ¶62,067

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Soda Springs, Idaho) Project No. 7959-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued October 17, 1985)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Motions to Intervene, Protests, and Comments

On May 1, 1984, Evan M. and Lois Kackley (Protestants) filed comments and a protest regarding the exemption application filed for Project No. 7959. The Protestants contend that the Environmental Report of the application lacks completeness. The Protestants have requested that: (1) further investigation be made concerning deer crossings and the importance of wetlands to deer and other animals; (2) a minimum streamflow be established above the point of diversion; (3) further evaluation of Soda Creek hydrology be made; and (4) parks and recreation areas be included in the exemption and the historical springs be restored.

The Environmental Report of the application was found adequate on January 25, 1984. Terms and conditions have been set by the responsible resource agencies for the protection of fish and wildlife resources. Terms and conditions set by the Idaho Department of Fish and Game address water quality, vegetation, deer migration, canal escapement features to prevent deer drownings, and flow diversion. These terms and conditions have been forwarded to the Applicant in conjunction with this exemption. Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or state fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. 3/

Although Section 4.107(e)(1) of the Commission's regulations, 18 CFR §4.107(e)(1) (1985), requires that Exhibit E of the exemption application include a description of recreational uses at the project, recreational development plans are not required for exemption projects. The Applicant has stated however, that as local demands require, recreational development in the area will be considered. Recreational areas near the project currently include Hooper Springs Park, located adjacent to Soda Creek and 1/4-mile north of the existing diversion dam. The park is the location of historic Soda Springs and includes picnic facilities within its 40-acre site.

The Protestants also contest the Applicant's proposal to divert approximately 40 cfs through the existing power canal (Feeney Ditch) across property owned by the Protestants. The City had indicated in its exemption application that it had been using Feeney Ditch, a portion of which is located on the Protestants lands, for over 70 years, and that the City had acquired the right of usage by virtue of a prescriptive easement.

The Protestants contend that the Applicant lacks authority to divert any amount of water through the Feeney Ditch across the Protestants' lands, in excess of the 48 cfs water right previously acquired by a 1915 deed and a 1920 court decree. The Protestants therefore claim that the Applicant would be exceeding its water use privilege by its proposed use of the ditch. The Protestants raised this claim with the District Court (Court) for the State of Idaho in a request to permanently enjoin the Applicant from increasing the volume of water within the ditch from an amount in excess of 44.8 cfs. 4/ On February 15, 1985, the Applicant filed a copy of the Court's February 7, 1985 decision, finding that the Applicant has the right to modify the use of its easement by increasing the volume of water, as proposed, so long as the modification does not create an unreasonable increase in burden on the Protestants' estate. In the absence of a showing that

---

1/ City of Soda Springs, Idaho, Project No. 7959, filed on January 5, 1984.

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

4/ The Kackleys, in their protest filed with the Commission May 1, 1984, state opposition to the City of Soda Springs, Idaho increasing the amount of water through the Feeney Ditch in excess of 48 cfs, but in the proceeding before the District Court for the State of Idaho, the Kackleys stated opposition to an amount in excess of 44.8 cfs.

DC-A-22
RECEIVED
OCT 22 1985

would be any increased burden, the Court denied the Protestants' request for permanent injunctive relief.5/

On June 6, 1985, and August 20, 1985, the Protestants filed supplements to their May 1 protest in this proceeding. The Protestants alleged that the Applicant had engaged in project construction activities while its application for exemption from licensing was pending at the Commission. The Commission staff conducted an investigation, including an on-site inspection, and determined that the on-going maintenance activities were designed to provide efficiency and safety for the current project and did not involve the commencement of construction of the proposed project.

In light of the foregoing, it is concluded that issuance of an exemption for the proposed project would be consistent with the public interest.

Environmental Considerations

The Idaho State Archeologist recommends that a professional archeologist inspect the project areas where new construction will take place as there is some possibility of important archeological sites being located in the project area. The U.S. Department of the Interior states that for coordination of compliance with preservation legislation, the Applicant should contact the National Park Service and the State Historic Preservation Officer (SHPO). The National Historic Preservation Act requires an inventory of the project's impact areas. Therefore, Article 9 requires the Exemptee, prior to any construction, to consult with the SHPO to determine the scope of any necessary cultural resource survey and to conduct the survey as necessary. Based on survey results, the Exemptee should assess the significance of any sites found and provide recommendations for mitigation developed in cooperation with the SHPO.

Should the Applicant contest any terms or conditions that were proposed by Federal or state agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and state fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's

5/ By order of June 13, 1985, the Court denied the Protestants' motion to modify its February 7 ruling.

independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.6/

The Director of the Office of Hydropower Licensing or the Director's designee, under 18 C.F.R. §375.314, orders:

(A) Soda Creek Hydro Project No. 7959 as described and designated in the City of Soda Springs, Idaho application filed on January 5, 1984, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 50 Fed. Reg. 11,658 (March 25, 1985), and the following Special Article:

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 9. The Exemptee shall, prior to the commencement of any construction, consult with the Idaho State Historic Preservation Officer (SHPO), to: (1) determine the scope of any necessary cultural resource survey; (2) conduct such a survey and (3) prepare a report to be filed with the SHPO describing the results of its survey work, providing an assessment of the significance of the cultural resources inventoried, including possible eligibility for the National Register of Historic Places, and setting forth recommendations for the avoidance of, or mitigation of damage to, significant properties at the project. Any necessary mitigation work should be undertaken by the Exemptee in cooperation with the SHPO and in accordance with a schedule and plan negotiated between the Exemptee and the SHPO. The Exemptee shall make available funds in a reasonable amount for any survey and mitigation work as required. If any previously unrecorded archeological or historical sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity shall be haited, a qualified archeologist shall be consulted to determine the significance of the sites, and the Exemptee shall consult with the SHPO to develop and implement a mitigation plan for the protection of significant archeological or historical resources.

6/ Environmental Assessment, City of Soda Springs, Idaho, FERC Project No. 7959 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, May 15, 1985. This document is available in the Division of Public Information and in the Commission's public filed associated with the proceeding.

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

P-7959-000

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(March 15, 1984)

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

a. Type of Application: 5MW Exemption

b. Project No: 7959-000

c. Date Filed: January 5, 1984

d. Applicant: City of Soda Springs

e. Name of Project: Soda Creek Hydro Project

f. Location: On Soda Creek in Caribou County, Idaho

g. Filed Pursuant to: Section 408 of the Energy Security Act (Act) (16 U.S.C. §§2705 and 2708 as amended).

h. Contact Person: David H. Clegg, Mayor, City of Soda Springs, 9 West Second South, Soda Springs, Idaho 83276.

i. Comment Date: APR 30 1984

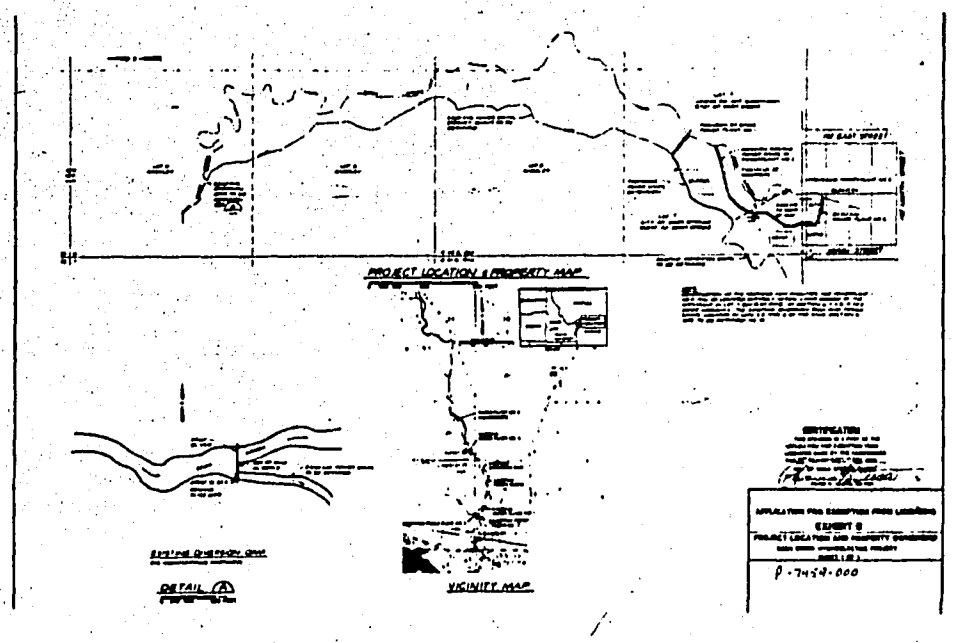
j. Description of Project: The proposed run-of-river project would consist of: (1) an existing diversion dam at El. 5841.8 feet m.s.l.; (2) an existing power canal, 3,636 feet long, to be extended approximately 800 feet; (3) a new intake structure and trashrack; (4) a new 42-inch penstock, approximately 400 feet long; (5) a new powerhouse containing a turbine-generator unit rated at 370-kW; (6) a tailrace returning flow to Soda Creek; (7) a new 12.5-kV underground transmission line, approximately 150 feet long, connecting to an existing line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,900,000 kWh. Project energy would be utilized by the Applicant. Applicant has the real property interests required for the project.

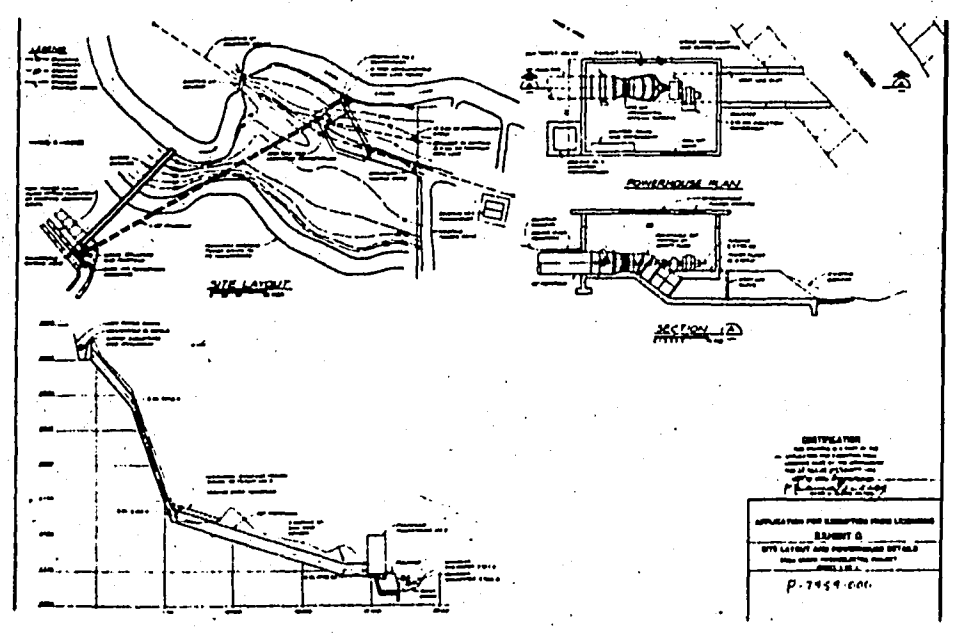
k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D1a

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

4

fc-A-20


PROJECT LOCATION & PROPERTY MAP
DETAIL A
VICINITY MAP
P-7454-000


SITE LAYOUT
POWERHOUSE PLAN
SECTION B
P-7454-001

§ 4.106 Standard terms and conditions of exemption from licensing

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that the United States Fish and Wildlife Service any state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or to otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may revoke this exemption if actual construction or any proposed generating facilities has not begun within two years, or has not been completed within four years from the date on which this exemption was granted. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

(f) Article 6. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(g) Article 7. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(h) Article 8. Any exempted small hydroelectric power project that utilizes a dam that is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12, as it may be amended:

(1) Section 12.4(b)(1)(i) and (ii), (b)(2)(i) and (iii), (b)(iv), and (b)(v);

(2) Section 12.4(c);

(3) Section 12.5;

(4) Subpart C; and

(5) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

(i) Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 16, 1986

Roy G. Rainey, Administrator
City of Soda Springs
9 West, 2nd South
Soda Springs, ID 83276

Re: License No. 11-2161

Dear Roy:

This letter is in response to a letter you sent to the Director of the Department of Water Resources, dated October 22, 1986. In the letter, you referred to a memorandum written by Bob Fleenor of this office, which stated that the field measurement of flows in the canal delivering water to the city hydropower plant was in error. You also requested that the license be amended to add an additional 10 cfs to the license.

I have reviewed Water Right No. 11-2161 in detail. I have also reviewed Water Right No. 11-2091, which must be interpreted in conjunction with No. 11-2161. Right No. 11-2091 was filed to deliver water to the old power plant No. 3, located upstream from Hooper Springs Park. A license was issued for 50 cfs.

License No. 11-2161 was filed to supply water to power plant No. 4, which is located just downstream from Hooper Springs Park. The measurement of the flow in the conveyance canal at the time of licensing of No. 11-2161 is the measurement in question.

A plan view of the power development for power plant No. 4, drawn by Henry L. Singer, a professional engineer, depicts the system and also lists the hydraulic properties of the canal prior to the split of the conveyance works to power house No. 3 and power house No. 4. The calculated capacity of the ditch upstream from the junction was 100 cfs. After the split, the estimated flow capacity of the concrete flume conveying water to power plant No. 4 was 67 cfs.

The examiner for License No. 11-2161 measured the flow at a bridge below the diversion dam. Therefore, he measured 38.8 cfs prior to the split of the conveyance works to the two power houses. Filing No. 11-2091 was licensed for 50 cfs for delivery

to power house No. 3, and Filing No. 11-2161 was licensed for 40 cfs for delivery to power house No. 4, totaling 90 cfs capacity in the conveyance ditch. Although the calculations of the examiner were erroneous, the optimum flow rate that can be calculated using his measurement notes is approximately 57 cfs. A combination of Right No. 11-2091 and Right No. 11-2161 equals 90 cfs, 33 cfs in excess of the measured amount. As a result, the flow rate under License No. 11-2161 cannot be adjusted upward.

Of greater concern to the city may be the abandonment of power house No. 3 without a subsequent transfer of a portion of those water rights to power house No. 4. Apparently, License 11-2161 is the only right appurtinent power house No. 4, which limits the diversion to 40 cfs. The city should clarify the record by filing a transfer of the place of use from the location of power house No. 3 to power house No. 4 if greater than 40 cfs is being diverted through the concrete flume to power house No. 4.

If you have questions, please feel free to contact me.

Sincerely,

Gary Spackman

GARY SPACKMAN
Supervisor, Water Allocation

GS:jf

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Application For Exemption
From Licensing For
Small Conduit Hydroelectric Facility

Soda Creek
Hydroelectric Project No. 4

EXHIBITS A, B, E, AND G

City of Soda Springs
Soda Springs, Idaho

October 1994

Before the Federal Energy Regulatory Commission

Application for Exemption from Licensing for Small Conduit Hydroelectric Facility

Soda Creek Hydroelectric Project No. 4
FERC No. UL 91-01

Exhibits A, B, E, and G

Submitted by

The City of Soda Springs, Idaho

October 1994

RMW34945.C0

BOI10012F1C.WP5/jc

Initial Statement

BOI10012F1C.WP5/jc

Before the Federal Energy Regulatory Commission

Application for Exemption of Small Conduit Hydroelectric Facility

(1) The City of Soda Springs, Idaho (applicant) applies to the Federal Energy Regulatory Commission for an exemption for the Soda Creek Hydroelectric Project No. 4, a small conduit hydroelectric facility that meets the requirements of §4.30(b)(28) of this subpart, from certain provisions of Part I of the Federal Power Act.

(2) The location of the facility is:

State or Territory:	Idaho
County:	Caribou
Township or nearby town:	Soda Springs

(3) The exact name and business address of the applicant is:

City of Soda Springs
9 West Second South
Soda Springs, ID 83276

(4) The exact name and business address of the person authorized to act as agent for the applicant in this application is:

Mr. W. Lee Godfrey
Director of City Services
City of Soda Springs
9 West Second South
Soda Springs, ID 83276

The Commission is also requested to send copies of all correspondence to:

John G. Lincoln, P.E.
CH2M HILL
P.O. Box 8748
Boise, ID 83707

(5) The City of Soda Springs is a municipality organized under the laws of the State of Idaho.

BOI10012F1F.WP5/jc

(6) Exemption is requested from all licensing provisions of Part I of the Federal Power Act, including:

- Section 4(e)
- Sections 6 through 15
- And any other provisions of the Federal Power Act that the Commission may wish to grant exemption from.

(7) The Indian tribe(s) that may be affected by the project include:

Shoshone–Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

The Shoshone-Bannock Tribes have received copies of all notices, correspondence, and Stage 1 and Stage 2 documents. As of the date of filing of this Exemption Application, no correspondence had been received from the Shoshone-Bannock Tribes (see Appendix A).

Introduction

Introduction

The City of Soda Springs has owned and operated hydroelectric facilities on Soda Creek since 1907. Over the years, the City has constructed a total of five hydroelectric projects along Soda Creek. Project Nos. 1, 2, and 3 are no longer in operation. The only currently operating facilities are Powerhouse Nos. 4 and 5. The locations of these two plants are shown in Figure A-1 in Exhibit A. Powerhouse No. 5, rated at 350 kW, was completed in 1988, under an exemption from licensing (FERC No. 7959), issued by the Commission in 1985.

Powerhouse No. 4 is the farthest upstream on Soda Creek, and is rated at 340 kW. Powerhouse No. 4 is the subject of this application for small conduit exemption.

The City of Soda Springs completed the No. 4 hydroelectric project on Soda Creek in 1955 and has operated the plant without a license or exemption from the Federal Energy Regulatory Commission (Commission) since that time. The project as constructed at that time included:

- A small diversion weir in Soda Creek to divert the flows to a canal conveying irrigation water. The diversion weir was less than 5 feet high.

- A canal approximately 5,600 feet long (known as the new Kackley Ditch), with a capacity of approximately 60 cfs. The canal was initially constructed in 1936 for purposes of replacing, refurbishing, and improving the conveyance capacity of an existing irrigation canal (the old Kackley Ditch).

- An intake structure and penstock located at the side of the new Kackley Ditch to direct a portion of the flow to Powerhouse No. 4. All flows in the new Kackley Ditch are dedicated to downstream irrigators.

- A small powerhouse with a single vertical Francis turbine and a direct-connected synchronous generator rated at 340 kW at approximately 80 feet net head. The flow through the powerhouse is discharged into Soda Creek

and rediverted 1-3/4 miles downstream back into an irrigation canal owned by the Farmers Land and Irrigation Company of Alexander, Ltd. (Company). Thus, the City's project facilities are located in the middle of a continuous irrigation water supply system.

The No. 4 Powerhouse operated under these conditions until the early 1960s. At that time, the Company approached the City and the irrigators along the new Kackley Ditch with a request. The Company, which has the downstream rights to the water of Soda Creek, wished to construct a storage reservoir on Soda Creek to provide a more dependable supply of irrigation water. The Company had determined that the site of the existing diversion weir was the best location for the storage dam. Negotiations resulted in an agreement whereby the Company would build the dam at the site of the existing diversion weir, and would provide a new diversion structure just downstream of the toe of the dam. The new diversion structure would allow the City and the other irrigators on the new Kackley Ditch to continue to utilize the ditch as they had previously (i.e., no change in head or operation required). Thus, the new reservoir and dam were constructed and operated for irrigation purposes, and function as part of a continuous stream of irrigation water supply system flows. The storage dam and new diversion structure were completed in 1965 by the Company, with financial and technical assistance from the U.S. Soil Conservation Service.

On December 12, 1990, the Commission's Director of Hydropower Licensing issued an Order Finding Hydroelectric Project Jurisdiction to the City and required that the City, among other things, apply for a license for Powerhouse No. 4 and for Soda Dam 53 FERC, ¶62,234 (1990). The City accepted the Commission's jurisdiction for licensing Powerhouse No. 4, but requested reconsideration of the requirement to include the dam as part of the project facilities since the project gains no head benefits from the dam.

Subsequent discussions with the Commission's staff led the City to determine that the Powerhouse No. 4 qualifies for a Small Conduit Exemption from licensing under 18 CFR Section 4.90, which would eliminate the requirement to include the dam in the licensing process. Acting upon the City's request, on November 4, 1992, the Commission granted a 2-year extension of time to the City to allow time to prepare this Application for Exemption from Licensing.

Exhibit A

BOI10012F1C.WP5/jc

Exhibit A

Project Description and Proposed Mode of Operation

Shown below is a description of the existing facilities and mode of operation of Soda Creek Hydroelectric Project No. 4. The information is formatted according to the requirements of §4.92(c) of the Commission's regulations.

(1) Existing Facilities

The Soda Creek Hydroelectric Project No. 4 is located adjacent to Soda Creek approximately 3.5 miles upstream from the confluence of Soda Creek and the Bear River in southeast Idaho (see Figure A-1). The project consists of a diversion structure near the base of Soda Dam; an earthen and concrete-lined canal approximately 5,600 feet long; an intake structure and penstock located at the side of the canal; and a small powerhouse adjacent to Soda Creek with a single, vertical Francis turbine/generator rated at 340 kW. The project utilizes a 4.16-kV powerline that connects to the City's distribution system approximately 40 feet north of the powerhouse. Each of the project features is described below. The project features are shown in more detail in Exhibit G.

Diversion Structure

A reinforced-concrete diversion structure is located near the base of Soda Dam to divert Soda Creek waters for irrigation and power production. This diversion structure is located near the original diversion weir, which was constructed in 1936 in conjunction with irrigation uses and an older power project (the City's Powerhouse No. 3, abandoned in 1955). The original diversion weir was replaced with the current diversion structure when Soda Dam was constructed in 1965. Soda Dam was constructed by the Farmers Land and Irrigation Company of Alexander, Ltd., to provide storage for irrigation purposes. The No. 4 project gains no head benefit as a result of Soda Dam.

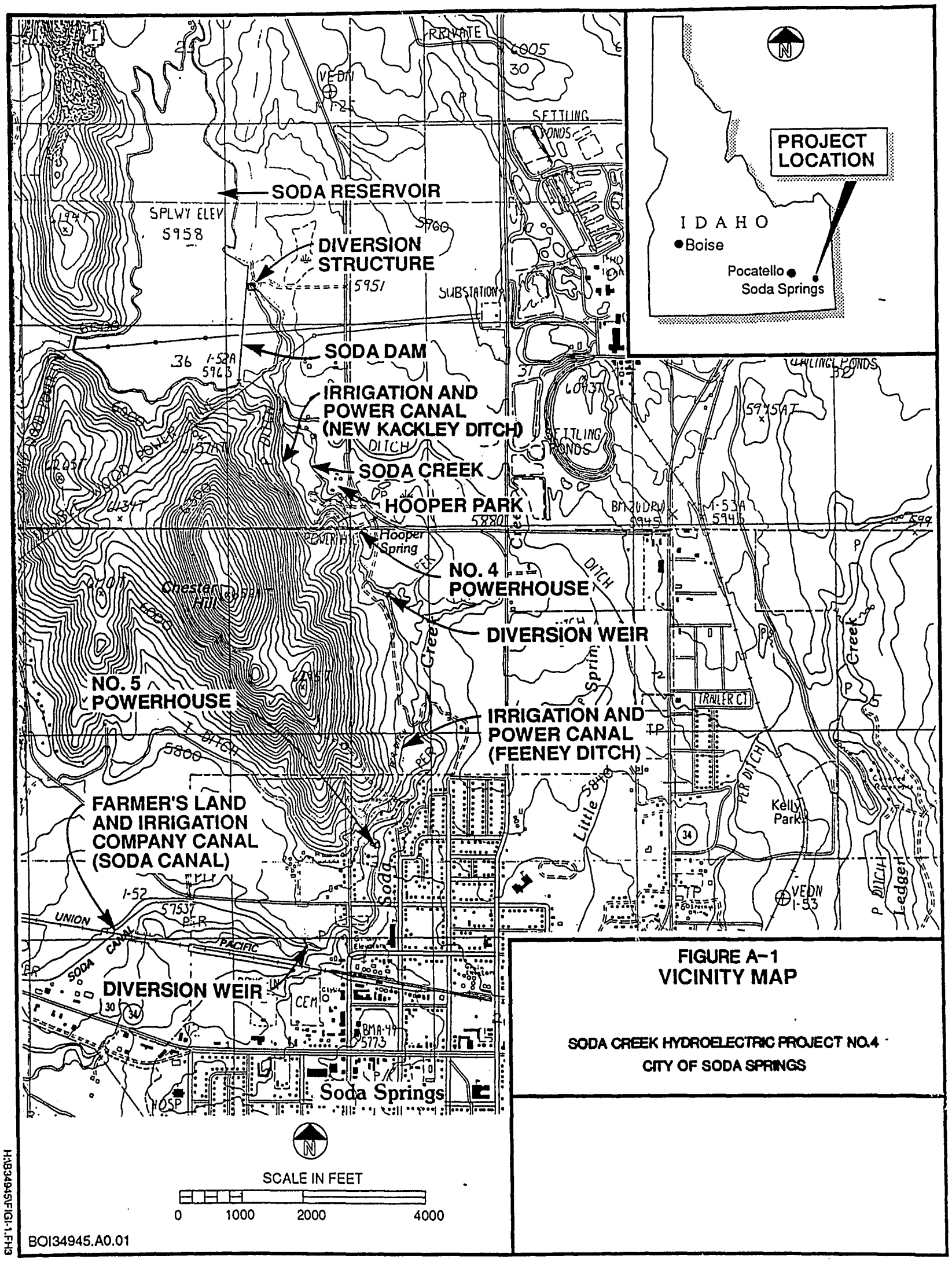


FIGURE A-1
VICINITY MAP

SODA CREEK HYDROELECTRIC PROJECT NO.4
CITY OF SODA SPRINGS

BOI34945.A0.01

H:\B34945\FIG1-1.FH3

Canal

The diversion structure diverts Soda Creek flows for irrigation and power production into a 5,600-foot-long canal known as the "new" Kackley Ditch. The "new" Kackley Ditch replaced the water supply capabilities of an older irrigation ditch (constructed around 1910) known as the Kackley Ditch (now the "old" Kackley Ditch). Further details of the history of the irrigation supply system are contained in Exhibit E. The new Kackley Ditch has a capacity of approximately 60 cubic feet per second (cfs). The ditch is unlined for the first 4,000 lineal feet, and is approximately 8 feet wide and 3.5 feet deep. The last 1,600 feet of the ditch consist of a concrete-lined flume approximately 5.5 feet wide and 3.75 feet deep. The lined portion of the ditch is covered with wood planking.

Intake Structure and Penstock

A concrete intake structure is located at the side of the new Kackley Ditch to divert water to the powerhouse. Immediately upstream of the intake structure is a concrete overflow spillway and concrete flume to return waters to Soda Creek during a load rejection or emergency shutdown. The spillway has an ogee crest 21 feet long. A 42-inch-diameter welded-steel penstock leads approximately 270 feet from the intake structure to the powerhouse. There is a 12-inch sluice gate in the intake structure to supply irrigation water to downstream users.

Powerhouse

A brick and concrete powerhouse is located near Soda Creek. It is 24 feet by 21 feet in plan and 22 feet high (aboveground). The two-level powerhouse accommodates the arrangement of the single vertical turbine/generator set. The flows from the powerhouse discharge into a short tailrace channel, approximately 100 feet long, then into Soda Creek.

Transmission Line

There are three pad-mounted transformers located just north of the powerhouse within the security fence. Each is rated at 167 kVA, 2.4 to 4.16 kV. A slack span extends from the transformers, approximately 40 feet north, to a 4.16-kV distribution line paralleling the County Road. The distribution line is owned by the City of Soda Springs, and is interconnected to the City's distribution system.

(2) Water Supply

Water supply for the project is from Soda Creek, a spring-fed tributary of the Bear River.

(3) Purposes of the Conduit

The conduit for the project is an irrigation and power canal known locally as the new Kackley Ditch. It was constructed in 1936, extended in 1955, and was constructed to replace an older irrigation ditch known at the time as the Kackley Ditch (now the "old" Kackley Ditch). The new Kackley Ditch is used to convey water released from Soda Dam to the irrigators below Powerhouse No. 4.

(4&5) Generating Units and Hydraulic Turbines

Powerhouse No. 4 is equipped with a single, vertical, Francis turbine, manufactured by the James Leffel Company. The turbine is located on the lower (basement) level of the powerhouse. It is rated at 470 horsepower at 52 cfs and 81.5 feet of head. The turbine is direct-connected to a single, synchronous generator located on the upper (ground) level of the powerhouse. The generator, manufactured by the Westinghouse Electric Corporation, is rated at 500 kW. The actual peak output from the generator, given the operating conditions, is approximately 340 kW. There are no provisions for, nor does the applicant have any plans for, future turbines or generators at Powerhouse No. 4.

(6) Plant Operation

Powerplant No. 4 is operated manually, and does not have the capability for automatic or remote operation. Normal operation and maintenance requires that the operator be present at the plant approximately 2 to 3 hours per day. In addition, the plant is checked by City personnel 3 to 4 times each day to assure proper operation. There is typically little daily change in the flows in the Soda Creek system, so required adjustments to the governor are infrequent. There are no remote alarms from the plant, however, various relays can shut down the plant when required to protect the plant equipment from damage. The No. 4 plant has not been used for peaking in the past, and the City has no plans to use the plant for peaking in the future.

(7) Available Flows and Historic Generation

(i) The average annual generation from the project is approximately 1,500,000 kWh.

(ii) The average head at the plant is approximately 81 feet.

(iii) The hydraulic capacity of the plant is approximately 52 cfs.

(iv & v) Soda Creek is a tributary of the Bear River and accounts for approximately 2 percent of the annual surface water contribution within the Bear River basin. The diversion structure for Powerhouse No. 4 is located approximately 4 miles up the creek from its confluence with the Bear River. At the diversion, the drainage area totals approximately 56 square miles.

There is only one gaging station located on Soda Creek (10076400). It is located at Fivemile Meadows, approximately 3.5 miles upstream from the diversion structure. There are 22 years of records at this station, and those records are rated as fair to poor by the USGS. Readings at the gage were discontinued in 1986. The long-term average discharge at this gage, based upon the period of record, was 18.2 cfs. This gage cannot be considered a reliable indicator of the flows available to Powerhouse No. 4 for generation. This is because there are several significant springs

and tributaries to Soda Creek between the gage and the diversion structure. In addition, the gage is upstream of Soda Dam, and therefore the effects of the reservoir are not reflected in the gage data. Therefore, it is necessary to estimate flows at the diversion structure using other methods.

The City has maintained monthly generation records for Powerhouse No. 4 since 1980 (prior to 1980, monthly records were kept only for the City's generation system as a whole). The monthly generation records can be used to estimate flows through Powerhouse No. 4 because the net head at the plant is fairly constant, and the efficiency curves for the turbine are fairly flat. Calculations to estimate the plant flows have been done and the results are included in Table A-1. As can be seen from Table A-1, the yearly average flow for 1980 through 1992 was approximately 29.6 cfs, with the monthly average flows varying from 25 to 39 cfs.

A comparison with an established gage must be made to determine if the period of 1980 to 1992 is representative of the long-term hydrology for Soda Creek. The nearest reliable gage is on the Bear River at Soda Springs (10075000). Continuous records have been maintained at this gage since 1953. Yearly records for 1980 to 1992 are shown in Table A-2. As can be seen, this period was approximately 25 percent wetter than the long-term average at this gage. However, 3 years (1983, 1984, and 1986) were significantly wetter than the long-term average. If these 3 years are subtracted from the 1980 to 1992 average, the result would be a period approximately 12 percent drier than average. Of course, it is not reasonable to ignore these years just because they were wet years. However, if it is assumed the spring runoff in Soda Creek in these years was considerably greater than the capacity of Powerhouse No. 4, a significant portion of the flows would not be reflected in the generation records. In fact, conversations with plant operations personnel confirm that this was indeed the case. Although these bypassed flows cannot be quantified, when all factors are considered, it is reasonable to assume that the period of 1980 to 1992 is fairly representative of the long-term generation that can be expected from Powerhouse No. 4.

Table A-1

SODA CREEK HYDROELECTRIC PLANT NO. 4
POWER PRODUCTION AND FLOW

YEAR	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)
1980	79,700	22.1	77,900	23.9	89,400	24.8	109,900	28.2	190,400	47.3	240,000	57.6
1981	169,400	42.1	126,200	34.7	114,800	28.5	118,000	30.3	93,500	25.9	132,500	34.0
1982	139,400	34.6	109,900	30.2	109,200	27.1	120,500	30.9	194,000	48.2	166,900	42.8
1983	198,500	49.3	17,200 [1]	5.3	21,000 [1]	5.8	213,400	51.2	217,300	50.5	144,800	37.2
1984	208,600	48.4	187,400	51.5	190,900	47.4	190,300	48.8	196,100	48.7	203,000	48.7
1985	218,100	50.7	193,900	53.3	209,000	48.5	198,000	50.8	206,900	48.1	207,700	49.8
1986	181,500	45.1	142,700	39.2	202,600	47.1	213,000	51.1	217,200	50.4	208,000	49.9
1987	162,600	40.4	171,000	47.0	184,200	45.8	207,600	49.8	207,600	48.2	187,800	48.2
1988	111,000	27.6	96,600	29.7	64,800	18.0	26,200	7.5	140,700	34.9	177,800	45.6
1989	50,900	14.1	45,300	13.9	35,200	9.8	49,300	14.1	61,700	17.1	107,700	27.6
1990	40,900	11.3	37,200	11.4	0 [3]	0.0	0 [3]	0.0	47,100	13.1	90,200	25.9
1991	72,200	20.0	65,100	20.0	6,600 [3]	1.8	0 [3]	0.0	31,500	8.7	60,900	17.5
1992	66,300	18.4	62,500	19.2	4,500 [3]	1.2	23,100 [3]	6.6	32,800	9.1	79,200	22.7
1980-1992 Mo. Avg.	**130,700**	**32.6**	**109,642**	**31.2**	**103,700**	**25.0**	**120,517**	**28.4**	**141,292**	**34.6**	**154,346**	**39.0**

YEAR	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		TOTALS	
	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)
1980	171,900	42.7	135,000	33.5	137,800	35.4	128,400	31.9	156,500	40.2	175,400	43.6	1,692,300	33.4
1981	157,500	39.1	111,300	27.6	114,700	29.4	93,000	25.8	61,100	17.5	82,600	22.9	1,374,600	27.1
1982	166,500	41.4	173,200	43.0	168,900	43.4	198,700	49.4	192,900	49.5	199,200	49.5	1,939,300	38.3
1983	177,700	44.1	203,000	47.1	193,000	49.5	203,000	47.1	98,400	28.2	207,300	48.1	1,894,600	37.4
1984	197,500	49.1	200,900	46.7	194,500	49.9	214,600	49.8	207,400	49.8	211,200	49.1	2,402,400	47.4
1985	202,900	47.1	199,800	49.6	184,100	47.3	176,800	43.9	211,000	50.6	200,000	49.7	2,408,200	47.5
1986	204,900	47.6	190,000	47.2	184,100	47.3	212,000	49.2	190,000 [2]	48.8	190,000 [2]	47.2	2,336,000	46.1
1987	190,200	47.2	168,600	41.9	98,400	28.2	133,200	33.1	112,200	28.8	118,200	29.4	1,941,600	38.3
1988	78,000	21.6	49,200	13.6	45,200	13.0	75,800	21.0	53,000	15.2	54,500	15.1	972,800	19.2
1989	68,000	18.9	33,200	9.2	36,500	10.5	36,300	10.1	41,600	11.9	42,400	11.8	608,100	12.0
1990	104,300	25.9	56,000	15.5	62,500	17.9	70,900	19.7	67,600	19.4	68,600	19.0	645,300	12.7
1991	132,400	32.9	69,700	19.3	55,200	15.8	50,600	14.0	58,000	16.6	65,400	18.1	667,600	13.2
1992	81,400	22.6	58,560	16.2	50,900	14.6	46,100	12.8	45,200	13.0	47,300	13.1	597,860	11.8
1980-1992 Mo. Avg.	**148,708**	**36.9**	**126,805**	**31.6**	**117,369**	**30.9**	**126,108**	**31.4**	**114,992**	**30.0**	**127,854**	**32.0**	**1,498,512**	**29.6**

FOOTNOTES:

[1] Plant off-line to rebuild turbine Generation figures not included in averages

[2] Estimated generation

[3] Minimal generation because Irrigation Company was filling Soda Reservoir

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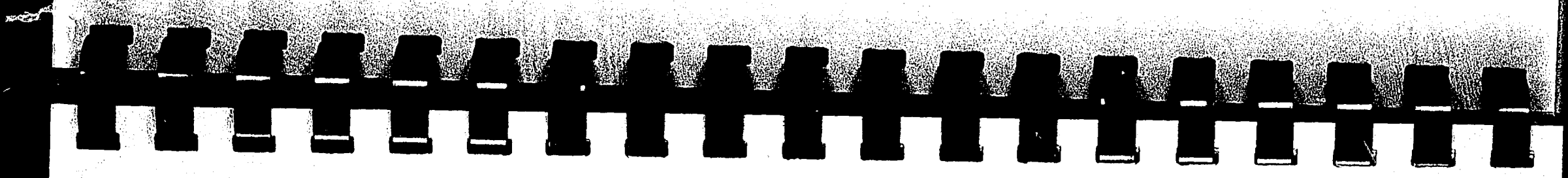

Table A-1

SODA CREEK HYDROELECTRIC PLANT NO. 4
POWER PRODUCTION AND FLOW

YEAR	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)
1980	79,700	22.1	77,900	23.9	89,400	24.8	109,900	28.2	190,400	47.3	240,000	57.6
1981	169,400	42.1	126,200	34.7	114,800	26.5	118,000	30.3	93,500	25.9	132,500	34.0
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1986	181,500	45.1	142,700	39 2	202,600	47.1	213,000	51.1	217,200	50.4	208,000	49.9
1987	162,600	40.4	171,000	47.0	184,200	45.8	207,600	49.8	207,600	48.2	187,800	48.2
1988	111,000	27.6	96,600	29.7	64,800	18.0	26,200	7.5	140,700	34.9	177,800	45.6
1989	50,900	14.1	45,300	13.9	35,200	9.8	49,300	14.1	61,700	17.1	107,700	27.6
1990	40,900	11.3	37,200	11.4	0 [3]	0.0	0 [3]	0.0	47,100	13.1	90,200	25.9
1991	72,200	20.0	65,100	20.0	6,600 [3]	1.8	0 [3]	0.0	31,500	8.7	60,900	17.5
1992	66,300	18.4	62,500	19.2	4,500 [3]	1.2	23,100 [3]	6.6	32,800	9.1	79,200	22.7
1980-1992 Mo. Avg.	130,700	32.6	109,642	31.2	109,700	25.0	120,517	28.4	141,292	34.6	154,346	39.0

YEAR	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		TOTALS	
	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)	Production (kWh)	Avg. Flow (cfs)
1980	171,900	42.7	135,000	33.5	137,800	35.4	128,400	31.9	156,500	40.2	175,400	43.6	1,692,300	33.4
1981	157,500	39.1	111,300	27.6	114,700	29.4	93,000	25.8	61,100	17.5	82,600	22.9	1,374,600	27.1
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1983	177,700	44.1	203,000	47.1	193,000	49.5	203,000	47.1	98,400	28.2	207,300	48.1	1,894,600	37.4
1984	197,500	49.1	200,900	46.7	194,500	49.9	214,600	49.8	207,400	49.8	211,200	49.1	2,402,400	47.4
1985	202,900	47.1	199,800	49.6	184,100	47.3	176,800	43.9	211,000	50 6	200,000	49.7	2,408,200	47.5
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1988	78,000	21.6	49,200	13.6	45,200	13.0	75,800	21.0	53,000	15.2	54,500	15.1	972,800	19 2
1989	68,000	18.9	33,200	9.2	36,500	10.5	36,300	10.1	41,600	11.9	42,400	11.8	608,100	12.0
1990	104,300	25.9	56,000	15.5	62,500	17.9	70,900	19.7	67,600	19.4	68,600	19.0	645,300	12.7
1991	132,400	32.9	69,700	19.3	55,200	15.8	50,600	14.0	58,000	16.6	65,400	18.1	667,600	13.2
1992	81,400	22.6	58,560	16.2	50,900	14.6	46,100	12.8	45,200	13.0	47,300	13.1	597,860	11.8
1980-1992 Mo. Avg.	148,708	36.9	126,805	31.6	117,369	30.9	126,108	31.4	114,992	30.0	127,854	32.0	1,498,612	29.6

FOOTNOTES:

[1] Plant off-line to rebuild turbine Generation figures not included in averages

[2] Estimated generation

[3] Minimal generation because Irrigation Company was filling Soda Reservoir

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Table A-2
Average Yearly Flow Bear River at Soda Springs
(Gage No. 10075000)

Water Year	Total Flow (ac-ft)
1980	502,600
1981	494,900
1982	408,200
1983	1,313,000
1984	1,318,000
1985	977,000
1986	1,331,000
1987	682,300
1988	383,400*
1989	351,800
1990	324,100
1991	282,900
1992	325,400
1980-1992 Average	668,815
40-Year Average	535,400

*Estimated from next upstream and downstream gages.

(8) Planned Date of Construction

The existing project was constructed in 1955.

(9 & 10) Discharge from the Hydroelectric Facility

The tailrace from Powerhouse No. 4 discharges directly into a natural water body, namely Soda Creek. In this vicinity, Soda Creek operates as a continuous irrigation

water supply system, with a number of diversions along the creek. These diversions and associated water rights are shown in Figure A-2. Further details of the diversions from Soda Creek are included in Table A-3. Approximately 1-3/4 miles downstream from Powerhouse No. 4, a quantity of water equal to or greater than the quantity discharged from Powerhouse No. 4 is diverted into Soda Canal by the Farmers Land and Irrigation Company of Alexander, Ltd. (Company) for irrigation purposes. Except when flows in Soda Creek exceed the capacity of the Company's diversion structure, virtually all flows in Soda Creek are diverted into the Company's canal for irrigation.

(11) Dams Associated with the Project

There are no dams specifically associated with the existing project. When originally constructed in 1955, there was a small diversion dam in Soda Creek to divert water to the new Kackley Ditch. However, when the Company constructed Soda Dam in 1965, the diversion dam was replaced with a concrete diversion structure near the base of Soda Dam. This diversion structure now directs flows either into the new Kackley Ditch or into Soda Creek. Soda Dam was constructed for storage of irrigation waters, and the project gains no head benefits as a result of the dam. The Company would have constructed Soda Dam for irrigation storage regardless of the presence of the project. In fact, extra expense was required during dam construction to accommodate construction of the diversion structure to continue to supply water to the new Kackley Ditch.

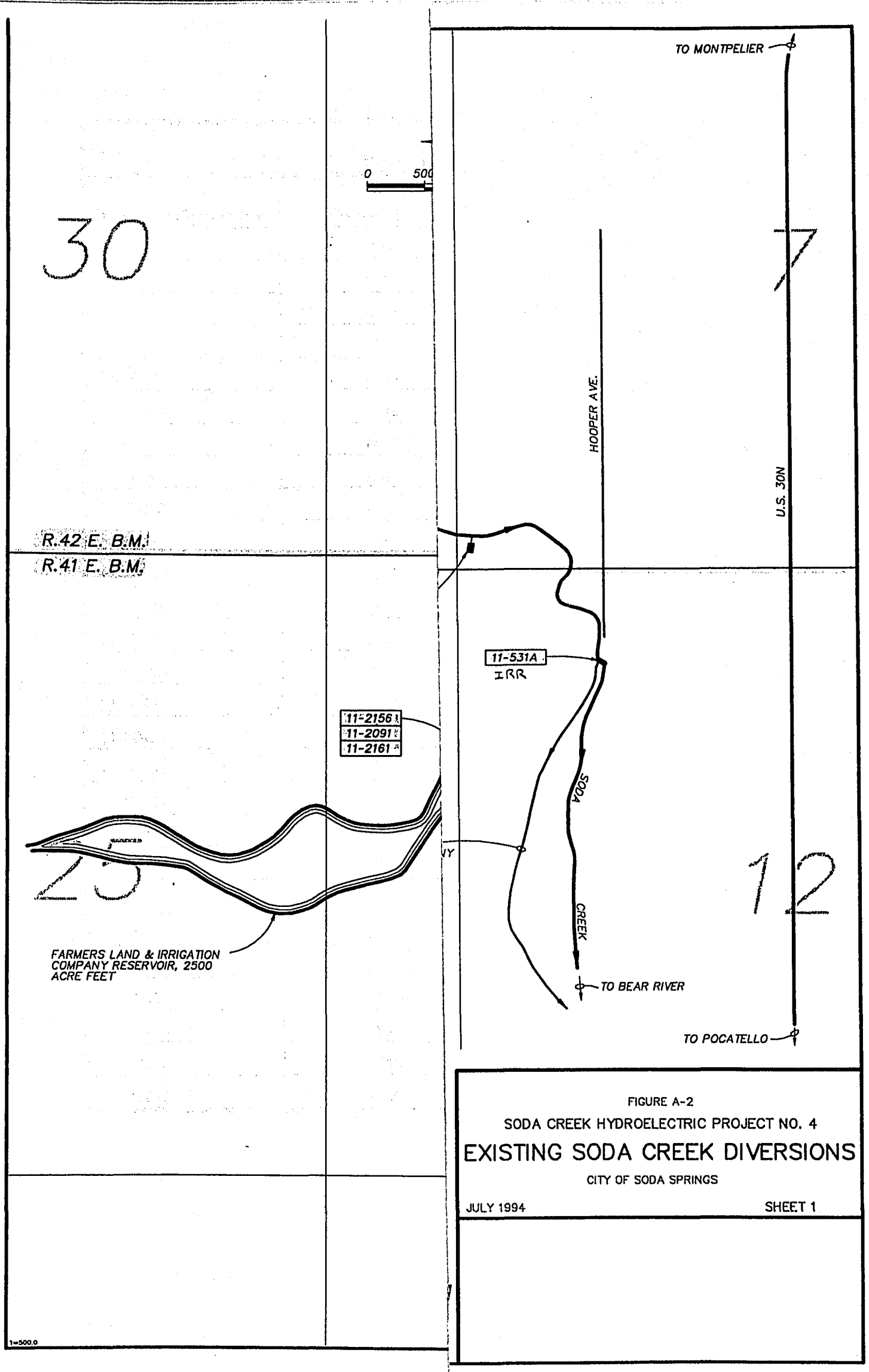


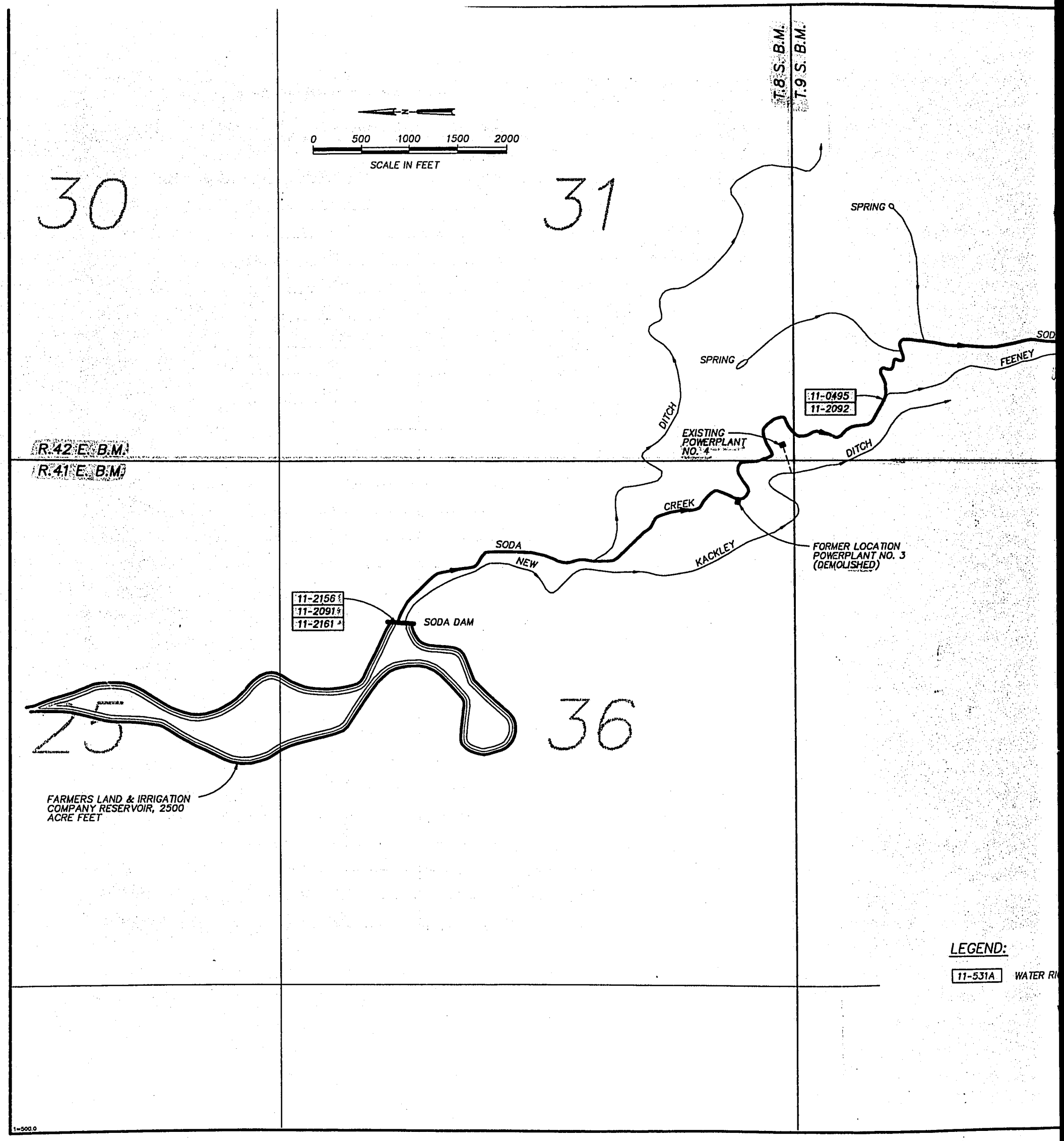
FIGURE A-2

SODA CREEK HYDROELECTRIC PROJECT NO. 4

EXISTING SODA CREEK DIVERSIONS

CITY OF SODA SPRINGS

JULY 1994 SHEET 1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T.8 S. B.M.
T.9 S. B.M.
30
31
36
25
SPRING
SPRING
SOD
FEENEY
11-0495
11-2092
DITCH
EXISTING POWERPLANT NO. 4
DITCH
R.42 E. B.M.
R.41 E. B.M.
CREEK
SODA
NEW
KACKLEY
FORMER LOCATION POWERPLANT NO. 3 (DEMOLISHED)
11-2156
11-2091
11-2161
SODA DAM
FARMERS LAND & IRRIGATION COMPANY RESERVOIR, 2500 ACRE FEET
LEGEND:
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WATER RI
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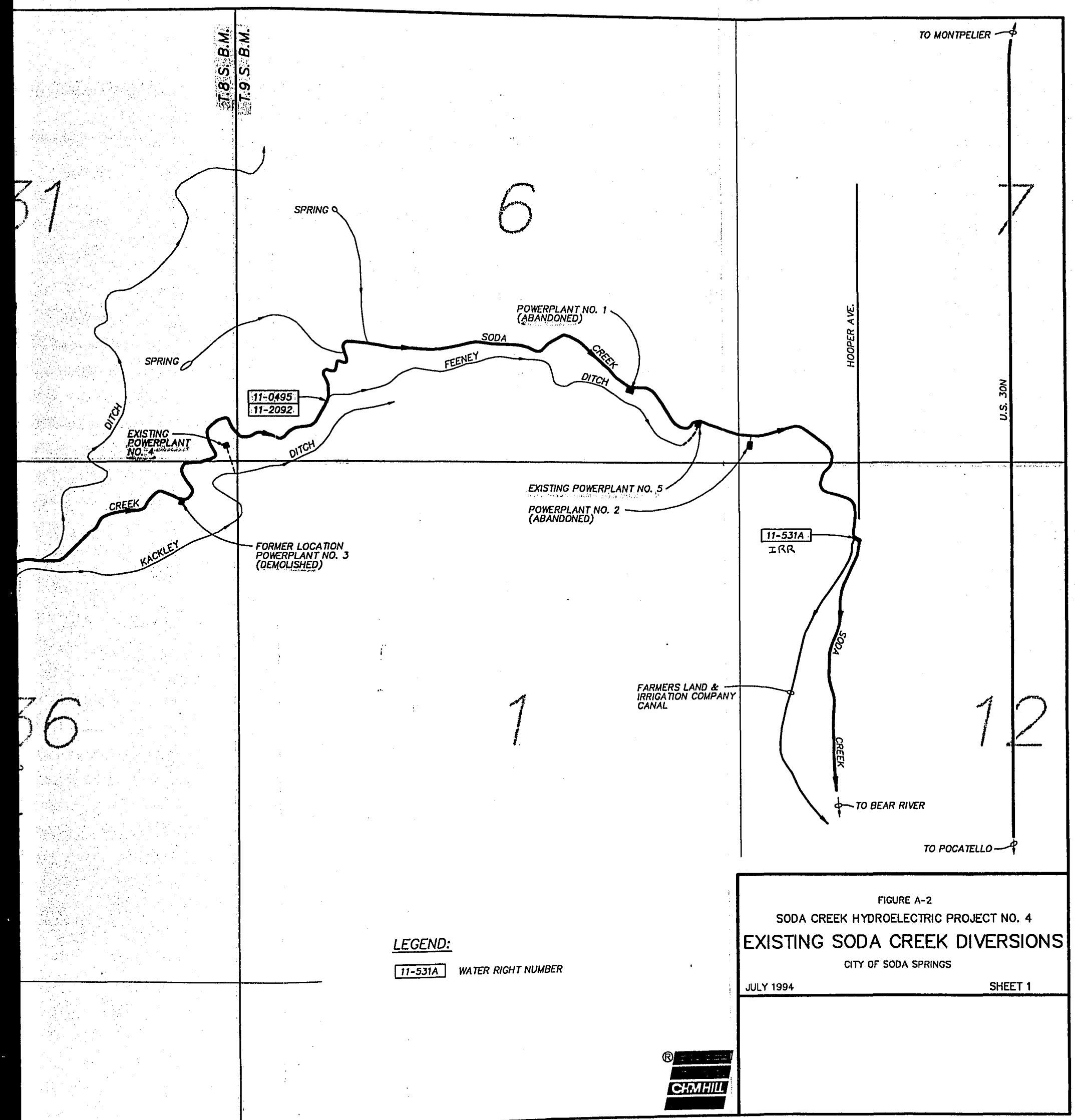


LEGEND:

11-531A WATER RIGHT NUMBER

CH2M HILL

FIGURE A-2

SODA CREEK HYDROELECTRIC PROJECT NO. 4

EXISTING SODA CREEK DIVERSIONS

CITY OF SODA SPRINGS

JULY 1994 SHEET 1

Table A-3
Diversions from Soda Creek

Water Right Number	Priority Date	Amount (cfs)	Purpose
11-2156	1936	240 AF	Storage
11-2091	1930	50	Power generation
11-2161	1954	40	Power generation
11-0495	1907	40	Power generation
11-2092	1936	48	Power generation
11-0531A	1892	76.1	Irrigation
11-00001	1881	.60	Irrigation
11-00448	1909	.30	Irrigation
11-00449	1910	.20	Irrigation
11-00457	1881	.10	Irrigation
11-00471	1881	.02	Irrigation
11-00499	1881	.60	Irrigation
11-00531B	1892	3.90	Irrigation
11-02106	1952	2.00	Irrigation
11-00451	1881	.02	Irrigation
11-00453	1881	.01	Irrigation
11-00459	1881	.01	Irrigation
11-00467	1881	.50	Irrigation
11-00468	1881	.01	Irrigation
11-00475	1881	1.03	Irrigation
11-00481	1881	.01	Irrigation
11-00484	1881	.14	Irrigation
11-00485	1881	.20	Irrigation
11-00489	1881	.40	Irrigation
11-00490	1881	.20	Irrigation
11-00528	1883	2.90	Irrigation
11-00492	1889	.50	Irrigation

Exhibit B

BOI10012F1C.WP5/jc

Exhibit B

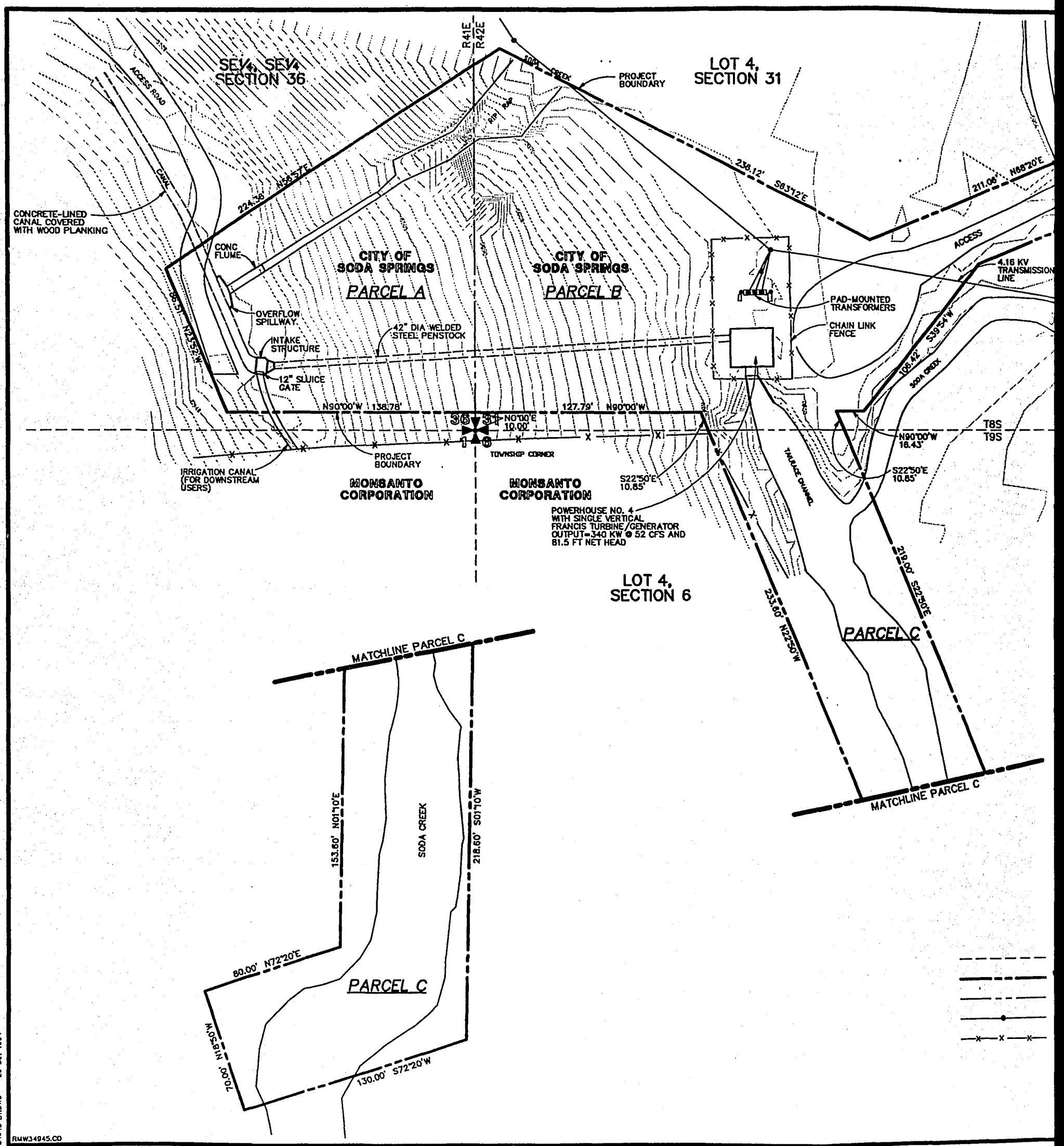
Project Boundary and Property Ownership

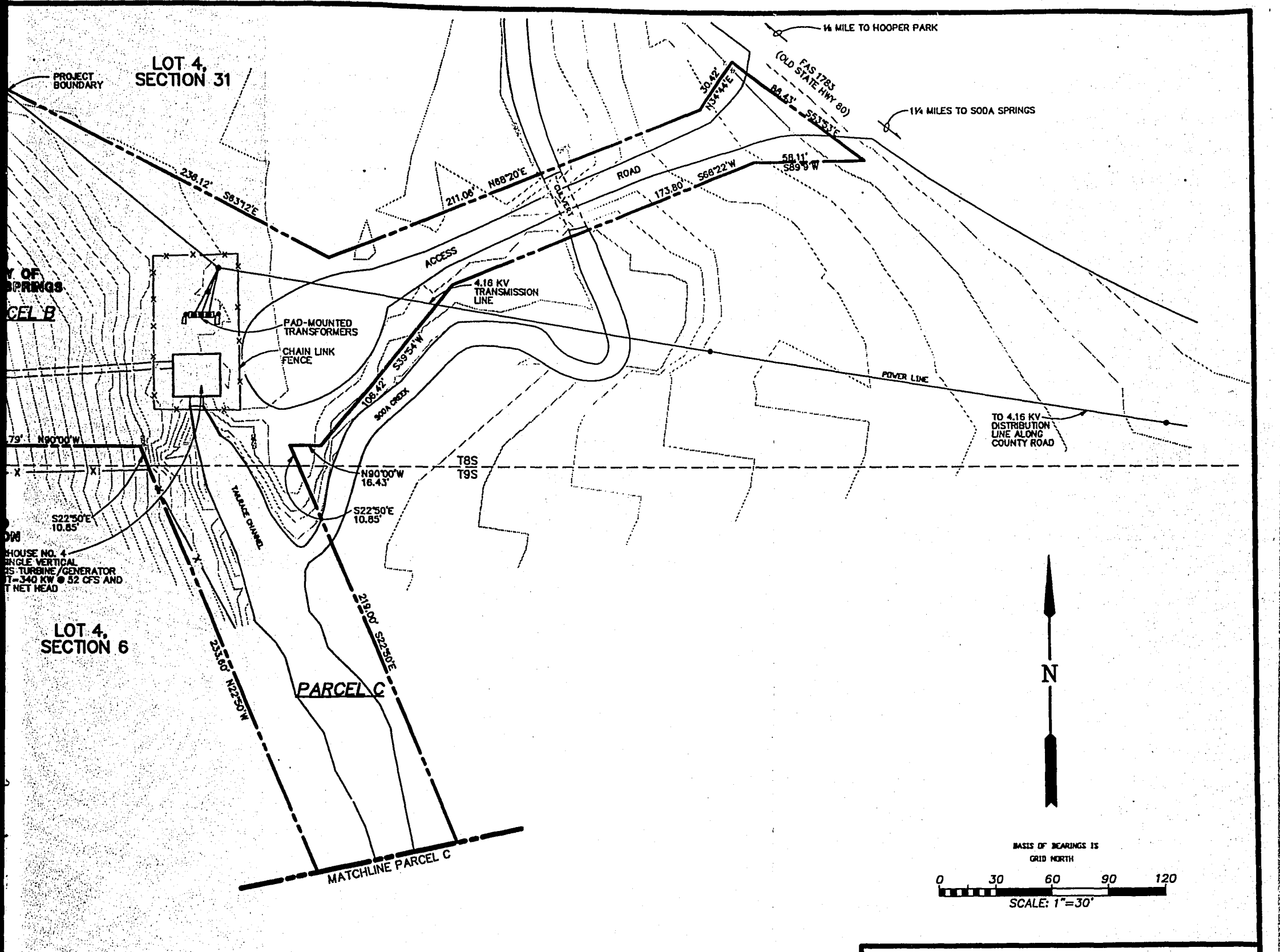
The project boundary is shown on the following page. The City of Soda Springs owns or controls all property within the project boundary. There are three parcels identified within the project boundary. Ownership is as follows:

Parcel	Description	Acreage within Parcel	Current Owner
A	A portion of the SE 1/4, SE 1/4, Section 36, T 8 S, R 41 E, Boise Meridian	0.51 acres	City of Soda Springs
B	A portion of Lot 4 (SW 1/4, SW 1/4) Section 31, T 8 S, R 42 E, Boise Meridian	1.07 acres	City of Soda Springs
C	A portion of Lot 4 (NW 1/4, NW 1/4) Section 6, T 9 S, R 42 E, Boise Meridian	0.83 acres	Monsanto Corporation

Parcel C is an easement granted to the City in 1955 by the owner of the property at that time, Dr. Evan Kackley. The subject property, along with the easement, was subsequently sold to the Monsanto Corporation.

Evidence of ownership or control of the property within the project boundary is included in Appendix B.


SE¼, SE¼
SECTION 36
R41E
R42E
PROJECT BOUNDARY
LOT 4,
SECTION 31
ACCESS ROAD
CANAL
CONCRETE-LINED CANAL COVERED WITH WOOD PLANKING
224.36' N56°57'E
238.12' S83°12'E
211.06' N68°20'E
CONC FLUME
CITY OF SODA SPRINGS
PARCEL A
CITY OF SODA SPRINGS
PARCEL B
OVERFLOW SPILLWAY
INTAKE STRUCTURE
42" DIA WELDED STEEL PENSTOCK
12" SLUICE GATE
865' N23°52'W
N90°00'W 138.78'
127.79' N90°00'W
N0°00'E 10.00'
36
31
1
6
TOWNSHIP CORNER
PROJECT BOUNDARY
IRRIGATION CANAL (FOR DOWNSTREAM USERS)
MONSANTO CORPORATION
MONSANTO CORPORATION
S22°50'E 10.85'
POWERHOUSE NO. 4
WITH SINGLE VERTICAL FRANCIS TURBINE/GENERATOR
OUTPUT=340 KW @ 52 CFS AND 81.5 FT NET HEAD
ACCESS
4.16 KV TRANSMISSION LINE
PAD-MOUNTED TRANSFORMERS
CHAIN LINK FENCE
106.42' S39°54'W
SODA CREEK
N90°00'W 16.43'
S22°50'E 10.85'
T8S
T9S
TAILRACE CHANNEL
LOT 4,
SECTION 6
233.60' N22°50'W
219.00' S22°50'E
PARCEL C
MATCHLINE PARCEL C
MATCHLINE PARCEL C
153.60' N01°10'E
218.60' S01°10'W
SODA CREEK
80.00' N72°20'E
70.00' N18°50'W
130.00' S72°20'W
PARCEL C
34945-B1.DWG 20-Oct-1994
RMW34945.CO



LEGEND

- SECTION LINE
- PROJECT BOUNDARY
- PARCEL BOUNDARY
- POWER LINE
- FENCE

CH2M HILL

EXHIBIT B

SODA CREEK HYDROELECTRIC PROJECT NO. 4

PROJECT BOUNDARY AND PROJECT OWNERSHIP MAP

CITY OF SODA SPRINGS

OCTOBER 1994

SHEET 1 OF 1

Exhibit E

BOI10012F1C.WP5/jc

Exhibit E

Environmental Report

Introduction

This section includes information concerning the significant resources within the affected environmental setting, and the impacts and proposed mitigation associated with the existing Soda Creek Hydroelectric Project No. 4. Subject areas discussed below follow those prescribed by the Commission in the preparation of environmental documents. This Exhibit was prepared in accordance with §4.92(e) of the Commission's regulations. For the reader's convenience, each of the sections includes discussions of environmental setting, impacts, and proposed mitigation.

Vegetative Cover

Environmental Setting

Two major vegetative community types predominate in the Soda Creek project area. A sagebrush-grass vegetative cover is found in the immediate vicinity of Powerhouse No. 4 and its penstock. In southeast Idaho, this vegetative type is common at elevations of 5,000 to 7,000 feet. The plant types are a mixture of grasses, forbs, shrubs, and a few trees. The most common species are bitterbrush, sagebrush, rabbitbrush, snowberry, arrowleaf balsamroot, bluebunch wheatgrass, Idaho fescue, and sandberg bluegrass, with occasional, scattered junipers invading the site.

The second major vegetation type is riparian. This type is found along Soda Creek, along portions of the new Kackley Ditch, and around seeps near the toe of Soda Dam. Sedges, rushes, and grasses typify the riparian cover. In addition, clumps of willows are scattered along Soda Creek. Portions of this vegetation type may contain small inclusions of wetlands, particularly near the seeps at the base of the dam.

Based on information obtained from the Idaho Department of Fish and Game (IDFG) Conservation Data Center, no rare, threatened, or endangered plant species are known to occur in the project area or its immediate vicinity.

Impacts

When Powerhouse No. 4 was constructed in 1955, vegetative cover was displaced; the ground surrounding the powerhouse remained in native vegetation. Since 1955, vegetation in the vicinity of the powerhouse has continued to grow and mature. No new disturbance to vegetation will occur onsite as a result of the continuation of this project. Regular facility maintenance will continue as it has in the past, and no change in operational procedures is anticipated.

Mitigation

No new construction is planned at the facility, therefore, no mitigation will be necessary.

Agency Consultation

Both the Idaho Department of Fish and Game (IDFG) and the U.S. Fish and Wildlife Service (USFWS) expressed concerns relating to vegetative cover (see letters in Appendix A dated August 25, 1994, and August 29, 1994, respectively). The primary concern of both agencies deals with the riparian vegetation along Soda Creek in the reach bypassed by the new Kackley Ditch. The agencies requested that existing bypass flows (primarily caused by leakage, springs, seeps, and return flows) be maintained at their current levels. In order to define the amount of existing bypass flows in Soda Creek, the agencies also requested that the City of Soda Springs (City) perform a study of the existing bypass flows (see letters from USFWS dated October 17, 1994, and IDFG dated October 18, 1994). The City has agreed to perform the study of bypass flows as requested by USFWS and IDFG, following the filing of this exemption application. The study of bypass flows will commence on November 1, 1994, with completion of field work by October 31, 1995. Results of the study will be filed with the Commission, the agencies, and tribes by December 31, 1995.

Fisheries Resource

Environmental Setting

Soda Creek is classified by IDFG as a Class IV fishery, which is defined as a limited fishery resource. This classification is used to designate habitat that is not used, or is sporadically or unpredictably used by species of high interest. Within the project reach, there is no evidence to indicate that Soda Creek supports a fishery.

The only game fish known to exist in the vicinity of the project are some rainbow trout that have been stocked in Soda Reservoir. Occasionally, one of these fish escapes the reservoir and moves into the canal. Rainbow trout have occasionally been observed in the vicinity of the trash rack at the No. 4 intake structure (Hlaverty, 1993).

According to data maintained by the IDFG Conservation Data Center, Soda Creek does not provide suitable habitat for any rare, threatened, or endangered fish species.

Impacts

Prior communication with IDFG officials verified that Soda Creek is not a fishery, and there is little likelihood that the creek could be a fishery, because of the background chemical characteristics of the creek. In addition, Soda Creek has historically been diverted, primarily for irrigation use and additionally for power generation. Conditions would remain the same with the continued use of Powerhouse No. 4, and the creek would not be altered further as a result of the project. No additional negative impacts will occur.

Mitigation

No mitigation measures are proposed, as new impacts are not envisioned as a result of the continuation of the project.

Agency Consultation

The USFWS requested further explanation and information concerning the reasons that water quality in Soda Creek precludes fish survival (see letter dated August 29, 1994). The determination that Soda Creek does not support a fishery because of its water chemistry was made by IDFG during development of the exemption application for the City's Hydroelectric Project No. 5 in 1983. The determination was reiterated by IDFG (see letter dated August 25, 1994), which states "Soda Creek does not support a fishery because of its chemical composition." This information was relayed to USFWS, and accepted by USFWS.

Wildlife Resources

Environmental Setting

Big game species found in the project area include mule deer, elk, and moose. Elk and moose are only sighted infrequently in the vicinity of the project. Very few, if any, of these animals are known to use this area regularly. The primary elk and moose habitat in Caribou County is located east of State Highway 34, in the mountains near the Wyoming border. However, there is some evidence to indicate that moose continue to colonize suitable habitat in the western portions of the county (Oldenburg, 1992).

Caribou County is home to a sizeable mule deer herd. During the fall and spring migration periods, many of these deer pass through or near the project area as they move between their high elevation summer range and the lower foothills and valleys that constitute their winter range. From 1978 to 1982, IDFG conducted detailed studies of deer populations, habitats, and migration patterns in southeast Idaho as part of the Cooperative Wildlife-Phosphate Study (Kuck, 1984).

As shown in Figure E-1, surveys of mule deer populations from the IDFG studies indicate that one of the most important summer ranges in the county is centered in the Diamond Creek area, about 20 miles east-northeast of Soda Springs. The Ninety Percent/Soda

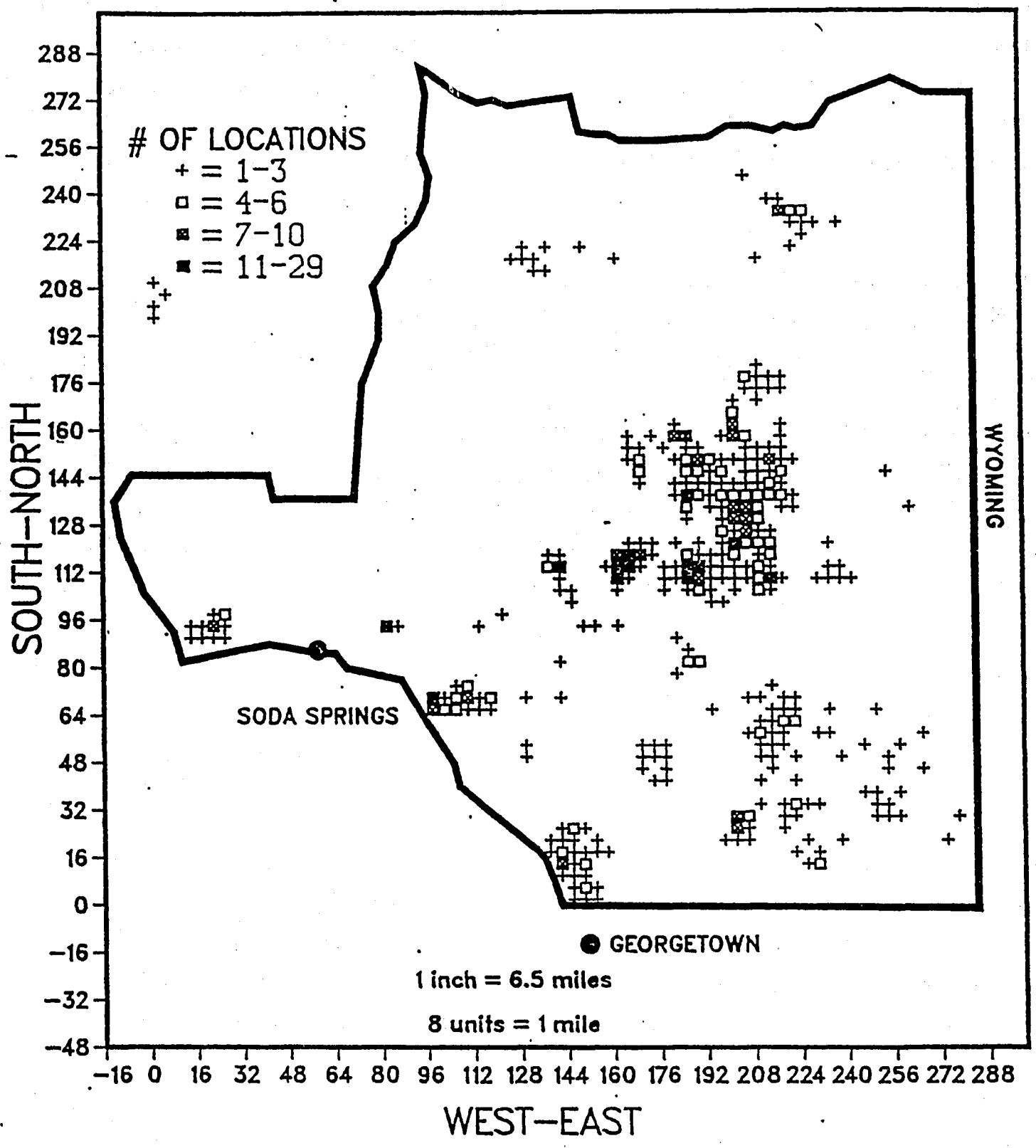


FIGURE E-1
SODA CREEK HYDROELECTRIC PROJECT NO. 4
CITY OF SODA SPRINGS, IDAHO
SOURCE: Kuck, 1984

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Springs Hills complex, one of the most heavily used mule deer winter ranges in southeast Idaho, is located approximately 2 to 5 miles west of the Soda Reservoir, as shown in Figure E-2. This winter range is characterized by relatively low elevations, and south-facing sagebrush-mountain mahogany slopes that provide winter forage for deer. Inter-mixed aspen and conifer stands on the higher north and east slopes provide cover and additional forage (Kuck, 1984). Although the project area offers a sagebrush-grass habitat, it is probably less attractive to deer because of the sparsity of nearby woodland protective cover, as provided in the Ninety Percent/Soda Springs Hills complex, and because of its proximity to the City of Soda Springs.

Based on the IDFG studies, distances between summer and winter ranges average over 20 air miles, with several distances over 50 air miles (Kuck, 1984). Some of the most heavily used spring migration routes are shown in Figure E-3.

Track counts of deer migrating across State Highway 34 were made by IDFG in the fall of each year from 1978 to 1982. These counts were made between the Blackfoot River and the town of Soda Springs from early November to late January, depending on weather conditions. A 5-year average of the migrating deer indicated that 35 percent of the deer crossed the highway within the city limits of Soda Springs. Eighty-two percent of the migrating deer crossed within 3 miles of the city limits (Kuck, 1984). In a typical year, about 3,000 mule deer cross State Highway 34 within this 3-mile segment (Hlaverty, 1993). In addition to crossing State Highway 34, many of these deer also migrate across the Hooper Springs Road, located near the project. The results of fall migration tracking studies of Hooper Springs Road are shown in Figure E-4.

The new Kackley Ditch is used the entire year, and therefore, constitutes a danger to migrating mule deer attempting to cross it in the fall or the spring. The danger is greatest in the fall, when the canal banks may be icy, making it difficult for deer to escape should they fall in the canal. A portion of the canal (the lower 1,600 feet) has been boarded over to prevent such accidents. IDFG personnel report that very few mule deer have been lost in the canal (Hlaverty, 1993).

In addition to big game, some small game species typically found in sagebrush-grass communities may inhabit the project area. These may include sage grouse, sharptailed grouse, partridge, pheasant, jack rabbits, cottontail rabbits, and mourning dove. None of these

DEER WINTER LOCATIONS 12/1–5/1

(N=1254)

Idaho Cooperative Wildlife–Phosphate Study Area

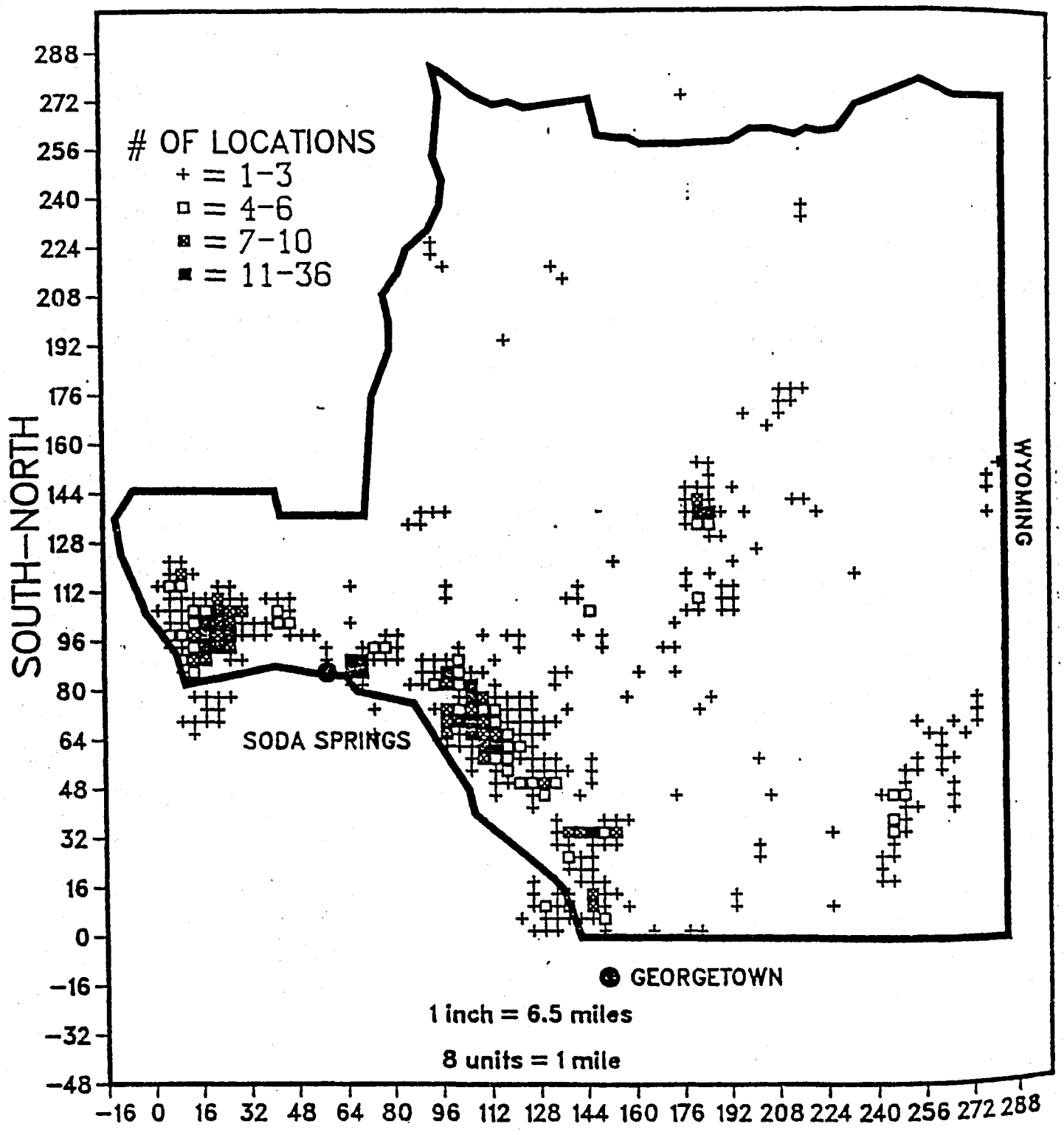


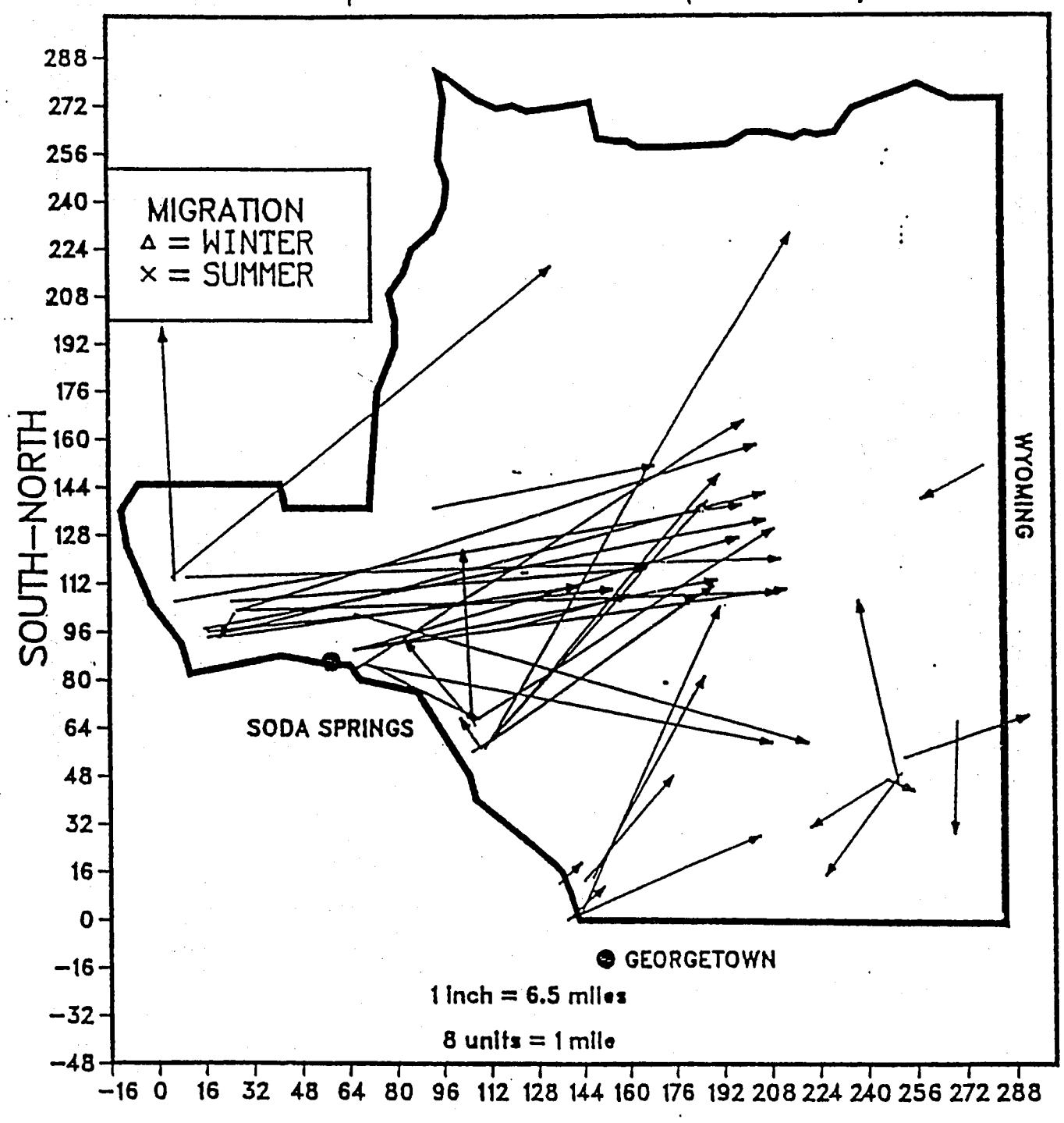
FIGURE E-2
SODA CREEK HYDROELECTRIC PROJECT NO. 4
CITY OF SODA SPRINGS, IDAHO
SOURCE: Kuck, 1984

BOI34945.A0

WINTER TO SUMMER MIGRATION

MULE DEER

Idaho Cooperative Wildlife–Phosphate Study Area



Spring migration of 43 mule deer the first year after capture on the Cooperative Wildlife-Phosphate Study Area, southeastern Idaho, 1978-1981.

FIGURE E-3
SODA CREEK HYDROELECTRIC PROJECT NO. 4
CITY OF SODA SPRINGS, IDAHO
SOURCE: Kuck, 1984

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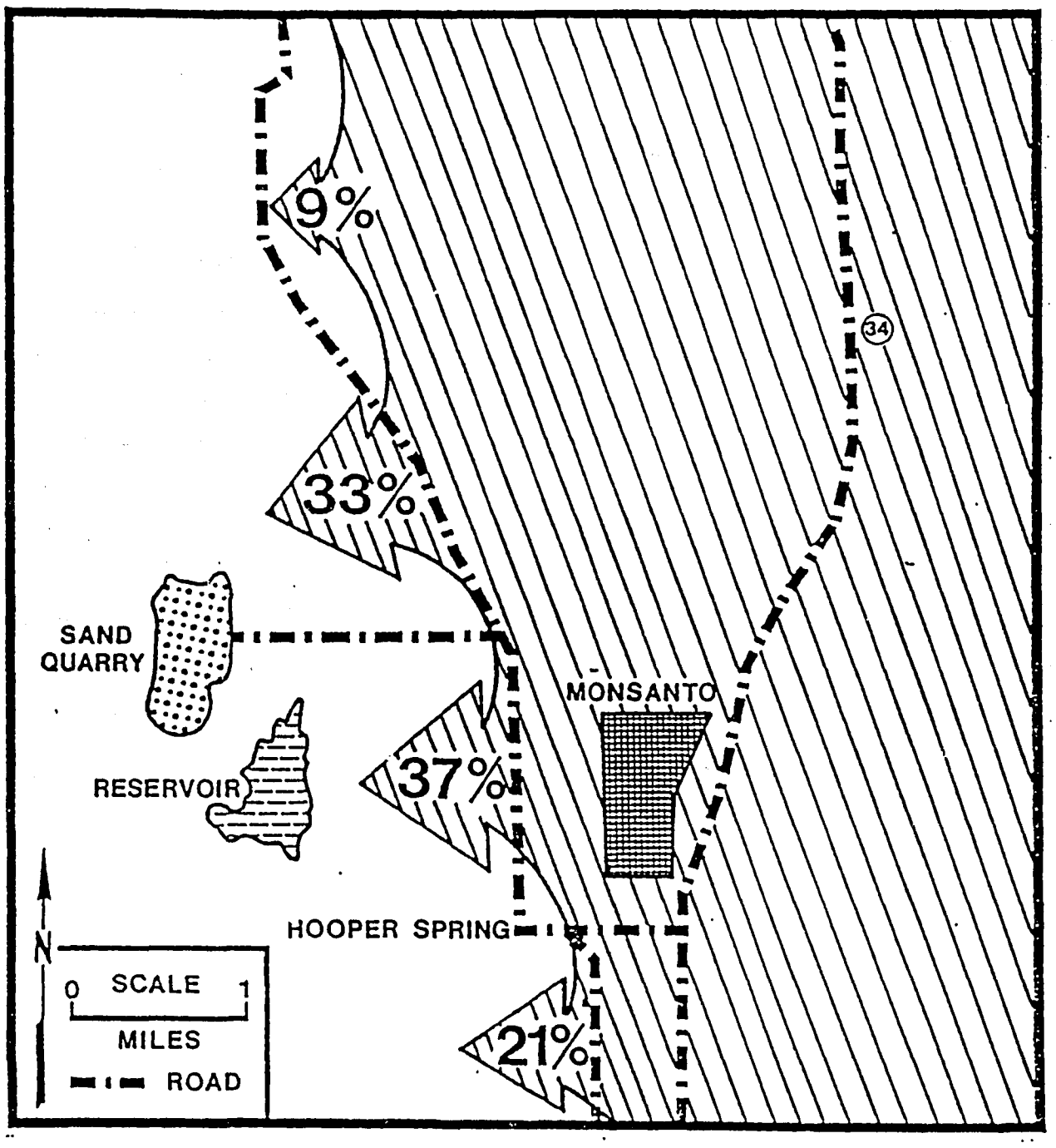

Mule deer tracks observed moving west during the fall migrations of 1979-1981 along Hooper Springs road on the Cooperative Wildlife-Phosphate Study Area, Idaho.

FIGURE E-4
SODA CREEK HYDROELECTRIC PROJECT NO. 4
CITY OF SODA SPRINGS, IDAHO
SOURCE: Kuck, 1984

BOI34945.A0

species are expected to be found in any abundance in the project area. Past studies show no strutting or nesting grounds near the project area for any game birds (U.S. Geological Survey, et al., 1976).

Raptors, such as American kestrel, prairie falcon, and various other hawks and owls, may be found in the project area. Common songbirds also probably reside in the project area, especially in the riparian community. Also, the typical mammalian nongame species such as mice, voles, and ground squirrels can be expected to inhabit the area.

Based on information from the IDFG Conservation Data Center, the project area provides suitable habitat for the pygmy rabbit, a federally listed Category 2 Candidate Species. In addition, peregrine falcons and bald eagles, federally listed as Endangered and Threatened Species, may pass through the area during migrations. South of the project area, portions of the Bear River corridor have been identified as bald eagle wintering habitat.

IDFG offered assistance throughout this project, providing input about resources, impacts, and mitigation. In addition, correspondence from the U. S. Fish and Wildlife Service (USFWS) is in Appendix A, and their comments regarding powerlines (included in the mitigation section that follows) and current species lists have been addressed. A request was made to USFWS for the most current list of candidate, threatened, or endangered species found in the project area.

Impacts

Mule deer routinely migrate through the project area in the fall and spring. The new Kackley Ditch is used throughout the year, so it could be a danger to migrating deer that are attempting to cross the ditch. Deer could enter the water in an attempt to cross to the other side, only to find themselves unable to get out of the ditch, particularly if banks are icy.

If traditional migratory routes are cut off, fences can cause problems for deer. While Powerhouse No. 4 has a fence around the building, the fence is situated within several feet of and adjacent to the building. No fence associated with the project has been placed across a migratory route.

Raptors and other birds may frequent the project area, and bald and golden eagles have been observed in the vicinity of wintering deer. The Ninety-Percent Complex, which includes the Powerhouse No. 4 site, has previously been identified as the heaviest winter use area. Raptors and other migratory birds could be electrocuted on powerlines, including those associated with the project.

Mitigation

Following consultation with IDFG, as many as two additional crossings would be located along the new Kackley Ditch in areas determined to be likely deer migration paths. The crossings would likely be culverts approximately 20 feet long, backfilled over the top with soil, with an appearance of a natural crossing. Final details of the crossings would be developed based on IDFG input.

Similar mitigation has been utilized in the past. Currently, two culverts and a bridge are located along the canal for Powerhouse No. 5. The 20-foot culverts, used by Monsanto, have dirt over their top and are heavily used by deer as a crossing area.

In compliance with USFWS requests, power poles that are exclusively associated with the project will be raptor-proofed, in order to prevent electrocution of raptors and other migratory birds.

Agency Consultation

The IDFG (letter dated August 25, 1994) expressed concerns because the new Kackley Ditch crosses major deer migration pathways. The City will install up to two crossings of the ditch in the future if they are determined to be necessary by IDFG. The crossing locations and designs will be determined in consultation with IDFG, if and when IDFG requests their construction.

Water Quality and Quantity

Environmental Setting

Soda Creek is a tributary of the Bear River. It accounts for about 2 percent of the annual surface water contribution to the river within Idaho. The creek drains the Fivemile Meadows area (52 square miles of drainage area) and is primarily spring fed. The U.S. Geological Survey (1969) noted that Soda Creek is the only principal tributary of the Bear River that contains magnesium bicarbonate. That report characterized the springs around the town of Soda Springs as follows:

> "The "soda" springs near the town of Soda Springs yield a magnesium bicarbonate type of water. Most of these springs issue from basalt, but others emerge from sources that are covered by extensive deposits of travertine. Several of the larger springs constitute the headwaters of Soda Creek. The bicarbonate content of these spring waters is unusually high and carbon dioxide gas can be seen bubbling out of the water. The iron content is also high and it generally precipitates as a rusty deposit."

Only limited and dated water quality data for Soda Creek are known to be available. U.S. Geological Survey (1969) water quality data are presented in Table E-1. In 1974, Soda Creek was again sampled in connection with the southeast Idaho phosphate study (U.S. Geological Survey, et al., 1976). The sampling results are shown in Table E-2. The Idaho Department of Health and Welfare, Division of Environmental Quality, does not maintain water quality data for Soda Creek.

The gauging station nearest the project site is located at Fivemile Meadows, approximately 3.5 miles upstream of the project. Streamflows at this site were monitored by the U.S. Geological Survey from 1964 to 1986. Details of the flow data are presented in Exhibit A.

Impacts

No additional bypass flows are being proposed as a result of the project. The operation of Powerhouse No. 4 will not change, and current diversion practices will be continued.

Table E-1
Soda Creek and Spring Sampling Data
(mg/L, unless otherwise noted)

	Soda Creek[a]	Soda Spring[b]
Silica	25	--
Calcium	59	151
Magnesium	46	163
Sodium	8.0	42
Potassium	3.2	--
pH	7.8	--
Bicarbonate	400	1,298
Sulfate	25	57
Chloride	6.5	11
Fluoride	0.3	--
Nitrate	2.6	--
Phosphate	0	--
Boron	0.02	--
Dissolved Solids mg/L tons/ac-ft	 355 0.48	 -- --
Total Hardness	336	--
Specific Conductance (micromhos @ 25°C)	619	--
Percent Sodium	5	0.07
Sodium Adsorption Ratio	0.2	--

[a]Date of collection–9/11/67.
[b]Spring number 85-41E-23a1S. Date of collection–6/28/93.

Source: USGS, October 1969. *Hydrologic Reconnaissance of the Bear River Basin in Southeastern Idaho*. Water Information Bulletin No. 13.

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Table E-2
Soda Creek Sampling Data, 1974

	Soda Creek above Monsanto Outfall	Monsanto Waste Outfall	Soda Creek Below Monsanto Outfall
Instantaneous discharge (cfs)	81	9.0	74
Nitrate + Nitrate as NO_3 (ppm)	4.2	15	5.3
Orthophosphate as PO_4 (ppm)	0.26	5.8	0.9
Fluoride (ppm)	2.8	8.8	0.9
Cadmium, dissolved (mg/L)	0	2	--
Lead, dissolved (mg/L)	2	2	--
Mercury, dissolved (mg/L)	0.1	0.1	0.2
Molybdenum, dissolved (mg/L)	1	93	--
Selenium, dissolved (mg/L)	2	31	--
Vanadium, dissolved (mg/L)	4.0	20	--
Zinc, dissolved (mg/L)	60	20	4

Source: USGS, April 1976. *Development of Phosphate Resources in Southeastern Idaho, Final Environmental Impact Statement.*

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With the continuation of standard operating procedures, no new negative impacts would occur to either water quality or quantity.

Mitigation

No mitigation is proposed, since existing conditions would remain in effect.

Agency Consultation

The USFWS expressed water quality concerns in terms of fisheries. This subject is addressed in the section on Fisheries Resources.

Land and Water Use

Environmental Setting

Powerhouse No. 4 has been located at the site since 1955, making it the site's existing land use for approximately 40 years. The penstock and Powerhouse No. 4 are all located on property owned by the City of Soda Springs. The project is outside the northern corporate limits of the City, in unincorporated Caribou County. The project site is located within the Soda Springs Area of City Impact. Land uses in the vicinity of the project include irrigated agriculture and the Monsanto phosphate refining plant located east of the project.

Present water uses of Soda Creek are irrigation and power generation. Water is diverted for the project from Soda Creek just downstream of Soda Reservoir, which was constructed by the Farmers Land and Irrigation Company to store water for irrigation. There are numerous other diversion structures downstream of Soda Dam to divert various flows, primarily for irrigation. The other major diversions are shown in Figure A-2 and include: the diversion for the irrigation/power canal (Feeney Ditch) feeding the City's Powerhouse No. 5 (approximately 1.3 miles below Soda Dam); and the diversion for the Soda Canal, which delivers water to the Farmers Land and Irrigation Company (approximately 2.5 miles below Soda Dam). The diversion for the Soda Canal diverts virtually the entire flow of Soda Creek (up to 76.1 cfs) during the irrigation season.

There are existing flows in Soda Creek in the bypass reach (between the diversion structure for the new Kackley Ditch and Powerhouse No. 4) much of the time. These flows are primarily the result of leakage, springs, seeps, and irrigation return flows. The quantity of bypass flows and any variation with season is unknown.

Impacts

Land and water use will remain the same; therefore, no new impacts, positive or negative, will be generated as a result of the project. Powerhouse No. 4 is in unincorporated Caribou County in an area that is agricultural in use. The facility has been part of the landscape for 40 years and has not been an obtrusive land use. Both power production and irrigation uses of Soda Creek water will continue at current levels.

Mitigation

No mitigation measures are proposed as no new impacts are expected. Current conditions will remain in place. No additional bypass flows in Soda Creek are proposed.

Agency Consultation

The Idaho Department of Water Resources (IDWR) by letter dated August 22, 1994, indicated that the project "has been operated...in accordance with their [the City's] water rights." The IDWR had no comments concerning environmental impacts or mitigation.

Both IDFG and USFWS, in their letters dated August 25, 1994, and August 29, 1994, respectively, expressed concerns regarding maintenance of existing bypass flows in Soda Creek. These concerns primarily deal with protection of existing riparian habitat and are addressed in the section on Vegetative Cover.

Both IDFG and USFWS also expressed concerns in their letters of August 25, 1994, and August 29, 1994, as to whether Powerhouse No. 4 meets the criteria set out in the Commission regulations. In particular, both IDFG and the USFWS expressed a concern that the water carried in new Kackley Ditch is not for agricultural purposes. Those concerns are easily resolved.

New Kackley Ditch was constructed in 1936 to replace an existing irrigation ditch—long before the construction of Powerhouse No. 4. All water released from Soda Dam by the Farmers Land and Irrigation Company and diverted into new Kackley Ditch is dedicated to irrigation use. The IDFG and USFWS appear to be concerned that the use of the water for irrigation purposes is not immediate. However, as noted under the Commission's regulations a "small conduit hydroelectric facility" is one which:

> (v) Discharges the water it uses for power generation either:
>
> (c) into a natural water body if a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from that water body downstream into a conduit that is part of the same water supply system as the conduit on which the hydroelectric facility is located[1].

In this instance, Powerhouse No. 4 discharges the water used for generation into Soda Creek, a natural water body, and approximately 1-3/4 miles downstream from Powerhouse No. 4, a quantity of water equal to or greater than the quantity discharged is diverted into Soda Canal by the Farmers Land and Irrigation Company (Farmers Land and Irrigation Company holds a right to 76.1 cfs whereas new Kackley Ditch has a capacity of approximately 60 cfs). Accordingly, Powerhouse No. 4 is located within a continuous irrigation water supply system; from storage of the water behind Soda Dam by Farmers Land and Irrigation Company, to its release and diversion into new Kackley Ditch, discharge into Soda Creek from Powerhouse No. 4, and then diversion by Farmers Land and Irrigation Company downstream.

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[1]18 C.F.R. § 4.30(b)(30)(v).

Recreational Resources

Environmental Setting

Hooper Springs Park (a City Park) is located about 300 feet upstream of Powerhouse No. 4 on the east side of Soda Creek. In addition to the historic Hooper Springs, the park includes a playground, picnic area, and pavilion within its 40 acres. The park receives most of its use in the summer months, when it is popular with picnickers.

In addition to the park, minor amounts of dispersed recreation take place near the project. This activity consists primarily of children crossing and playing in the creek.

A combined effort on the part of the City of Soda Springs, State Parks and Recreation Department, Monsanto, local businesses, and the community as a whole is leading to the development and construction of a bicycle and pedestrian path from the town to Hooper Springs Park. The path will follow the irrigation/power canal (Feeney Ditch) for the City's Powerhouse No. 5, and then follow Soda Creek to the park. The path will pass within a few hundred feet of Powerhouse No. 4. To date, silica sand has been placed on the road along the ditch, and easements and the right-of-way are being obtained from Monsanto. Funding is being acquired from the State Parks and Recreation Department for signs, benches, and other path improvements.

The City of Soda Springs also operates two other parks within the city limits.

Impacts

Past impacts on recreation have been positive. The Powerhouse No. 5 vicinity is being developed as a pedestrian and bicycle path, which will benefit area residents by providing more recreational opportunities. Future impacts will also be positive, with Powerhouse No. 4 and its associated facilities being included as a component of the developing path system because of their proximity to Hooper Springs Park.

Mitigation

No mitigation for recreation impact is proposed because of the continued operation of Powerhouse No. 4. Activities that are taking place to construct a path are not in response to adverse impacts, but are instead community-driven to create an additional recreation amenity for the benefit of area residents through the utilization of existing waterways.

Agency Consultation

The Idaho Department of Parks and Recreation had no comments on recreational resources associated with the project (letter dated August 11, 1994).

Socioeconomic

Environmental Setting

The population of Soda Springs, the county seat of Caribou County, experienced a 36 percent increase between 1970 and 1980. This was followed by a declining population base that began in the mid-1980s. According to the Bureau of the Census, the 1980 population total was 4,051. By 1986, the city total was 3,770, a decrease of nearly 7 percent. The 1990 census count was 3,111. Caribou County had a corresponding decrease in population, from 8,695 in 1980 to 6,963 in 1990.

One employee, who works part-time at the plant, is required for the operation of Powerhouse No. 4. No other employees are necessary for the facility's day-to-day operation. The plant is paid for, and its routine operation and maintenance costs are considered to be normal for this type of facility.

Impacts

Powerhouse No. 4 has been an economic asset to the customers it serves, because its operation results in lower utility costs for area businesses and residents. The plant provides low-cost electricity at a rate below what would otherwise be available for consumer

purchase. The continued operation of Powerhouse No. 4 will also allow future consumers to benefit from lowered electrical costs.

Mitigation

No change is anticipated as a result of the continued operation of Powerhouse No. 4. As has been the case in the past, one part-time employee would be employed at the plant, and consumers would continue to benefit by the lower utility rates offered as a result of the plant's operation. Therefore, no mitigation would be necessary.

Agency Consultation

No agencies commented on socioeconomic resources associated with the project.

Visual Resources

Environmental Setting

Visual features within the project area consist primarily of the sagebrush-grass vegetation, irrigated agricultural fields, associated agricultural facilities, Hooper Springs Park, and the project facilities themselves. The Monsanto phosphate reducing plant is visible in the background from all parts of the project. Because the visual resources are not unique and because they have been greatly affected by man, project area visual resources are considered of low to medium aesthetic value.

The Southeast Idaho Phosphate Study (USGS, 1976) classified the area under a "common" scenic variety class. The three possible classes were distinctive, common, and minimal. The common class refers to areas where landscape features contain some variety in form, line, color, and texture, but tend to be typical of the given landscape type and are not outstanding in visual quality.

The primary project features visible to the casual observer include the new Kackley Ditch and the small brick-faced powerhouse (24 feet by 21 feet, and 22 feet in height). Both of these features are typical of structures in the area.

Impacts

No change is anticipated in terms of visual impacts. Powerhouse No. 4 was constructed approximately 40 years ago, and its surroundings have since revegetated and matured. The powerhouse is not an intrusive structure; primarily constructed of regular, fired brick and poured concrete, its dimensions are 24 feet by 21 feet, and its height is 22 feet. It would not change in appearance as a result of the continuation of this project. Other structures associated with the powerhouse, including the pad-mounted transformers and transmission line, overflow spillway, penstock, intake structure, and new Kackley Ditch, would still be partially visible from Hooper Springs Road.

Mitigation

No mitigation is planned, because no new negative visual impacts will occur.

Agency Consultation

No agencies commented on visual resources associated with the project.

Cultural Resources

Environmental Setting

A cultural resources evaluation of Project No. 4 and associated structures was completed in May 1994 by Sagebrush Archaeological Consultants. The following is a summary of the evaluation. The cultural resources evaluation will be filed with the FERC under separate cover.

A search of the National Register of Historic Places and SHPO files indicated that there were no known or possible National Register sites in the area. No previous studies of historic projects or sites are known to have been completed within or near the project area.

Because of its location along Soda Creek, it is likely that prehistoric occupation took place in the project vicinity. However, much of the project area has steep slopes, making it poorly suited for aboriginal occupation. While it is possible that prehistoric lithic scatters, campsites, or rock art could exist, no prehistoric sites were found as a result of this survey.

In terms of more recent history, the area has been occupied since the mid-1800s, with Soda Creek being tapped as a power source since 1907. Historic agricultural canals, dams, and hydroelectric structures were found in the project area.

Approximately 11 acres were inventoried during the fieldwork phase of the cultural resources survey. The entire length of the new Kackley Ditch was inventoried on foot from Soda Dam to Powerhouse No. 4, including a 75-foot corridor on either side of the center of the canal. In addition, Soda Dam, Powerhouse No. 4, and ancillary facilities were inventoried and evaluated.

The results of the historic inventory include the recording of two site complexes:

- Previous irrigation diversion structures (old Kackley Ditch, Lau Ditch, and a diversion dam)

- Current power and irrigation diversion structures (Soda Creek Hydroelectric Powerhouse No. 4 and new Kackley Ditch)

A complete description of the historic site complexes is found in the cultural resources evaluation completed in May 1994 by Sagebrush Archeological Consultants. In summary, the Soda Creek hydroelectric site does not qualify for eligibility to the National Register because of its relatively young age and lack of integrity. Structures must be at least 50 years old to be considered for inclusion on the National Register, and their basic integrity must be intact. At this site, the plant was built in 1955, the new Kackley Ditch was substantially altered that same year, and Soda Dam was built in 1965.

The old Kackley/Lau Ditches and diversion dam site could qualify for eligibility to the National Register, under at least one National Register criterion. Various structures in the complex were constructed in 1881, 1909, and 1936, and they possess integrity and retain significant elements of historic irrigation technology that was commonly used during the early 1900s.

Impacts

No prehistoric sites were identified by the cultural resources survey. Given that no new construction is anticipated as a result of the project, it is unlikely that any prehistoric sites would now be found.

The cultural resources survey verified that the hydroelectric site, including the new Kackley Ditch, would not be eligible for National Register designation or, in the case of the powerhouse, be considered historic. This is because the powerhouse was constructed in 1955, and the ditch was significantly altered that same year.

The old Kackley Ditch site could be an eligible candidate for National Register listing. Located upstream from Hooper Park and in an isolated setting, it is not easily accessible to the public. The diversion dam and ditches are in deteriorating condition, although they still exhibit historic irrigation technology. The continued operation of Powerhouse No. 4 at its separate location would not have an impact on this site.

Mitigation

No prehistoric cultural resources would be disturbed because of the exemption proposal; therefore, no mitigation would be required. The Powerhouse No. 4 site and new Kackley Ditch are not of historic value and do not require mitigation. The State Historic Preservation Office has determined that the old Kackley and Lau Ditches complex should be listed on the National Register, therefore the necessary documentation will be completed by the City.

Agency Consultation

The State Historic Preservation office, by letter dated July 7, 1994, determined the following:

- The old Kackley/Lau Ditch complex is eligible for the National Register of Historic Places.

- The new Kackley Ditch and Hydroelectric Project No. 4 are not eligible for the National Register of Historic Places.

- The continued operation of the project will have no effect on historic properties identified in the project area.

The Advisory Council on Historic Preservation, by letter dated September 6, 1994, indicated that the FERC would have to consult with the Advisory Council if the SHPO determines that continued operation of the project would have adverse impacts on historic properties. Because of the SHPO's comments in the letter dated July 7, 1994, this consultation will not be necessary.

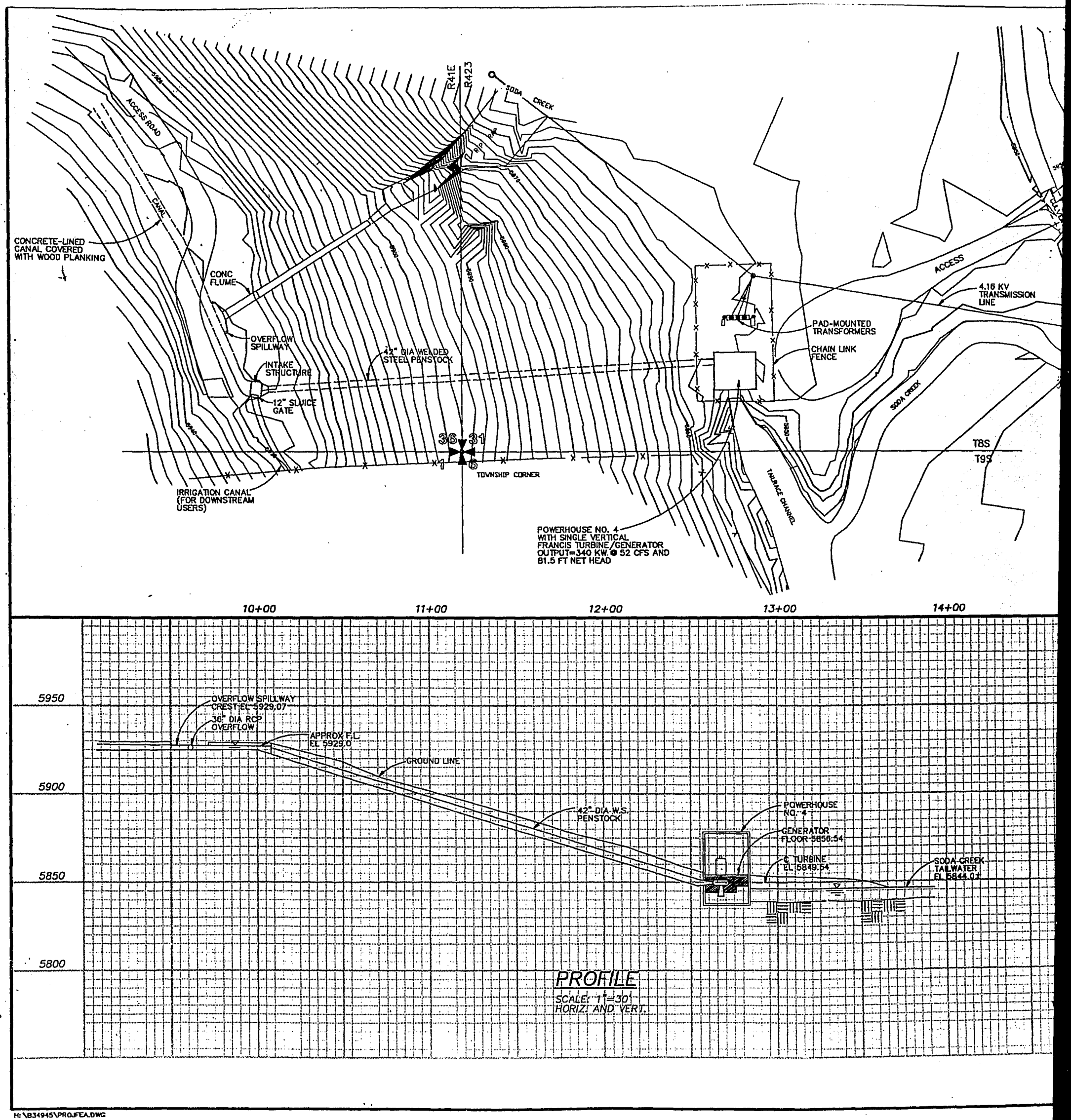
Alternative Sources of Power

The City of Soda Springs is a preference customer of the Bonneville Power Administration (BPA). Electrical power not supplied by the City's hydroelectric facilities is currently supplied by the BPA. If the City does not receive an exemption from licensing for the Powerhouse No. 4, the City will have to shut down the facility and purchase an equivalent amount of power from BPA.

The Powerhouse No. 4 currently produces very low cost power for the citizens of Soda Springs. There is no debt outstanding on this facility and the only cost is associated with normal operation and maintenance. If the City is forced to shut down this facility, it will mean purchasing power at a higher cost, thus increasing the cost of power supplied to the City's customers.

Exhibit G

BOI10012F1C.WP5/jc



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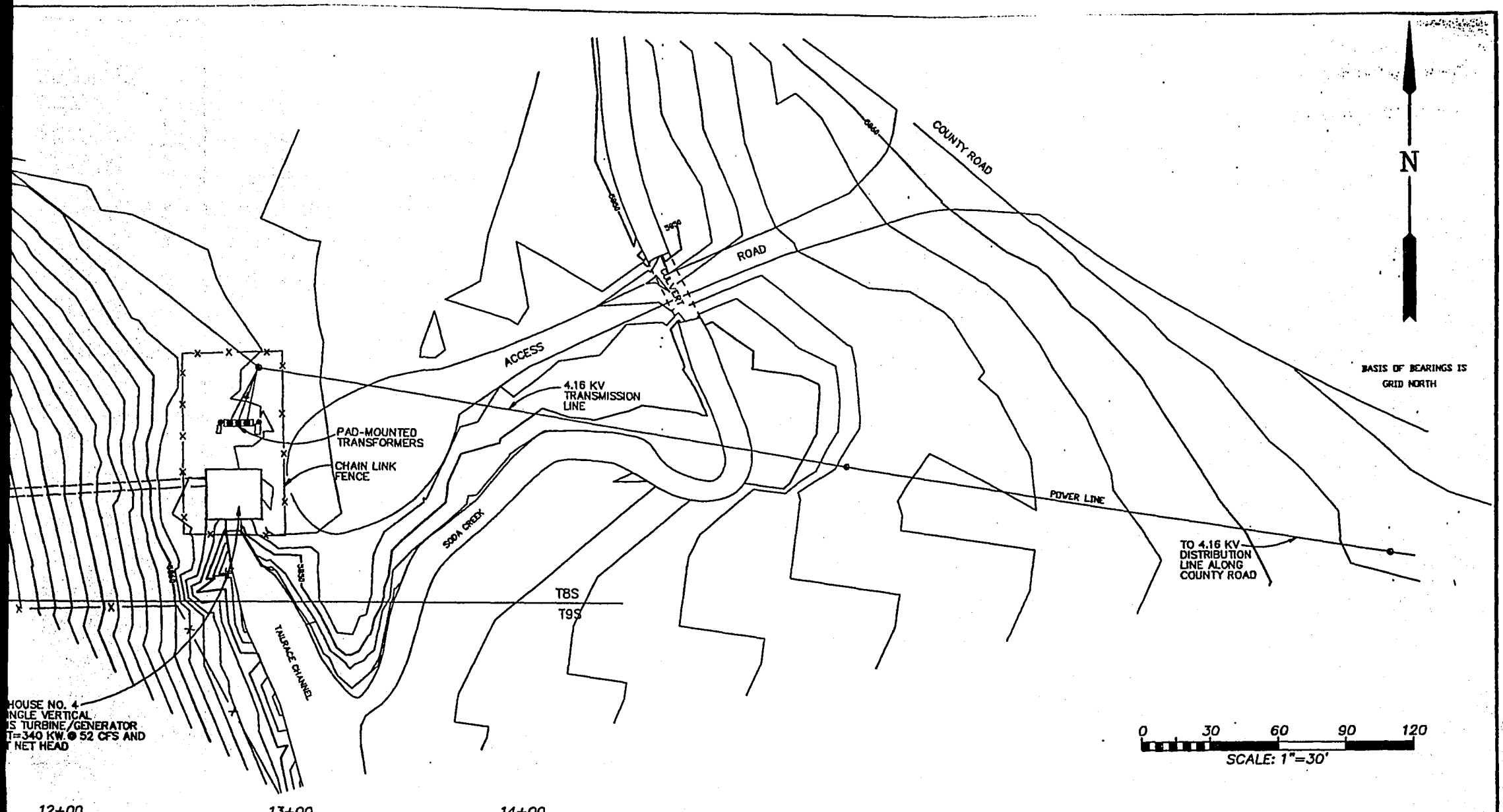


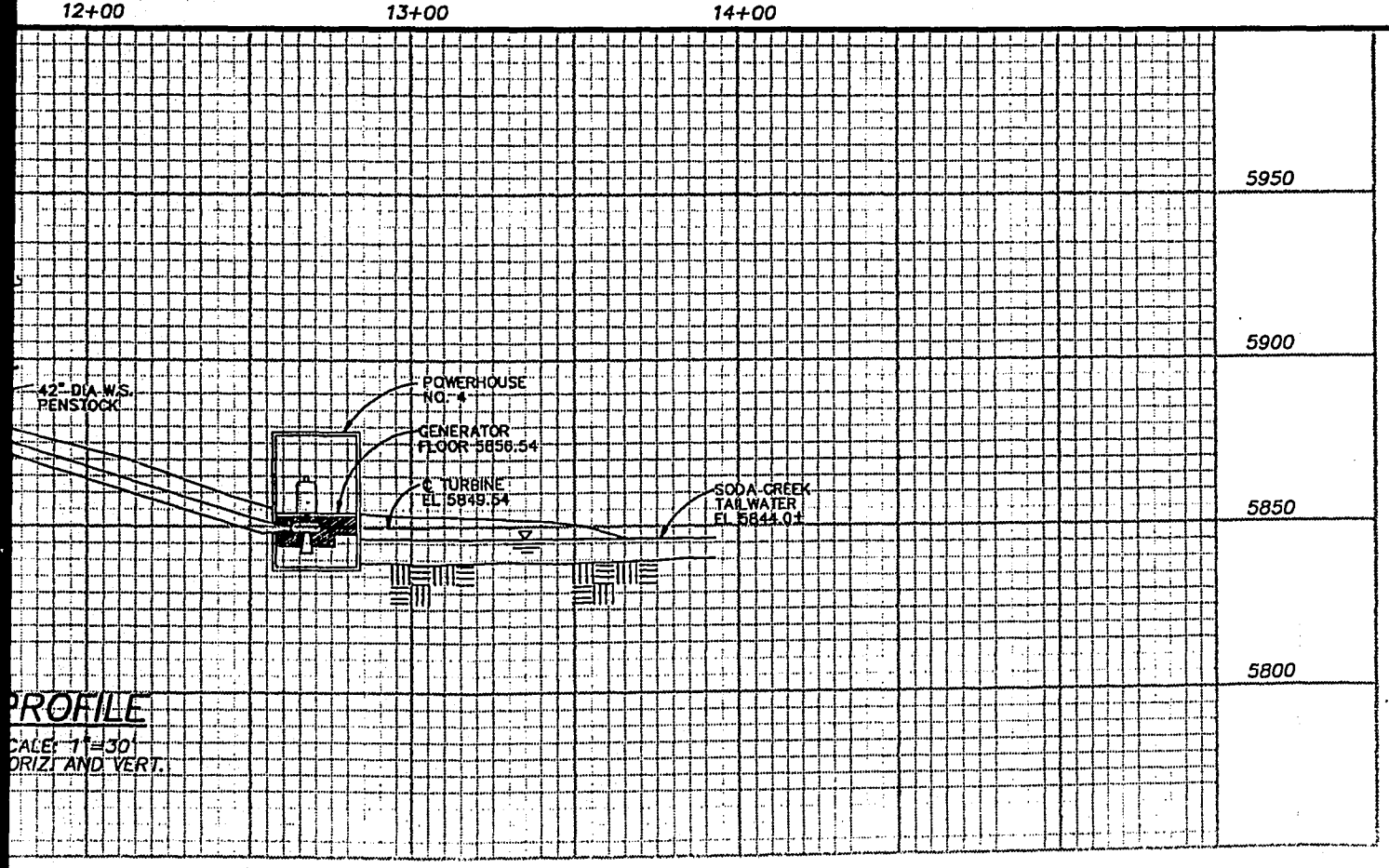
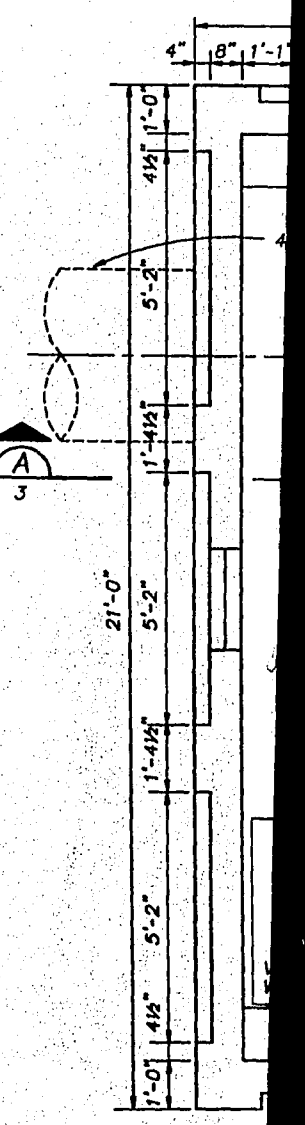
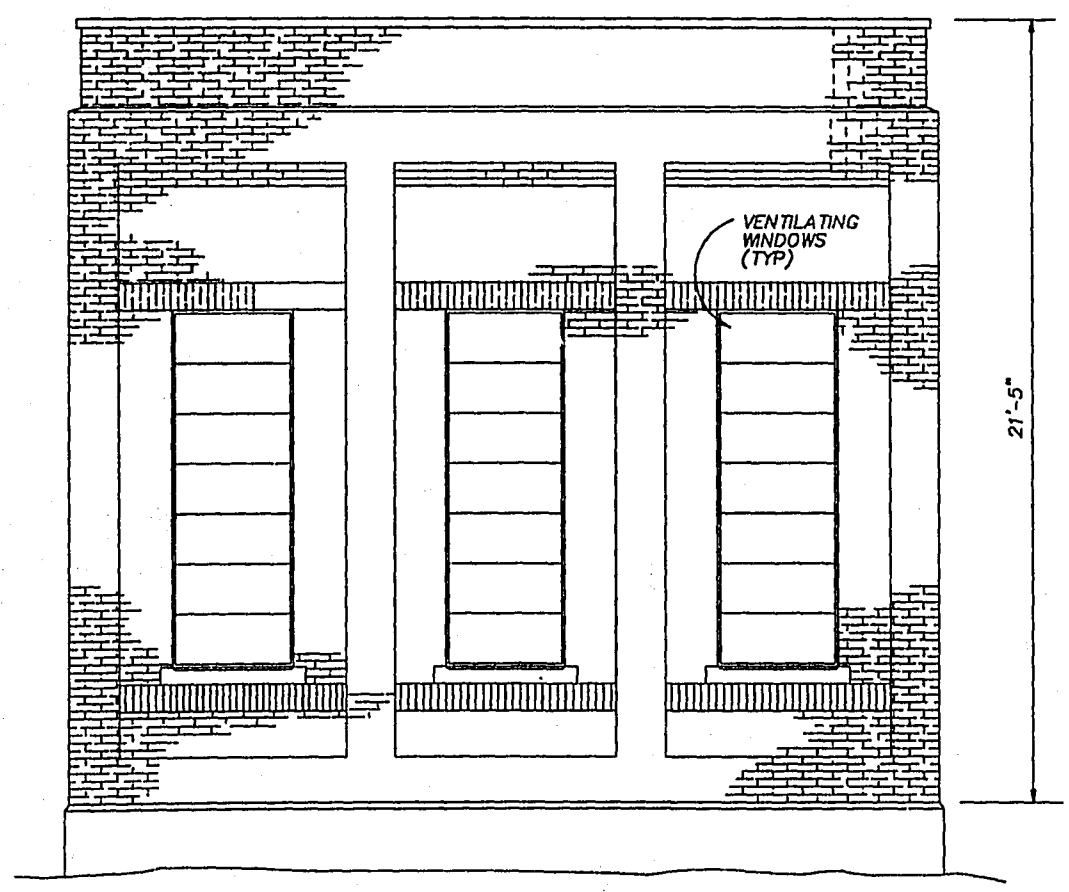


EXHIBIT G
PROJECT FEATURES

SODA CREEK HYDROELECTRIC PROJECT NO. 4
CITY OF SODA SPRINGS

05-Jul-1994 34945-S1.DWG





NORTH & SOUTH ELEVATION

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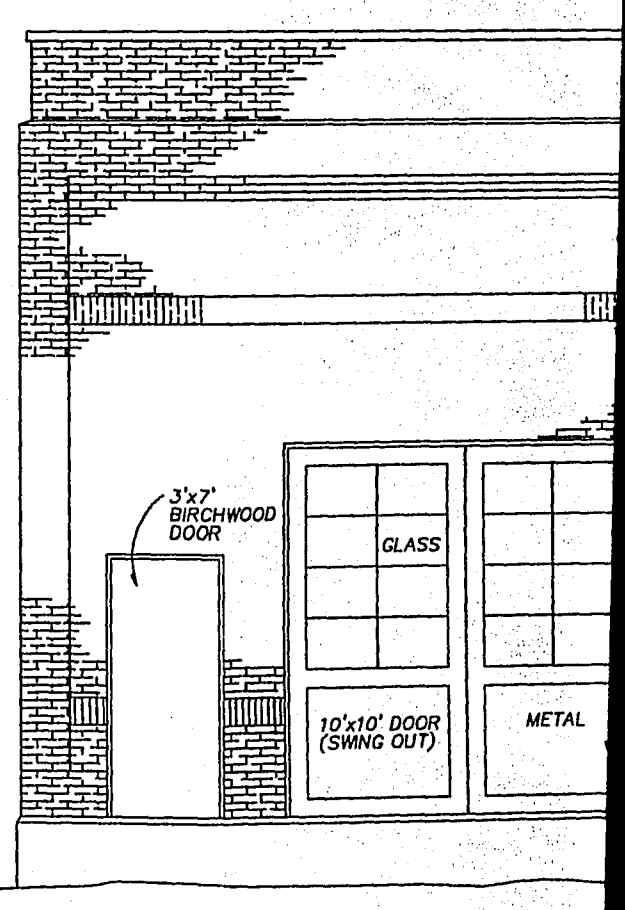

EAST ELEVATION

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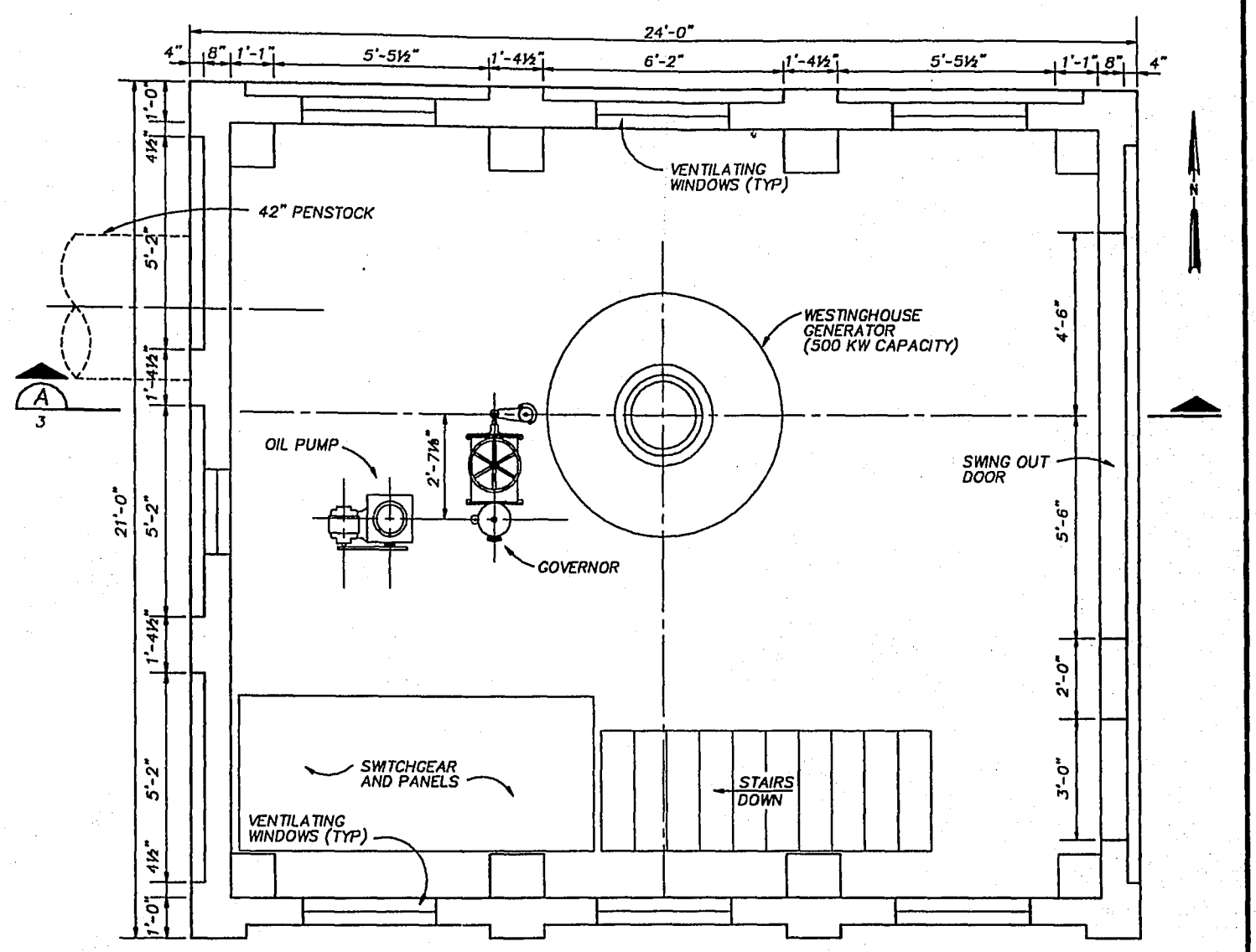
1=24.0



GENERATOR FLOOR PLAN

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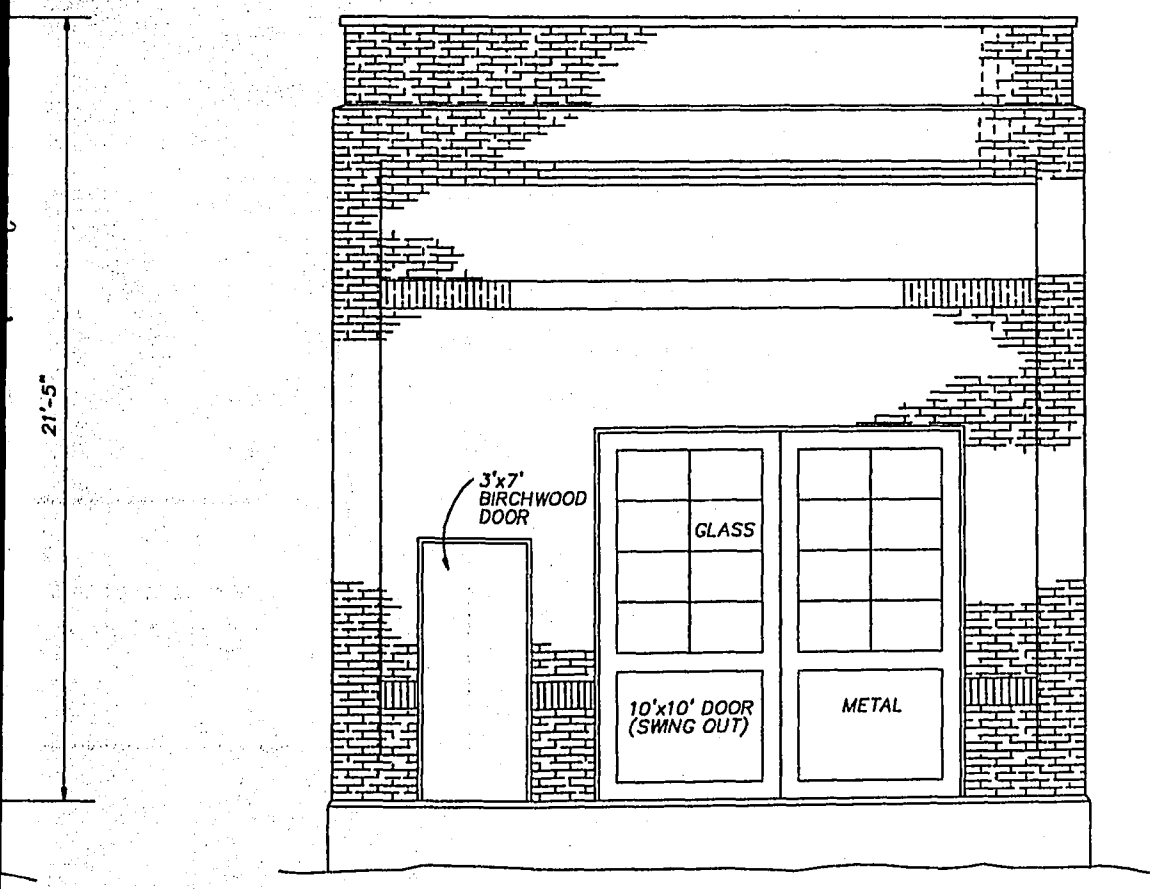


EAST ELEVATION

⅛"=1'-0"

EXHIBIT G

SODA CREEK HYDROELECTRIC PROJECT NO. 4

EXISTING POWERHOUSE

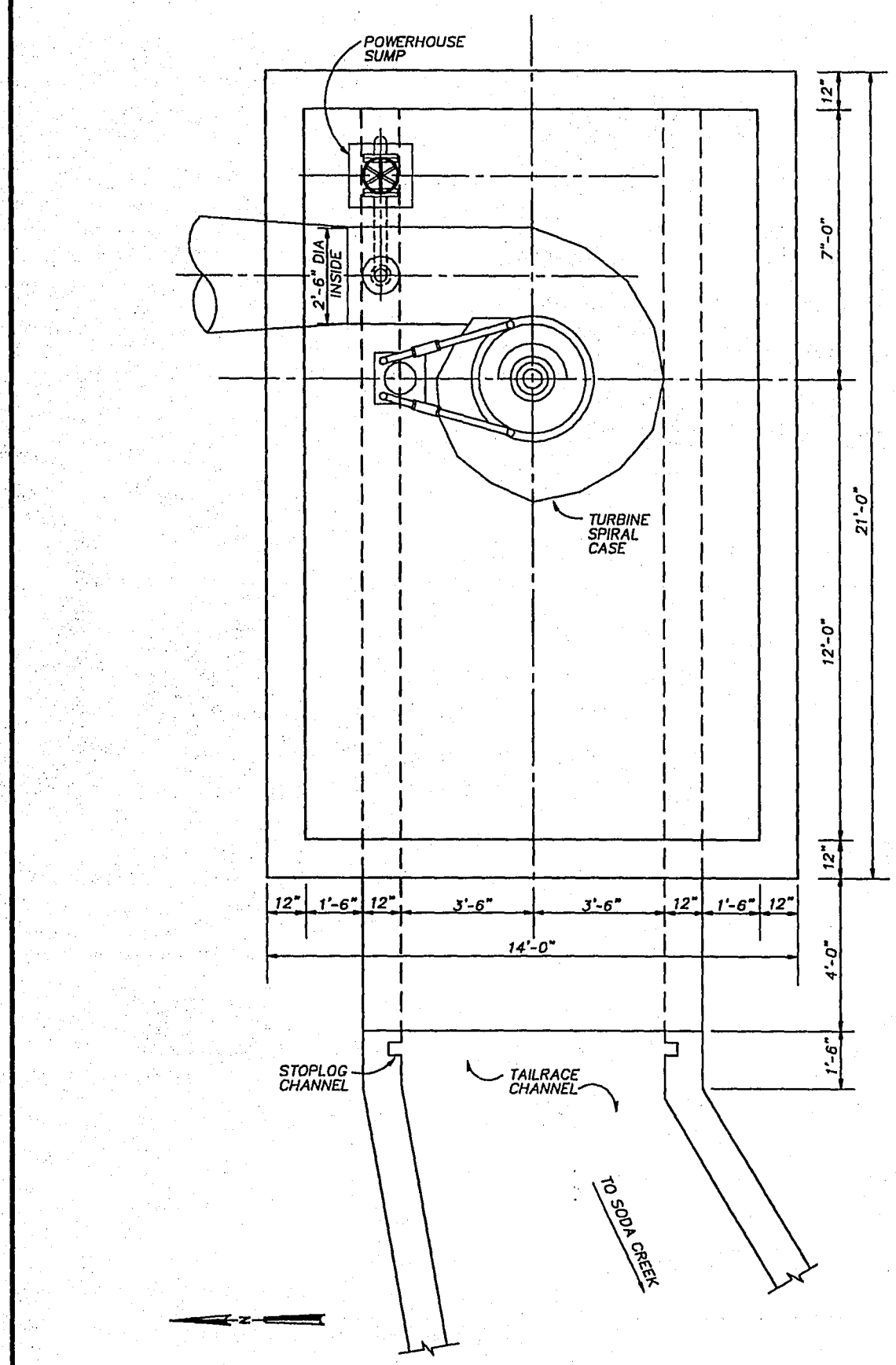
CITY OF SODA SPRINGS

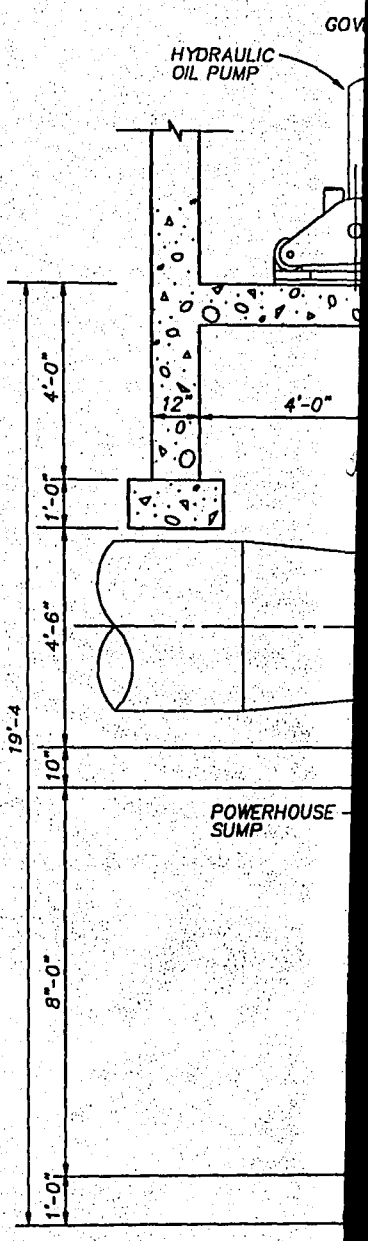
JULY 1994

SHEET 2 OF 4

CH2M HILL

05-Jul-1994 34945-S3.0WG





TURBINE FLOOR PLAN

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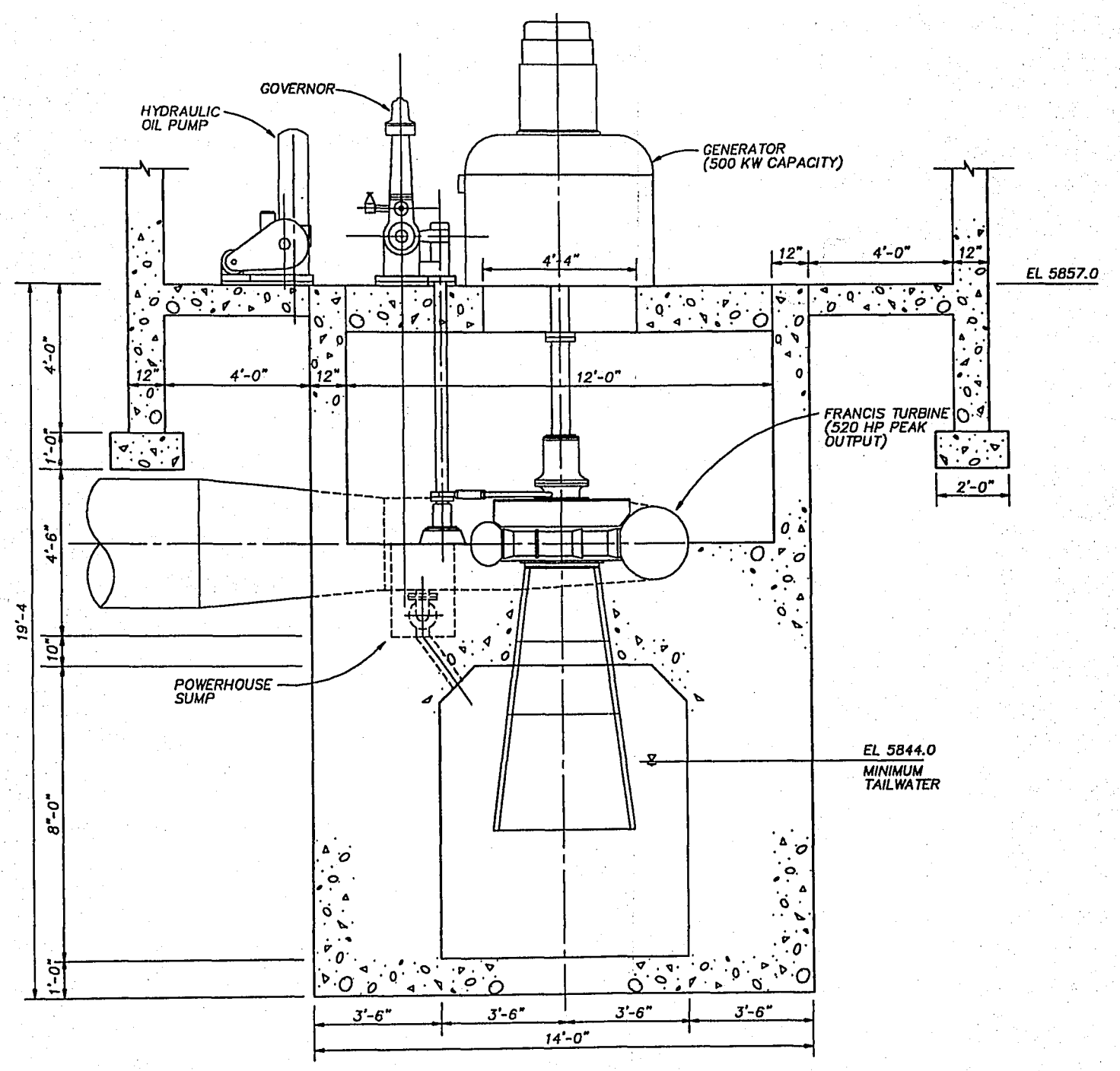
1=24.0



SECTION A
3/8"=1'-0"
2

EXHIBIT G

SODA CREEK HYDROELECTRIC PROJECT NO. 4

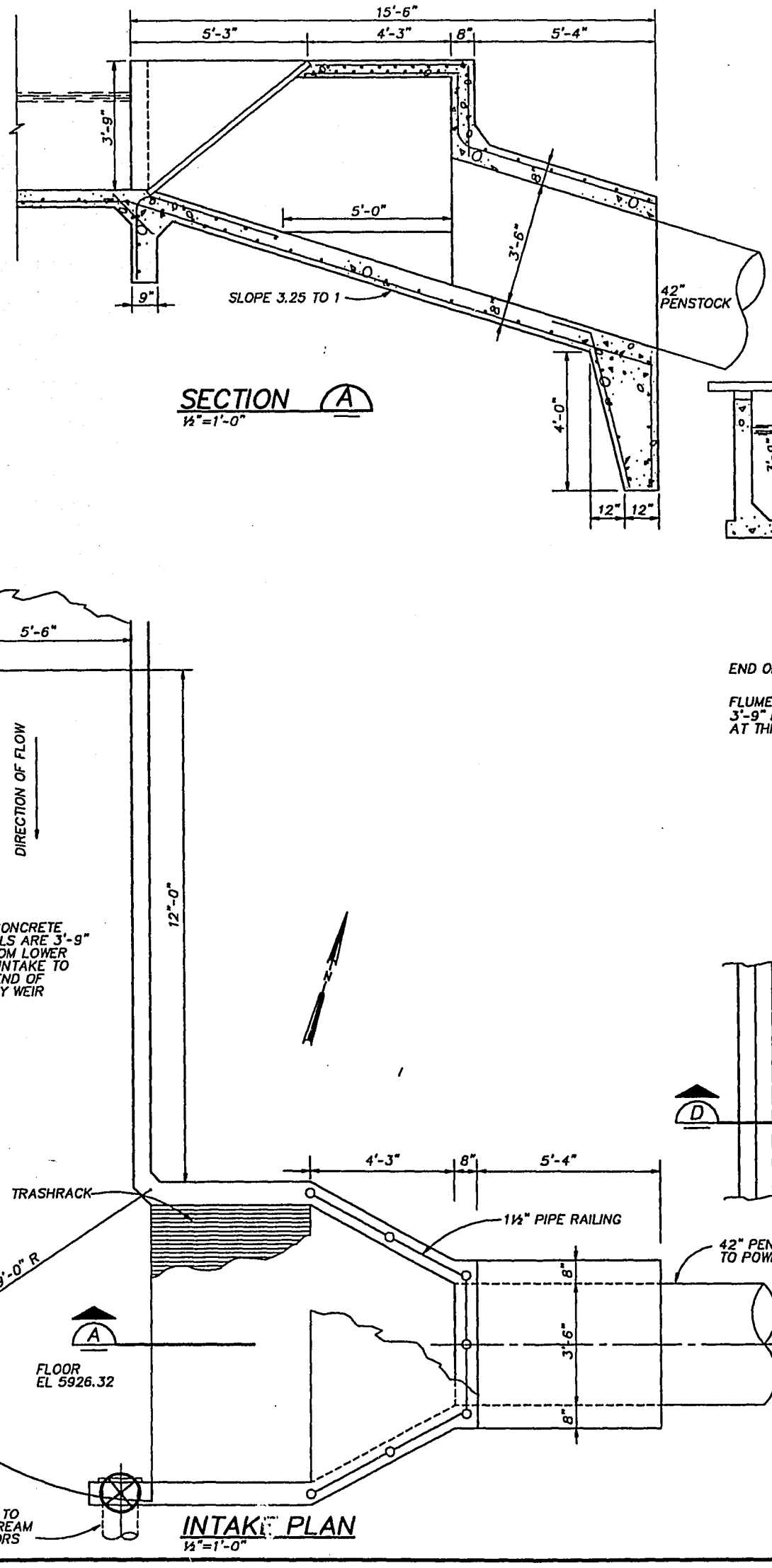
TURBINE FLOOR DETAILS

CITY OF SODA SPRINGS

JULY 1994 SHEET 3 OF 4

CH2MHILL

05-Jul-1994 34945-S2.DWG



SECTION (A)
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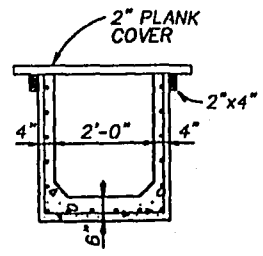
INTAKE PLAN
½"=1'-0"



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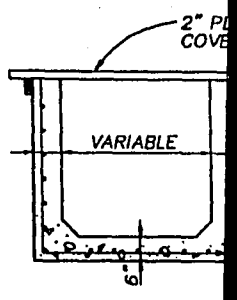

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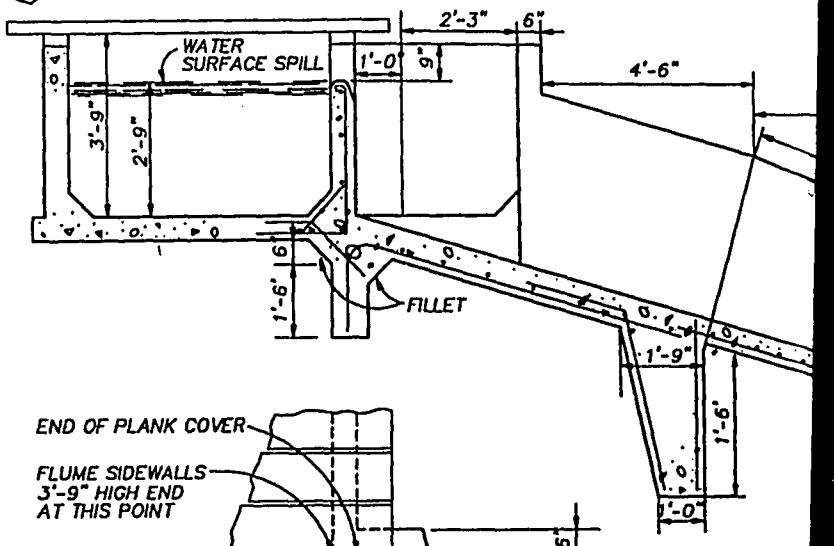
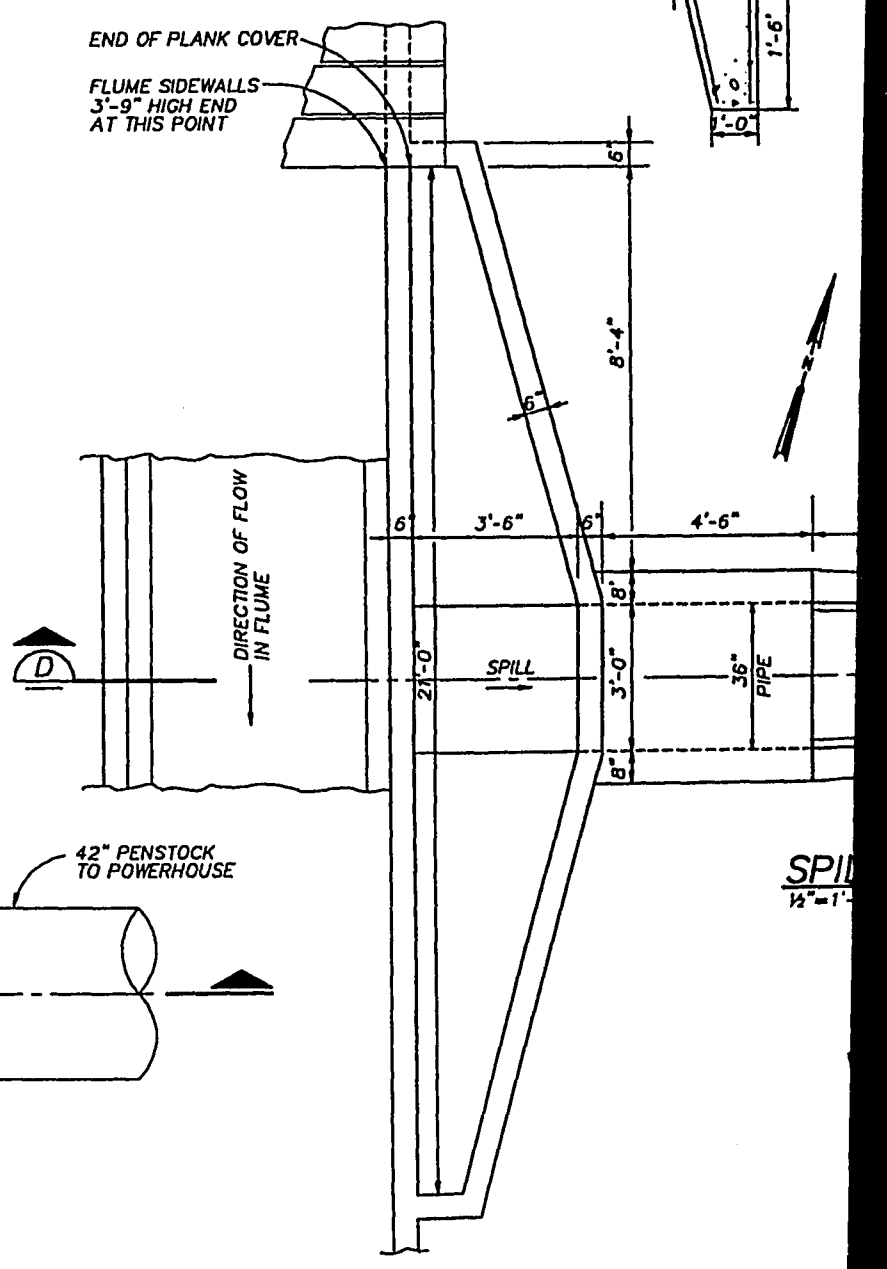
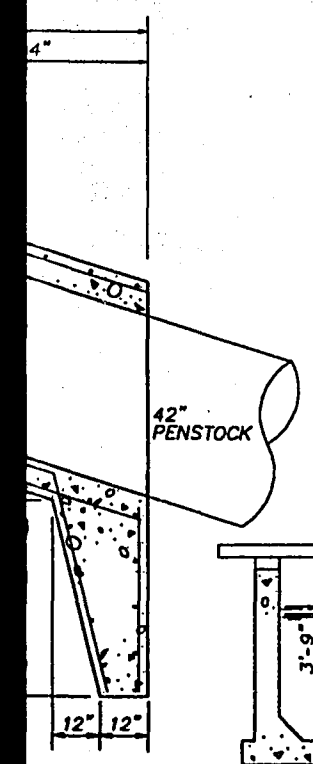
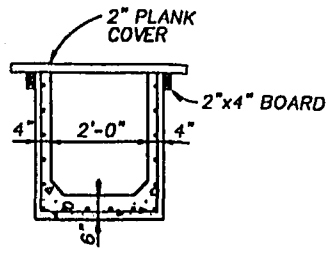




SPIL
½"=1'-

1=24.0





SECTION B
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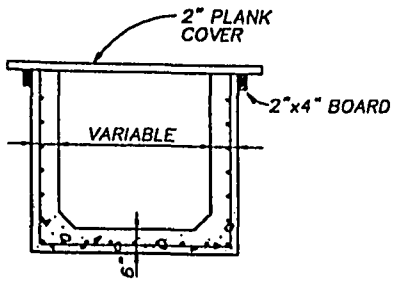

SECTION C
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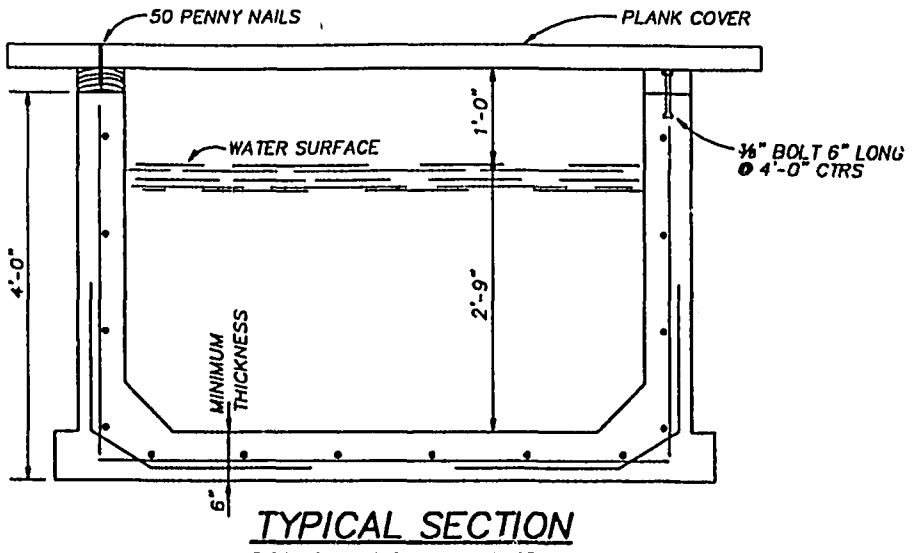

TYPICAL SECTION OF CONCRETE FLUME
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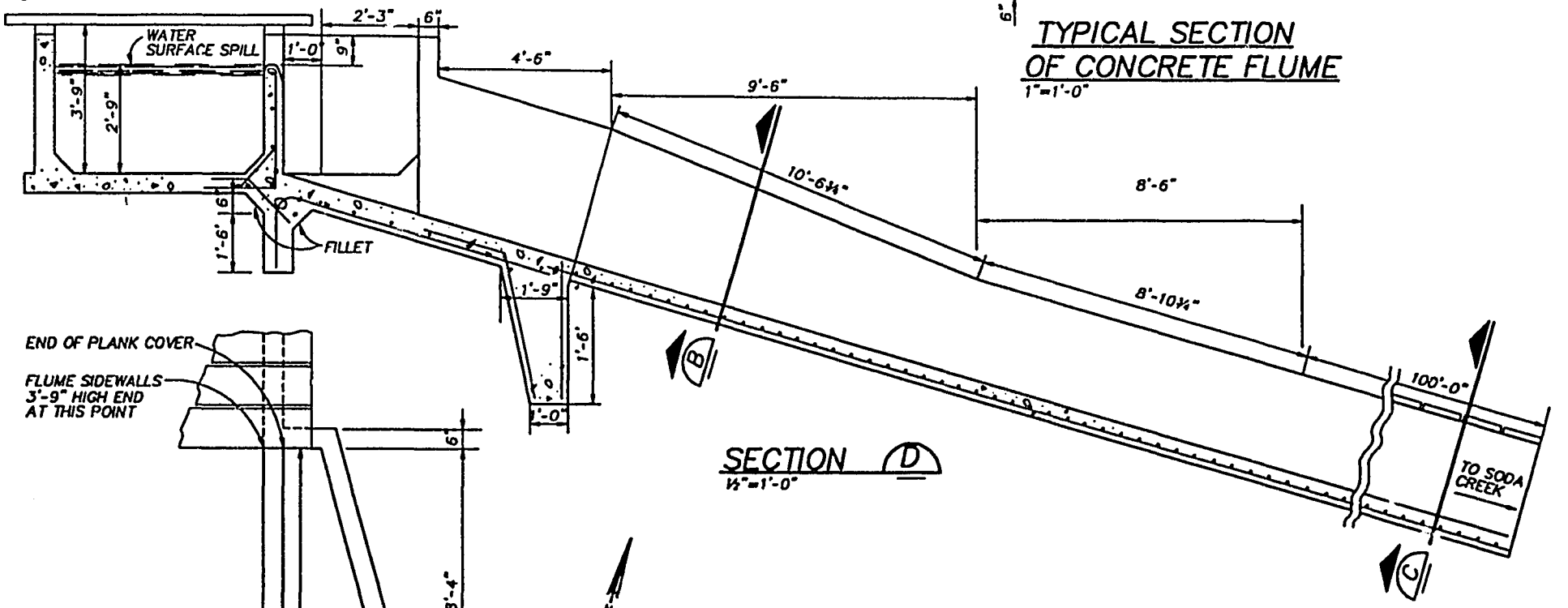

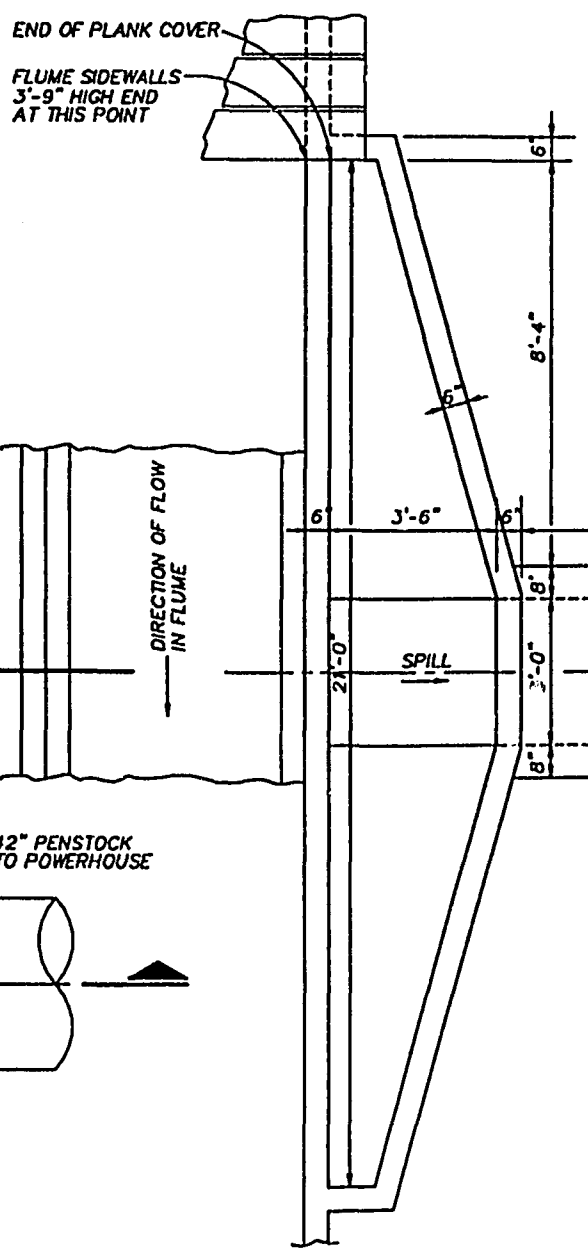

SECTION D
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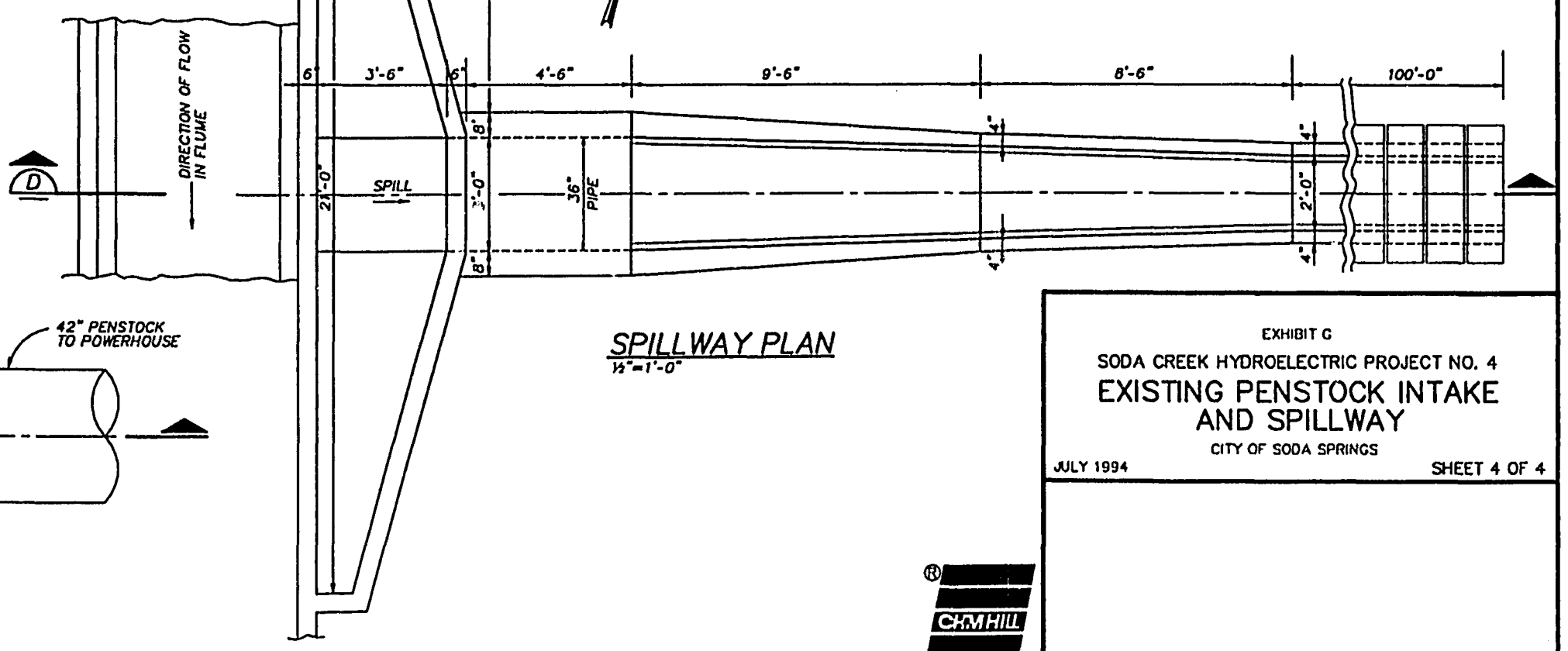

SPILLWAY PLAN
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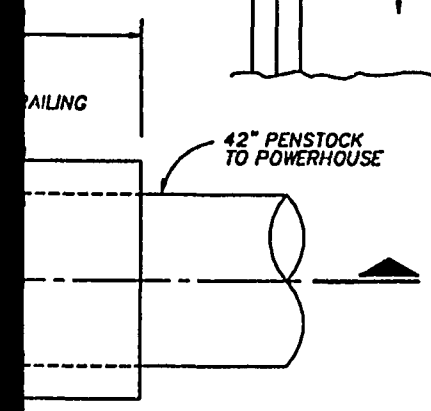

EXHIBIT G

SODA CREEK HYDROELECTRIC PROJECT NO. 4

EXISTING PENSTOCK INTAKE AND SPILLWAY

CITY OF SODA SPRINGS

JULY 1994

SHEET 4 OF 4

CH2M HILL

Appendix A

Appendix A
Summary of Consultation

In accordance with Section 4.38 of the Commission's regulations, the resource agencies and Indian tribes have been provided several opportunities for consultation on this project. The consultation process is summarized below. Copies of correspondence and meeting notes are included following the summary.

June 11, 1993. Letter sent to agencies and tribes transmitting the Stage 1 Consultation Report and providing notice of a site tour and joint meeting to be held in Soda Springs on July 21, 1993.

July 12, 1993. Letter from the U.S. Fish and Wildlife Service (USFWS) requesting powerline drawings and consultation concerning Threatened and Endangered Species.

July 21, 1993. Joint meeting held in Soda Springs City Council chambers. No agency or tribe representatives attended the joint meeting, thus a site tour was not conducted.

July 23, 1993. Letter from Idaho Department of Lands concerning land ownership in the project vicinity.

July 23, 1993. Letter sent to agencies and tribes requesting written comments, including requests for additional data or studies to be provided by the City.

July 30, 1993. Letter from Northwest Power Planning Council concerning protected rivers.

August 13, 1993. Letter from Idaho Department of Parks and Recreation (IDPR) concerning the exemption process and bike paths.

September 7, 1993. Letter from the Idaho State Historic Preservation Office (SHPO) requesting a cultural resources survey of the area and documentation of structures

associated with the project. This was the only request received by the City for additional data or studies.

June 2, 1994. Letter transmitting the report on the cultural resources survey to the Idaho SHPO.

June 22, 1994. Letter to USFWS requesting Threatened and Endangered Species current list.

June 30, 1994. Letter from USFWS providing Threatened and Endangered Species list.

July 7, 1994. Letter from the Idaho SHPO providing review comments on the cultural resources report.

July 27, 1994. Letter to agencies and tribes transmitting the draft of the Application for Exemption from Licensing and requesting comments.

August 11, 1994. Letter from IDPR indicating no comments.

August 22, 1994. Letter from Idaho Department of Water Resources providing comments on the draft Exemption Application.

August 25, 1994. Letter from Idaho Department of Fish and Game (IDFG) providing comments on the draft Exemption Application.

August 29, 1994. Letter from USFWS providing comments on the draft Exemption Application.

September 6, 1994. Letter from the Advisory Council on Historic Preservation providing comments on the draft Exemption Application.

October 17, 1994. Letter from the USFWS requesting a study of existing flows in the bypass reach of Soda Creek.

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June 2, 1994. Letter transmitting the report on the cultural resources survey to the Idaho SHPO.

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August 29, 1994. Letter from USFWS providing comments on the draft Exemption Application.

September 6, 1994. Letter from the Advisory Council on Historic Preservation providing comments on the draft Exemption Application.

October 17, 1994. Letter from the USFWS requesting a study of existing flows in the bypass reach of Soda Creek.

October 18, 1994. Letter from IDFG requesting a study of existing flows in the bypass reach of Soda Creek.

CH2M HILL

Engineers
Planners
Economists
Scientists

June 11, 1993

BOI34945.A0

1~

Subject: Soda Creek Hydroelectric Project No. 4 (FERC No. VL91-01)

On behalf of the City of Soda Springs, we are enclosing for your review a copy of the Stage 1 Consultation Report for the application for exemption from licensing for the referenced project. This document was prepared to comply with the regulations of the Federal Energy Regulatory Commission under 18 CFR Section 4.38(b).

As part of the consultation process, the City of Soda Springs will be holding a joint meeting for all interested resource agencies and Indian tribes. The joint meeting will be held at 3:00 p.m. on July 21, 1993, at:

City Council Chambers
Soda Springs City Hall
9 West Second South
Soda Springs, ID 83276

The public will be invited to the joint meeting. A site visit of the project area will also be conducted on July 21, 1993. Interested parties should meet at the above address at 1:30 p.m. for a brief orientation prior to proceeding to the site. Please RSVP to John Lincoln at (208) 345-5310 prior to July 16, 1993, if you are interested in participating in the site visit.

Boise Office

700 Clearwater Lane, Boise, ID 83712-7708
P.O. Box 8748, Boise, ID 83707-2748

208 345-5310
Fax No. 208 345-5315

The agenda for the joint meeting will be as follows:

1. Introduction—City of Soda Springs
2. Project history and overview—CH2M HILL
3. Overview of FERC exemption process—CH2M HILL
4. Summary of environmental resources—CH2M HILL
5. Comments/recommendations—Agencies and Tribes
6. Comments/recommendations—Public

If you have any questions, please call me at (208) 345-5310 or Lee Godfrey, City of Soda Springs, at (208) 547-2600.

Sincerely,

CH2M HILL

John G. Lincoln, P.E.

100114DD.BOI/mm

Barbara Scott-Brier
U.S. Department of the Interior
Regional Environmental Office
500 N.E. Multnomah, Suite 600
Portland, OR 97232-2036

Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

Roy F. Heberger, Jr.
U.S. Fish and Wildlife Service
U.S. Department of the Interior
4696 Overland Road
Boise, ID 83706

Secretary
Idaho Public Utilities Commission
Statehouse Mail
Boise, ID 83720

Elizabeth Paul
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

Chairman
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Number 809
The Old Post Office Building
Washington, D.C. 20004

Chief, Interagency Archeological Services
National Park Service
Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Director
State of Idaho
Soil Conservation Commission
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Lands
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Director
Environmental Protection Agency
422 West Washington Street
Boise, ID 83702

Director
State of Idaho
Idaho Bureau of Mines and Geology
Moscow, ID 83843

Director
State of Idaho
Idaho Fish and Game Department
600 South Walnut
P.O. Box 25
Boise, ID 83707

Director
Idaho Department of Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720

Director
National Marine Fisheries Service
7600 Sand Point Way, NE
Bin C15700
Seattle, WA 98115

Director
State of Idaho
Idaho Department of Parks and Recreation
Statehouse Mail
Boise, ID 83720

Board of County Commissioners
Caribou County Courthouse
Soda Springs, ID 83805

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

Director
Northwest Power Planning Council
Suite 1100
851 S.W. Sixth Avenue
Portland, OR 97204-1348

Director
Idaho Historical Society
610 North Julia Davis Drive
Boise, ID 83706

Forest Supervisor
Caribou National Forest
250 South 4th Avenue
Suite 282
Federal Building
Pocatello, ID 83201

100114DC.BOI

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Boise Field Station
4696 Overland Road, Room 576
Boise, Idaho 83705

July 12, 1993

Mr. John G. Lincoln, P.E.
CH2M Hill
700 Clearwater Lane
Boise, Idaho 83712-7708

Subject: City of Soda Springs Exemption Application for Hydro Project No. 4 (503.0409)

Dear Mr. Lincoln:

The U. S. Fish and Wildlife Service has reviewed your request for comments on the subject existing hydroelectric project on Soda Creek, near the City of Soda Springs. Based on the materials provided in your June 11, 1993 letter, the Service has not identified any additional resources for which we have concerns. We do request the following in your final application for an exemption from licensing from the Federal Energy Regulatory Commission:

1. Provide scale drawings of powerlines and interconnect facilities for this project for our review. Our goal is to have powerlines designed as raptor-proof to prevent electrocution of these and other migratory birds that may occur in the project area.

2. Provide evidence in your application of your contact with the Idaho Conservation Data Center regarding listed and candidate species that may be effected by this project. If you desire, we can obtain current information that will help you comply with Section 7 of the Endangered Species Act (ESA). In any event, species lists need to be updated every six months to remain current. Let us know if you have any questions on ESA issues.

If you have any questions on these requests, please direct them to Jim Esch at 334-1931.

Sincerely,

Charles H. Lobdell
Field Supervisor

cc: IDFG, Region 5
IDFG, HQ, Will Reid
FERC, DC, OHL

RECEIVED
OCT 7 1993
CH2M HILL
BOISE

MINUTES OF THE MEETING FOR THE JOINT AGENCY PUBLIC MEETING FOR SODA CREEK NO. 4 HYDRO PLANT HELD BY THE CITY OF SODA SPRINGS, IDAHO, ON JULY 21ST, 1993.

MEETING CALLED TO ORDER AT 1:00 P.M. BY JOHN LINCOLN, CH2M HILL.

ATTENDANCE: KIRK L. HANSEN, MAYOR
WM. BART CONLIN, COUNCIL PRESIDENT
JOHN LINCOLN, CH2M HILL
BILL DAVIDSON, IDAHO RIVERS UNITED
LEE GODFREY, DIRECTOR OF CITY SERVICES
BRENDA L. ERICKSON, CITY CLERK/TREASURER

John Lincoln of CH2M Hill explained to those in attendance that the project is a three stage consultation process and the City is in the first stage of the process which requires the holding of a public meeting for all agencies who are concerned about the project in order to discuss their concerns. Due to the lack of attendance, it appears that the agencies and public are not very concerned about the project.

Mr. Lincoln gave a brief overview of the project. Mr. Lincoln addressed the environmental concerns of the project. Mr. Lincoln explained the steps that will be taken to complete the project. The City has been granted a two year extension on the project and allows them until November of 1994 to have the final expemption application submitted. Mr. Lincoln then opened the meeting to public comment from agencies and the public.

Mr. Lincoln reported that he had received written comment from Fish and Wildlife Service primarily concerned with the power poles associated with the project and raptor proofing them. Mr. Davidson asked about the amount of water flowing down the irrigation ditch during the winter months. Director Godfrey stated that there is water coming down the creek in the winter months, but not in the irrigation ditch. Mr. Davidson also asked about any major animal crossings on the canal and stated that the local fish and game officers should be able to help pinpoint the crossings for the City. Mr. Davidson asked that the crossings be reviewed for safety and that the City be careful not to block or remove any of the crossings.

There being no further comment, Mr. Lincoln then closed the meeting to public comment.

Mayor Hansen then discussed with John Lincoln the next steps and what to inform the Council of at the next meeting.

The meeting adjourned at 2:15 p.m.

IDAHO DEPARTMENT OF LANDS
1215 W. State Boise Idaho 83720-7000

STANLEY F. HAMILTON – DIRECTOR

BOARD OF LAND COMMISSIONERS
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LARRY ECHOHAWK
Attorney General
J.D. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't. of Public Instruction

July 23, 1993

Mr. John G. Lincoln, P.E.
CH2M Hill
P.O. Box 8748
Boise, ID 83707-2748

SUBJECT: FERC Project No. VL91-01 - Soda Creek Hydroelectric Project No. 4 (Parts of Section 36, Township 8 South, Range 41 East, B.M.)

Dear Mr. Lincoln:

It appears that a portion of the subject hydroelectric project might be on state land in the section mentioned above. The state owns or has a partial interest in NE¼NW¼, W½NW¼, SW¼ and W½SE¼ of said Section 36. I have ascertained from your FERC Consultation Report-Stage 1 that a more detailed description will be provided at a later date.

If part of the project is on state-owned endowment land, an easement will be required from our department. The easement term would run concurrently with the length of the FERC license and would have to be renewed when the FERC license is renewed.

Before an easement can be issued, the department requires a metes and bounds and/or centerline survey indicating the location of the portion of the project on state land. We require that the survey be tied to a quarter corner or section corner.

Please keep me informed as to the progress of this project at the above address or call me at 334-0259.

Sincerely yours,

Donald F. McNarie

Donald F. McNarie
Real Estate Specialist
Bureau of Real Estate

DFM:smc

c: AS-POL

KEEP IDAHO GREEN
PREVENT WILDFIRE
EQUAL OPPORTUNITY EMPLOYER

CH2M HILL

Engineers
Planners
Economists
Scientists

July 23, 1993

BOI34945.A0

1~

Subject: Soda Creek Hydroelectric Project (FERC No. UL91-01)

The City of Soda Springs, owner of the referenced project, is in the process of preparing an application for a small conduit exemption from the Federal Energy Regulatory Commission (FERC). In accordance with 18 CFR, Section 4.38(b), as part of the Stage 1 Consultation Process, the City invited pertinent resource agencies, Indian tribes, and the public to a joint meeting held on July 21, 1993. Minutes of the meeting (or copies of the audio tape recordings) are available upon request from the City of Soda Springs.

The next step in the Stage 1 Consultation Process is an opportunity for interested agencies or tribes to provide written comments. These comments should include any requests for additional data or studies to be provided by the City. Please note the requirements of the FERC's regulations concerning these written comments under Section 4.38(b)(4):

> "...each interested resource agency and Indian tribe must provide a potential applicant with written comments:
>
> (i) Identifying its determination of necessary studies to be performed or information to be provided by the potential applicant
>
> (ii) Identifying the basis for its determination
>
> (iii) Discussing its understanding of the resource issues and its goals and objectives for these resources

Boise Office
700 Clearwater Lane, Boise, ID 83712-7708
P.O. Box 8748, Boise, ID 83707-2748
208 345-5310
Fax No. 208 345-5315

(iv) Explaining why each study methodology recommended by it is more appropriate than other available methodology alternatives, including those identified by the potential applicant ...

(v) Documenting that the use of each study methodology recommended by it is a generally accepted practice

(vi) Explaining how the studies and information requested will be useful to the agency or Indian tribe in furthering its resource goals and objectives that are affected by the proposed project."

If you wish to provide written comments, please submit them to me no later than August 20, 1993, so that we can accomplish any necessary field work during the current season.

Sincerely,

CH2M HILL

John G. Lincoln, P.E.

100117F1.BOI/jp

Barbara Scott-Brier
U.S. Department of the Interior
Regional Environmental Office
500 N.E. Multnomah, Suite 600
Portland, OR 97232-2036

Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

Roy F. Heberger, Jr.
U.S. Fish and Wildlife Service
U.S. Department of the Interior
4696 Overland Road
Boise, ID 83706

Secretary
Idaho Public Utilities Commission
Statehouse Mail
Boise, ID 83720

Elizabeth Paul
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

Chairman
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Number 809
The Old Post Office Building
Washington, D.C. 20004

Chief, Interagency Archeological Services
National Park Service
Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Director
State of Idaho
Soil Conservation Commission
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Lands
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Director
Environmental Protection Agency
422 West Washington Street
Boise, ID 83702

Director
State of Idaho
Idaho Bureau of Mines and Geology
Moscow, ID 83843

Director
State of Idaho
Idaho Fish and Game Department
600 South Walnut
P.O. Box 25
Boise, ID 83707

Director
Idaho Department of Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720

Director
National Marine Fisheries Service
7600 Sand Point Way, NE
Bin C15700
Seattle, WA 98115

Director
State of Idaho
Idaho Department of Parks and Recreation
Statehouse Mail
Boise, ID 83720

Board of County Commissioners
Caribou County Courthouse
Soda Springs, ID 83805

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

Director
Northwest Power Planning Council
Suite 1100
851 S.W. Sixth Avenue
Portland, OR 97204-1348

Director
Idaho Historical Society
610 North Julia Davis Drive
Boise, ID 83706

Forest Supervisor
Caribou National Forest
250 South 4th Avenue
Suite 282
Federal Building
Pocatello, ID 83201

100114DC.BOI

STAN GRACE
CHAIRMAN
Montana

John N. Etchart
Montana

Jay L. Webb
Idaho

Robert (Bob) Saxvik
Idaho

NORTHWEST POWER PLANNING COUNCIL
851 S.W. SIXTH AVENUE, SUITE 1100
PORTLAND, OREGON 97204-1337

Phone: 503-222-5161
Toll Free: 1-800-222-3355
FAX: 503-795-3370

R. TED BOTTIGER
VICE CHAIRMAN
Washington

Tom Trulove
Washington

Ted Hallock
Oregon

Angus Duncan
Oregon

July 30, 1993

Mr. John G. Lincoln
CH2M HILL
700 Clearwater Lane
Boise, ID 83712-7708

Re: Soda Creek Hydroelectric Project (FERC No. UL91-01, application for small conduit exemption) and Soda Creek Hydroelectric Project No. 4 (FERC No. VL91-01, application for exemption from licensing)

Dear Mr. Lincoln

Thank you for your letters of July 23 and June 11, 1993, advising the Council of the opportunity for Stage 1 consultations on the above-referenced projects.

1. Protected areas: The project sites are not located on a river reach designated as a protected area by the Council. Thus, the protected areas rule does not pose a barrier to the proposed exemptions.

For your reference, I am enclosing a summary of the information contained in the protected areas data base regarding the reach in which the projects are proposed.

2 General provisions: Since the projects are located within the Columbia River Basin, they are subject to section 1103(a) of the Council's Columbia River Basin Fish and Wildlife Program. A copy of this section is enclosed.

3. Other provisions: At this time, we have not identified any other provisions of the Council's 1991 Power Plan or Fish and Wildlife Program which would apply specifically to the projects. The general information in the Power Plan regarding the forecast need for power and cost of resources is, we believe, applicable to determinations regarding need for power.

4. Council participation in relicensing process: The Council is not requesting any specific studies from the applicant. Due to its limited staff, the Council does not anticipate taking an active role in the early consultations and study process, and will be relying on the recommendations of the other

participating agencies for satisfaction of the fish and wildlife conditions contained in section 1103(a).

We would be grateful if you could keep us on your mailing list so that we can generally monitor the progress of the applications, but it is not necessary to notify us of routine meetings or minor schedule changes.

5. Contact persons: If you have any further questions about the Council's interests regarding this application, please feel free to contact either Peter Paquet, Senior Biological Associate, or myself. We are both at the above address and telephone number.

Sincerely

D. Robert Lohn
General Counsel

cc: Council Members Saxvik and Webb

L\BL\WW\SODA1.HYD

SUMMAR' AVAILABLE FISH & WILDLIFE SPECIFICATIONS FOR PROTECTED AREA 'IGNATIONS ON SODA CR
NW POWER PLANNING COUNCIL, FISH & WILDLIFE DATABASE DIV...JN, JUL-30-1993

Stream Name: SODA CR
Reach # 1601020101400.00
County: CARIBOU
State: ID ID_Num : 26889 Inbasin: F

From: SODA POINT RES
Trib of: BEAR R
Lat/Lon: 42.6500 x 111.6200
Reach Length 7.10 Level: 3

To: HEADWATERS
Basin: LOW BEAR
USGS Map: SODA_SPRINGS
Type: S

-- PROTECTED AREAS SUMMARY --

Institutional Constraints: NONE --- A FERC site is present on this reach

Protected Category	Begin Length	End Length	Protected Length
UNPROTECTED	0.0	7.1	7.1

-- RIVER STUDY SUMMARY IN MILES --

Final Value Classes	Resident Fish	Wildlife	Cultural	Natural	Recreational
(1) - Outstanding	0.0	0.0	0.0	7.1	0.0
(2) - Substantial	0.0	7.1	0.0	0.0	0.0
(3) - Moderate	0.0	0.0	0.0	0.0	0.0
(4) - Limited	7.1	0.0	0.0	0.0	0.0
(5) - Unknown	0.0	0.0	7.1	0.0	7.1
(6) - Not Present	0.0	0.0	0.0	0.0	0.0

-- ANADROMOUS SUMMARY IN MILES --

Spring Chinook	0.00	Fall Chinook	0.00	Summer Steelhead	0.00	Chum	0.00
Summer Chinook	0.00	Coho	0.00	Winter Steelhead	0.00	Sockeye	0.00

-- IDAHO WILDLIFE DATA --

Mammalian Species:
Species Not Identified

Avian Species:
CANADA GOOSE
LONG-BILLED CURLEW

Herptile Species:
Species Not Identified

Species Index Rating: Species of Special Concern

Bald Eagle Use: No Special Consideration Big Game Use: No Special Consideration Recreational Use:
Legal Access: primarily on private land; access limited but available Institutional Constraints: No Special Designation
Physical Access: stream accessible by vehicle
Overall Value of Stream to Wildlife: Substantial

-- IDAHO RESIDENT FISH DATA --

Major Resident Fish Species: SPECIES NOT IDENTIFIED Level of Concern: Low Species Abundance:

Angler Use: Low Habitat Rating: Low Overall Stream Value to Fish: Limited

SUMMARY OF AVAILABLE FERC SITE INFORMATION FOR SODA CR'
.W POWER PLANNING COUNCIL, FISH & WILDLIFE DATABASE DIVISION, --30-1993

'roject Name: SODA CREEK | FERC # 07959-04 | Reach # 1601020101400.00

;tream Name: SODA CR | From: SODA POINT RES | To: HEADWATERS

'rib of: BEAR R | Basin: LOW_BEAR | County: CARIBOU

learest Town: SODA SPRINGS | Site Lat/Lon: 42 40 30 x 111 36 01 | USGS Map: SODA_SPRINGS

;tate: ID | ID_Num : 26889 | Inbasin: | Reach Length 7.10

.evel: 3 | Type: S | # of Reaches 2 | River Length 7.70

)eveloper: CITY OF SODA SPRINGS | Contact: MAYOR | Phone 208 547-2151

.ine Owner: PACIFICORP | Power Purchaser: CITY OF SODA SPRINGS

'roject Status: EX-GTD as of 85/10/17 | Dam Status: OP | Facility Status: OL | Developer Code: MT

-- PROTECTED SUMMARY --

Structure	Reach No.	Prot ?	Category	Constraint
'OWERHOUSE	1601020101400.00	NO	REACH NOT PROTECTED	NONE
1st DAM/DIVERSION	1601020101400.00	NO	REACH NOT PROTECTED	NONE
2nd DAM/DIVERSION				
3rd DAM/DIVERSION				

-- POWER SUMMARY --

Cap(MW)	User Input	Computed	Prod(AMW)	User Input	Computed
Exist	0.4	0.0	Exist	0.2	0.0
Poten	0.0	0.0	Poten	0.0	0.0
Total	0.4	0.0	Total	0.2	0.0

SEARCH SELECTIONS.
Reach Name: Henrys FK Trib of
Reach # State: County: Basin:

-- PROTECTED SUMMARY --

CATEGORY	CONSTRAINTS None	Federal	State	Protected Total	Reaches	Miles
Anadromous Fish Only				% Protected		
Resident Fish Only						
Wildlife Only				FERC data for sites		
Res Fish & Wildlife					Affected	Unaffected
Anad & Res Fish & Wild				# of Sites		
Anad & (Fish or Wild)				Cap(MW)		
Unprotected				Prod(AMW)		

Z Category

Record # -- 1 UNAFFECTED
Project Name : SODA CREEK FERC # 07959-04
Reach Name : SODA CR Status :EX-GTD
Trib of BEAR R Protected Category :U
Reach # 1601020101400.00 Capacity (MW) : 0.0
State : ID Production (AMWH) : 0.0

1103. Measures

(a) Conditions of Development

Project requirements for fish protection

(1) FERC, the Corps, the Bureau of Reclamation and Bonneville shall not license, exempt from license, relicense, propose, recommend, agree to acquire power from, grant billing credits for, or otherwise support any hydroelectric development in the Columbia River Basin without providing for:

(A) Consultation with the fish and wildlife agencies and tribes and the Council throughout study, design, construction and operation of the project;

(B) Specific plans for flows and fish facilities prior to construction;

(C) The best available means for aiding downstream and upstream migration of salmon and steelhead;

(D) Flows and reservoir levels of sufficient quantity and quality to protect spawning, incubation, rearing and migration;

(E) Full compensation for unavoidable fish losses or fish habitat losses through habitat restoration or replacement, appropriate propagation, or similar measures consistent with the provisions of this program;

(F) Assurance that the project will not inundate the usual and accustomed fishing and hunting places of any tribe;

(G) Assurance that the project will not degrade fish habitat or reduce numbers of fish in such a way that the exercise of treaty rights will be diminished; and

(H) Assurance that all fish protection measures are fully operational at the time the project begins operation.

Project requirements for wildlife protection

(2) FERC, the Corps, the Bureau of Reclamation and Bonneville shall not license, relicense, exempt from license, propose, recommend, agree to acquire power from, or otherwise support any hydroelectric development in the Columbia River Basin without specifically providing for these development conditions:

(A) Consulting with the wildlife agencies and tribes and the Council throughout study, design, construction and operation of the project;

(B) Avoiding inundation of wildlife habitat, insofar as practical;

(C) Timing construction activities, insofar as practical, to reduce adverse effects on nesting and wintering grounds;

(D) Locating temporary access roads in areas to be inundated;

(E) Constructing subimpoundments and using all suitable excavated material to create islands, if appropriate, before the reservoir is filled;

(F) Avoiding all unnecessary or premature clearing of land before filling the reservoir;

(G) Providing artificial nest structures when appropriate;

(H) Avoiding construction, insofar as practical, within 250 meters of active raptor nests;

(I) Avoiding critical riparian habitat (as designated in consultation with the fish and wildlife agencies and tribes) when clearing, riprapping, dredging, disposing of spoils and wastes, constructing diversions, and relocating structures and facilities;

(J) Replacing riparian vegetation if natural revegetation is inadequate;

(K) Creating subimpoundments by diking backwater slough areas, creating islands and nesting areas;

(L) Regulating water levels to reduce adverse effects on wildlife during critical wildlife periods (as defined in consultation with the fish and wildlife agencies and tribes);

(M) Improving the wildlife capacity of undisturbed portions of new project areas (through such activities as managing vegetation, reducing disturbance, and supplying food, cover and water) as compensation for otherwise unmitigated harm to wildlife and wildlife habitat in other parts of the project area;

(N) Acquiring land or management rights where necessary to compensate for lost wildlife habitat at the same time other project land is acquired and including the associated costs in project cost estimates;

(O) Funding operation and management of the acquired wildlife land for the life of the project;

(P) Granting management easement rights on the acquired wildlife lands to appropriate management entities; and

(Q) Collecting data needed to monitor and evaluate the results of the wildlife protection efforts.

Explanation

(3) All licenses for hydroelectric projects or documents that propose, recommend or otherwise support hydroelectric development shall explain in detail how the provisions of Sections 1103(a)(1)-(2) will be accomplished or the reasons why the provisions cannot be incorporated into the project.

(b) Cumulative Effects

Consolidated project reviews

(1) The federal project operators and regulators shall review simultaneously all applications or proposals for hydroelectric development in a single river drainage, through consolidated hearings, environmental impact statements or assessments, or other appropriate methods. This review shall assess cumulative environmental effects of existing and proposed hydroelectric development on fish and wildlife.

(2) Upon approval by the Council, Bonneville shall fund a study to develop criteria and methods for assessing potential cumulative effects of hydroelectric development on fish and wildlife. The study also shall develop a method for incorporating these assessments into federal processes for review, authorization or other support of hydroelectric development.

(c) Critical Habitat for Fish and Wildlife

Protected areas

(1) Upon approval by the Council, Bonneville shall fund an 18-month study of alternative means for classifying and designating certain streams and wildlife habitat that should be protected from all future hydroelectric development. The study shall draw on existing information on the hydroelectric potential of such streams, as well as the value of their fish and wildlife resources.

IDAHO DEPARTMENT
OF
PARKS&RECREATION

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

FRANKLIN E. BOTELER, Ph.D.
Deputy Director

IDAHO PARK AND
RECREATION BOARD

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Region Six

STATEHOUSE MAIL
BOISE, IDAHO 83720-8000
(208) 327-7444
FAX (208) 327-7406

Street Address
7800 Fairview Ave.

Equal Opportunity Employer

August 13, 1993

John Lincoln
CH2M Hill
P.O. Box 8748
Boise, ID 83707-2748

Re: Soda Creek Hydro Project FERC No. UL91-01

Dear Mr. Lincoln:

I have carefully reviewed the document you prepared on this application for exemption from licensing.

After reviewing Docket No. UL91-1-000 from the FERC, our position is that this project should not be exempt from a license, for reasons that the FERC listed in that document. Additionally, we feel that when existing projects are not licensed, an adequate review process does not exist for affording the agencies the opportunity to affect these projects as situations change.

On page 4-12 of the exemption document it says that the City of Soda Springs is planning to put in a pedestrian and bicycle path from Hooper Springs Park to town. Is this construction a part of this application? Please provide details of surface material, grade, and width.

Thank you for the opportunity to comment.

Sincerely,

Mary Jean Lucachick
Resource Specialist

soda.ch2

cc: Will Reid, IDF&G

IDAHO STATE HISTORICAL SOCIETY

Preserving Idaho's Past

John R. Hill, Director

Cecil D. Andrus, Governor

RECEIVED
SEP 13 1993
CH2M HILL
BOISE

September 7, 1993

Mr. John G. Lincoln
CH2M Hill
700 Clearwater Lane
Boise, Idaho 83712-7708

RE: Soda Creek Hydroelectric Project #4 (FERC No. UL91-01)

Dear Mr. Lincoln:

Thank you for notifying our office of the proposed exemption from FERC licensing of an existing project, Soda Creek Hydroelectric Project #4, near Soda Springs, Idaho (T8S, R41E, Sec.36, T8S, R42E, Sec.31, T9S, R42E, Sec.6). The federal action will not involve any modifications to the facilities.

Our records indicate that no previous archaeological surveys have been completed within the project area, nor do we have any documentation of the structures and canal associated with the project. As part of the identification process outlined in 36 CFR 800.4, we therefore recommend that a professional archaeologist inspect the project area for historic properties, prior to exemption approval. The inspection should be completed when ground visibility is good and the report documenting the inspection should be sent to our office for review. The inspection will identify sites within the project area and assess any ongoing impacts to archaeological remains from operation and maintenance of the facilities.

We are also requesting basic documentation of the structures associated with Project #4, that is, the diversion structure, Kackley Ditch, and No.4 Powerhouse. To accomplish this, we urge you to contract with an archaeologist who will also record these structures. Enclosed is the Idaho Historic Sites Inventory form. We recommend that one form be used for each of the structures, with appropriate reference to the other structures under the item on the form labeled "Associated bldgs./structures." The forms should be submitted to us with complete sets of photographs.

Administration
210 Main Street
Boise, Idaho 83702
208-334-2682

Historic Preservation
210 Main Street
Boise, Idaho 83702
208-334-3847, 3861

Historic Sites
2445 Old Penitentiary Road
Boise, Idaho 83712
208-334-2844

Historical Library and Archives
450 North Fourth Street
Boise, Idaho 83702
208-334-3356

Historical Museum
610 North Julia Davis Drive
Boise, Idaho 83702
208-334-2120

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Once we receive this information, we can continue our review. If you have any questions, feel free to contact either myself or Suzi Neitzel at 208-334-3847.

Sincerely,

Robert M. Yohe II
State Archaeologist and
Deputy SHPO

RMY/spn

IDAHO STATE HISTORICAL SOCIETY

CECIL D. ANDRUS, Governor

Director
210 Main St.
Boise, Idaho 83702
208-334-2682

Archaeology
210 Main St.
Boise, Idaho 83702
208-334-3847

Education
610 N. Julia Davis Dr.
Boise, Idaho 83702
208-334-2120

Genealogical Library
450 N. 4th St.
Boise, Idaho 83702
208-334-2305

Historic Preservation
210 Main St.
Boise, Idaho 83702
208-334-3847, 3861

Library and Archives
450 N. 4th St.
Boise, Idaho 83702
208-334-3356

Museum
610 N. Julia Davis Dr.
Boise, Idaho 83702
208-334-2120

Old Idaho Penitentiary
2445 Old Penitentiary Rd.
Boise, Idaho 83712
208-334-2844

Oral History
210 Main St.
Boise, Idaho 83702
208-334-3863

Publications
450 N. 4th St.
Boise, Idaho 83702
208-334-3428

DATE: 9-2-93

TO: Federal Applicants/Federal Agencies

RE: Documentation of historic architectural properties pursuant to Section 106 Review and Compliance

Please find enclosed a revised Idaho Historic Sites Inventory basic documentation form. This form should be used to document architectural properties located within the boundaries of a federal undertaking. Note that only the starred (*) items need to be filled in order to minimally satisfy the information needs of the Idaho State Historic Preservation Office for the purpose of evaluating and assessing impacts to architectural properties. This form should also be used to document engineering properties, historic objects, historic landscapes, or other non-archeological resources.

The Idaho State Historical Society is an Equal Opportunity Employer

IDAHO HISTORIC SITES INVENTORY
IDAHO STATE HISTORIC PRESERVATION OFFICE

This form provides the basic documentation required to determine a property's eligibility for the National Register. To ensure an expedited review, complete all starred (*) items on front and back, as well as the National Register Recommendation.

PROPERTY DATA

*Property Name/Field Number _____ / _____
*Map Reference _____
*Township _____ *Range _____ *Section _____
*_____1/4 of *_____ 1/4 of *_____ 1/4, Boise Meridian
UTM _____ _____ easting _____ northing
*County _____ Acres _____
*Address _____ *City _____
Lot(s) _____ Block(s) _____
Historic Context(s) _____
*Property Type _____ *Total # features _____
*Associated bldgs./structures _____
*Construction Date _____ *Estimated Construction Period _____
Style _____ Plan _____
*Condition _____ *Moved: Yes ___ When _____
*Materials _____
_____
*Original Use _____ *Current Use _____

NATIONAL REGISTER RECOMMENDATION: (check all that apply)

___ Individually eligible
___ Contributing in a potential district
___ Multiple property study
___ Significant person
___ Architectural/artistic values
___ Not eligible
___ Noncontributing
___ Historical significance
___ Historic landscape
___ Not evaluated

Comment _____

*Recorded by _____ *Phone _____
*Address _____
*Project/Report Title _____
Survey Report # _____ Reconnaissance _____ Intensive _____ *Date _____

FIELD NOTES/SKETCHES

IHSI # _____
R&C # _____
SITS # _____

Engineers
Planners
Economists
Scientists

June 2, 1994

RMW34945.C0

Dr. Robert M. Yohe II
State Archeologist
Idaho State Historical Society
210 Main St.
Boise, Idaho 83702

Dear Dr. Yohe:

Subject: Soda Creek Hydroelectric Project No. 4 (FERC No. UL91-01)

On behalf of the City of Soda Springs, we are transmitting the original and one copy of a report summarizing the cultural resources evaluation for the referenced project. We are also transmitting the original and one copy of the Historic Sites Inventory form for the No. 4 plant and new Kackley Ditch, and for the old Kackley/Lau Ditches and diversion dam. This work was prepared by Sagebrush Archeological Consultants of Ogden, Utah.

These reports and forms were prepared in response to your request for an archeological survey and documentation of associated historic structures detailed in your letter dated September 7, 1993. If you have any comments concerning these documents, please address them to me prior to July 5, 1994.

Sincerely,

CH2M HILL

John G. Lincoln, P.E.
Project Manager

JGLNOWN/HISTTRNS/hg
c.c. Lee Godfrey
Joe Nelson

Boise Office
700 Clearwater Lane, Boise, ID 83712-7708
P.O. Box 8748, Boise, ID 83707-2748
208 345-5310
Fax No. 208 345-5315

CH2M HILL

Engineers
Planners
Economists
Scientists

June 22, 1994

RMW34945.CO

Ms. Alison Beck-Haas
U. S. Fish and Wildlife Service
4696 Overland Road, Room 576
Boise, ID 83705

Dear Alison:

Subject: Candidate, Threatened and Endangered Species - Soda Creek Hydroelectric Project No. 4

CH2M HILL is preparing an Environmental Report for the Federal Energy Regulatory Commission, in accordance with NEPA requirements, to obtain an exemption for a small conduit hydroelectric facility on Soda Creek, Idaho. The facility is known as Power Plant 4 and is upstream on Soda Creek from the city of Soda Springs (please see the vicinity map). Power Plants 1, 2, and 3 were constructed in the early 1900's and have since been abandoned. Power Plant 5, constructed in 1988, is under an exemption from licensing issued by the Commission.

Power Plant 4 was built in 1955 and has been operating without licensing from the Federal Energy Regulatory Commission. Based on negotiations between the Commission and Soda Springs about this particular plant, the City is now preparing an Application for Exemption from Licensing for Power Plant 4. The first stage of consultation required for the Exemption under the Commission's three-stage consultation process has been completed, and the second stage, the preparation of the documents and submittal to agencies, is now occurring.

The Power Plant is located on Soda Creek, approximately 3 ½ miles upstream from its confluence with Bear River in Caribou County. The project consists of a diversion structure near the base of Soda Dam (an earthfill structure owned and operated by the Farmers Land and Irrigation Company of Alexander, Ltd.), an irrigation/power canal approximately one mile long, an intake structure and penstock located at the side of the canal, a small powerhouse adjacent to the creek with a single, vertical Francis turbine/generator rated at 340 kW, and a 4.16 kV powerline connecting to the City's distribution system.

Boise Office *700 Clearwater Lane, Boise, ID 83712-7708*
P.O. Box 8748, Boise, ID 83707-2748
208 345-5310
Fax No. 208 345-5315

In accordance with the Endangered Species Act, we request that you inform us of any candidate, threatened, or endangered species in the project area. Agencies were notified about this project during the scoping process in the first stage of consultation; no issues were identified by any agency. However, if you are aware of any issues or concerns that your agency believes should be addressed in the Environmental Report, please let me know as soon as possible.

We would appreciate receiving your comments and the species list by July 8, 1994. Please contact me at 345-5310 if you need additional information. Thank you in advance for your assistance.

Sincerely,

CH2M HILL

Joanne Garnett

Joanne Garnett, AICP
Planner

jegown/alison/bb

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Idaho State Office, Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705

RECEIVED
JUL 0 6 1994
CH2M HILL
BOISE

June 30, 1994

Joanne Garnett, AICP Planner
CH2M HILL
700 Clearwater Lane
Boise, Idaho 83712-7708

Subject: Soda Creek Hydroelectric Project No. 4
SP #1-4-94-SP-184 File #503.0900
(FERC File #7959)

Dear Joanne:

The U.S. Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, listed, candidate, and/or proposed species which may be present in the Soda Creek Hydroelectric project area. You requested this species list in a letter dated June 22, received by this office on June 23, 1994. The list fulfills requirements for a species list under Section 7(c) of the Endangered Species Act of 1973 (Act), as amended. The requirements for Federal agency compliance under the Act are outlined in Enclosure 2. If the project is not started within 180 days of this letter, regulations require that you request an updated list. Please refer to the number shown on the list (Enclosure 1) in all correspondence and reports.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. If a listed species appears on Enclosure 1, agencies are required to prepare a Biological Assessment. It would be prudent for you to consult informally with the Service in development of Biological Assessments. If you determine that a listed species is likely to be affected adversely by the proposed project, the Act requires that you request formal Section 7 consultation through this office.

Candidate species that appear on Enclosure 1 have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on proposed and/or candidate species that may occur in the project area. It may be necessary for you to conduct surveys of the project area to determine the status of candidate species there. If it is likely the project will adversely affect a candidate species, we recommend you consult informally with this office.

Please be advised that this species list response does not constitute the U.S. Fish and Wildlife Service's environmental concerns about cumulative effects from the impacts of this project. We have no record of notification of a scoping or initial consultation. Please send us a description of the Power Plant 4 operations and draft application. Upon receipt of this information, the U.S. Fish and Wildlife Service can comment on our concerns for your environmental report.

If you have any questions regarding Federal consultation responsibilities under the Act, please contact Robyn Armstrong of this office at 208-334-1931. Thank you for your continued interest in the Endangered Species Act.

Sincerely,

For Charles H. Lobdell
State Supervisor, Ecological Services

Enclosures

cc: IDFG, Hdqtrs., Boise

ENCLOSURE 1

LISTED AND PROPOSED ENDANGERED AND THREATENED
SPECIES, AND CANDIDATE SPECIES, THAT MAY OCCUR
WITHIN THE AREA OF THE SODA CREEK HYDROELECTRIC PROJECT NO. 4
FWS-1-4-94-SP-184

LISTED SPECIES	COMMENTS
None	

PROPOSED SPECIES

None

CANDIDATE SPECIES

Pygmy Rabbit (C2)
(*Brachylagus idahoensis*)

GENERAL COMMENTS

C2 = Category 2 Taxa for which information now in possession of the U.S. Fish and Wildlife Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules. Further biological research and field study may be needed to ascertain the status of taxa in this category.

ENCLOSURE 2

FEDERAL AGENCIES' RESPONSIBILITY UNDER SECTIONS 7(a) AND (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a) - Consultation/Conference

Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;

2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species; or result in destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species; and

3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Major Construction Activities [1/]

Requires Federal agencies or their designees to prepare Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action[2/] on listed and proposed species. The process begins with a Federal agency in requesting from FWS a list of proposed and listed threatened and endangered species (list attached). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

We recommend the following for inclusion in the BA; an onsite inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species are present; a review of literature and scientific data to determine species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within FWS, State conservation departments, universities and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; an analysis of alternative actions considered. The BA should document the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed or proposed species will be affected. Upon completion, the BA should be forwarded to our office.

[1/] A major construction activity is a construction project (or other undertaking having similar physical impacts) which is a major action significantly affecting the quality of human environment as referred to in the NEPA (42 U.S.C. 4332 (2)(c).

[2/] "Effects of the action" refers to the direct and indirect effects on an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.

IDAHO STATE HISTORICAL SOCIETY

Preserving Idaho's Past

John R. Hill, Director

Cecil D. Andrus, Governor

July 7, 1994

Mr. John G. Lincoln
Project Manager
CH2M Hill
700 Clearwater Lane
Boise, Idaho 83712-7708

RE: Soda Creek Hydroelectric Project No. 4

Dear Mr. Lincoln:

Thank you for sending the report documenting the archaeological and historical investigations for the Soda Creek Hydroelectric Project No. 4. The report was completed by Michael R. Polk, Sagebrush Archaeological Consultants, Salt Lake City, Utah.

After reviewing the information, we agree that the site consisting of the Old Kackley/Lau ditches and the diversion dam is eligible for the National Register of Historic Places. The other site, Soda Creek Hydroelectric Plant No. 4 and New Kackley Ditch, is not eligible because of the 1955 construction date. No archaeological properties were identified in the investigations.

It is our understanding that the federal undertaking for this project is FERC licensing of the existing facilities only. No alterations to the facilities are planned. If this is the case, the project will have *no effect* on the historic properties identified within the project area.

We appreciate both your cooperation and the excellent documentation of the historical features and powerhouse. If you have any questions, feel free to contact either myself or Suzi Neitzel at 208-334-3847.

Sincerely,

Robert M. Yohe II
State Archaeologist and
Deputy SHPO

RMY/spn

Administration
210 Main Street
Boise, Idaho 83702
208-334-2682

Historic Preservation
210 Main Street
Boise, Idaho 83702
208-334-3847, 3861

Historic Sites
2445 Old Penitentiary Road
Boise, Idaho 83712
208-334-2844

Historical Library and Archives
450 North Fourth Street
Boise, Idaho 83702
208-334-3356

Historical Museum
610 North Julia Davis Drive
Boise, Idaho 83702
208-334-2120

The Idaho State Historical Society is an Equal Opportunity Employer

CH2M HILL
Engineers
Planners
Economists
Scientists

July 27, 1994

RMW34945.C0

1~

Subject: Soda Creek Hydroelectric Project No. 4, FERC No. UL91-01

On behalf of the City of Soda Springs, we are transmitting a copy of the Application for Exemption from Licensing for the City's No. 4 hydroelectric project.

Please review this document and if you have any comments, I would appreciate it if you could submit them to me no later than September 1, 1994. I apologize for the request for rapid turnaround on comments, but it is necessary if the City is to meet its deadline for submittal of this document to FERC.

Sincerely,

CH2M HILL

John G. Lincoln, P.E.

BOI10012FFA.WP5/jc

Boise Office
700 Clearwater Lane, Boise, ID 83712-7708
P.O. Box 8748, Boise, ID 83707-2748
208 345-5310
Fax No. 208 345-5315

Barbara Scott-Brier
U.S. Department of the Interior
Regional Environmental Office
500 N.E. Multnomah, Suite 600
Portland, OR 97232-2036

Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

Roy F. Heberger, Jr.
U.S. Fish and Wildlife Service
U.S. Department of the Interior
4696 Overland Road
Boise, ID 83706

Secretary
Idaho Public Utilities Commission
Statehouse Mail
Boise, ID 83720

Elizabeth Paul
Idaho Rivers United
P.O. Box 633
Boise, ID 83701

Chairman
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Number 809
The Old Post Office Building
Washington, D.C. 20004

Chief, Interagency Archeological Services
National Park Service
Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Director
State of Idaho
Soil Conservation Commission
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Lands
Statehouse Mail
Boise, ID 83720

Director
State of Idaho
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Director
Environmental Protection Agency
422 West Washington Street
Boise, ID 83702

Director
State of Idaho
Idaho Bureau of Mines and Geology
Moscow, ID 83843

Director
State of Idaho
Idaho Fish and Game Department
600 South Walnut
P.O. Box 25
Boise, ID 83707

Director
Idaho Department of Health and Welfare
Division of Environmental Quality
Statehouse Mail
Boise, ID 83720

Director
National Marine Fisheries Service
7600 Sand Point Way, NE
Bin C15700
Seattle, WA 98115

Director
State of Idaho
Idaho Department of Parks and Recreation
Statehouse Mail
Boise, ID 83720

Board of County Commissioners
Caribou County Courthouse
Soda Springs, ID 83805

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

Director
Northwest Power Planning Council
Suite 1100
851 S.W. Sixth Avenue
Portland, OR 97204-1348

Director
Idaho Historical Society
610 North Julia Davis Drive
Boise, ID 83706

Forest Supervisor
Caribou National Forest
250 South 4th Avenue
Suite 282
Federal Building
Pocatello, ID 83201

BOI10012FFB.WP5/jc

IDAHO DEPARTMENT OF PARKS & RECREATION

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

FRANKLIN E. BOTELER, Ph.D.
Deputy Director

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P.O. BOX 83720
BOISE, IDAHO 83720-0065
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FAX (208) 334-3741
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Street Address
[illegible] Warm Springs Avenue

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August 11, 1994

John Lincoln
CH2M Hill
P.O. Box 8748
Boise, ID 83707-2748

Re: Soda Creek Hydroelectric Proj. No. 4, FERC No. UL91-01

Dear Mr. Lincoln:

We have reviewed the document, **Agency Review Draft Exhibits A,B,E and G, Application For Exemption From Licensing For Small Conduit Hydroelectric Facility**, and have no comments.

Thank you for the opportunity to review this document.

Sincerely,

Mary Jean Lucachick
Natural Resource Specialist

ch2mhill.ss4

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

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CH2M HILL
BOISE

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 22, 1994

John G. Lincoln, P.E.
CH2M Hill
P.O. Box 8748
Boise, ID 83707-2748

RE: Soda Creek Hydroelectric Project No. 4

Dear Mr. Lincoln:

The Application For Exemption From Licensing to be submitted by the City of Soda Springs, has been reviewed. Specifically, the location and description of hydraulic features and appurtenant works, that provide the operating head for the project, have been reviewed.

As indicated, the City's Hydroelectric Project No. 4 has been operated by flow diversion from the New Kackley Ditch, through the 42in diameter WSP penstock to the powerhouse, in accordance with their water right(s).

A considerable part (Exhibit E and G) of the Application and Appendix A addresses mitigation (environmental issues) which was not reviewed, since these matters are not within our purview.

Overall, it appears the document is quite comprehensive and I appreciate your referral of the Application for comments.

Very truly yours,

David H Hollingshead

DAVID H. HOLLINGSHEAD
Safety of Dams Section, Mgr

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AUG 29 1994
CH2M HILL
BOISE

IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

August 25, 1994

Mr. John G Lincoln, P. E.
CH2M Hill
P. O. Box 8748
Boise, Idaho 83707-2748

Re: Soda Creek Hydroelectric Project. 4, FERC No. UL91-01

Dear Mr. Lincoln:

The Idaho Department of Fish and Game (IDFG) has reviewed the Application for Exemption from Licensing for the City of Soda Springs Hydroelectric Project No. 4, dated July 1994. We believe a conduit exemption is not appropriate for this project because most of the water carried in this ditch (conduit) is for power production and not irrigation. Therefore, we question whether it qualifies for the type of exemption proposed.

As discussed in the document, our biggest concern is deer migrations as a result of the new Kackley Ditch. This ditch intercepts an important deer migration route, and because of its length and depth could cause migration problems for these animals. If this problem develops, we want the City of Soda Springs to consult with the IDFG and to be required to install culverts, bridges or other suitable crossing structures, which would help to solve it.

Soda Creek does not support a fishery because of its chemical composition. However, the stream and its associated riparian area provide valuable habitat for waterfowl, songbirds and furbearers. Populations of these species are dependent on this riparian habitat. Stream water flows would also be important to maintain the park-like area along the bicycle and pedestrian path. Therefore, to protect the riparian habitat in the project area we feel that stream flows in Soda Creek should be maintained and minimum flows investigated.

If you have any further questions, please contact John Heimer at 334-2597.

Sincerely,

for Cal Groen, Chief
Natural Resources Policy Bureau

CG:alb

cc: USFW - Charles Lobdell
IDFG - Region 5
City of Soda Springs - Lee Godfrey
Idaho Dept. of Lands - Boise
Idaho Dept. of Parks and Recreation - Boise
DEQ - Pocatello

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Idaho State Office, Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705

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BOISE

August 29, 1994

Mr. John G. Lincoln, P.E.
CH2M Hill Consultants
700 Clearwater Lane
P.O. Box 8748
Boise, Idaho 83707-2748

Subject: Soda Creek Hydro Project No. 4, FERC No. UL91-01
(File # 503.0900)

Dear Mr. Lincoln:

The U.S. Fish and Wildlife Service (Service) has reviewed the materials that you provided as a Draft Application for Exemption from licensing. It is our understanding that the City of Soda Springs intends to file for an exemption for this project to the Federal Energy Regulatory Commission (FERC) in the near future. We are providing these comments to you as part of the FERC three step consultation process. The Service cannot provide you with draft terms and conditions of exemption at this time, however, because you have not indicated a willingness on the part of the applicant to mitigate for past and continuing adverse impacts that have resulted from construction and operation of Power Plant No. 4. The Service does not think that new or additional studies are needed to arrive at a satisfactory mitigation package. We believe that this can be arrived at through discussions among yourself, the Service and Idaho Department of Fish and Game (IDFG). Our specific comments on the Draft Application are as follows:

Conduit Exemption. The Service does not agree that this project qualifies as a conduit exemption facility. The FERC regulations for conduit exemptions are specific. In Appendix G of the FERC Licensing Handbook, a conduit is defined as "any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not **primarily** for the generation of electricity." (emphasis added) This definition is derived from Section 30 of the Federal Power Act. Clearly, the New Kackley Ditch does not qualify under this definition because of the total of 52 cfs diverted into this canal, only a small amount (2 to 3 cfs) is for agricultural purposes. The remainder is, and always has been used by the City

of Soda Springs for generation at the unlicensed Project No. 4. Diversions for the Feeney Ditch and Farmers Land and Irrigation Co, occur downstream of the No. 4 powerhouse and are apparently unaffected by this project or diversion of water into the New Kackley Ditch.

Unmitigated Impacts. There are several impacts that are identified in the Draft Application which have had long term adverse effects on fish and wildlife and their habitat. These include disturbed vegetation, loss of riparian habitat, and degraded water quality. In spite of these documented impacts, the Draft Application contains no proposals to reduce or mitigate these impacts. This makes it very difficult for the Service to prescribe terms and conditions for the protection and improvement of fish and wildlife at this location. A good faith gesture on the part of the applicant, expressed by their willingness to make improvements in fish and wildlife habitat along Soda Creek, would eliminate this difficulty. In the interim, we have little choice but to recommend to the FERC that there is not adequate information in the application at this time. The FERC regulations generally recommend that applicants include measures to protect and enhance environmental resources in license and exemption applications.

Water Quality Issues. The Draft Application indicates that the chemical content of the water in Soda Creek is not appropriate for fish life. However, it also states that the reservoir just upstream of the project is stocked with trout. The application needs to explain why the stream below the dam, which utilizes the same water, is not suitable for aquatic life. The Application needs to state whether the water quality parameters shown in the Table E-1 preclude fish and other aquatic life survival.

In conclusion, the Service recommends that the application be revised to include mitigation features for aquatic and riparian resources in Soda Creek. We would be happy to meet with you in Boise to discuss this matter and also think that IDFG should be present at such a meeting. If you agree that a meeting would be productive, please contact Jim Esch of my staff at 334-1931, or the address on the letterhead.

Sincerely,

Susan B. Martin
for Charles H. Lobdell
State Supervisor-Ecological Services

cc: IDFG, HQ (Will Reid)
IDFG, Southeast Region
FERC, DC, OHL
FWS-ES, Eastern Idaho Office

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 730 Simms Street, #401
Golden, Colorado 80401

September 6, 1994

John G. Lincoln
CH2M HILL
700 Clearwater Lane
Boise, ID 83712-7708

RE: *Soda Creek Hydroelectric Project No. 4, FERC No. UL91-01.*

Dear Mr. Lincoln:

On August 3, 1994, we received your request to review the City of Soda Springs' Application to the Federal Energy Regulatory Commission (FERC) for Exemption from Licensing for Small conduit Hydroelectric Facility. We have reviewed the submitted document and have no comments at this time. Based on the information provided, we are unable to ascertain the project's potential effects on historic properties. If, after continued consultation with the State Historic Preservation Officer, the City determines that historic properties may be affected by the continued operation of the Soda Creek Project, FERC will need to obtain the comments of the Advisory Council on Historic Preservation pursuant to 36 CFR 800.5 or 800.6 prior to taking action on the City's application.

Thank you for providing an opportunity to comment on the proposed application. If you have any questions or require the further assistance of the Council, please contact Carol Gleichman of the Western Office of Review at (303) 231-5320.

Sincerely,

Claudia Nissley
Director, Western Office
of Review

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Idaho State Office, Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705

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BOISE

October 17, 1994

Mr. John G. Lincoln, P.E.
CH2M HILL
P.O. Box 8748
Boise, Idaho 83707

Subject: Soda Creek Hydroelectric Project No. 4
(FERC No. UL 91-01)

Dear Mr. Lincoln:

This letter is to follow up on our recent meetings and telephone conversations concerning the referenced project. It is our understanding that the existing reach of Soda Creek between the diversion for the new Kackley Ditch and the existing Powerhouse No. 4 has certain flows under existing conditions. These flows (bypass flows) are primarily due to leakage, natural recharge, springs, and seepage, and support a diverse riparian community along the banks of the creek. As expressed during the recent conversations, the Service has concerns that the existing flows in the bypass reach may be adversely impacted in the future due to events such as well drilling, lining of canals, or other improvements that could reduce the volume of flows. The Service believes that it is important to maintain the flows in the bypass reach to at least their existing levels. However, there is virtually no information available concerning the flow rates in the bypass reach, nor how the flow rates vary with the seasons.

Accordingly, to obtain the necessary information to set conditions for the bypass flows, the Service requests that the applicant (the City of Soda Springs) perform a study of existing flows in the bypass reach. The study should measure flows at 3 locations in the bypass reach. These are: (1) downstream from the diversion structure for the new Kackley Ditch, (2) downstream from the diversion for the Lau Ditch (located approximately 1/3

mile downstream from the diversion for the new Kackley Ditch), and (3) upstream from the tailrace for Powerhouse No. 4. The flows should be measured at each location at least once per month, and the flows measured for an entire water year.

We recognize that collection of the above information will delay processing of the City's proposed Exemption application, however, the Service believes that the flow information is essential for setting proper terms and conditions. If you have any questions concerning this matter, please contact Mr. Jim Esch of my staff at (208) 334-1931.

Sincerely,

Susan E. Martin

Charles H. Lobdell
State Supervisor, Ecological Services

cc: IDFG, Headquarters (J. Heimer)
FWS, East Idaho Office (Pocatello)
FERC-DC, OHL

IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707-0025

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OCT 2 1 1994
CH2M HILL
BOISE

October 18, 1994

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Mr. John G. Lincoln, P.E.
CH2M Hill
P.O. Box 8748
Boise, ID 83707

Re: Soda Creek Hydroelectric Project No. 4 (FERC No. UL 91-01)

Dear Mr. Lincoln:

This letter is to follow up on our recent meetings and telephone conversations concerning the above-referenced project. We understand that the existing reach of Soda Creek between the diversion for the new Kackley Ditch and the existing Powerhouse No. 4 presently has certain flows primarily due to leakage, natural recharge, and springs. These flows support a diverse riparian community along the banks of the creek. The Idaho Department of Fish and Game (IDFG) is concerned that the existing flows in the bypass reach could be reduced in the future due to events such as well drilling, lining of canals, or other factors. The IDFG believes that it is important to maintain the flows in the bypass reach at their existing levels. However, there is virtually no information available concerning the existing flows in the bypass reach, nor how the flow rates vary seasonally.

To obtain the necessary information to set bypass flows, the IDFG requests that the City of Soda Springs conduct a study of existing flows in the reach. The study should measure flows at three locations, which are: (1) downstream from the diversion structure for the new Kackley Ditch, (2) downstream from the diversion for the Lau Ditch (located approximately 1/3 mile downstream from the diversion for the new Kackley Ditch), and (3) upstream from the tailrace for Powerhouse No. 4. The flows should be measured at each above-mentioned location monthly for a calendar year.

We recognize that collection of the above information will delay processing of the City's proposed exemption application. However, since the project is already operating, it will have no effect on electrical generation. Our main concern in this matter is maintaining present minimum year round flows in the bypass reach. To do this, we must know these flows to make proper recommendations regarding terms and conditions. Depending on the type of license issued, we may want to develop a Memorandum of Understanding with the City of Soda Springs to assure these flows. If you have any questions concerning this matter, please contact John Heimer of my staff at (208) 334-2597.

Sincerely,

Cal Groen

Cal Groen, Chief
Natural Resources Policy Bureau

CG:JTH:alb

cc: U.S. Fish and Wildlife Service, Charles Lobdell
City of Soda Springs, Lee Godfrey
IDFG, Region 5
Idaho Department of Lands--Boise
Idaho Department of Parks and Recreation--Boise
Division of Environmental Quality--Boise

Appendix B

Appendix B

Parcel A

BOI10012FIC.WP5/jc

IN WITNE[illegible] set [illegible]al seal
the day and year [illegible]

At requ[illegible]
March[illegible]
Fee, $[illegible]

---O---

Instrument # 17708

D-E-E-D

THIS INDENTURE, Made this 25th day of February, 1937, between Fred C. Kiesel Estate, a co-partnership existing under and by virtue of Chapter 89 of the Laws of Utah, 1921, with its principal office and place of business at Ogden City, Weber County, State of Utah, the party of the first part, and the City of Soda Springs, Caribou County, Idaho, party of the second part.

WITNESSETH; That the party of the first part, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the party of the second part, and to its heirs and assigns forever, the following described real estate, situate in the County of Caribou, State of Idaho, to-wit:

The Southeast quarter (SE¼) of the Southeast Quarter (SE¼) of Section 26, Township 8 South, Range 41 East of the Boise Meridian, containing forty acres more or less and known as the Hooper Spring Property.

Together with all our right to the waters of a certain spring located on said land known as the Hooper Spring.

Together with all the tenements, hereditaments, rights, privileges and appurtenances thereunto belonging, and all waters and water rights, and all watering and irrigating apparatus and fixtures which are appurtenant to or incident to the ownership of said premises; but nothing herein contained shall be construed as a warranty of any water right.

TO HAVE AND TO HOLD said premises unto the party of the second part, its heirs and assigns forever, subject to the following;

1. Unpaid taxes, assessments, water charges including those levied or imposed by the United States Reclamation or Indian Service or by any water or irrigation company, and all other unpaid charges, liens or assessments imposed by law on the above described property becoming due subsequent to the year 1936.

2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage, irrigation or other special improvement district and any lien or encumbrance revived or placed on said property by, through or under the party of the second part.

3. Any and all easements, rights of way for railroads, roads or highways or other servitudes, and the exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from railway companies.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever Warrent and defend the title to said premises and the quiet and peaceable possession thereof unto the said party of the second part, or its assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be signed and sealed as of the 25th day of February, A. D. 1937.

Witness
Frances A. McCready

(I.R.Stamps $1.00 affixed and canceled, 4/15/39.)

FRED J. KIESEL ESTATE
By Wilhemine Pauline Shearman
Member of Co-partnership

STATE OF UTAH)
:ss
COUNTY OF WEBER)

On this 25th day of February, 1937, before me, Frances A. McCready, a Notary Public in and for said State, personally appeared Wilhemine Pauline Shearman, member of partnership of Fred J. Kiesel Estate, a co-partnership existing under Chapter 9 of the Laws of Utah of 1921, known to me to be the person representing the said co-partnership, and who subscribed the name of the said co-partnership to the within instrument, and acknowledged to me that the same executed the said instrument.

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

SEAL

Frances A. McCready
Notary Public for Utah
Residing at Ogden, Utah
My Commission Expires Apr. 20, 1937

At request of City of Soda Springs
March 8th, 1939, at 3:25 P. M.
Fee, $1.20

Colvin Christensen
Recorder.

---o---

Parcel B

BOI10012F1C.WP5/jc

REVENUE STAMPS

QUITCLAIM DEED

For Value Received ($1.00 & other considerations)

ELWIN E. LAU and LAVERNE M. LAU, husband and wife,

do hereby convey, release, remise and forever quit claim unto

THE CITY OF SODA SPRINGS, IDAHO, a municipal corporation,

the following described premises, to-wit:

All that portion of Lot 4, in Section 31, Township 8 South, Range 42 East of the Boise Meridian, LYING AND BEING SOUTHERLY AND WESTERLY of the SOUTHWESTERLY BOUNDARY LINE of State Highway No. 80(1) as the same exists as of the date of this document.

It is hereby stipulated that the above granted premises are conveyed to the City of Soda Springs, Idaho, for municipal purposes, only; and when the same becomes of no further use and benefit to the said City of Soda Springs, Idaho, title thereto shall revert to the grantors herein, their heirs, executors, administrators or assigns.

together with their appurtenances.

Dated: February 4, 1954.

Witnesses:

x Elwin E. Lau

x LaVerne M. Lau

STATE OF IDAHO, COUNTY OF CARIBOU) SS.

On this 11th day of February, 1954, before me, a notary public in and for said State, personally appeared

Elwin E. Lau and LaVerne M. Lau, husband and wife,

known to me to be the person s who se name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

F. J. Rasmussen
Notary Public

Residing at Soda Springs, Idaho

Comm. Expires: 4-10-57

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of F. J. Rasmussen

at 10 minutes past 9 o'clock A m., this 12th day of February, 1954, in my office, and duly recorded in Book of Deeds at page 11

Colin G. Lester
Ex-Officio Recorder

By _____ Deputy.

Fees $1.00

Mail to:

Parcel C

BOI10012F1C.WP5/jo

AGREEMENT

THIS AGREEMENT made and entered into this 23rd day of May, 1955, by and between EVAN M. KACKLEY, hereinafter known and designated as party of the first part, and CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, a municipal corporation, hereinafter known and designated as party of the second part,

WITNESSETH:

WHEREAS, said first party is the owner of

The North one-half of the Northeast one-quarter of Section 1, Township 9 South, Range 41 E.B.M.; and

WHEREAS, party of the second part is now operating a municipal power plant and it is the desire of said second party to construct and to erect a new and additional power plant, and if it so does it will require a change of the point of diversion of the waters owned, used, or to which second party is entitled to, and will require an easement through certain parts of the lands of said first party, and likewise will require the filling in of a part or portion of the old channel of Soda Creek; and

WHEREAS, said first party is willing to grant to said second party the necessary easement for a right of way, or rights of way, for the construction of the new channel for the conveyance of the waters that are to be utilized by said second party after it has completed the construction of its new municipal power plant; and

WHEREAS, the necessary work that needs to be performed by the said second party will cause said first party to change his point of diversion from Soda Creek, or from the present point now being utilized; and

WHEREAS, said second party has agreed to permit said first party to divert at a point hereinafter described as points A and B, or one of them, six second cubic feet of the waters of Soda Creek, and second party receiving the right to utilize certain portions of the lands of said first party as a new channel; and

WHEREAS, it is the desire of said parties that in the event said second party fails to operate its said municipal power plant as a municipal power plant, or to maintain the same as a stand-by plant for municipal power purposes, or transfers its right to operate such plant to a utility other than a municipality, then and in that event the said waters that said first party is entitled to, or that he owns, or that he has a right to use, shall be delivered as in this contract provided; provided further, however, that in the event the said municipal power plant is abandoned and no use made thereof, and the water not transferred for power purposes at the point referred to herein, then and in that event the provisions of this contract become null and void and of no force and effect; and

WHEREAS, each of said parties hereto is receiving a benefit by virtue of the things that are to be done and to be performed by the other party,

NOW, THEREFORE, FURTHER WITNESSETH:

In consideration of the mutual covenants and agreements of the parties hereto, to be well and truly performed and faithfully kept by them and each of them,

IT IS AGREED by and between the parties hereto as follows, to-wit:

A. First party hereby grants an easement to said second party for a new channel, or new run-way for the waters of Soda Creek, as follows:

PARCEL "C"

Beginning at the northwest corner of the NW¼, NW¼, NW¼ of Section 6, T 9 S, R 42 E, WM; thence East along the township line 132 feet to the real place of beginning; thence East along the township line 76 feet; thence South 22°50' East, 219 feet; thence South 1°10' West, 216.6 feet; thence South 72°20' West, 130 feet; thence North 15°50' West, 70 feet; thence North 72°20' East, 80 feet, thence North 1°10' East, 153.6 feet; thence North 22°50' West, 233.6 feet to the real place of beginning, contains 83 one hundredths (0.83) of an acre, more or less;

Also the following:

Beginning at a point 440 feet West from the N. E. corner Sec. 1 Twp. 9 So. R 41 W.B.M; thence West 220 feet, thence South 75 feet, thence East 220 feet, thence North 75 feet to the point of beginning.

second party receiving the right to utilize certain portions of the lands of said first party as a new channel; and

B. Second party covenants and agrees as follows:

1. To construct a new channel across the land hereinbefore described in a workman like manner, leaving no spoil on the banks, and, providing the banks of such new channel shall be so constructed at least with a one andone-half to one slope, so that the same will not cave or wash in, or away.

2. To fill in, cover over and fill up the old channel of Soda Creek that will be abandoned, or from which waters will be taken therefrom, to the extent and to the amount that the dirt taken from the new channel will fill up or build up the old abandoned channel, PROVIDED, HOWEVER, that in the event said first party wants additional dirt or fill-up material placed in such abandoned channel, the said first party may elect to have slag from the Monsanto Chemical Plant hauled in and placed on the bank of such channel to be abandoned, which slag shall be first utilized to fill in the old abandoned channel and the dirt removed from the new channel shall be utilized to complete such fill in or fill up, and in the event first party elects to have slag hauled in to augment and to supplement the dirt removed from the new channel, all to the end that the old abandoned channel shall be completely filled up, then and in that event the parties hereto each shall bear one-half of the cost thereof, but in no event, and under no consideration, shall the second party be liable for more than $75.00 of the cost of purchasing and hauling slag to the banks of said old channel that is to be abandoned, and if the cost exceeds $150.00 the first party will pay all sums above his one-half thereof, and the said second party shall only be called to pay the sum of $75.00; PROVIDED FURTHER, HOWEVER, that if the cost is less than

to the point of beginning.

$150.00 the cost shall always be divided 50% to each of said parties, PROVIDED FURTHER, HOWEVER, that there shall always remain, and be permitted to remain, an arroyo or runway for waters from certain springs that are located along the channel to be abandoned, or nearby the said channel to be abandoned, so that such waters from such springs will reach the main stream.

3. Second party will deliver to said first party six second cubic feet per second of the waters of Soda Creek at the following points, namely:

From the fore bay of said plant, there being two levels in said fore bay that said first party shall be entitled to receive waters therefrom, but he shall elect which of such levels he desires such waters delivered, and second party agrees to deliver such waters into the ditch of said first party in the usual manner that water is delivered.

4. The second party likewise agrees to construct the necessary weir, or weirs, or such other measuring device as may be approved by the Department of Reclamation of the State of Idaho, or that will adequately and properly measure the waters that said first party shall be entitled to receive, the cost thereof to be borne by said second party.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto however, that that certain water that is referred to hereafter as the Hammonds waters, are only to be delivered in the event such waters do exist, or continue to exist, or such part of such waters that do exist or continue to exist.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that there has been certain plans and specifications prepared for

the construction of the said municipal power plant, fore bay, penstock, tail race, etc., and that a copy of such plans and specifications is attached hereto and made a part hereof insofar as such plans and specifications refer to the change of the diversion of the waters of Soda Creek, the construction of the new fore bay, penstock, tail races etc., and there shall be designated as Point "A" and Point "B" the two new points of diversion that are to be utilized for the delivery of waters to said first party; that the new area, or new channel, shall be designated as "C" and the old channel as to be filled in shall be designated as "D".

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that the said tail race, or area way, namely, the said easement so granted to said second party by said first party shall not be fenced unless said first party so requests.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that during the period of construction, as well as during the period of maintenance in the future, that said second party will be responsible for the loss of any property, or the loss of livestock, that is occasioned by the taking down or removal of fences, or the failure to maintain proper gates, PROVIDED, HOWEVER, that said second party shall be privileged to, upon the completion of construction, place locks on the said entrance gates, furnishing first party a key to such locks.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that of the waters that are to be delivered by said second party to said first party, as herein stated, the same shall consist of certain waters that said first party receives from the wells or pipes from the Monsanto Chemical Company which now empties into Soda Creek, it being specifically understood that all of the waters so referred to herein shall be delivered to said first party by said second party at the point marked either "A" or "B", and among such waters are those waters referred

to in that certain Agreement made and entered into the 11th day of July, 1949, between Evan M. Eastley, as party of the first part, and the City of Soda Springs, Idaho, a municipal corporation, as party of the second part, the original of which said contract is on file in the office of the City Clerk of the City of Soda Springs, Idaho, and that the said second party will not file any objections to any use, or proposed use, or to the change of point, or points, of diversion that may be made or attempted to be made by the said first party, of the said waters described in this agreement as Monsanto waters.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that said first party hereby consents that said second party may place in and upon his said premises the necessary equipment and machinery to construct such necessary channel and tail race, subject, however, to limitations hereinbefore mentioned.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that said first party will be required to apply for permission to change the point of diversion of certain of the waters of Soda Creek, or of the waters known as the Monsanto Waters, which is evidenced by Application No. 030136, Permit No. 022999, and Application No. 031027, Permit No. 023255, State Reclamation Commission of the State of Idaho, and that said first party shall choose his necessary counsel for the preparation and presentation of such change, and that said second party will bear the costs thereof.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that this contract contains all of the conditions and covenants that have been agreed upon by and between the said parties, and that there are no other understandings or agreements had other than as herein contained, and that in the event it is the desire of the parties hereto to amend or modify this contract the same shall be amended and modified by a writing and appended hereto, and that unless the same is done each of

said parties is prohibited from asserting any other or different covenants, or any modification of this agreement.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that said second party will cause the necessary resolution, or ordinance, to be passed approving the terms and conditions of this contract, and will file with said first party a certified copy of such proceedings, including such ordinance.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that this agreement shall be binding upon the successors and assigns of said second party and upon the heirs and assigns of said first party.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that in the event said second party fails to utilize such easement for the purposes for which it was constructed, and notwithstanding the obligations placed upon said second party, or its successors or assigns to see that such waters are forever diverted as herein stated, this easement herein shall be deemed to be cancelled and the right of egress and ingress by said second party shall be of no force and effect, and the property shall remain and be the property of said first party.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that there is nothing in this contract that sets aside or vacates the provisions, restrictions or benefits referred to in the contract dated the 11th day of July, 1949, unless the provisions herein are contrary to the provisions of the other contract, otherwise it is merely supplemental of and in addition to the provisions of the contract dated the 11th day of July, 1949; and IT IS FURTHER PROVIDED that in the event an abandonment, as herein referred to in this contract, is had, which the said City of Palm Springs has a right to do, then and in that event the rights of way granted to the party of the first part for canal purposes etc, referred to in both contracts shall remain intact insofar as such rights of way

across the land of the City of Soda Springs or the lands of the first party.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year in this Agreement first above written.

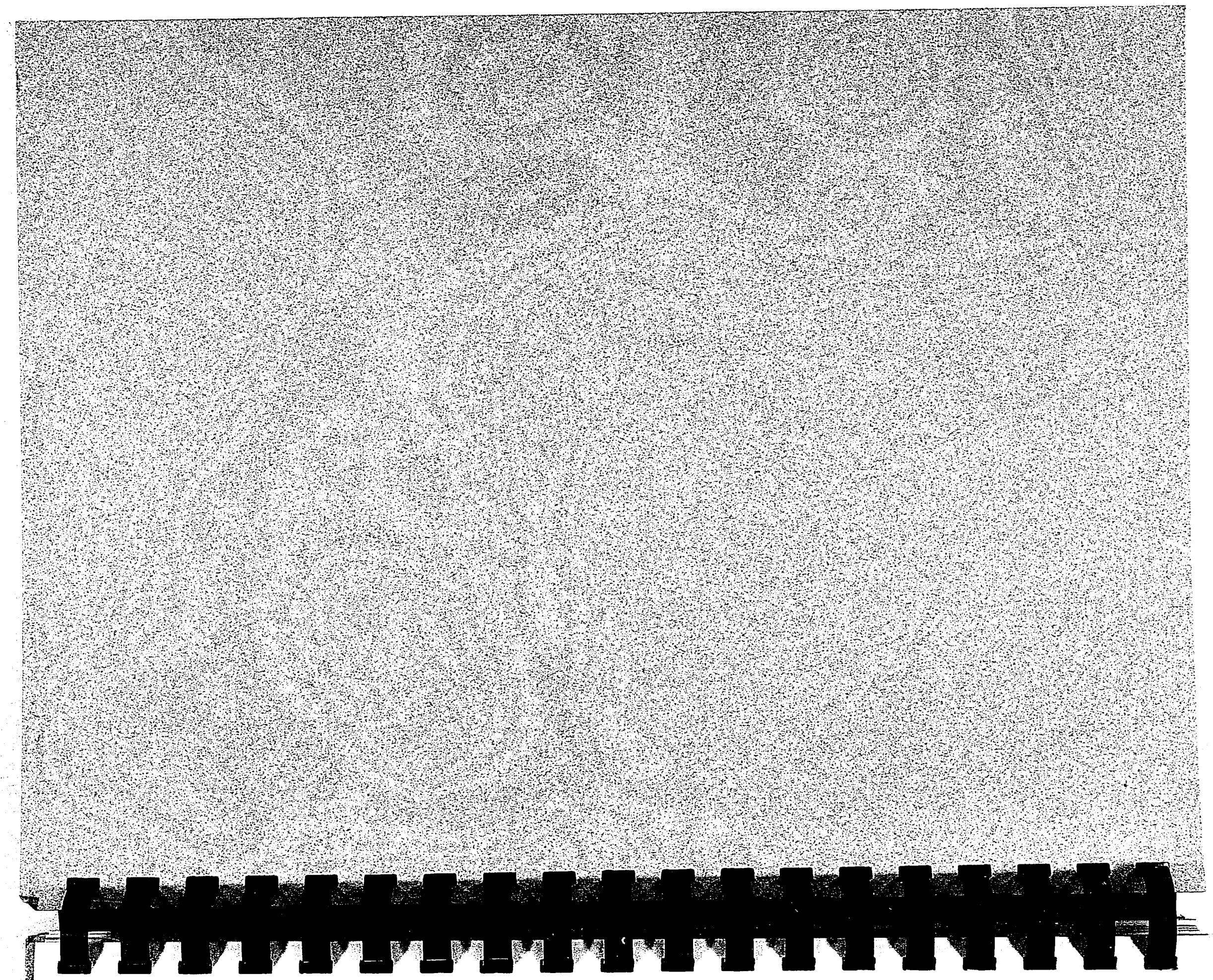
Evan M. Hackley
EVAN M. HACKLEY
Party of the First Part

CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO, A MUNICIPAL CORPORATION,

By A L Blanchard
Mayor

ATTEST:

Della Morris
Clerk



CH2M HILL
Engineers
Planners
Economists
Scientists

RECEIVED
NOV 2 2 1994
Department of Water Resources

November 21, 1994

RMW34945.C0

Director
State of Idaho
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Subject: Soda Creek Hydroelectric Project No. 4, FERC No. 11503-000

In accordance with 18 CFR §4.38(d)(2)(i), we are transmitting a copy of the final Application for Exemption from Licensing for the City of Soda Springs' No. 4 hydroelectric project.

This application was filed with the Federal Energy Regulatory Commission (FERC) on October 26, 1994. Please note that the FERC filing number has changed from UL91-01 to 11503-000. Any further consultation requirements will be directed by the FERC.

Sincerely,

CH2M HILL

John G. Lincoln, P.E.

BOI10013612.WP5/dlb

Boise Office
700 Clearwater Lane, Boise, ID 83712-7708
P.O. Box 8748, Boise, ID 83707-2748
208 345-5310
Fax No. 208 345-5315

Jim Johnson

MEMORANDUM

Date: December 2, 1994

From: Jim Johnson

To: Glen Saxton / Norm

Subject: Water Rights for Soda Springs

==========

Attached is a list of water rights for power located in the Soda Springs area. I have checked with the list of water rights shown on page A-11 and my list contains all of the water rights for power. I did not attempt to compile all of the irrigation, or other, water rights from Soda Creek.

The only comment I have is related to the information presented on page I-1 which represents that the City no longer uses hydro project Nos. 1, 2, and 3. I suspect that some of the water rights listed for the City of Soda Springs are for these projects. I have not attempted to further review the report to find any additional information.

I do not see the "attached" list?
Does this city have adequate rights for the power plant? If not the city should be asked to file.

JWG

(OD-5816)
WR5816NP
SELECTION FILE: JIMSODAPWR

IDAHO DEPARTMENT OF WATER RESOURCES
SOURCE SUMMARY REPORT
BY WATER SOURCE/POINT OF DIVERSION

DATE: 12/02/94
TIME: 12:39:48
PAGE: 1

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
WATER SOURCE: BEAR RIVER									
11-07216	STATE OF IDAHO	C	12/12/1980	A	09S 41E 13 SWSE		1500.000 CFS		28
11-07216	STATE OF IDAHO	C	12/12/1980	A	09S 41E 13 SESE		1500.000 CFS		28
11-02081	UTAH POWER & LIGHT CO.	C	06/12/1922	L	09S 41E 17 SWNW		1500.000 CFS		28
11-02081	UTAH POWER & LIGHT CO.	C	06/12/1922	L	09S 41E 17 SENW		1500.000 CFS		28
11-07216	STATE OF IDAHO	C	12/12/1980	A	09S 41E 24 NENE		1500.000 CFS		28
11-07216	STATE OF IDAHO	C	12/12/1980	A	09S 41E 24 NWNE		1500.000 CFS		28
WATER SOURCE: FORMATION SPRING									
11-07356	CITY OF SODA SPRINGS	C	02/20/1986	A	08S 42E 28 NESE		25.000 CFS		28,40
11-07356	CITY OF SODA SPRINGS	C	02/20/1986	A	09S 42E 6 NWNW		25.000 CFS		28,40
WATER SOURCE: SODA CREEK									
11-00447	LALLATIN, CHRIS	C	08/08/1916	D	08S 41E 25 NWNE		25.000 CFS		28
✓11-02091	CITY OF SODA SPRINGS	C	06/05/1930	L	08S 41E 36 NWNE		50.000 CFS		28
✓11-02156	CITY OF SODA SPRINGS	C	07/23/1936	L	08S 41E 36 NWNE		240.000 AFA		29,30
✓11-02161	CITY OF SODA SPRINGS	C	11/27/1954	L	08S 41E 36 NWNE		40.000 CFS		28
✓11-00495	VILLAGE OF SODA SPRINGS	C	06/01/1907	D	09S 42E 6 NWNW		40.000 CFS		28
✓11-02092	CITY OF SODA SPRINGS	C	06/25/1932	L	09S 42E 6 NWNW		48.000 CFS		28
11-00530	HORSLEY, HERBERT	C	05/01/1889	D	09S 42E 6 SESW		25.000 CFS		28

MEMORANDUM

Date: December 5, 1994

From: Jim Johnson

To: Pam Skaggs

Subject: Prepare Transfer Application for City of Soda Springs

==========

Please review the report and prepare a application for transfer(s) that would update the water rights records to reflect their system.

MEMORANDUM

TO: JIM JOHNSON

FROM: PAM SKAGGS

SUBJECT: SODA SPRINGS APPLICATION FOR TRANSFER

DATE: December 9, 1994

==========

I have reviewed the Soda Creek Hydroelectric Project No. 4 Report and exhibits describing the current system and uses. A total of 5 separate powerplant locations were developed over time, but only plant nos. 4 and 5 are still in operation.

Right Nos. 11-00495 and 11-02092 are used at plant no. 5. Both these rights describe the correct points of diversion and place of use, however the place of use under Right No. 11-00495 was more widely described by the decree as the SW quarter. I also found that the season of use under the decreed right had been limited to irrigation season (04-20 to 09-30) instead of continuous use, year round as described in the decree (Page 10). The database has been updated to reflect the decree. No transfer is required for these two rights.

Right Nos. 11-02091, 11-02156 and 11-02161 serve power plant no. 4 and a transfer is needed to change the place of use and clarify the specifics of these rights. Also, these licenses were issued without a season of use designated and the transfer should identify the historical year round use.

I have partially prepared this transfer application to reflect all the current information. Portions of the application will need to be completed by the applicant: Part 1, Phone, B.6.b.; Part 2, A.10 on all three rights; Part 3, signature and notarization.

Does this application appear correct to you? If you have any questions or suggestions please return to me.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 17, 1995

Mr. W. Lee Godfrey
City of Soda Springs
9 West Second South
Soda Springs, ID 83276

RE: Review of Water Rights & Transfer Application

Dear Mr. Godfrey:

I recently reviewed all of Soda Springs water rights pertaining to power as related to the current uses as described in the Soda Creek Hydroelectric Project No. 4 report and exhibits of October 1994. My review is summarized below for your information and to explain the need for filing an Application for Transfer of Water Rights.

A total of 5 separate powerplant locations were developed over time, but only plant nos. 4 and 5 are still in operation. Right Nos. 11-00495 and 11-02092 are used at plant no. 5 and are described correctly requiring no changes.

Right Nos. 11-02091, 11-02156 and 11-02161 serve power plant no. 4 and a transfer is needed to change the place of use and clarify the specifics of these rights. Also, these licenses were issued without a season of use designated and the transfer should identify the historical year round use.

I have partially prepared this transfer application to reflect all the current information. Portions of the application will need to be completed by you, the applicant: Part 1, Phone, B.6.b.; Part 2, A.10 on all three rights; Part 3, signature and notarization. A $100.00 application fee is required and should be submitted with the completed application form.

The purpose of the transfer application is to accurately reflect current use of these water rights. Please review and confirm that all information on the application form is correct and in accordance with use of water under these rights. While I have attempted to assist you with the preparation of the application, the final responsibility of accuracy and intent of the transfer belongs to the applicant.

If there appears to be any inconsistencies or errors, or you have any questions please contact me directly to discuss the matter either by letter or phone at 327-7943.

Sincerely,

Pamela Skaggs

Pamela Skaggs
Water Resource Agent

Enclosure: Transfer Application

cc: John G. Lincoln, CH2M Hill, P.O. Box 8748, Boise, ID 83712-7708

DATE	INVOICE NO.	P.O. NUMBER	CREDIT	AMOUNT	COMMENTS
1-24-95	16261			$100.00	

Transfer Application - City of Soda Springs
WR# 11-02091/02156/02161
Receipt # CO 32055
01-26-95
CB

Sent to Region

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 – (208) 525-7161 – FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 10, 1995

NEWS EXAMINER
PO BOX 278
MONTPELIER ID 83254

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before March 6, 1995.

Yours truly,

Rita Bodell
Secretary

Enc.

February 21, 1995

DAVID ANDREASON
WATER DIST 33
PO BOX 31
HOWE ID 83244

RE: Application for Transfer No. 4551

Dear Mr. Andreason:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

February 21, 1995

CITY OF SODA SPRINGS
9 W 2ND S
SODA SPRINGS ID 83276

RE: Application for Transfer No. 4550

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the News Examiner on February 16 & 23, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4550

Notice is hereby given that the City of Soda Springs, 9 West 2nd South, Soda Springs, ID, 83276, has applied to the Department of Water Resources to change place of use of the waters of Soda Creek tributary to the Bear River. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 11-02091 Source: Soda Creek
Amount: 50.00 cfs Priority: 06/05/1930
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power.

License No.: 11-02156 Source: Soda Creek
Amount: 240 af Priority: 07/23/1936
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power storage and power from storage.

License No.: 11-02161 Source: Soda Creek
Amount: 40 cfs Priority: 11/27/1954
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power.

TO BE CHANGED AS FOLLOWS:

The water will be used for power and power storage within the LOT 4, SWSW, SEC. 31, T08S, R42E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before March 6, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the News-Examiner on February 16 & 23, 1995.

№ 4917

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 0 6 1995
Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Bear Lake } ss.

Rosa L. Mossman

being duly sworn,

deposes and says:

That he is the ....Editor..... of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2..... consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with February 15, 1995, and ending with the issue of February 22, 1995

Rosa L. Mossman

Fees, #64.67

Subscribed and sworn to before me this 28th day of February, 1995

Sherry Brown

Notary Public, Residing at ~~Montpelier~~ 84619, Idaho

My Commission Expires August 15, 1997

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4550

Notice is hereby given that the City of Soda Springs, 9 West 2nd South, Soda Springs, ID, 83276, has applied to the Department of Water Resources to change place of use of the waters of Soda Creek tributary to the Bear River. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 11-02091
Source: Soda Creek
Amount: 50.00 cfs
Priority: 06/05/1930
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power.

License No.: 11-02156
Source: Soda Creek
Amount: 204 af
Priority: 07/23/1936
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power storage and power from storage.

License No.: 11-02161
Source: Soda Creek
Amount: 40 cfs
Priority: 11/27/1954
Point(s) of Diversion: NWNE, SEC 36, T08S, R41E, CARIBOU COUNTY
The water is used for power.

TO BE CHANGED AS FOLLOWS:

The water will be used for power and power storage within the LOT 4, SWSW, SEC 31, T08S, R42E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before March 6, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Legal No. 4917—Publish Feb. 15, 22, 1995.

IDAHO FISH & GAME
SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

Phil Batt / Governor
Jerry M. Conley / Director

March 3, 1995

RECEIVED
MAR 0 6 1995
Department of Water Resources
Eastern District Office

Harold W. Jones
Water Right Supervisor
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Re: Water Right Transfer Application 4550 -
City of Soda Springs

Dear Harold,

Department personnel have reviewed the application by the City of Soda Springs to change the point of use for three Soda Creek water rights from the defunct power plant 3 to the existing power plant 4, have discussed the application with Lee Godfrey (City of Soda Springs) and have no objection to the change. Since the point of diversion will not change, we anticipate no adverse impact to Soda Creek.

Thank you for the opportunity to review this application.

Sincerely:

G. Tourtlotte

Greg Tourtlotte
Regional Supervisor

GT/JL/jl

cc: Larry Hlavaty
Jim Lukens
Natural Resources Policy Bureau

MEMORANDUM

TO: FILE NOS. 11-02091, 11-02156 & 11-02161

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4550

DATE: May 12, 1995

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Transfer No. 4550 was filed to reflect the changes that have occurred over time to the use of water by the City of Soda Springs for power purposes. Right Nos. 11-02091, 11-02156 and 11-02161 had originally been used in a powerplant that has since been demolished. The transfer clarifies the current place of use and changes the records to reflect the new location.

These rights were licensed in 1942, 1939 and 1957, are located in the Bear River drainage, and contain no subordination or specific power conditions. The storage water is provided from Soda Dam which is regulated by Dam Safety.

The season of use was added to reflect historical year round use. Recommended transfer approval conditions include watermaster control, future measuring and reporting, right-of-way, continued certification of dam and standard transfer conditions.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 18, 1995

CITY OF SODA SPRINGS
9 W 2ND S
SODA SPRINGS ID 83276

Transfer of Water Right Nos. 11-02091/11-02156/11-02161

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4550). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure