

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Date of Filing 7-14-1932
 By F. J. Smith 7-21-1932
 Let F. J. Smith 8-4-1932
 9-13-1932
 10-10-1932
 11-10-1932
 12-10-1932

Application No. 24802
Permit No. 17723

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: Municipal Corporation

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors: Municipal Corporation

II. The financial resources of the applicant are:

(b) Treasury stock

(a) Cash on hand: Municipal Corporation

(c) Bonds to be issued: None

(d) Other resources: Municipal Corporation

2. Quantity of water claimed: 48

cubic feet per second.

3. Source of water supply: Soda Creek

which is a tributary of Bear River

4. Location of point of diversion: N.26° 10' E. approximately 1150 feet distant from the SW

corner of Section 6, T. 9 S., R. 42 E., B. M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 6, T. 9 S., R. 42 E., B. M., County of Caribou

5. Water is to be used for: Municipal Power Purposes (Hydro Electric Plant #2)

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

(a) Point of use of water: In lot 5, Block feet distant from 54, City of Soda Springs, approximately 300 feet distant in a southeasterly direction from the NW corner of Section 7, T. 9 S., R. 42 E., B. M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 1) Section 7, T. 9 S., R. 42 E., B. M.

(b) Amount of power generated: 65

H. P., under 20 feet head.

(c) Water is to be returned to Soda Creek
southeasterly direction
distant from the NW corner of Section 7, T. 9 S., R. 42 E., B. M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)

at a point approximately 470 feet distant in a

Point of Return also known as Lot 8 in Block 54, City of Soda Springs, about center of west end of Section 7, T. 9 S., R. 42 E., B. M. thereof.

7. Estimated cost of works: \$10,000.00

8. Kind of works: Ditch and penstock and dam

9. Height of dam 6 to 7 feet; length of dam at top 126

feet; length of dam at bottom 126

feet; material used in dam: concrete

10. Size of headgate: Width 10

feet; height 4 feet.

11. Ditch: Width at bottom 6

feet; width at water line 8

feet; depth of water 2 $\frac{1}{2}$ to 3

feet; dimensions of flume:

Diameter of pipe penstock 36 to 48

inches; length of conduit 75 feet

Average grade per mile 5

feet.

12. The time required for the completion of such work is six months

years.

13. The time required for the complete application of the water to the proposed use is no

additional years.

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

City of Soda Springs

Applicant.

By Miss Leslie Stewart, City Clerk

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. June 25, 1932

Returned to applicant for correction: July 1, 1932

Corrected application received: July 14, 1932

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17723

Recorded in Book 64 Page 17723 Approved September 20, 1932

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 \$ 1000.00 to be filed on or before November 19, 1932

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 December 20, 1932

The whole of said work to be completed on or before March 20, 1933

Beneficial use of water appropriated in accordance herewith, to be made on or before March 20, 1933

Witness my hand this 20th day of September, 1932

R. W. FARIS

Commissioner of Reclamation.

Remarks: This is a refilling on the old power filing of Soda Springs Mill and Elevator Company, a corporation, with date of priority of August 8, 1916, for 45 cubic feet per second, and also a refilling on the old power filing of Herbert Horsley, with date of priority of May 1, 1889, for 25 cubic feet per second, both of which old filings have been abandoned, and the power site purchased by the City of Soda Springs, Idaho.

Twp.	Range	Sec.	NE $\frac{1}{4}$			NW $\frac{1}{4}$			SW $\frac{1}{4}$			SE $\frac{1}{4}$			Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

PERMIT NO. 17723

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. 17723, issued upon Application No. 24802 bearing date of priority of June 25, 1932, authorizing the diversion of 48 second feet of the waters of Soda Creek, a tributary of Bear River, County of Caribou, State of Idaho, for municipal power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 48 second feet of the waters of Soda Creek, that the point of diversion of said waters is N. 26° 10' E. approximately 1150 feet distant from the SW corner of Section 6, T. 9 S., R. 42 E., B. M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 9 S., R. 42 E., B. M., County of Caribou.

Witness my hand this 29th day of January, A. D. 1934.

R. W. FARIS

Commissioner of Reclamation

Proof of Completion of works made December 5, 1932.
Certificate of Completion of Works issued January 29, 1934.

LICENSE ISSUED FOR 48 SEC. FT.

Vol. 7, Page 3756

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

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

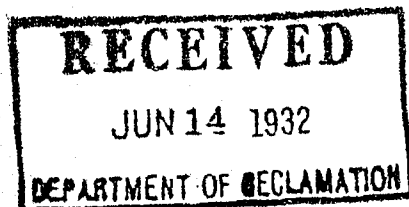
City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

June 13, 1932



Department of Reclamation
Boise, Idaho

Gentlemen:

Will you please send us some blank forms
for water filing, for power purposes.

Yours truly,

Miss Leslie Stewart

City Clerk

17723

June 14, 1932

17723

RE: APPLICATION FOR PERMIT

CITY OF SODA SPRINGS
Soda Springs, Idaho

Gentlemen:

As per your request of the 13th inst., we are enclosing herewith a blank application for permit to appropriate water for power purposes. Laws governing the appropriation of water for power purposes are just the same as those governing the appropriation of water for any other purpose except that notice of such application must be published once a week for at least three consecutive weeks in some newspaper in the county in which the diversion works would be located. The purpose of the publication is to give any interested party a chance to protest approval of the same. In case a protest is filed a hearing is held at which time all interested parties are given an opportunity to present the facts of the case. In the event that the quantity of water claimed is less than 100 cubic feet per second or the project will develop less than 500 theoretical horse power, publication is not necessary. In the latter case notice of the application must be posted in a conspicuous place in the Department of Reclamation for a period of 60 days. At the termination of the 60 days, if no protests have been filed, the application passes to permit in the regular course.

Submit duplicate maps showing the location of your SOURCE OF SUPPLY, the STREAM to which your source of supply is tributary, the POINT where the water will be diverted, the POINT OF USE and POINT OF RETURN of the water to the stream. If the quantity of water claimed is less than 10 cubic feet per second the township plats which accompany the application will suffice. If, however, the quantity of water claimed is more than 10 cubic feet per second you must submit a tracing and a blueprint in which case you must give the exact bearing and distance of the POINT OF DIVERSION, POINT OF USE and POINT OF RETURN from some government survey corner.

17723

City of Soda Springs # 2

June 14, 1932

Your application fee is computed at the rate of \$5.00 for the first second foot or less and 25¢ for each additional second foot or fraction thereof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Office Engineer

PH/LP
Encl.

17723

J. W. LAURIE, N. MAYOR
LESLIE STEWART, CLERK
MRS. W. M. S. GAGON, TREASURER

COUNCILMEN
L. D. WOODALL
T. S. HOPKINS
S. E. MATTHEWS
C. A. LALLAN

City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

June 25, 1932

Department of Reclamation
Boise, Idaho

Gentlemen:

Inclosed you will please find application
for Power Filing, also filing fee.

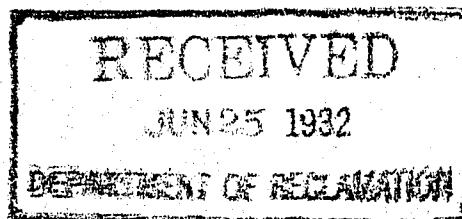
Very truly yours,

Leslie Stewart

City Clerk

P.E. Blue print mailed under separate cover

2.3



17723

July 1, 1932

17723

MISS LESLIE STEWART
City Clerk
Soda Springs, Idaho

Dear Miss Stewart:

We are herewith returning the application of the City of Soda Springs to appropriate 48 cubic feet per second of the waters of Soda Creek for power purposes, in order that it may be corrected.

With reference to paragraph 4 and 6 the POINT OF DIVERSION, POINT OF USE, and POINT OF RETURN should each be tied to some government survey corner giving the exact bearing and distance of each.

We are also returning your maps in order that they may be corrected in accordance with the above. After the application has been received in proper form we will prepare duplicate notices for publication in accordance with Chapter 212, 1929 Session Laws. Both copies will be forwarded to you to acknowledge service upon the same, and upon their return to this Department, a copy will be forwarded to a newspaper designated by you for publication.

The publication will be made once a week for three consecutive issues. The statutes only provide for publication for a period of three weeks; however, the application cannot pass to permit for a period of 60 days from the date when such notice is prepared in this Department. After a period of 60 days has elapsed, if no protests have been filed, the application will pass to permit in the regular course.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Office Engineer

PLH/lwp
Encl.

17723

J. W. LAURSON, MAYOR
LESLIE STEWART, CLERK
MRS. W. M. S. GAGON, TREASURER

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

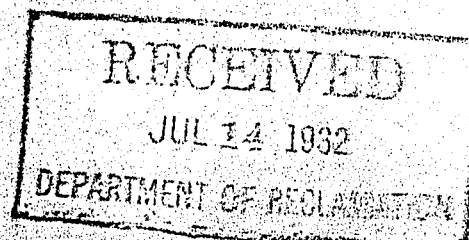
City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

July 13, 1932



Department of Reclamation
Boise, Idaho

Gentlemen:

We are returning to you to-day applications
for permit for water filing, also tracing and blue
print.

Corrections have been made as per your
letter of July 1st., I hope these corrections
are right.

Yours truly,

Miss Leslie Stewart

City Clerk

17723

July 15, 1932

17723

Re: Application No. 24802

MISS LESLIE STEWART
City Clerk
Soda Springs, Idaho

Dear Miss Stewart:

We are herewith enclosing notice in duplicate of the application of the City of Soda Springs to appropriate 48 cubic feet per second of the waters of Soda Creek for power purposes. Please acknowledge service on both copies. One copy is to be returned to this Department and the other copy should be forwarded to some newspaper in Caribou County with instructions to publish the notice once a week for three successive issues. This publication should be made within 21 days of the date of service.

After the publication has been completed the newspaper should furnish this Department with an affidavit of proof of publication. This is all in accordance with Chapter 212, 1929 Session laws. After 60 days have elapsed from the date of this notice if no protests have been filed the application will pass to permit in the usual way. In case a protest is filed you will be notified and there will be a hearing at which time the application will either be approved or rejected upon its merits and the evidence introduced in the hearing.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Office Engineer

PLH/lwp
Encl.

17723

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATIONNOTICE 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 25th day of June, 1932 The City of Soda Springs, made application No. 24302 to appropriate Forty-eight cubic feet per second of the waters of SODA CREEK for Municipal Power Purposes.

That the said water is to be diverted in:

N. 26° 10' E, approximately 1150 feet distant from the Southwest corner of Section 6, T. 9 S., R. 42 E.B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 9 S., R. 42 E.B.M., County of Caribou.

That the point of use of water is:

In Lot 5, Block 54, City of Soda Springs, Idaho, approximately 300 feet distant from the NW corner of Sec. 7, T. 9 S., R. 42 E.B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1, Sec. 7, T. 9 S., R. 42 E.B.M.

The point of return of said water is:

Soda Creek at a point approximately 470 feet distant from the Northwest corner of Sec. 7 T. 9 S., R. 42 E.B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1 of Sec. 7 T. 9 S., R. 42 E.B.M. (Point of Return also known as Lot 8 in Block 54 of City of Soda Springs, Idaho, about center of west end thereof)

That any protests against the approval of this application should be filed in the Department of Reclamation within sixty- (60) 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 14th day of July, 1932.

W. L. Davis
Commissioner of Reclamation

Date of first publication: July 21st

Date of last publication: Aug 4th

SERVICE of the foregoing, by copy, is hereby admitted,
this 16th day of July, 1932.

RECEIVED

JUL 18 1932

DEPARTMENT OF RECLAMATION

The City of Soda Springs
Applicant

17723

Wm. L. Stewart
Agent

17723

RECEIVED

SEP 17 1932

DEPARTMENT OF RECLAMATION

Affidavit of Publication

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

Helen Roberts

being first duly sworn
 on oath, states:

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

Springs Chieftain, 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 con-
 tinuously for ever seventy-eight consecutive weeks, prior to the first
 publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping at-
 tached in the regular and entire edition of said newspaper and not in any

supplement thereof for *three* successive weekly issues

thereof, the date of the first publication being the *21st*

day of *July* 19*22*, the date of the last publi-

cation being the *14th* day of *August*

19*22*

Helen Roberts

Subscribed and sworn to before me this *5th*

day of *August* 19*22*

(SEAL)

Robert Horsley
 Notary Public, residing at Soda
 Springs, Idaho.

My Commission expires the *21st*

day of *Jan* 19*22*

CHAPTER 212, 1929 LAWS.

NOTICE IS HEREBY GIVEN That
 on the 25th day of June, 1932, the
 City of Soda Springs, made applica-
 tion No. 24802 to appropriate Forty-
 eight cubic feet per second of the
 waters of SODA CREEK for Muni-
 cipal Power Purposes.

That the said water is to be di-
 vided in:

N. 26 degrees 10 minutes E, approx-
 imately 1150 feet distant from the
 southwest corner of Section 6, T. 9
 S., R. 42 E. B. M., and is in the
 NW 1/4 SW 1/4, Sec. 6, T. 9 S., R. 42 E.
 B. M., County of Caribou.

That the point of use of water is:
 In Lot 5, Block 54, City of Soda
 Springs, Idaho, approximately 300
 feet distant from the NW corner of

Sec. 7, T. 9 S., R. 42 E. B. M. in the
 NW 1/4 NW 1/4, Lot 1, Sec. 7, T. 9 S., R.
 42 E. B. M.

The point of return of said water
 is:

Soda Creek at a point approximate-
 ly 470 feet distant from the North-
 west corner of Sec. 7 T. 9 S., R. 42
 E. B. M., in the NW 1/4 NW 1/4, Lot 1,
 of Sec. 7 T. 9 S., R. 42 E. B. M.
 (Point of Return also known as Lot
 8 in Block 54 of City of Soda Springs,
 Idaho, about center of west end
 thereof.)

That any protests against the ap-
 proval of this application should be
 filed in the Department of Reclama-
 tion within sixty (60) 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 14th day of July, 1932.
 R. W. FARIS,

Commissioner of Reclamation
 Date of first publication: July 21
 Date of last publication: August 4

SERVICE of the foregoing, by copy,
 is hereby admitted, this 16th day of
 July, 1932.

THE CITY OF SODA SPRINGS,
 Applicant
 Miss Leslie Stewart, City Clerk,
 Agent

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

17723

State of Idaho

DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17723

Boise, Idaho,

Dear Sir:

September 20, 1932

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
Soda Springs, Idaho

R. W. FARIS
Commissioner of Reclamation.

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Permit No. 17723

September 20, 1932

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 November 19 1932 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

R. W. FARIS
Commissioner of Reclamation

17723

September 13, 1932

Re: Application for Permit No. 24802

Miss Leslie Stewart
City Clerk
Soda Springs, Idaho

Dear Miss Stewart:

Under date of June 25, 1932, an application for the City of Soda Springs to appropriate 48 cubic feet per second of the waters of Soda Creek was received in this department. On July 14 a notice in duplicate for publication in accordance with Chapter 212, 1929 Session Laws, was prepared and mailed to you with the request that you acknowledge service on both copies of the same. In accordance with our instructions you returned one copy of the notice to this department. The other copy was to have been mailed to some paper in Caribou county with instructions to publish it once a week for three successive issues.

To date we have not received an affidavit of proof of publication from a newspaper. As the application is now ready to pass to permit, it would be appreciated if you would communicate with the newspaper and request them to file the affidavit at once. Upon receipt of this affidavit the application will be approved as no protests have been filed.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:MC

17723

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

COUNCILMEN
J. D. WOODALL
T. S. 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 13, 1932

Mr. Carl E. Henry
Department of Reclamation
Boise, Idaho

Re: Application for Permit
No. 24802

Dear Mr. Henry:

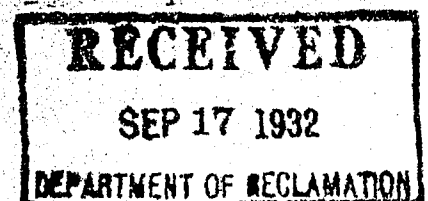
In answer to your letter of Sept. 13th., I have ask the newspaper to mail you an affidavit on publication of notice for power filing, infact, at the time the notice was given to them for publication they were instructed to mail affidavit to you, but had neglected to do so until I received your letter.

I hope you hear from them at once.

Very truly yours,

Miss Leslie Stewart

City Clerk



17723

17723

September 20, 1932

Re: Application for Permit No. 24802
City of Soda Springs

Miss Leslie Stewart
City Clerk
Soda Springs, Idaho

Dear Madam:

This will acknowledge receipt of the affidavit of proof of publication from the Soda Springs Chieftain.

Your application is now in completed form and it will pass to permit within the next couple of days. As soon as the permit has been recorded upon the department records, the original will be returned to you, together with our office receipt for the filing fee.

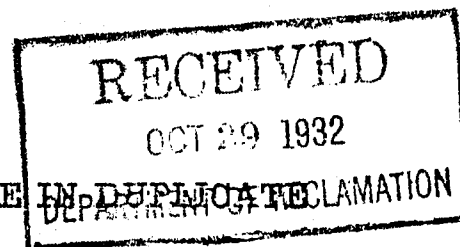
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Ensr.

PEH:MC

17723



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 28th, 1932.

(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.

City of Soda Springs, Idaho

By: Leslie 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.

17723

Notice for Publication

RECEIVED

December 29 1932

DEPARTMENT OF RECLAMATION

State of Idaho

Notice is hereby given that at 1:00 P.M., on the 5th day of December, 1932, at Soda Springs, County of Caribou, before S.E. Matthews, a Notary Public, proof will be submitted of the completion of works for the diversion of 48 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 Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Soda Springs, Idaho (a municipal corporation).
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 17,723 and the date set for the completion of such work is March 20, 1933 ~~November 21st, 1932~~
4. Said water is to be used for municipal electric light and 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 48 cubic feet per second.
6. The amount of lands for which said water is available is nil acres, particularly described as follows:
Water is diverted for the purpose of generating electricity and not
for irrigation purposes. Point of use of water: In Lot 5, Block 54,
of the City of Soda Springs, Idaho, approximately 300 feet distant S.E.
from the NW corner of Sec. 7, T. 9 S., R. 42 E., B.M., in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ (Lot 1)
of Sec. 7, T. 9 S., R. 42 E., B.M., in Caribou County, Idaho.

R.W. Harris
 Commissioner of Reclamation.

17723

J. W. LAURIE, Mayor
LESLIE STEWART, Clerk
MRS. W. M. S. GAGON, Treasurer

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

City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

October 19, 1932

Department of Reclamation
Boise, Idaho

Gentlemen:

Reference Power Filing Permit #17723.

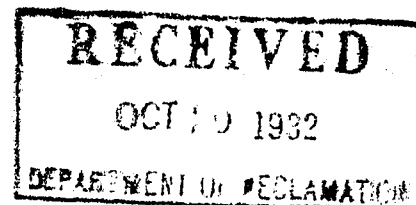
We expect to have the Power Plant completed and the power running by November 10, 1932, is it necessary for us to file a bond for \$1000.00 at your office?, if so we will be glad to do so, and if not, if we see that the plant wont be going by Nov. 19, 1932 we will then file a bond.

Please let us know so we can get our bond in time if it is necessary to file one.

Yours truly,

Miss Leslie Stewart

City Clerk



17723

October 24, 1932

Re: Permit No. 17723
City of Soda Springs

Miss Leslie Stewart
City Clerk
Soda Springs, Idaho

Dear Madam:

We have your letter of the 19th inst. in which you state that the power plant contemplated under the above mentioned permit will be completed by November 10, 1932. If this proves to be the case, you need not file a bond providing you start to make your proof of Completion of Works prior to November 19, which is the date the bond is due in this department. If you find that you will be unable to start your proof of Completion of Works by November 19, it will then be necessary for you to file a bond.

The procedure for making proof for completion of works provides for publication of a notice of the permit holder's intention to offer proof. This publication must be made once a week for four successive weeks. The date when proof is to be offered must be set far enough ahead so that there will be sufficient time for the publication. About ten days prior to the date when proof is to be offered depositions, one for the holder and one each for two witnesses are mailed from this department to the Notary Public or other officer before whom the depositions are to be taken. After the depositions have been properly executed they are forwarded together with the affidavit of proof of publication from the newspaper to this department.

At a later date a field examination is made by an engineer from this department for the purpose of determining the capacity of the works.

For your convenience we are enclosing a blank notice in duplicate for publication in the matter of proof of Completion of Works, and also Form 11, which is your authorization to this department to have the publication made. You should also designate the name of the newspaper on Form 11. This publication must be made in the county within which the diversion works are situated.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:MC
Encl.

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date November 3, 1932

The 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 December 5, 1932, the date set for proof, the expense of the publication to be paid by the applicant,

City of Soda Springs, Soda Springs, Idaho (c/o City Clerk)
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. W. FARIS

Commissioner of Reclamation

17723

November 3, 1932

Re: Permit No. 17723
City of Soda Springs

Miss Leslie Stewart
City Clerk
Soda Springs, Idaho

Dear Madam:

This will acknowledge receipt of your notice in duplicate for publication in connection with proof of Completion of Works under the above mentioned permit, and also your authorization to have the notice published in the Soda Springs Sun.

A copy of the notice has been mailed to the Soda Springs Sun with instructions to publish it once a week for four successive weeks. We have changed the date on which proof will be made from the 25th day of November to December 5th in order to provide sufficient time for the publication.

Depositions, one for the holder, and one each for two witnesses will be mailed to S. E. Matthews, Notary Public, Soda Springs, Idaho. These will be mailed far enough ahead so that he will have them in ample time to accept your proof.

Very truly yours,

H. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

ELH:MC

17723

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. S. E. Mathews
Notary Public
Soda Springs, Idaho

Boise, Idaho,
November 28, 1932

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 17723

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 December 5, 1932, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Soda Springs, Idaho
before S. E. Mathews, Notary Public

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

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

Yours truly,

R. W. FARIS

Commissioner of Reclamation

17723

J. W. LAURITZ, MAYOR
LESLIE STEWART, CLERK
MRS. W. M. S. GAGON, TREASURER

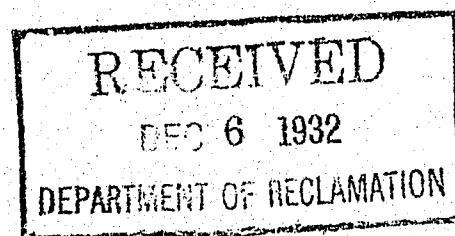
COUNCILMEN:
J. D. WOODALL
T. S. HORSLEY
S. E. MATTHEWS
C. A. LALLATIN

City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY
"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

December 5, 1932



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

Dear Sir:

Inclosed please find Proof of Completion of Works
of Power Filing Permit NO. 17723, Deposition of Holder,
also Deposition of two Witness and Affidavit of Publication.

Very truly yours,

Leslie Stewart

City Clerk

17723

PERMIT NO. 17723

RECEIVED

DEC 8 1932

DEPARTMENT OF RECLAMATION

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. J. W. Lauritson, Mayor of the City of Soda Springs, Idaho; Leslie Stewart, City Clerk of the City of 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. Appearing for: CITY OF SODA SPRINGS, IDAHO (a municipal corporation) Affiants appearing in the capacity of Mayor and City Clerk and in accordance with Minutes of the meeting of the City Council of Soda Springs, Idaho held under date November 21st, 1932.

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

Ans. #17723; dated June 23rd, 1932; 48 cubic feet per second; from Soda Creek; N. 26° 10' E. approximately 1150' distant from the Southwest corner of Sec. 6, T. 9 S., R. 42 E., B. M. 415 in the SW 1/4 of Sec. 6, Caribou County

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. Water to be used for Municipal Power Purposes (Hydro Electric Plant No. 2 of the City of Soda Springs, Idaho.)

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

Ans. Yes, water has been turned into works of diversion under date of Nov. 9, 1932 to the extent of 48 cubic feet per second and continuously since the said 9th day of November 1932.

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, fully completed in compliance with all terms of the permit.

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

Ans. No variances.

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

Ans. ^{Concrete} Diversion dam: 126 ft. in length by 6 1/2'; Cost \$1484.52. Diversion Canal: 6' wide at bottom; 8' wide at water line; depth 2 1/2 to 3'. Total Cost of Dam; canal, spillway, penstock, forebay, bridges, tail race, and Power House (Not including machinery): \$6,069.64.

Attest: Leslie Stewart
City Clerk.

CITY OF SODA SPRINGS, Idaho
(Sign here.) J. W. Lauritson
Mayor

I hereby certify that the foregoing testimony was read to the above subscribers before its signing, that I believe ~~him~~ ^{them} to be the persons ~~who~~ ^{ed} represent ~~himself~~ ^{the} and that said testimony was subscribed and sworn to before me, in Soda Springs

County of Caribou, State of Idaho, on this 5th day of December A. D. 1932

J. E. Thacker

Notary Public.

My Commission expires Aug. 2nd, 1934.

17723

Permit No. 17723

1932

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. J. D. Woodall, residence Soda Springs, Idaho, occupation
 Sheep Inspector for the State of Idaho. Postoffice Address Soda Springs,
 Idaho.

Ques. 2. Are you acquainted with the City of Soda Springs, Idaho, the
 holder of Permit No. 17723, authorizing the diversion of forty-eight second-feet of the
 waters of Soda Creek at a point N. 26° 10' E.
 approx. 1150' distant from the SW Corner of Sec. 6, T. 9 S., R. 42 E., B.M.,
 for Power purposes? How long have you known him, and where does he reside the
 applicant for this permit?

Ans. Yes; I have been acquainted with the City of Soda Springs, Idaho
 for forty-three years.

Ques. 3. Have you read or heard read said Permit No. 17723, and are you familiar
 with its terms and conditions?

Ans. Yes.

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

Ans. Water is diverted and used by the City of Soda Springs for
 generating electricity and 48 c.f.s. of water can be used to good advantage.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to con-
 vey 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. One 126' concrete diversion dam; a canal 6' wide at the bottom,
 8' wide at water line and averaging 4' in height and being 1235 feet in
 length. The works of diversion will readily handle 48 c.f.s.

(Sign here.)

J. D. Woodall

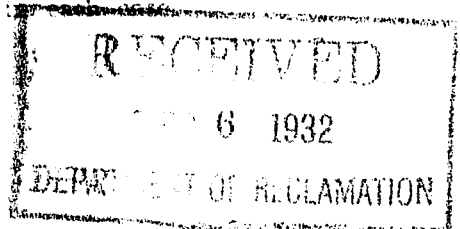
I hereby certify that the foregoing testimony was read to the above subscriber before
 its signing, that I believe him to be the person he represents himself to be, and that said
 testimony was subscribed and sworn to before me, at my office in Soda Springs,
 County of Caribou, State of Idaho, on this 5th
 day of December, A. D. 1932.

[Signature]
 Notary Public.

17723

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

Permit No. 17723



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Max W. Snell, residence Soda Springs, Idaho, Electrician, postoffice address Soda Springs, Idaho.

Ques. 2. Are you acquainted with the City of Soda Springs, Idaho, the holder of Permit No. 17723, authorizing the diversion of forty-eight second-feet of the waters of Soda Creek at a point N. 26° 10' E. approx. 1150' distant from the SW Corner of Sec. 6, T. 9 S., R. 42 E., B. M., for Power purposes? How long have you known him, and where does he reside the applicant for this permit?

Ans. Yes: I have been acquainted with the City of Soda Springs, Idaho for about 18 years.

Ques. 3. Have you read or heard read said Permit No. 17723, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. Water is diverted and used by the City of Soda Springs, Idaho for generating electricity and 48 c.f.s. of water can be used to good advantage.

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. One 126' concrete diversion dam; a canal 6' wide at the bottom, 8' wide at water line and averaging 4' in depth and being 1235 feet in length. The works of diversion will readily handle 48 cubic feet per second.

(Sign here.)

Max W. 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 5th day of December, A. D. 1932.

L. G. Hankins
Notary Public.

17723

Affidavit of Publication

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 Three successive weekly issues

thereof, the date of the first publication being the 17th

day of November, 1932, the date of the last publication

being the 1st day of December, 1932.

Wm S Hildreth

Subscribed and sworn to before me this 5th

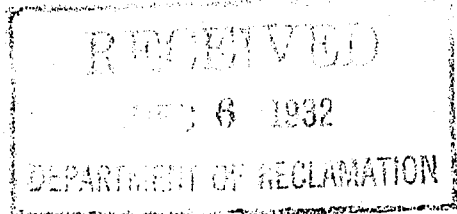
day of December, 1932.

(SEAL)

Notary Public residing at Soda
Springs, Idaho.

My Commission expires the 18
day of September, 1935.

COST: 53 lines at 10 cents a line for the first insertion
and 5 cents a line for each of 2 subsequent insertions,
total \$ 10.60



NOTICE FOR PUBLICATION

Notice is hereby given that at 1:00 P. M., on the 5th day of December, 1932, at Soda Springs, County of Caribou, State of Idaho, before S. E. Matthews, a Notary Public, proof will be submitted of the completion of works for the diversion of 48 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 Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Soda Springs, Idaho, (a municipal corporation).

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 17,723, and the date set for the completion of such work is March 20, 1934.

4. Said water is to be used for municipal electric light and 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 48 cubic feet per second.

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

Water is diverted for the purpose of generating electricity and not for irrigation purposes. Point of use of water: In Lot 5, Block 54, of the City of Soda Springs, Idaho, approximately 300 feet distant S. E. from the NW corner of Sec. 7, T. 9 S., R. 42 E. B. M., in the NW 1/4-NW 1/4 (Lot 1) of Sec. 7, T. 9 S., R. 42 E. B. M. in Caribou County, Idaho.

R. W. FARIS,
Commissioner of Reclamation

17723

December 9, 1932

RE: PERMIT NO. 17723
City of Soda Springs

Miss Leslie Stewart
City Clerk
Soda Springs, Idaho.

Dear Madam:

The following papers executed in connection with proof of Completion of Works under the above mentioned permit were received in this department under date of December 6th: deposition of the holder, depositions one each of two witnesses, and also affidavit of proof of publication from the Spring Sun, Soda Springs.

These papers have been satisfactorily completed, and they will be placed on file in this department until such time as a field examination can be made by an engineer from this department.

After the field examination has been made and the engineer's report filed you will be further notified as to fees due for proof of Completion of Works before the certificate of completion is issued.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLE:MC

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

January 13, 1933

CITY OF SODA SPRINGS

MISS LESLIE STEWART

City Clerk

Soda Springs, Idaho

Dear Sir:—

I enclose herewith ~~blank~~ notice of proof of application of water to beneficial use under your permit No. 17723, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is March 20, 1933 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.

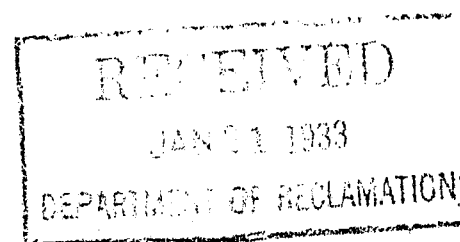
Yours truly,

R. F. FARIS

~~DEPARTMENT OF RECLAMATION~~

Commissioner of Reclamation.

17723



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 18th, 1933

(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 #1 Sun of Soda Springs, Idaho, published in
the county in which the works are situated.

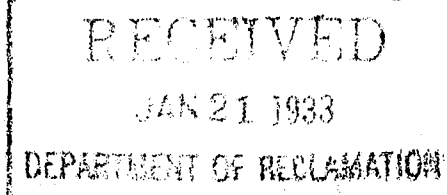
Miss Leslie Stewart
City Clerk of the City of Soda Springs,
Soda Springs, Idaho

(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.

17723



NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m. on the 20th day of March, 1933
at Soda Springs, County of Caribou, State of Idaho,
before S. E. Matthews, a Notary Public, proof will be submitted
of the application to beneficial use of forty-eight cubic feet per second of the
waters of Soda Creek in accordance with the terms and conditions of
Permit No. 17723 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
City of Soda Springs (a municipal corporation) Soda Springs, Idaho
The use to which said water has been applied is Generating Electricity.

The amount applied to beneficial use is 48 cubic feet per second.
The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) the East 1/2 of
In Lot 5 of Block 54 of the City of Soda Springs, Idaho
approximately 300 feet distant (southeast) from the Northwest corner
of Section 7, Twp. 9 S., R. 42 E., B. M., in the NW 1/4 - NW 1/4 (Lot 1) of
Sec. 7, Twp. 9 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 No. 2 Canal (formerly known as the Soda Springs Mill &
Elevator Co., Canal).
The right to take water from such works is based upon Permit No. 17723

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

The date of the priority which said user is prepared to establish is November 9, 1932

R. W. FARIS
Commissioner of Reclamation.

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date January 23, 1933

The 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 March 20, 1933, the date set for proof, the expense of the publication to be paid by the applicant.

The 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

17723

January 21, 1933

RE: PERMIT NO. 17723
City of Soda Springs

MISS LESLIE STEWART
City Clerk
Soda Springs, Idaho

Dear Madam:

This will acknowledge receipt of your notice in duplicate in connection with Beneficial Use proof, and also your authorization to have the notice published in the Soda Springs Sun, Soda Springs, Idaho. A copy of the notice will be mailed at once to the newspaper with instructions to publish it once a week for four consecutive weeks prior to March 20th.

About ten days prior to the date when you will offer proof, depositions one for the holder and one each for two witnesses will be mailed to Mr. S. E. Matthews, Notary Public, Soda Springs. After the depositions have been executed they should be mailed to this department, together with the affidavit of proof of publication from the newspaper.

Proof of Completion of Works has been offered under this permit, and is now awaiting field examination. Proof of application of water to Beneficial Use will be completed before a field examination can possibly be made for Completion of Works. Consequently one examination will suffice to take care of both matters. This examination will probably be made sometime next spring, or in the early part of the summer, when weather conditions will permit.

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

By _____
Chief Clerk & Office Engineer

PIH:MC

17723

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,
March 14, 1933

Mr. S. E. Mathews
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. 17723

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 March 20th, 1933, 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 Soda Springs, Idaho before S. E. Mathews, Notary Public

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

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

Yours truly,

R. W. F. FIS

Commissioner of Reclamation.

17723

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

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

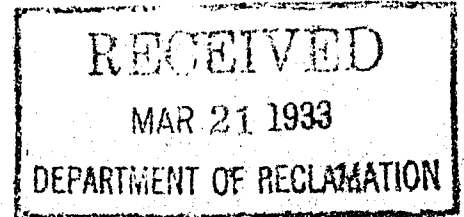
City of Soda Springs

COUNTY SEAT AND COMMERCIAL CENTER OF CARIBOU COUNTY

"YOU'LL LIKE SODA SPRINGS"

SODA SPRINGS, IDAHO

March 20, 1933



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

Permit No. 17723

Dear Sir:

Inclosed you will please find for Proof
of Application of Water to Beneficial Use, one
Deposition of Holder, two Depositions of Witness,
and affidavit of publication of notice.

Very truly yours,

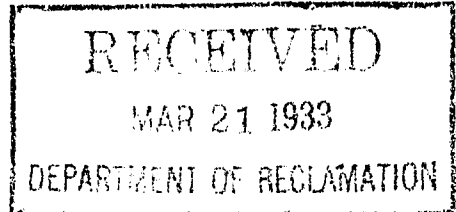
Miss Leslie Stewart

4 Incl.

City Clerk

17723

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17723

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, IDAHO, a municipal corporation

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

Ans. CITY OF SODA SPRINGS, IDAHO, Soda Springs, Idaho, a municipal corp.
J.W. Lauritson, Mayor; Leslie Stewart, Clerk.

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

Ans. 17723, dated Sept. 20, 1932, date of priority June 25, 1932.

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

Ans. Soda Creek; diverted N. 26° 10' E. approximately 1150 feet distant from the Southwest Corner of Sec. 6, Tp. 9 S., R. 42 E.B.M. in the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Sec. 6, T. 9 S., R. 42 E., B.M.

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

Ans. Concrete dam; canal capable of conveying 48 c.f.s to place of use; name of canal "Power Canal No. 2," formerly known as Soda Springs Mill & Elevator Co., 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. Used to generate electricity in NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Sec. 7, T. 9 S., R. 42 E., which location is also described as in the E $\frac{1}{2}$ of Lot 5, Block 54 of the City of Soda Springs, Idaho

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

Ans. Used to generate electricity; 83 Horse Power developed.

17723

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

Ans. 48 c.f.s.

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

Ans. ----

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

Ans. Used practically continuously since November 9th, 1932.

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. ----

ATTEST:

Perley Stewart
City Clerk.

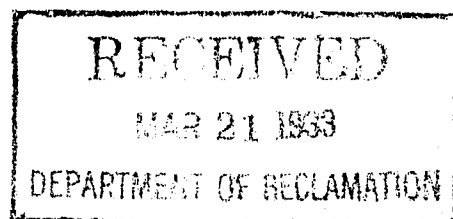
CITY OF SODA SPRINGS, Idaho
(a municipal corporation)

(Sign) By: J. W. Lauritzen
Mayor

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Soda Springs, County of Caribou, State of Idaho, on this 20th day of March, A. D. 1933.

Stephen A. Andrews
Notary Public

My commission expires Aug. 2nd, 1936.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHOPERMIT NO. 17723

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. T. W. CULLY, age 58, residence Soda Springs Idaho
civil engineer

Ques. 2. Are you acquainted with City of Soda Springs Idaho, the holder of Permit No. 17723? How long have you known him and where does he reside?

Ans. Yes - 20 years acquaintance

Ques. 3. Have you read or heard read said Permit No. 17723, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Soda Creek; diverted at a point in the SW 1/4 Sec 4
of Sec 6, Twp 9 S, R 42 E conducted by canal 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. 48 c.f.s. and 48 c.f.s. have been conveyed

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

Ans. Water is used to generate electricity in the SW 1/4
Sec 7, T. 9 S, R 42 E

17723

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

Ans. 48 c.f.s.

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

Ans. ✓

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

Ans. No.

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

Ans. 48 c.f.s. conducted through power canal almost constantly during the past three months

(Signed) W. C. Kelly

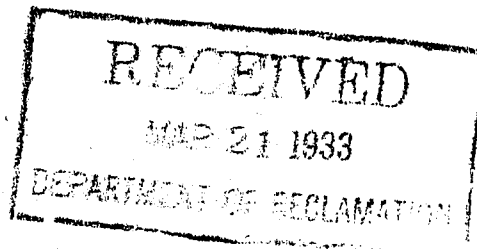
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Soda Springs, County of Caribou, State of Idaho, on this day of Twentieth (20th), A. D. 1933.

A. B. Hutchins

Notary Public.

My commission expires Aug. 2, 1936.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17723

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. Max W. Snell, age 30, residence Soda Springs, Idaho, by occupation Electrician, post office address Soda Springs, Idaho

Ques. 2. Are you acquainted with the City of Soda Springs, Idaho, the holder of Permit No. 17723? How long have you known him and where does he reside?

Ans. Yes; since 1914.

Ques. 3. Have you read or heard read said Permit No. 17723, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Soda Creek, diverted in the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of Sec. 6, T. 9 S., R. 42 E., which is conveyed to place of use by canal.

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. 48 c.f.s. and 48 c.f.s. has been conveyed.

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. Used to generate electricity in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Sec. 7, T. 9 S., R. 42 E., B.M.

17723

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

Ans. 48 c.f.s.

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

Ans. ---

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

Ans. No.

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

Ans. 48 c.f.s. conducted through power canal almost constantly since
November 9th, 1932.

(Signed)

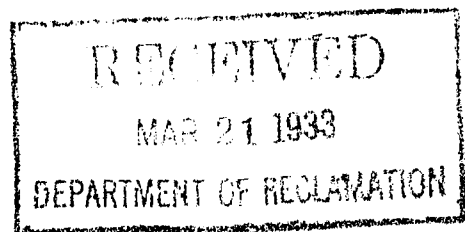
Wm. W. Sull

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 day of Twentieth (20th), A. D. 19 33.

J. C. Matthews

Notary Public.

My commission expires Aug. 2nd, 1936.



Affidavit of Publication

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 Four successive weekly issues

thereof, the date of the first publication being the 26th

day of January, 1933, the date of the last publication

being the 16th day of February, 1933

Wm S Hildreth

Subscribed and sworn to before me this 4th

day of March, 1933

(SEAL)

R. W. Faris
Notary Public, residing at Soda Springs, Idaho.

My Commission expires the 18th
day of Sept, 1935

COST: 53 lines at 10 cents a line for the first insertion

and 5 cents a line for each of 3 subsequent insertions,

total \$ 13.25

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use:

Notice is hereby given that at 10:00 a. m. on the 20th day of March, 1933, at Soda Springs, County of Caribou, State of Idaho, before S. E. Matthews, a Notary Public, proof will be submitted of the application to beneficial use of forty-eight cubic feet per second of the waters of Soda Creek in accordance with the terms and conditions of Permit No. 17723 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

The use to which said water has been applied is Generating Electricity.

The amount applied to beneficial use is 48 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) In the East 1/2 of Lot 5 of Block 54 of the City of Soda Springs, Idaho, approximately 300 feet distant (southeast) from the Northwest corner of Section 7, Twp. 9 S., R. 42 E., B. M., in the NW 1/4 NW 1/4 (Lot 1) of Sec. 7, Twp. 9 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 No. 2 Canal (formerly known as the Soda Springs Mill & Elevator Co., Canal.)

The right to take water from such works is based upon Permit No. 17723.

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

The date of the priority which said user is prepared to establish is November 9, 1932.

R. W. FARIS,
Commissioner of Reclamation

17723

March 21, 1933

RE: PERMIT NO. 17723
City of Soda Springs

MISS LESLIE STEWART
City Clerk
Soda Springs, Idaho

Dear Madam:

This will acknowledge receipt of the depositions executed in connection with Beneficial Use proof under the above permit, also the affidavit of proof of publication from the newspaper.

As you were previously informed, a field examination will also be required in connection with this proof. Since the examination on proof of Completion of Works is pending at present, one examination will suffice for both proofs. Our field man will very likely be in that section sometime in the early part of the summer, at which time he will arrange to make this examination.

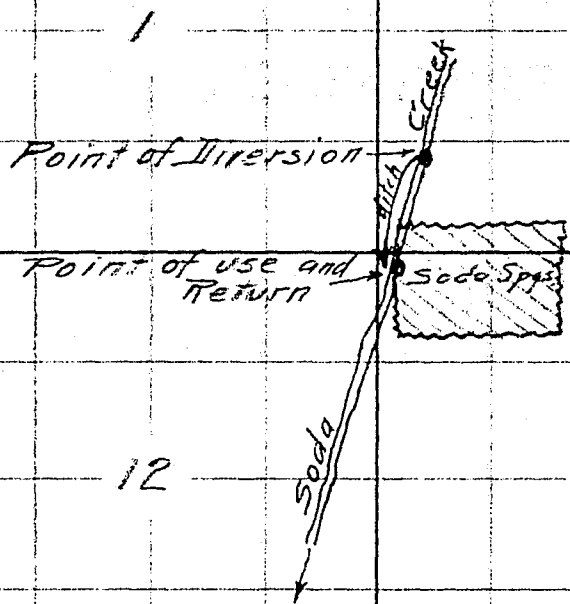
Nothing further will be required in connection with this permit until the field engineer's report has been received. You will then be further notified as to fees due before your certificate of Completion of Works and your license are issued.

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

By _____
Chief Clerk & Office Engineer

PLH:MC

17723



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17723

This proof is for JOINT USES

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 N 26° 10' E. Approx. 1150 ft. ~~of Section~~ distant from
SW corner of Section 6,
T. 9 S. R. 42 E. B. M. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Earth dike 70 ft long, Concrete wall or dam 8" thick x 6' high x 110' long ^{and} canal section 1120 ft long x 12' bottom width. Wasteway of 2-5 ft x 3 ft openings. Capacity 48 Sec. Ft. An additional spillway near power station is 50 ft ~~long~~ length x 4 ft wide ^{and} 3 ft deep

5. Water is used for: Municipal 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):

Pemstock head is 5 ft wide reducing to 42" welded steel pipe. Tail race excavated 12' deep, 10' wide and 100 ft long to point of return. Brick power house 24' x 18'. One 62½ K.V.A. Generator, Turbine Plant develops 86 H.P. for municipal power and lighting purposes

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

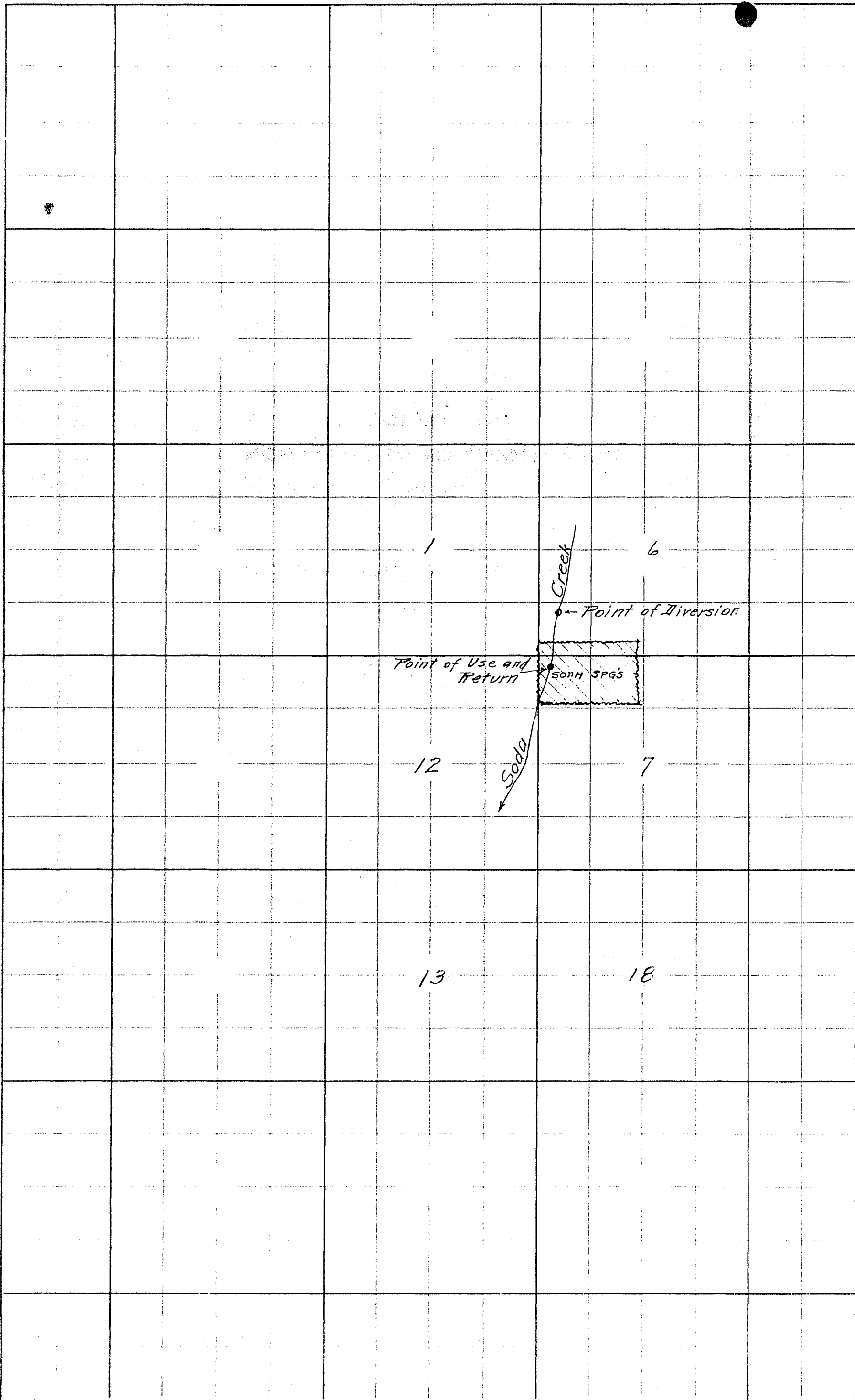
8. What large stream would the water here appropriated finally reach? Bear River

Remarks _____

This examination was made on the 15th day of June, 1922

(Signed)

Wm. J. Delmar
Examiner.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17723

This proof is for BEN. USE

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 N 26° 10' E 1150 ft distant from SW corner Section 6
T. 9 S. R. 42 E. B.M. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Earth dike 90 ft long. Concrete dam or wall 8" thick, 6' high x 110' long. Canal Section 1120 ft long x 12' bottom width. Waste way with 2 openings 5' x 3' and spillway flume 50 ft long x 4 ft wide and 3' high. Power house 24 x 18'. Turbine 3/4 162 1/2 K. V. A. develop 86 H.P.

5. Water is used for: Development of municipal 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 examination was made on the 15th day of June, 1923

(Signed)

Frederick Tolman
Examiner.

January 24, 1934

Re: Permit No. 17723
City of Soda Springs

MISS LESLIE STEWART, Clerk
Soda Springs,
Idaho

Dear Miss Stewart:

We are now in receipt of the engineer's report covering the examination relative to both proof of completion of works and also proof of application of water to beneficial use under the above permit.

These reports confirm the completion of works to a capacity of 48 second feet which is the full amount claimed. Therefore, upon receipt of a fee in the sum of \$21.40 we will issue a certificate of completion of works and a license, for the purposes as set forth in the permit. These fees are determined as follows: with reference to the completion of works the fee is determined at the rate of \$5.00 for the first 10 second feet and 30¢ for each additional second foot, making a total of \$16.40 for the 48 second feet; the fee in connection with beneficial use proof, for any purpose other than irrigation, is \$5.00 regardless of the quantity of water involved.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLR:RG

17723

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

"Founded In 1870 On The Old Oregon Trail"

CITY OF SODA SPRINGS

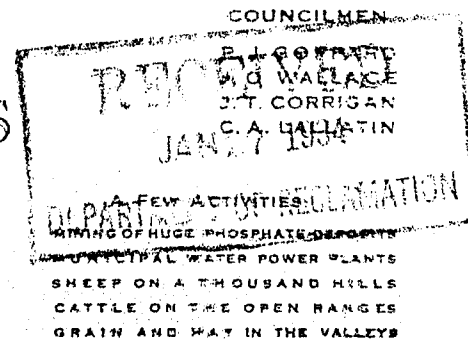
HOME OF IDAN-HA NATURAL SODA WATER

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

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

SODA SPRINGS, IDAHO

January 26, 1933



Re: Permit No. 17723
City of Soda Springs

Department of Reclamation
Mr. Paul L. Henry, Chief Clerk & Office Engr.
Boise, Idaho

Dear Sir:

Inclosed please find the sum of \$21.40 fee for
certificate of completion of works and a license for
a permit for 48 second feet of water for power purposes.

Yours truly,

Miss Leslie Stewart

City Clerk

17723

January 29, 1934

Re: Permit No. 17723
City of Soda Springs

MISS LESLIE STEWART, City Clerk
Soda Springs,
Idaho

Dear Miss Stewart:

We are enclosing herewith Certificate of Completion of Works and License and Certificate of Water Right issued under the above numbered permit, confirming your right to the use of 48 cubic feet per second of the waters of Soda Creek in Caribou County.

We are also enclosing our office receipt in the amount of \$21.40 which was the amount due in connection with the proof of completion of works and application of water to beneficial use.

Very truly yours,

R. W. FARMS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

C
Encl. 3

17723

January 29, 1934

Re: Permit No. 17723
City of Soda Springs

MISS LESLIE STEWART, City Clerk
Soda Springs,
Idaho

Dear Miss Stewart:

We are enclosing herewith Certificate of Completion of Works and License and Certificate of Water Right issued under the above numbered permit, confirming your right to the use of 48 cubic feet per second of the waters of Soda Creek in Garibou County.

We are also enclosing our office receipt in the amount of \$21.40 which was the amount due in connection with the proof of completion of works and application of water to beneficial use.

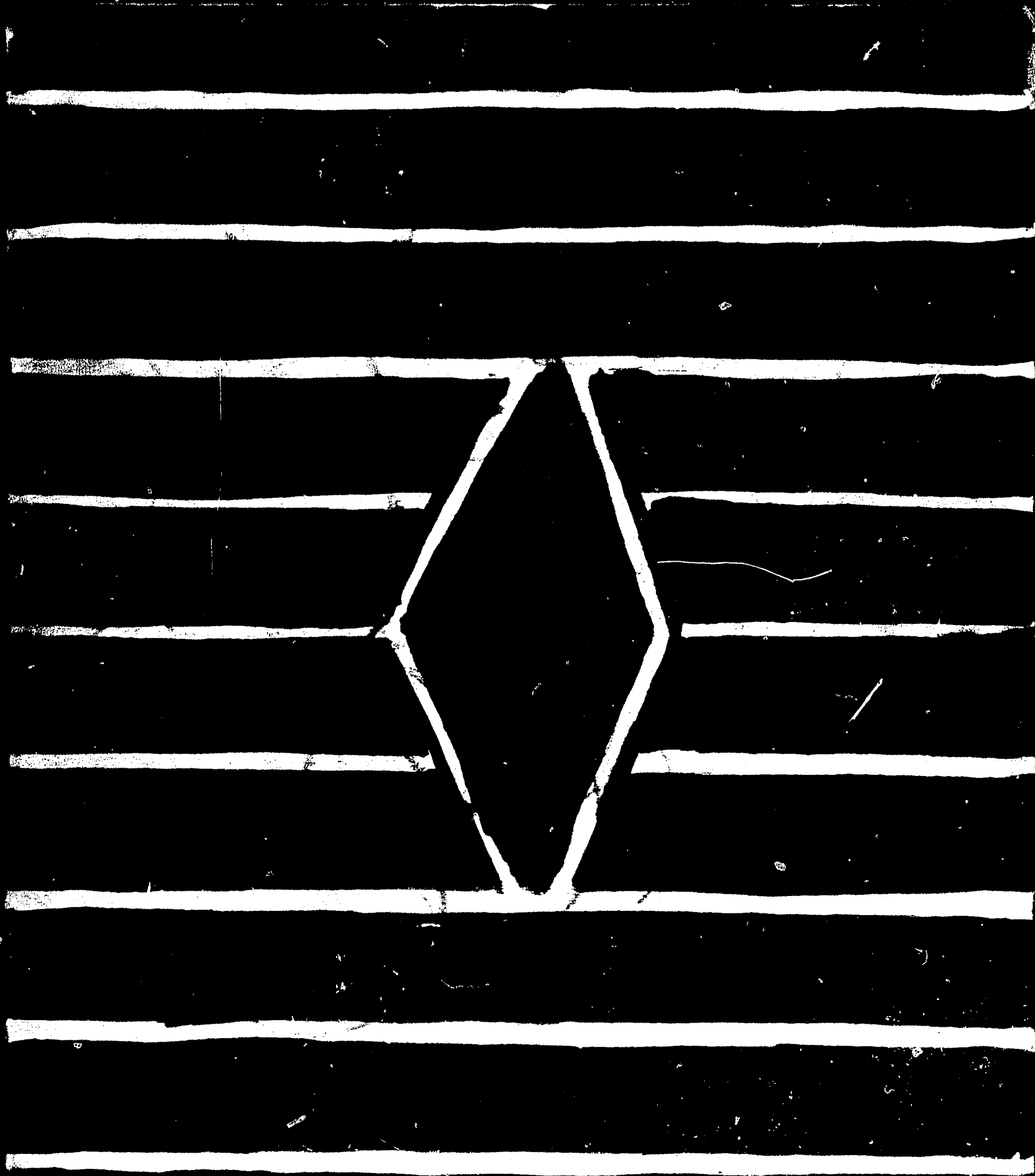
Very truly yours,

R. W. KASBE
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl. 3

17723



State of Idaho

License and Certificate of Water Right

Water License No. 17723.....

Amount 48 Second Feet.

Water District No.....

Priority June 25, 1932

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 25, 1932; that Permit No. 17723
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 48 second feet, was issued thereunder on January 29, 1934, showing that said works
 were completed on the 5th day of December, 1932; and that on the 20th
 day of March, 1933,

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 municipal power
 , under Use Permit No. 17723 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 3756, on the 29th day of January, 1934;

The right hereby confirmed dates from June 25, 1932;

The Point of Diversion is located
 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Tp. 9 S., R. 42 E., B. M., Caribou County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 48
 cubic feet per second.

Description and location of use: Place of use: In City of Soda Springs.

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

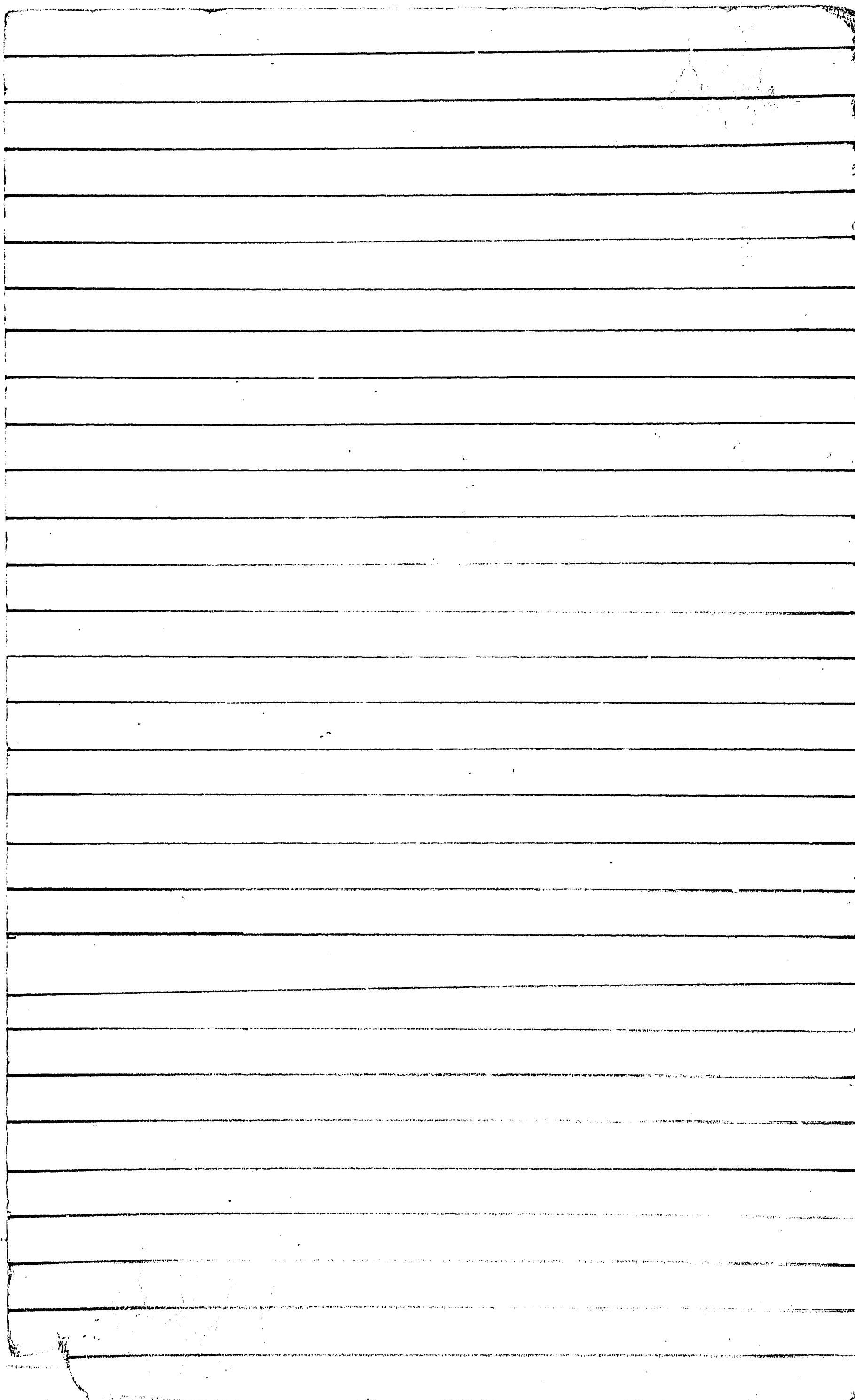
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 29th day of January, 1934.

R. W. FARIS

Commissioner of Reclamation

(SEAL)



Transfer No. 2972

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant City of Soda Springs Phone 208/547-2151
Post Office address 9 West Second South, Soda Springs, ID 83276

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 11-2092 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

_____3. Source of water Soda Creek tributary to Bear River4. Date of priority 6/25/32
J.J.

5. Water is used for the following purposes:

amount 48 cfs for power generation purposes from January 1 to December 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 48 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6
Township 9 South Range 42 East, B.M., in Caribou County
Additional points of diversion, if any _____

8. ~~Where~~ ~~diversion~~ ~~point~~ ~~of~~ ~~diversion~~ ~~or~~ ~~place~~ ~~of~~ ~~use~~:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	42E	7						X											48 cfs

Total number of acres to be irrigated N/A

9. Describe any other water rights used for the same purpose as described above The City also holds water rights # 11-495, 11-2091, 11-2133, 11-2156, and 11-2161 for power generation
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). N/A

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted _____ 48 _____ c.f.s. &/or _____ acre feet
 - b. Description of diverting works Existing concrete diversion dam. The City currently
diverts right No. 11-495 at this location.
 - c. Describe the reasons for the proposed changes The City is proposing replacement of
existing Powerplant No. 1 and No. 2 with a new Powerplant (No. 5) located
near Powerplant No. 2. Powerplant No. 5 will use the combined water rights
for Plant No. 1 (11-495) and Plant No. 2 (11-2092).
2. Change in point of diversion
Point of diversion _____ NW _____ $\frac{1}{4}$ _____ NW _____ $\frac{1}{4}$, Section _____ 6 _____ Township _____ 9 South
Range _____ 42 East _____, B.M., _____ Caribou _____ County
Additional points _____

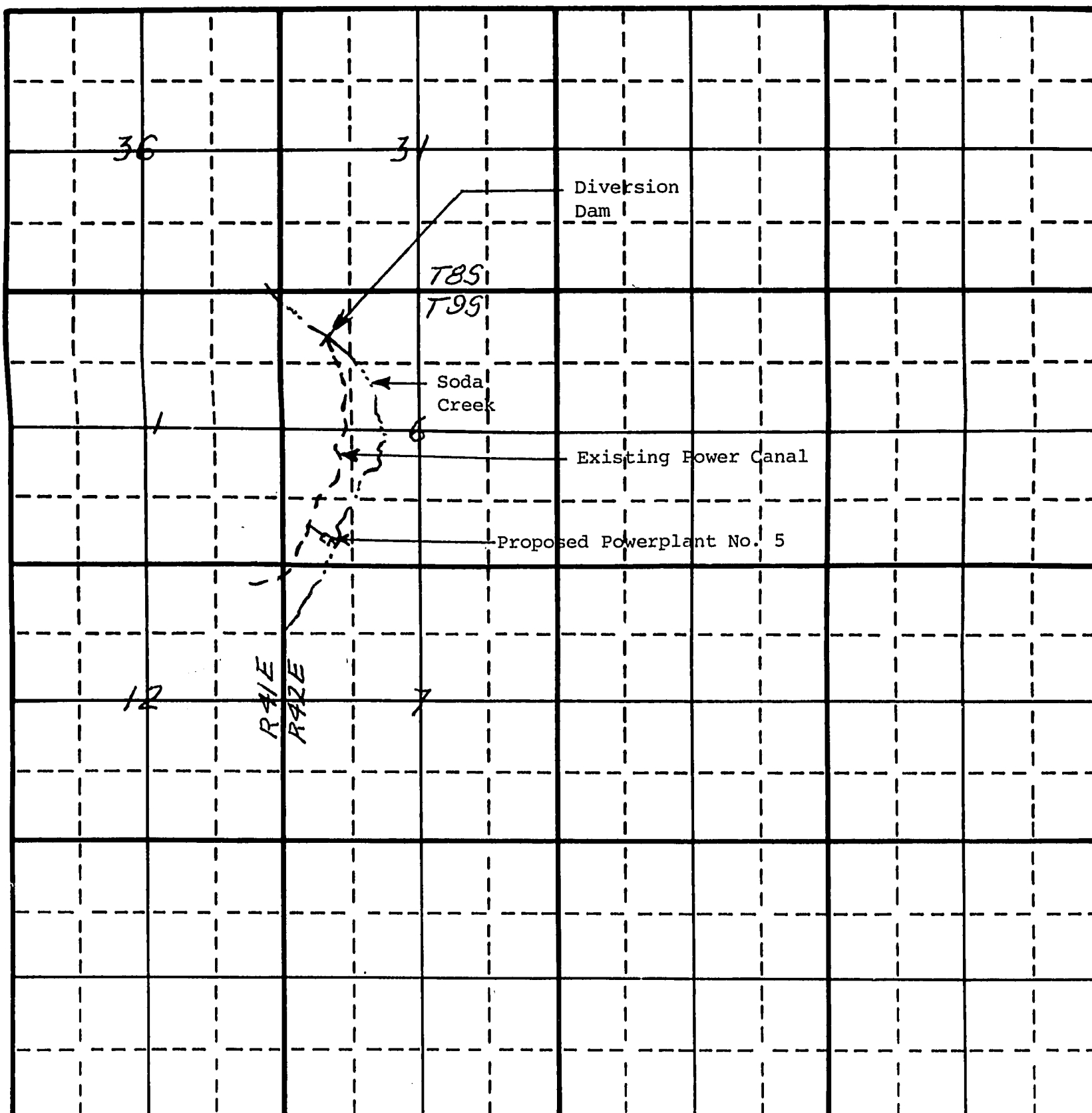
3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
N/A

c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	42E	6											X						48 cfs

Total number of acres to be irrigated N/A

- Describe any other water rights used for the same purpose as described above. Water right No. 11-495 is currently diverted at the same point.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink. See attached drawing for more detail

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 9th day of November, 19 83

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-2092
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 11-B, Soda Creek.

Witness my hand this 23rd day of March, 19 84

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>CU</u>	Date <u>12-07-83</u>	Protest filed by _____
Prelim. check by <u>CFR</u>	Fee <u>30.00</u>	_____
Receipted by <u>BP</u>	Date <u>12/8/83</u> # <u>29763</u>	_____
Published in <u>Caribou County Sun</u>	Copies of protest forwarded by _____	
Pub. dates <u>12/22 & 12/29/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
<u>12-19-83</u> rec'd. <u>1-8-84</u>	by <u>EMC gmi</u> <u>10</u>	

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion 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 sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

22nd day of
December, 1983

The date of the last publication

being the 29th day of
December, 1983

Mark Steele

Subscribed and sworn to be-
fore me this 30th day
of December, 1983

Wendy J. Kite
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS NO. 11-2092

Notice is hereby given that the
City of Soda Springs, Idaho, has
applied to the Dept. of Water
Resources for a change in the
point of diversion and place of use
of the waters of Soda Creek
tributary to Bear River. The right
sought to be changed is evidenced
by License No. 11-2092 and is
recorded as follows:

AMOUNT: 48.00 cfs

PRIORITY: 6-25-30

POINT OF DIVERSION:

SW 1/4 SW 1/4 Sec. 6, T. 9S, R. 42E,
B.M. Caribou County,

The water is used for power
generation purposes within the
NW 1/4 NW 1/4 Sec. 7, T. 9S, R.
42E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted
within the NW 1/4 NW 1/4 Sec. 6, T.
9S, R. 42E, B.M. Caribou County
and used within the SW 1/4 SW 1/4
Sec. 6, T. 9S, R. 42E, B.M.

Any protests against the above
proposed change of water right
must be filed with the Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho,
83402, on or before January 9,
1984.

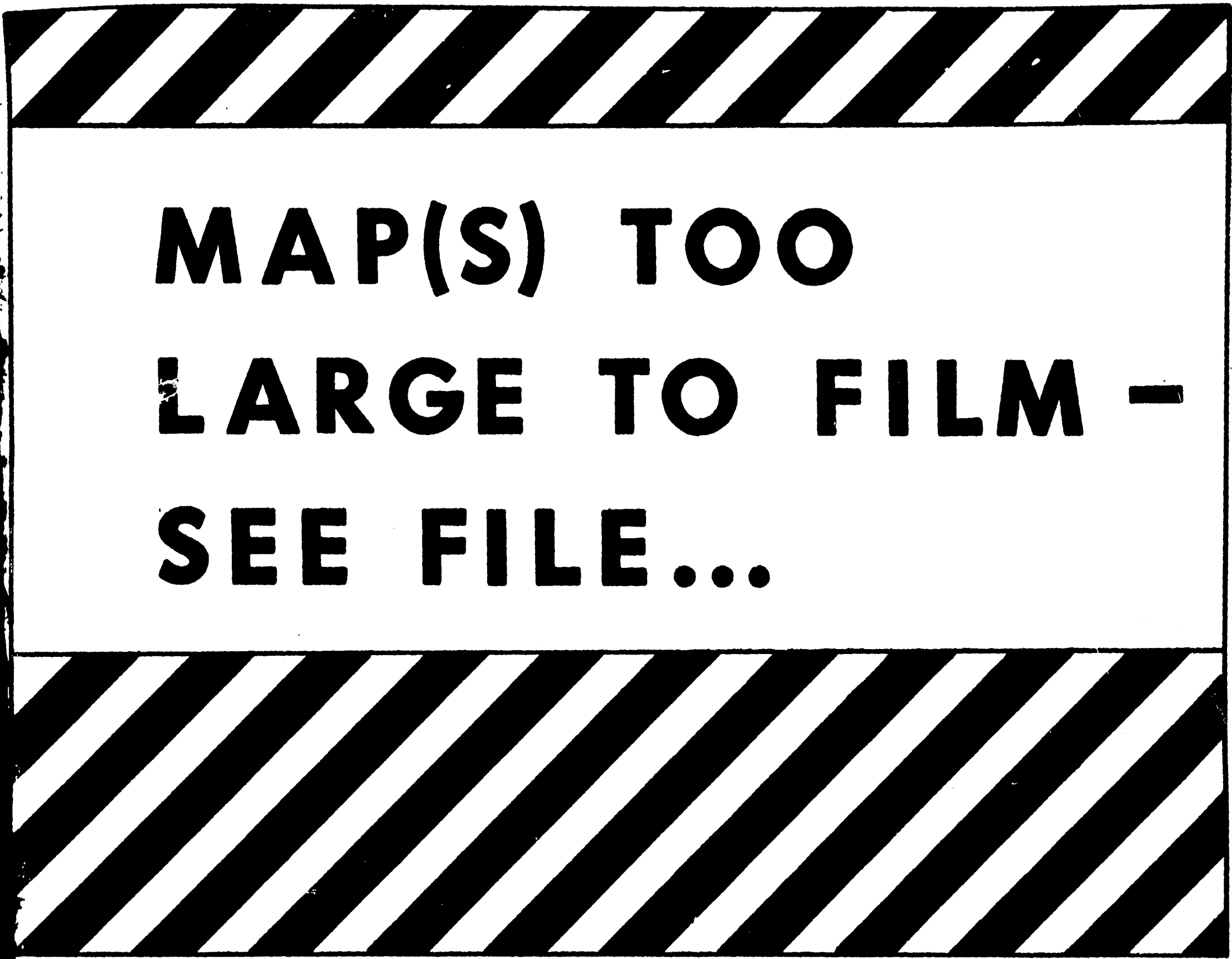
A. KENNETH DUNN
Director

Published in the Caribou Coun-
ty Sun Dec. 22 and 29, 1983.

RECEIVED

JAN 13 1984

Department of Water Resources
Eastern District Office



**MAP(S) TOO
LARGE TO FILM -
SEE FILE...**

December 9, 1983

David H. Clegg, Mayor
City of Soda Springs
9 West 2nd South
Soda Springs, ID 83276

Dear Sir:

I have recently processed a transfer application for Soda Springs to transfer the point of diversion and place of use of License 11-2092.

In the process of reviewing the application, I have noted that you plan to change the place of use of a decreed water right 11-0495. A recent Idaho Supreme Court ruling (Olsen vs. State of Idaho, July, 1983) and the transfer rules (Idaho Code 42-222) ~~require~~ require that a transfer must indicate all of the parts of water right. The Bear River decree does not specify the legal description nor the place of use for water right 11-0495. I highly recommend that you file a transfer on this right to reflect your intended changes.

Sincerely,

GERALD F. RAMSEY
Radiologic Specialist

GFR:bp

Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-2092

Notice is hereby given that the City of Soda Springs, Idaho, has applied to the Dept. of Water Resources for a change in the point of diversion and place of use of the waters of Soda Creek tributary to Bear River. The right sought to be changed is evidenced by License No. 11-2092 and is recorded as follows:

AMOUNT: 48.00 cfs

PRIORITY: 6/25/30

POINT OF DIVERSION: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, T. 9S, R. 42E,
B.M. Caribou County.

The water is used for power generation purposes within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 9S, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T. 9S, R. 42E, B.M. Caribou County and used within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, T. 9S, R. 42E, B.M.

Any protests against the above proposed change of water right must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before January 9, 1984.

A. KENNETH DUNN

Director

Published in the Caribou County Sun 12/22 & 12/29/83.

December 19, 1983

RE: Application for Transfer No. 11-2092
CITY OF SODA SPRINGS

Gary Jensen, Watermaster
Water District No. 11-B
Star Rt.
Soda Springs, ID 83276

Dear Mr. Jensen:

Please find enclosed a copy of the above referenced application and watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before Jan. 9, 1984.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

Enclosures

RECEIVED
JAN 10 1984

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 11-2092

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Gary Jensen, watermaster of Soda Creek,
of Water District No. 11-B, County of Caribou, State of Idaho,
whose address is HC 70 Box 2050 Soda Springs, Idaho 83276
have read the attached copy of the application for transfer of water right for City of
Soda Springs, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: NONE

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at Soda Springs, Idaho, this 26th day of December 1983.

Gary Jensen Watermaster 11-B
(signature)

Please use reverse side if needed.

January 12, 1984

RE: Application for Transfer No. 11-2092 CITY OF SODA SPRINGS
Claim to a Water Right No. 11-4308 BARKER

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on December 22 and 29, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: G. E. RAMSEY

1. Right number DEC 8 1983 Applicant CITY OF SODA SPRINGS
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other COMBINE TWO RIGHTS AND ABANDON TWO POWER SITES

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- OK ☒ All of right.
- N/A ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- OK ☒ Check description of point(s) of diversion.
- OK ☒ Check description of place of use.
- OK ☒ Check map (shows p.d. and p.u. after transfer).
- OK ☒ Check for correct signature, notarization, and fee.
- N/A ☒ Check proof of ownership of right &/or land from which water is transferred.
- OK ☒ Check for expansion in use of right. Comments None

- OK ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 11-0495

- OK ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 11-B Soda Creek

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 12-19-83 Received on 1-8-84
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* ① 018 ② 05 (W.D. # 11-B) ③ Soda Creek

4. By Ernest Carlson

Date Jan 17, 1984

Jan 3-14-84 use above conditions

* All uses within Watermaster Districts require special conditions.

RECEIVED
JAN 23 1984

Department of Water Resources

March 23, 1984

RE: Transfer of Water Right No. 11-2092

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

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2972). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,
S

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

WILLIAM T. GOODMAN
LARRY R. DUFF
ALAN GOODMAN
THOMAS P. BASKIN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

April 27, 1984

RECEIVED
APR 30 1984

Department of Water Resources

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

11-0495
11-2092

Re: Application Nos. 29763 and 29798
City of Soda Springs, Idaho

Dear Mr. Dunn:

I have been requested by my clients, Evan M. Kackley, M.D. and Lois Kackley, to contact your office to request that the period for filing protests to the above applications be reopened since the filings made did not disclose the apparent diversion by the applicant of all waters of Soda Creek from the diversion dam to the discharge point from the proposed power plant. Further, that this letter be considered as a protest to the applications.

The applications indicate "no changes" in place of diversion or place of use. These applications do not seem to be consistent with the application of the City of Soda Springs to the Federal Energy Regulatory Commission wherein it is claimed that the diversion dam diverts the entire flow of Soda Creek except in periods of when the flow of the creek exceeds the capacity of the power canal. The diversion dam was boarded up by the applicant within the last couple of years.

The power canal referred to is the Feeney Ditch which traverses lands owned by Lois Kackley for about 3/4ths of a mile. The size and capacity of this ditch as it has existed for many years is described and limited by the State Permit No. 5339 issued on August 21, 1909. This information is also contained in the "Comments and Protest" of my clients recently filed with the FERC and a copy of which was directed to your office.

In addition to the foregoing, the applications contain the following statement: "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."

A. Kenneth Dunn, Director
April 27, 1984
Page 2

It is submitted that the de-watering of about 3/4ths of a mile of Soda Creek does in fact cause an injury to the landowner involved and further, the diversion of more water into the power canal than the water rights held by the City constitute an enlargement in the use of the original right. This is further indicated by the FERC application which states the power canal "Feeney Ditch" has a capacity of up to 120 cfs. The historical and actual use of this ditch has not been of that capacity and considerable work would be required to bring the ditch to that capacity in the opinion of my clients.

We would appreciate your consideration of the matter at this point.

Very truly yours,

GOODMAN & DUFF



William T. Goodman

WTG:mb

cc: Dr. & Mrs. Evan M. Kackley

May 22, 1984

William T. Goodman
GOODMAN & DUFF
Box 61
Rupert, ID 83350

Dear Mr. Goodman:

Re: License Nos. 11-2092 (2972) and 11-0495 (2989)

Your letter of April 27, 1984 requested that the protest period be reopened on the City of Soda Springs' applications for transfer.

The city has filed applications to transfer two of its water rights. Transfer application No. 2972 of water right License No. 11-2092 requested a change in the point of diversion and the place of use of 48 cfs of water used for power generation. That transfer application was approved March 24, 1984 and, therefore, your protest cannot be considered. Transfer application No. 2989 of decreed water right No. 11-0495 which requests a change in the place of use of 40 cfs, however, has been protested and; therefore, the final action has not been taken on that application. Your protest is, as you know, after the period set out by statute and cannot be considered, but you may petition to intervene under rule 6 of the Department's Rules of Practice and Procedure. A copy of those rules are enclosed.

If you have any questions, please let me know.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Enclosure

bcc: Eastern Region w/ copy of Goodman's letter

WILLIAM T. GOODMAN
LARRY R. DUFF
ALAN GOODMAN
THOMAS P. BASKIN

LAW OFFICE
Goodman and Duff

CHARTERED
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350
April 25, 1984

AREA CODE 208
TELEPHONE NO.
436-4774

RECEIVED
APR 26 1984

Department of Water Resources

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

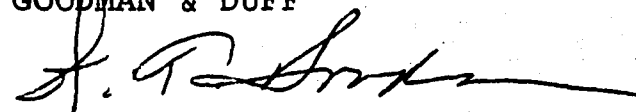
Re: Soda Creek Hyro Project, Project No. 7959-000

Dear Secretary Plumb:

We are forwarding with this letter ten (10) copies of the
"Comments and Protest" of Evan M. Kackley and Lois Kackley to
the above described project.

Very truly yours,

GOODMAN & DUFF



William T. Goodman

WTG:KH
Encl.

cc: Mr. Fred E. Springer
Mr. Monte Richards
Mr. Dale R. Christensen
Mr. A. Kenneth Dunn ✓
Dr. Lee Stokes
Director, Idaho State
Historical Society
Dr. Evan M. Kackley

"COMMENTS" AND "PROTEST"
PROJECT NO. 7959-000

RE: BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION (FERC)
PROJECT NO. 7959-000, APPLICATION FOR EXEMPTION OF SMALL
HYDROELECTRIC POWER PROJECT FROM LICENSING SODA CREEK
HYDROELECTRIC PROJECT. EXHIBITS A, B, E, AND G SUBMITTED
BY THE CITY OF SODA SPRINGS, IDAHO

DATE FOR FILING COMMENTS AND PROTEST: APRIL 30, 1984

THE ENVIRONMENTAL REPORT LACKS COMPLETENESS.

On Page E-1 relative to "Vegetative Cover". This is most limited. Principally dealing with the small area of Lot 7, Section 6, Township 9 South, Range 41, E.B.M., and in particular, to the NW Corner where the City owns a small portion, now traversed by the power canal to the hydroelectric plant proposed to be abandoned and a new plant built to the South. (See Enclosure A).

There is in Lot 7 a fairly wide band of Scenic Riparian Land along Soda Creek, a historical and cultural creek of the West, well known by the explorers and the Mountain Men where it was a camping and rest area for most, as well as those who traversed the Great Oregon Trail in wagons leaving the trail one of the most famous in the West. Soda Creek is well chronicled in the history of the West.

Soda Creek is unique in the entire world, for this short creek of approximately 4 miles or so, varying a flow of from 60 to 100 c.f.s., has the largest collection of natural flowing highly carbonated springs with carbon dioxide in the world. Hooper Springs, in its prime in the 1930's emitted 22

tons of carbon dioxide into the air every 24 hours by government analysis.

The vegetative cover in the Environmental Report (ER) accents heavily the sparseness of the land, and the maps submitted in it are drawn to show features other than the vegetative cover and thus this must be necessarily obliterated.

The noted Enclosure A is a copy of an aerial photo taken in the middle 1950's that delineates the lands of the entire proposed project. The lands set off by heavy black lines are held by Lois Kackley.

North of Lot 7 is the opposite to the "Arid Lands." It is a well irrigated area in the East Half, separated by a large area of wetlands and marsh along Soda Creek. To the West is "Chester Hill" coursed with green area in the sagebrush, while in the Northwest a large growth of Mountain Mahogany exists. The lands enclosed in the black lines in Enclosure A are a large and important part of the "Ninety Percent" Deer Migration and Feeding Area. On page 2 of the ER, it states that "in January, 1980, 1150 deer were observed in the Ninety Percent complex.

Shown in Figure 3 of the FERC Application, and as Enclosure B in these comments, is the corridor of migration of the heavy blacked in lines of Enclosure A, and which corridor accounted for 37% of that migration in 1981, a most significant portion.

These words appear on page 3 of the ER: "Sagebrush-scrub mahogany is preferential habitat for deer." But this is immediately cancelled out by stating that this area of Chester

Hill habitat "is probably less attractive to deer because of the sparsity of nearby woodland protective cover."

During the disastrous loss of habitat necessitating feeding in the winter of 1983-84, deer had to be fed East of Highway 34 shown as the North-South Road to the East margin of Enclosure A, with many killed on the highway. This was in contrast to the lands marked in on Enclosure A. Where there were well cultivated lands, pasture lands, wetlands and the winter vegetation and cover on Chester Hill. No feeding took place here, nor were losses above normal.

The reason for the migration of 425 deer through this narrow corridor of 3/4ths of a mile as shown in Enclosures A & B is that the approaches are like a doubled ended funnel either in the fall or spring migration. To the immediate North and East are large industrial complexes (All most cooperative indeed and funds to the Fish and Game Administration and Organizations) as well as the funnel restriction to the South as shown in the 1950's aerial photo of Enclosure A. The reason that the funnel-like corridor has remained open at all for one of the most heavy deer migration corridors in the U. S., is that the rest of the ranch land owners have both passively and actively fought off, which included considerable expenditures of private funds, the Zoning Agencies of the City of Soda Springs, dominated by those to open all this up to housing developments. Not an easy or pleasant task for the land owners over the years. Today many homes are on sale in Soda Springs and the environs.

When this corridor goes or it is deteriorated and then forced into housing development because of loss of economic productivity, the entire Ninety-Percent habitat goes. Fortunately the highway, productive ranches and habitat to the Southwest of the Western portion of the outlined ranch, as well as those to the immediate North have consistently and repeatedly resisted housing construction efforts. The Southwest ranch as well as the outlined ranch in Enclosure A have an excellent habitat both on the level and on Chester Hill for the deer wintering.

This great deer crossing and habitat, particularly the large hay cultivated lands, and wetlands, is slowly and surely, knowingly and unknowingly, being degraded and destroyed by those for immediate financial return and at least a reasonable and questionable revenue income to the municipality, without any regard knowingly or unknowingly, whatsoever of that which they would destroy now and for the future, something that never can be replaced.

On page E-4 of the ER Small game and trapping are quickly written off. Ducks have nested along the Soda Creek riparian lands and, particularly along the wetlands as long as historical records have existed, and today Muskrats are trapped and some Mink. A few years ago Beaver reappeared in the wetlands.

Fox and Badgers are seen along the wetlands as well as Hungarian Partridge that are left, Sage Grouse and occasional pheasants. It is also a well developed nesting area for song birds.

With the diversion of excessive stream flow during the past year into the power canal beyond the physical capabilities of the power canal, these important wetlands over which the deer migrate have been extremely hurt by lack of flow of Soda Creek. This has been accomplished by a Jerry built immovable wood dam across the concrete diversion dam with serious curtailment of creek flow to the wetlands and deer crossing.

Also the habitat has been excessively deteriorated by heavy use of xylene as a demossing agent in the power canal without proper consideration of its high toxicity and that Soda Creek has itself become the effluent, contrary to specific regulations.

On page E-5 of the ER in the story on the benthic invertebrate population (Plants and/or animals that are fixed to or can crawl upon the bottom of a waterway), the more logical reason for the great difference in numbers between Hooper Springs and the power canal diversion point, is because of the Xylene. In this approximate 1/4 mile, the population count falls from 521 specimens to 93. This part of the creek has been "milky" with the xylene concentration, and may well have played a part in the attempt of the Beaver to re-establish themselves.

The City has filed to divert 88 c.f.s. at the point of diversion instead of its present right of 40 c.f.s. This increase is obtained by changing a lower point of diversion of the present 40 c.f.s. after it has passed through that power house and almost immediately into another power canal to another power plant. The added 8 c.f.s. to the first 40 c.f.s. is that of increase of

natural flow, and the filing is without back-pumping to the proposed 88 c.f.s. point of diversion, as if a perpetual motion setup. There is 48 c.f.s. of that 88 c.f.s., or 120% that cannot be accounted for in the known or near known historical hydrology of Soda Creek.

This application of the City to the Idaho Water Department for change of point of diversion and use is that of Enclosure B.

In a letter from the Idaho Department of Fish and Game dated August 10, 1983, to the Company planning to build the Soda Creek Plant, a copy of which is that of Enclosure D, and taken from the FERC Application, it would seem evident that the City has projected a plan to completely divert all of Soda Creek at the point of diversion, with serious destruction to the wetlands, the deer crossing, destruction of trapping and of the total ecology. The reply to the City's agent from the Idaho Fish and Game is pertinent in these words:

"The Department does not have stream flow data to set minimum stream flows to protect the aquatic resources that do exist in Soda Creek. No stream should be totally dewatered under an exemption."

On page 4A of the proposed plant "Critical Parameters" (a copy is that of Enclosure E), this unequivocal statement is made in the FERC Application:

"The diversion dam diverts the entire flow of Soda Creek, except when the flow exceeds the capacity of the power canal"

The City has a power license now for 40 c.f.s. Now with the Jerry rigged dam and wide open headgates for the past

and present wettest years on record they are tearing the power canal pieces, overflowing it, and clearly states what is to be a dewatering of a mile of Soda Creek except in the wettest years in history.

At no place in the two applications to the State of Idaho for change of point of diversion, one of which is included as that of Enclosure B, is it ever hinted in that application, nor has been by the City publicly or with those the City must negotiate with for the proposed project that the Soda Creek would have little or no natural flow.

Yet this is signed under oath on November 9, 1983, by the City in those State Water Applications and appears on page 4:

"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 it approval."

On December 30, 1983, the City under oath signed the Application to FERC for License, just 52 days after the Application to the State of Idaho for a Water Permit.

The data on the hydrology of Soda Creek is very poor in explicit detail over the years as shown with the submission data in the FERC Application. Soda Springs is the second oldest settlement in Idaho and these Mormon settlers immediately put the water to good use in farming and ranching. The last date of water filing with any possible permanent supply of water is that

of the Farmers Land and Irrigation of 1892 for 80 c.f.s. This filing is now close to a century old. (Page 53, Federal Dietrick Decree) By 1905 that company realized that they had over estimated the flow of Soda Creek by 25% and filed on 20 c.f.s. as supplemental water to the 80 c.f.s. of Soda Creek to be supplied by a ditch from Big Springs Creek. (Page 53, Dietrick) This 1905 filing date on Big Springs Creek is inferior to Utah Power and Light's filing, and water available to Farmers Land from Big Springs Creek is much diminished or non-existent often by July 1.

Farmers Land and Irrigation, to supplement the Soda Creek right, constructed in the 1960's a 2,500 acre foot (A.F.) reservoir near the head of the Creek, which arises principally from two large fresh water springs.

The City of Soda Springs in the 1950's has constructed Plant #4, now known as Plant #3, just South of Hooper Springs a mile South of the Future Farmer's Land and Irrigation Reservoir, but the canal for Plant #4 is diverted from Soda Creek at the approximate reservoir site. The water right was for 40 c.f.s. abandoning upstream another power plant for 50 c.f.s. on the same canal. The City has agreed to keep the difference in the two 10 c.f.s. to protect the environment of Hooper Springs on Soda Creek.

In a joint agreement of the City with Farmers Land and Irrigation when the latter constructed the reservoir, Farmers Land and Irrigation agreed to bypass 60 c.f.s. of natural stream flow through the dam when it was available to that extent. Thus, a total of about 20 c.f.s. was available allowing for seepage to

set a minimum stream flow by Hooper, and which should be available, as it is already established at the bypass in the new proposed project diversion point to adequately maintain the wetlands, the meadow, the enjoyment and property values of the homes along Soda Creek, and to re-establish on that Creek a historical Soda Springs near and between the abandonment of the two power houses and penstocks in the proposed project. This Soda Springs was historically known as "The Woodruff Springs" in honor of a great Mormon patriarch who with Brigham Young was an integral part of the laying out and settling of Soda Springs. Locally today the Spring is known to those who know of its existence, as "Lovers Delight."

In the proposed Soda Creek application before FERC about one mile of Soda Creek would be dewatered. Now about 3/4 mile is far below a minimum stream flow to protect the aquatic resources of the Creek.

The integration of a reservoir, as that of the Farmers into a stream flow of a multiple use stream may be difficult to visualize. Only so much water flows down a stream in a year or period of a year. Out of that amount of water, a reservoir must be filled. In this particular case, the saved water amounts to 2,500 acre feet. The practical and accepted irrigation season in this area is 120 days, consisting of June, July, August and September, months when the strong flow itself is low. That 2,500 A.F. of stored reservoir water may be translated into c.f.s. per day in those 120 days to increase the normal flow then of Soda Creek. The increase in flow would be 14 c.f.s. per day if the

reservoir starts out with full capacity each irrigation season. Under Idaho Law stored water belongs to the one who stores, and is released and used at his option.

On a filing as that of the City of 88 c.f.s., this flow for the 120 days would be 16% of the diversion. However, a filing for water does not assume or guarantee an 88 c.f.s. flow or that that amount of water is going to be there to divert. The Farmers Land and Irrigation diverts from Soda Creek to their irrigation canal below all City Power Plants, and as described their flow does not fill their permit right, which is for 80 c.f.s. of Soda Creek Water if it is there. The only water diverted from Soda Creek below the proposed City diversion of 88 feet is just a few c.f.s. for irrigation.

Nor is it easy to lift water back up the Creek - 48 c.f.s. - practically and economically as the City does on paper in their State Application for change in point of diversion and use. Under that permit 88 c.f.s. less seepage should be returned to the Soda Creek, but only 40 c.f.s. is returned.

Nor can the fact be set aside that no diversion right for power now exists above 48 c.f.s., nor has it for any commercial enterprises as saw mills and grain milling on Soda Creek.

The significance of the Farmers Land & Irrigation. filings, the electrical generation plants on the Creek as well as commercial enterprises as to annual flows through the years cannot be disregarded, especially on a proposed project evidently based only on the highest wet years' flow in history and drying

up the Creek for a mile with all the loss that entails. Those who have had long experience with the flows on the Creek should

be worthy of some consideration and they are more competent to give information from experience. Nor can recently published engineering studies of the development of Soda Creek for power pertaining to hydrological feasibility be casually dismissed or ignored.

This true establishing of Soda Creek flow is of great importance to the financing of the City's cost either by general revenue, bonds or revenue type of bonds. It is equally important to those who market those bonds and those who purchase them and, of course, will be looked into by bond rating agencies.

SCENIC AND PARK COMMENTS:

Reference is again made to Enclosure A and particularly to Lot 7 and the course of Soda Creek South. The darker shaded area is "Riparian Lands" referred to in the ER. These are the green land of grass, willows and birch, etc. and extend along about a quarter of a mile. This is ideal for a park and recreational area. The Creek here is fast flowing with rapids and along a low cliff of land. The Woodruff -Lovers Delight Spring is very closely adjacent to the Creek on the West side, once well developed and a delight to see. With power development before environmental concepts had been equated, a flume followed by a power canal had detrimental effect on this Spring because of access and because of loss of existing development as well as

continuing vegetation of riparian lands by "Dewatering" the Creek.

In the proposed development the power plants are to be abandoned, the penstock reservoir, as well as the flume and canal so detrimental to the fine historical Springs. Thus, the riparian lands and this fine Soda Springs in the beautiful setting of fast flowing cascading water properly not dewatered as now the intent in the proposed project can be restored to a great portion of its beauty and historical and cultural significance.

The City owns as a gifted deed for a park, if it has not lapsed by non-use or development, from the Pioneer Williams Family a plot of ground just East of Soda Creek and the Springs that can be made a part of this development of a part and recreational area.

As recommended by the State in the application to FERC, the park along Soda Creek, and the historical Woodruff-Lovers Delight Spring (which is no place is ever mentioned in the FERC Application) should all be recreated in its beauty and splendor and would become one of the most enjoyed parks of any City, and most special as it is close in to the City of Soda Springs. The Hooper Springs during the past years has sadly and seriously deteriorated, and is North of the main core of the City.

Particularly pertinent is a stipulation of the Application to the State Water Resources to change the point of diversion in these words:

"I hereby assert no one will be injured by such change (point of diversion and use) and that the change does not constitute an enlargement

of the original (water) right." (Page 4 of Enclosure 3)

RIGHT OF WAY AND WATER AVAILABILITY:

The Soda Creek Hyroelectric Project Application for Exemption indicates that the applicant has ownership of the lands through which their power canal (Feeney Ditch) is located. The title report indicates no recorded deeds or rights of way. (See Appendix 1, Letter of Caribou Title Company, page 3, item 8). The size dimensions of the "Feeney Ditch" are set forth in Permit No. 5339, Application for Permit to Appropriate the Public Waters of the State of Idaho, granted to the Soda Springs Electric Company, on August 21, 1909, by the State of Idaho. Reference is made to the capacity of the diversion works approved as noted. The ditch capacity shows the "Conduit Canal" width at bottom 10 feet, width at water line 18 feet, depth of water 2 feet. Average grade per mile of the canal is 7 feet, length of canal 3,000 feet, and it crosses the following quarter sections: NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 6, Township 9 South, Range 42 East of the Boise Meridian. The "Conduit Canal" described in the above Permit No. 5339 is the same as the power canal in the application and the ditch described in the application as the "Feeney Ditch".

As set forth in the application on file this right of way was conveyed to the City of Soda Springs by the Soda Springs Electric Company on September 1, 1915. A copy of the Warranty Deed making this conveyance is a document set forth in Appendix 1 of the application. While there is no question of the right of the City of Soda Springs to divert water through the Feeney

Ditch, there is a limit to the size of the ditch used, i.e. the Feeney Ditch as noted above. The City does have the further right to an additional 8 c.f.s. that accumulates in the ditch during its course of travel through the real property owned by Lois Kackley.

Any right-of-way acquired through the lands of Lois Kackley as described on Enclosure "A" were acquired as above set forth and there is not right-of-way recorded or acquired by adverse possession and use for any amount of water to be conveyed through the Feeney Ditch, owned by the applicant, in excess of the 48 c.f.s. noted above. The total of 48 c.f.s. was acquired and is evidenced by State of Idaho, License and Certificate of Water Right, Water License No. 17723, dated January 29, 1934.

SUMMARY:

It is requested that at the Federal level represented by FERC, and at the proper State levels that:

1. Further direct investigation be made by the proper agency or agencies of the environmental situation of the area, not just principally Lot 7, with a quick skim up stream with no equating of the deer crossing, or of the importance of the wetlands to deer and other animals and vegetation.

2. That a minimum stream flow be established based upon the minimum stream flow above the point of diversion a quarter of mile be carried out by proper State and Federal Agencies themselves.

3. That a further evaluation of the Soda Creek hydrology be prepared based upon historical flows, and not upon but a scant few record setting wet years.

4. That the parks and recreational areas be included and the historical Soda Spring be restored within it.

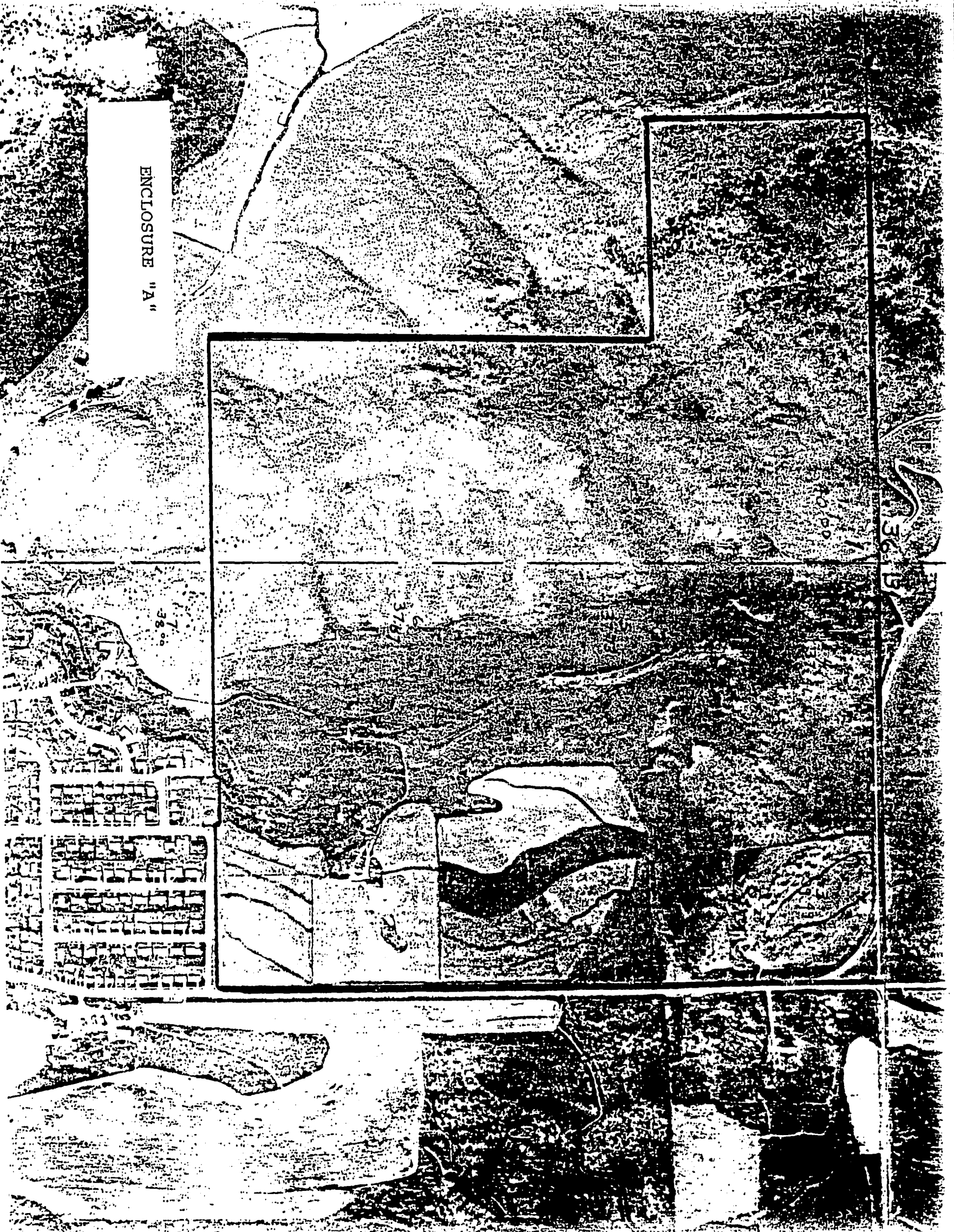
Sincerely,

Evan M. Kackley
Evan M. Kackley, M.D. *E.M.K.*
2323 Ellis Avenue
Boise, Idaho 83702

Lois Kackley
Lois Kackley *L.K.*
2323 Ellis Avenue
Boise, Idaho 83702

Signed by William T. Goodman
for the above named parties,
their attorney:

William T. Goodman
William T. Goodman, Attorney
P. O. Box 61
Rupert, Idaho 83350



ENCLOSURE "A"

36

37

38

ENC. B

24

SOURCE:

Reproduced from Idaho Department of
Fish and Game, February 1982.
COOPERATIVE WILDLIFE-PHOSPHATE
STUDY PROGRESS REPORT 1981.
prepared by Lonn Kuck, et al.

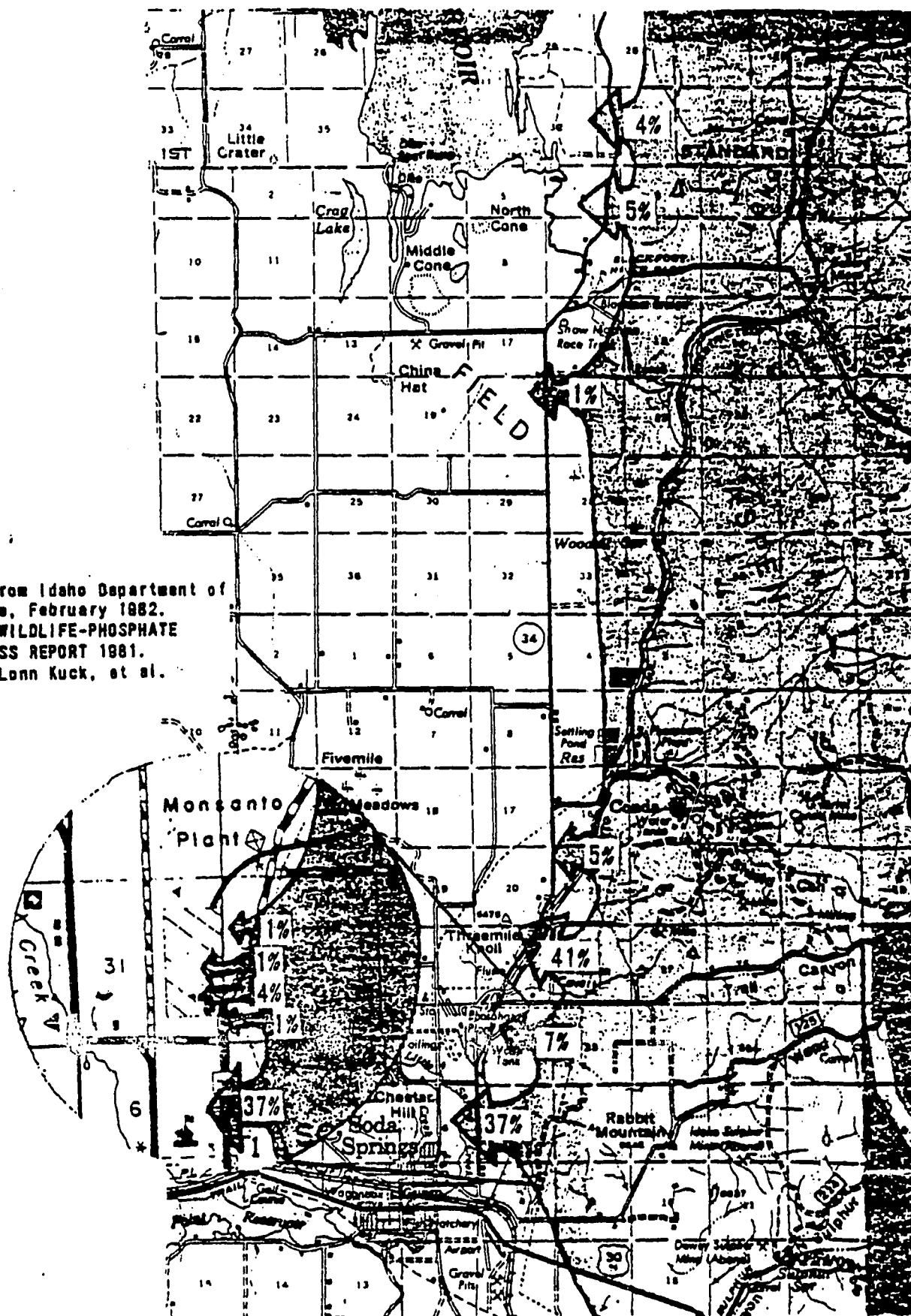


FIGURE 3 . Major mule deer crossings on Highway 34
between the Blackfoot River and Soda Springs, Idaho
observed from tracks during the 1981 fall migration.

ENC. "B"

Form No. 222, 10/80

Transfer No. _____

Water Right No. _____

ENC. "C"

ENC "C"

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant City of Soda Springs Phone 208/547-2151Post Office address 9 West Second South, Soda Springs, ID 83276**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs. _____

dated in _____ in _____ county of _____ (Name of court)

b. License No. 11-2092 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Soda Creek tributary to Bear River4. Date of priority 6/25/30

5. Water is used for the following purposes:

amount 48 cfs for power generation purposes from January 1 to December 31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 48 cubic feet per second
b. _____ &/or
acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6Township 9 South Range 42 East, B.M., in Caribou County

Additional points of diversion, if any _____

8. ~~Point of diversion~~ or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	42E	7					X												48 cfs

Total number of acres to be irrigated N/A9. Describe any other water rights used for the same purpose as described above The City also holds water rights # 11-495, 11-2091, 11-2133, 11-2156, and 11-2161 for power generation10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). N/A

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted _____ 48 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Existing concrete diversion dam. The City currently diverts right No. 11-495 at this location.
 - c. Describe the reasons for the proposed changes The City is proposing replacement of existing Powerplant No. 1 and No. 2 with a new Powerplant (No. 5) located near Powerplant No. 2. Powerplant No. 5 will use the combined water rights for Plant No. 1 (11-495) and Plant No. 2 (11-2092).

2. Change in point of diversion
Point of diversion _____ NW _____ 1/4 _____ NW _____ 1/4, Section _____ 6 Township _____ 9 South
Range _____ 42 East _____, B.M., _____ Caribou County
Additional points _____

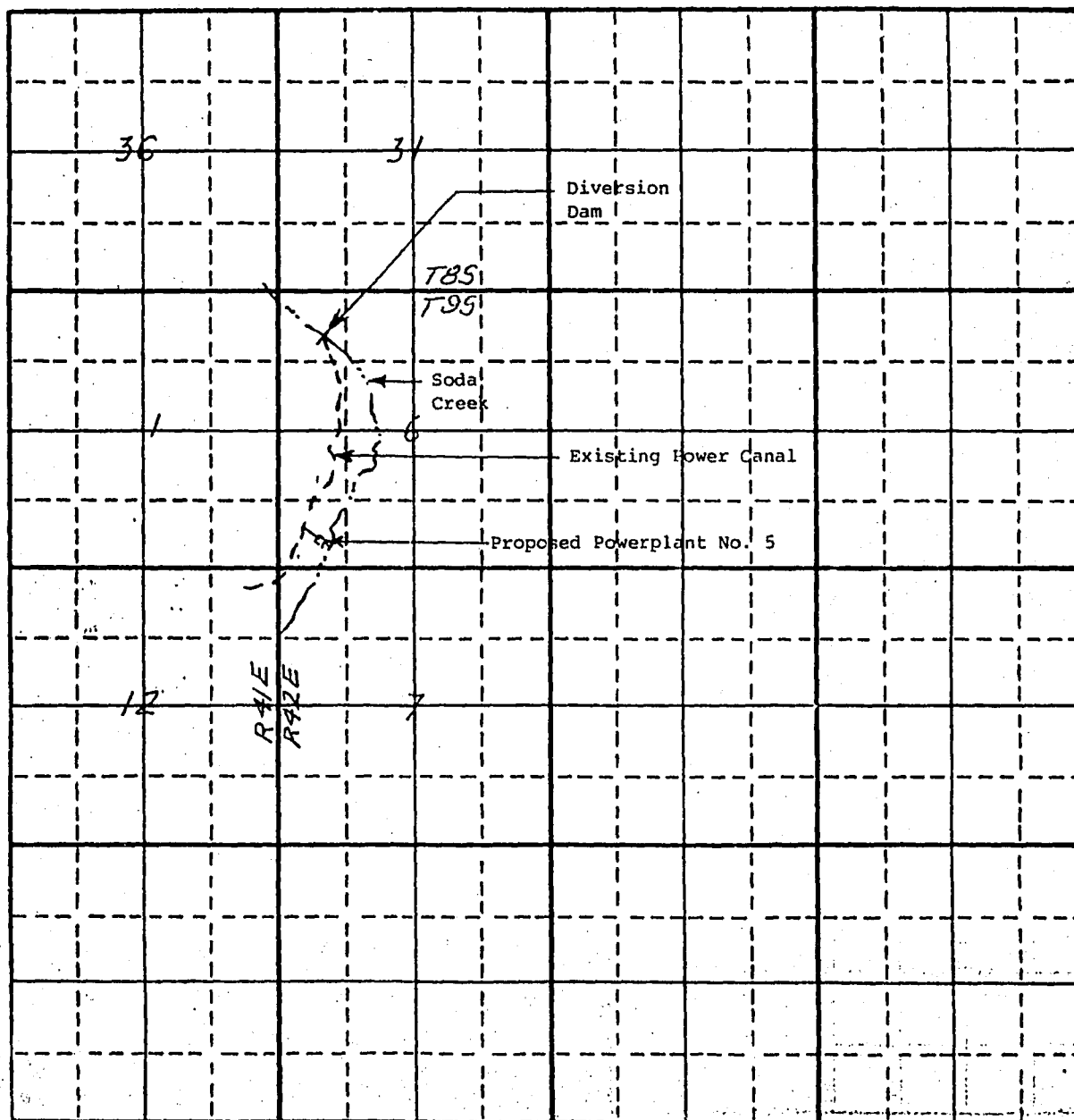
3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
N/A

C. Describe the land place of use to which the right will be referred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S.	42E	6										X							48 cfs

Total number of acres to be irrigated N/A

- Describe any other water rights used for the same purpose as described above. Water right No. 11-495 is currently diverted at the same point.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink. See attached drawing for more detail

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 4th day of November, 19 83

(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires Lifetime

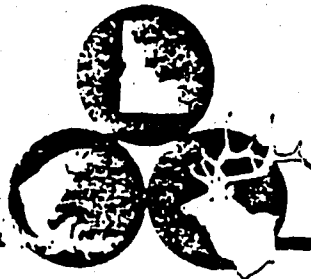
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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 _____

FOR DEPARTMENT USE ONLY

Received by <u>CU</u>	Date <u>12-07-83</u>	Protest filed by _____
Prelim. check by <u>CFR</u>	Fee <u>30.00</u>	_____
Receipted by <u>BP</u>	Date <u>12/8/83</u> # <u>29763</u>	_____
Published in <u>Carbon County Sun</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>12/22 & 12/29/83</u>	Hearing held by _____ Date _____	_____
Watermaster recommendation requested on _____	Recommended for approval _____ denial _____	_____
_____ rec'd. _____	by _____	_____



IDAHO DEPARTMENT OF FISH AND GAME
600 South Walnut • Box 25
Boise • Idaho • 83707

August 10, 1983

19 RECEIVED

AUG 12 1983

CHAM HILL
BOISE

ENC. "D"

Ms. Margaret L. Zimmerman, Planner
CH2M Hill
P. O. Box 8748
Boise, Idaho 83707

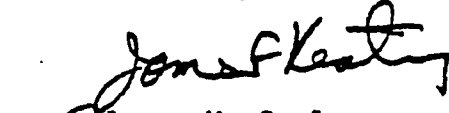
Dear Ms. Zimmerman:

The Department has reviewed the material you supplied concerning the proposed Soda Creek Hydropower Project and offers the following comments:

1. The chemical characteristics of Soda Creek prevents the development of a sport fishery. Therefore, screening and fish passage facilities will not be required on the project.
2. The Department does not have stream flow data with which to set minimum stream flows to protect the aquatic resources that do exist in Soda Creek. No stream should be totally dewatered under an exemption. The Department will supply the applicant with the methodology for determining minimum stream flows. The applicant should supply this information prior to submitting an application for exemption.
3. The Department is concerned that the project not adversely affect any wildlife resources in the area. Structures should be designed to prevent entrapment of game; transmission facilities should be designed and constructed in a manner to prevent raptor mortalities.

Thank you for the opportunity to comment on this proposal. We will be glad to review any additional plans you may have concerning this project.

Sincerely,


Jerry M. Conley
Director

• EQUAL OPPORTUNITY EMPLOYER •

ENC. "E"

4

The proposed new powerplant will have the following turbine characteristics:

<u>Plant No.</u>	<u>Turbine Type</u>	<u>Rated Head</u>	<u>Rated Horsepower</u>	<u>Rated Flow</u>
5	Horiz. Tube Kaplan	64.5 ft	495	75 cfs

The existing turbine/generator units and controls will be sold for salvage. The existing powerhouse No. 1 will be demolished and the site re-seeded with native grasses. The existing powerhouse No. 2 will be retained for equipment storage and maintenance. The existing power canal, diversion dam, and intake structure for plant No. 2 will be demolished and the disturbed areas re-seeded with native grasses.

- (4) The operation will be run-of-the-river. No peaking operation is contemplated.
- (5) There is no stream gaging available. The estimated average annual flow is 50 cfs. ✓
- (6) Critical parameters of proposed powerplant No. 5:

Average annual generation	1,900,000 kWh
Average head	64.5 ft
Design head	64.5 ft
Turbine hydraulic rated capacity	75 cfs

The existing diversion dam is approximately 6 feet high. It impounds less than 1 acre-foot. The diversion dam diverts the entire flow from Soda Creek except when the flow exceeds the capacity of the power canal. ✓