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S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, FORESTER.

THE USE BOOK

REGULATIONS AND INSTRUCTIONS
FOR THE USE OF THE NATIONAL FORESTS,
AND MANUAL OF PROCEDURE
FOR FOREST OFFICERS.

ISSUED BY THE SECRETARY OF
AGRICULTURE DECEMBER 28, 1910.

WATER POWER.

1911.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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“The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by \$500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.” (Act of June 4, 1897, 34 Stat., 35.)

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THE USE BOOK.

The fullest possible use of National Forest lands and resources is desired and will be encouraged, with no restrictions except such as are necessary to accomplish the purposes for which the National Forests are created.

Administrative jurisdiction over National Forests is conferred by law upon the Secretary of Agriculture (act of Feb. 1, 1905, 33 Stat., 628), who is authorized to regulate their occupancy and use (act of June 4, 1897, 30 Stat., 11).

The Secretary of the Interior has jurisdiction of all matters relating to the patenting and official survey of lands in the National Forests, and of grants of rights of way amounting to easements. By the practice and regulations of the Department of the Interior applications for rights of way in the National Forests are referred to the Secretary of Agriculture by the Secretary of the Interior for recommendations before final action thereon.

WATER-POWER REGULATIONS.

DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY,

Washington.

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905

(33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, JAMES WILSON, Secretary of Agriculture, do make and publish the following regulations for the occupancy and use of the National Forests for purposes of water-power development and utilization, the same to supersede all previous regulations for like purposes, and to be of force and effect from the date of this order, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 28th day of December, 1910.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

REG. L-1. Preliminary water-power permits will allow the occupancy of the lands of the United States within National Forests for the purpose of securing the data required for an application for final permit and for such construction as may be necessary to preserve water appropriation during that period. Final water-power permits will allow the occupancy and use of such lands for the construction, maintenance and operation thereon of works for the main purpose of the generation of electrical power. Preliminary or final permits for commercial water-power works, or for noncommercial water-power works of a capacity in excess of one thousand (1,000) horsepower, will be granted, extended, and renewed only by the Secretary of Agriculture. Permits for non-commercial water-power works of a capacity of one thousand

(1,000) horsepower or less, and for transmission lines, not a part of any water-power works covered by a water-power permit will be granted, extended, and renewed by the District Forester. The Secretary of Agriculture alone may revoke water-power permits.

REG. L-2. The term "noncommercial water-power works" will be applied to water-power works owned and used solely by the permittees for one or more of the following purposes: In the operation of their own mines, or in the milling and reduction of ores therefrom; as auxiliary to irrigation works owned and operated by permittees; temporarily, in the construction of other works for which permission has already been granted the permittees; by municipalities for municipal purposes; or for such other miscellaneous uses not herein enumerated as may be determined by the Secretary of Agriculture to fall within this class. No charge will be made for the use and occupancy of lands for noncommercial water-power works. All other water-power works will be termed "commercial." (See Regulation L-7 for charges.)

REG. L-3. Priority of application for a preliminary water-power permit shall be established by filing an application as prescribed in Regulation L-9. Priority of application for a final water-power permit shall be established by filing an application as prescribed in Regulation L-10. If an application for a final permit as prescribed by the said regulation is filed within the period required in a preliminary permit, priority established thereunder shall be maintained, and with reference to priority such application for final permit shall relate back

and be effective as of the date of the application for the preliminary permit. Priority shall be maintained only when the projects shown in the application for the final permit are within the approximate limits of diversion and discharge as shown in the application for the preliminary permit; priority shall be established for any projects outside these limits from the date of filing the application for final permit. Priority established under an application for final permit shall be lost if the applicant fails to return a duly executed stipulation, as prescribed in Regulation L-12, within ninety (90) days from the date it is mailed by the District Forester, unless such period is extended by written authority of the Secretary of Agriculture. Priority established under an application for preliminary permit shall be lost if the application for final permit, as prescribed in Regulation L-10, is not filed within the time required in the preliminary permit. Priority established under an application for final permit shall be lost if the permit is revoked. No other application for a like use, covering in whole or in part the same lands, shall be accepted from the permittee whose priority of application is lost until the expiration of one year thereafter.

REG. L-4. No application for preliminary or final water-power permit will be accepted, and no permit will be granted thereunder while the lands applied for are occupied and used under an existing water-power permit. Upon ascertaining that the lands applied for are so occupied and used, the District Forester will return

the application and inform the applicant fully of the reasons why the application can not be accepted.

REG. L-5. Occupancy and use of National Forest lands is the sole privilege granted under a water-power permit. In the issuance of such permits no attempt will be made to adjudicate water rights, since water rights are acquired under State laws and adjudicated by the courts. Therefore no protests against the granting of an application, if based upon alleged lack of water rights, will be considered; nor, in general, will any allegation that the time of beginning or completion of construction has been or is delayed by litigation over water rights be accepted as a sufficient reason for granting any extensions of time.

REG. L-6. Unless sooner revoked by the Secretary of Agriculture, a final water-power permit shall terminate at the expiration of fifty (50) years from the date of the permit, and may then be deemed to be an application by the permittee for a new permit to occupy and use such lands as are occupied and used under the original permit: Provided, That the permittee shall, not less than two nor more than four years prior to the termination of the permit, formally notify the Secretary of Agriculture that it desires such new permit, and will comply with all laws and regulations at such time existing, regulating the occupancy and use for water-power purposes of lands of the United States within the National Forests.

REG. L-7. The occupancy and use of lands of the United States within National Forests under a preliminary or final water power permit, other than noncommercial, shall

be conditioned upon the payment of an annual charge, based upon the value for power purposes of such lands, and the measure of said value shall be the net power capacity of the works, as defined in Regulation L-8, and the rates at which the charge shall be calculated shall be for each net electrical horsepower per annum as follows:

For the first year.....	\$0.10
For the second year.....	0.20
For the third year.....	0.30
For the fourth year.....	0.40
For the fifth year.....	0.50
For the sixth year.....	0.60
For the seventh year.....	0.70
For the eighth year.....	0.80
For the ninth year.....	0.90
For the tenth and each succeeding year.....	1.00

The above rates per net electrical horsepower per annum shall apply to preliminary water-power permits, in accordance with the net power capacity of the works as estimated at the time of granting the preliminary water-power permit, and if the final application is made in accordance with the terms of the preliminary permit all payments made under the preliminary permit shall be credited to the permittee and be applied to the payment due at the time of granting the final permit and, or, to payments to become due thereafter: Provided, however, That if the final permit provides for only a partial development of the project or projects protected by the preliminary permit then only a proportional part of such payments as may have been made under the preliminary permit will be

applied on payments due or to become due under the final permit.

The above rates shall also apply to final water-power permits, and if the works are completed and operation is begun within the time specified in the stipulation executed by the permittee or any approved extension thereof, all payments made prior to such specified date under the final permit and all payments which have been credited upon the final permit shall be applied on payments due or to become due upon or after the specified date.

The minimum rate of ten (10) cents per net electrical horsepower per annum shall also apply upon the date of the termination of the period for the completion of construction and beginning of operation as specified in the stipulation, or in any approved extension thereof, if the works are completed and operation is begun within such specified period and shall increase by ten (10) cents per net electrical horsepower per annum for each year thereafter until a rate of one dollar (\$1) per net electrical horsepower per annum is reached, and shall then remain at that rate until the expiration of the permit.

The minimum rate of ten (10) cents per net electrical horsepower per annum shall apply proportionately to the fractional part of the calendar year succeeding the date of the granting of the preliminary permit, the final permit, and the date specified in the stipulation for the completion of construction and beginning of operation, or any approved extension thereof, if the works are completed and operation is begun within such specified period, and also to the following full calendar year.

If the original permittee sells or transfers his improvements in accordance with Regulation L-15 and a new permit is issued to the vendee or transferee, the subsequent annual charges shall be at the rates that would have been required under the original permit, and any advance payments made by the original permittee may be applied pro tanto on the new permit. If all or any part of the amounts due for charges as required in the preliminary permit shall, after due notice has been given, be in arrears for sixty days, then and thereupon the preliminary permit shall terminate and be void. If all or any part of the amounts due for charges as required in the final permit shall, after due notice has been given, be in arrears for six months, then and thereupon the final permit shall terminate and be void.

Nothing in this regulation shall be construed to alter or amend the rates or the methods of fixing the charges as specifically provided in any existing permit.

REG. L-8. The term "gross power capacity," as used in these regulations, shall mean the power capacity of the entire works to be constructed, maintained, and, or, operated in whole or in part, under the permit for which application is made; provided that the term "power capacity," as used in this regulation, shall mean estimated average annual station output in electrical horsepower, which, under continuous operation with reasonable load factor, is possible of development from all water available therefor, falling through effective head, with deductions for reasonable mechanical and electrical losses in generating machinery,

and that the term "load factor," as used in this regulation, shall mean ratio of average output to maximum output.

The "net power capacity" upon which the charges are based (see Regulation L-7) shall be determined by making the following deductions from the gross power capacity of the entire works:

(A) An amount bearing approximately the same ratio to the storage power of the reservoir or reservoirs, proposed to be constructed or maintained under permit, as the area of unreserved lands and patented lands within the flood lines of such reservoir or reservoirs bears to the total area within said flood lines, as of the beginning of each year.

(B) An amount bearing approximately the same ratio to the difference between the gross power capacity and the storage power as the length of the conduit or conduits, proposed to be constructed or maintained under permit upon unreserved lands and patented lands, bears to the total length from intake to powerhouse, of the conduit or conduits, as of the beginning of each year.

(C) From the gross power capacity remaining after deductions (A) and (B) have been made a further deduction shall be made which, in per cent, shall be calculated by multiplying the square of the distance of primary transmission in miles by the constant factor 0.001; but in no case shall deduction (C) exceed twenty-five (25) per cent.

The term "storage power," as used in these regulations, shall mean that part of the aforesaid gross power capacity which is made possible of development by the

use of any reservoir or reservoirs to be constructed maintained in whole or in part under permit. The word "conduit," as used in these regulations, shall include ditches, canals, flumes, pipe lines, and all other means for the conveyance of a flow of water.

If any part of the electric energy generated by the works constructed in whole or in part under permit used by the permittee in the operation of its own mine or in the milling or reduction of ores therefrom, or as auxiliary to irrigation works owned and operated by the permittee, or for such other miscellaneous uses as may be determined by the Secretary of Agriculture to fall within "noncommercial" use, the net power capacity upon which the charge for any year is to be calculated shall, before such calculation, be reduced by an amount bearing approximately the same ratio to the net power capacity as the amount of electric energy generated by the works and used for the above purposes, bears to the total amount of energy generated by the works during the last preceding year.

If at any time not less than ten (10) years after the original or after the last preceding determination of the gross power capacity, the permittee or the Secretary of Agriculture on the ground of the inaccuracy, insufficiency or inapplicability of the data upon which the original or said last preceding determination of the gross power capacity was made, shall apply for or give notice of review of the original or last preceding determination, then and thereupon such review shall be taken by the

Secretary of Agriculture and a redetermination of the gross power capacity and of the storage power shall be made, and thereupon the redetermined gross power and the redetermined storage power shall, for the purpose of determining the charges, and from the beginning of the next calendar year, be taken to be the gross power capacity of the works and the storage power of the reservoir or reservoirs.

The decision of the Secretary of Agriculture shall be final as to all matters of fact upon which the determination of the power capacity of the works and the storage power of the reservoir or reservoirs depend.

REG. L-9. All applications for preliminary permits to occupy and use the lands of the United States within National Forests for the purpose of securing the data required for a final application for water-power works and for such construction as may be necessary to preserve water appropriation, shall be filed with the District Forester of the District in which such lands are situated, and shall consist of the following:

(A) An application in triplicate on Form 58.

(B) A map on tracing linen and either one Van Dyke negative or three print copies, cut to a uniform size not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with scale so selected as to show the entire project upon a single map, showing the approximate location of the dams, reservoirs, conduits, power houses or other works for which final application is to be made; each separate sheet of maps, estimates and data shall be signed

and dated by the applicant. If the proposed development is to be upon surveyed land, the map shall show for each reservoir site the distance and bearing of one extremity of the dam from the nearest existing corner of the public survey, and the approximate position and area of the flood line of the reservoir; for each conduit line, the distance and bearing of each terminus from the nearest existing corner of the public survey, and the approximate location and length of the conduit; and for each powerhouse site, the distance and bearing of one corner of the site from the nearest existing corner of the public survey, and the approximate area of the site. If on unsurveyed land, the distances and bearings may be taken from some natural feature that can be readily recognized upon the ground, as a stream junction for example, or from a permanent monument that can be readily found.

(C) A statement in triplicate, estimating the amount of water available for use and the total head at each proposed power house.

(D) Estimates in triplicate of the amount of power that may be developed at each proposed power house.

(E) Prima facie evidence, certified by the proper public officer, of the appropriation by the applicant or its predecessors of all the water which it is proposed to use in the operation of the works applied for.

Application must be made for the occupancy and use of such lands for a definite limited period only, which period will allow a reasonable time for the preparation

and filing of the final application as prescribed in Regulation L-10.

The time prescribed in the preliminary permit may, upon application, be extended by the Secretary of Agriculture if the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen or by some special or peculiar cause beyond the control of the permittee.

Although not required as an essential part of the application, a statement from the District or Supervising Engineer of the United States Reclamation Service, to the effect that the granting of the permit applied for will not interfere with any Government reclamation project, should be submitted with the application.

An application for a preliminary water-power permit filed with the District Forester shall not be complete until the last map or paper required by this regulation shall have been filed in the form prescribed.

REG. L-10. All applications for final permits to occupy and use the lands of the United States within National Forests for commercial water-power works and for non-commercial water-power works of more than 1,000 electrical horsepower capacity shall be filed with the District Forester of the District in which the lands are situated, and shall consist of the following:

(A) An application in triplicate on Form 60.

(B) Maps of location and plans of structures, both on tracing linen with either one Van Dyke negative or two print copies cut to a uniform size not larger than 28 by

40 inches and not smaller than 24 by 36 inches, with a graphical scale of not less than 6 inches in length drawn thereon. Separate sheets shall be used for maps of location whenever the whole survey can not be shown upon a single sheet. Each separate sheet of maps and plans shall contain the affidavit of the applicant's engineer and the applicant's certificate.

(1) The following maps and plans shall be filed for each reservoir which will be used as a part of the complete power project: (a) a contour map of each reservoir site, dam, and dam site on a scale of not more than 400 feet to the inch with a contour interval of not more than 10 feet. United States Geological Survey datum should be used where available. The maps shall show the reference lines for the initial point of the survey and all land subdivisions within the flood lines of the reservoirs, and the status of all such lands which are within the National Forest, designating separately National Forest land and patented land. (b) Plans, elevations, and cross sections of the dams, showing spillways, sluiceways, or sluice pipes, the character of the material to be used, and the type of construction.

(2) The following maps and plans shall be filed for the entire length of each conduit which will be used as a part of the complete power project: (a) A contour map of the entire conduit location, except pressure lines, on a scale of not more than 400 feet to the inch, with contour interval of not more than 10 feet and a profile of the pressure lines. United States Geological Survey datum should be used

where available. The contours shall cover either an area of 100 feet in width on each side of the center line of the conduit or a difference in elevation of at least 25 feet above and below the grade line of the conduit. This map shall show the transit line of the survey and the center line of the proposed final location of conduits, including curves between tangents, the reference line of the location of termini, all land subdivisions to be crossed by the conduit, and the distance, from the nearest section or quarter-section corner, of the intersection of the transit line with section lines. If such corners can not be found within a half mile of the line the fact should be noted upon the map and the tie may be omitted. This map shall also show the status of land within the National Forest which will be crossed by the conduits, designating separately National Forest land and patented land, what sections of the conduit will be in flume, ditch, tunnel, pipe, etc., and the grade of each section. (b) Plans, elevations, and cross sections of each type of conduit, showing material, dimensions, grades, flow line, and capacity, and plans of intake works and forebays.

(3) The following maps shall be filed for all power-house sites which will be used as a part of the complete power project. Contour maps on a scale of not more than 50 feet to the inch with contour interval of not more than 5 feet, of all proposed power-house sites, showing connections between initial point of survey and the reference corner of the public survey, the proposed locations of power houses, other buildings, etc., and the status of the lands to be used, designating separately National Forest land

and patented land. This map shall also state the proposed type and probable number and rated capacity of the water wheels and generators to be used.

(4) The following maps shall be filed for such portions of transmission lines as lie within the exterior boundaries of a National Forest: A map of the survey of the proposed final location of the center line of the transmission line on a scale of not more than 1,000 feet to the inch. This map shall show the reference lines for the location of termini when within the exterior boundaries or of intersections with National Forest boundaries, all land subdivisions to be crossed by the transmission line, the distances, from the nearest section or quarter-section corner, of the intersection of the survey lines with the section lines and the status of the lands to be crossed by the transmission line, designating separately National Forest land and patented land.

(C) Copies of field notes in triplicate of the entire final location survey of conduits and transmission lines and the exterior boundaries of power house and reservoir sites bearing the affidavit of the applicant's engineer and the applicant's certificate.

(D) Detailed estimate in triplicate of the amount of maximum, minimum, and average output of the proposed works in electrical horsepower at the generator switchboard, bearing the affidavit of the applicant's engineer and the applicant's certificate. This estimate shall be accompanied by a detailed statement in triplicate of the complete data upon which estimates are based, consisting of a statement of the amount of water appropriated,

the estimated average amounts of water to be used from natural flow and from storage, stream measurements, run-off and evaporation records, total and effective heads, estimated efficiencies of machinery, and estimated load factor of the plant.

(E) Prima facie evidence, certified by the proper public officer, of the appropriation by the applicant or its predecessors of all the water which it is proposed to use in the operation of the works. If such evidence has been filed with a preliminary application only such additional evidence will be required as will cover appropriations or transfers subsequent to the date of the evidence filed with the preliminary application.

(F) Articles of incorporation, if a corporation, certified under the State seal, or articles of association or partnership properly certified, and, if a corporation organized under the laws of a State or Territory other than the State or Territory in which the project is located, evidence of the right to operate within the State or Territory within which the works are to be located.

Maps and field notes shall designate by termini and length each conduit and transmission line, and by initial point and area each reservoir site and power-house site. The termini of conduits, the termini of transmission lines when within the exterior boundaries, the intersections of transmission lines with National Forest boundaries and the initial point of survey of power-house sites shall be fixed by reference of course and distance to the nearest existing corner of the public survey. The initial point of the survey of reservoir sites shall be fixed by reference of course

and distance to the nearest existing corner outside of the reservoir by a line, or lines, that does not cross an area that will be covered with water when the reservoir is in use. When either terminus or a conduit, or intersections of transmission lines with National Forest boundaries, or the initial point of the survey of a reservoir or power-house site is upon unsurveyed land, it shall be connected by traverse with an established corner of the public survey, and the distance from the terminus or initial point to the corner shall be computed and noted on the map and in the affidavit of the applicant's engineer. When an established corner of the public survey is more than 2 miles distant, this connection may be with a natural object or a permanent monument which can be readily found and recognized and which will fix and perpetuate the position of the terminus or initial point. This map shall show the position of such point and shall give the course and distance to the terminus and initial point. The field notes shall give an accurate description of the natural object or monument and full data of traverse as required above. The affidavit of the applicant's engineer and the applicant's certificate shall state the connections.

Each separate original map, plan, set of field notes, estimates and data, evidence of water right, articles of incorporation and evidence of right to do business within the State, when required, shall be plainly marked "Exhibit A," "Exhibit B," etc., respectively, and referred to by such designation in the application. Maps and plans shall in addition be described in the application by their titles as "Exhibit A," map of location of, etc.,

“Exhibit B,” plan of, etc. Duplicate and triplicate copies should be marked “Exhibit A, duplicate,” “Exhibit A, triplicate,” etc. Maps should be rolled for mailing and should not be folded.

An application for final permit filed with the District Forester shall not be complete until the last map or paper required by this regulation has been filed in the form prescribed.

REG. L-11. Applications for permission to occupy and use the lands of the United States within National Forests for noncommercial water-power works of 1,000 horsepower capacity or less shall be filed with the District Forester of the District in which such lands are situated, shall be in writing, and shall be accompanied by:

(A) A map in triplicate showing the location of dams, reservoirs, conduits, power houses, and transmission lines or other works.

(B) Field notes of the survey in triplicate.

(C) Prima facie evidence, certified by the proper public officer, of the appropriation by the applicant or its predecessors of all the water which it is proposed to use in the operation of the works.

(D) A statement in triplicate of the amount of water to be diverted for use and the amount of power to be developed.

The map shall consist of one original on tracing linen and either one Van Dyke negative or two print copies, and shall be not larger than 28 by 40 inches or smaller than 24 by 36 inches, and may be of any convenient scale. If the proposed development is to be upon unsurveyed land, the map shall show, for each reservoir site, the distance

and bearing of the initial point of survey from the nearest existing corner of the public survey, the location of the flood lines of the reservoir, and its area; for each conduit line, the distance and bearing of each terminus from the nearest corner of the public survey, the location of the center line of the conduit, and its length; and for each power-house site, the distance and bearing of the initial point of survey from the nearest corner of the public survey, the location of the exterior boundaries of the site, and the area. If on unsurveyed land, the distances and bearings may, if the nearest existing corner of the public survey is more than two miles distant, be taken from some natural object or permanent monument that can be readily found and recognized, and which will fix and perpetuate the position of the terminus or initial point.

REG. L-12. Before a water-power permit for non-commercial water-power works of over 1,000 horsepower capacity shall be issued, the permittee shall execute a stipulation to include such of the requirements enumerated in Regulation L-13 as may be necessary to protect National Forest interests. Stipulations will not be required for noncommercial water-power works of 1,000 horsepower or less, or for transmission lines not a part of any water-power works covered by a water-power permit.

REG. L-13. Before a final permit for commercial water-power works shall be issued, the permittee shall execute and file with the District Forester a stipulation:

(A) To construct its works on the locations shown upon and in accordance with the maps and plans filed with its

final application for a water-power permit and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been filed with the District Forester and approved by the Secretary of Agriculture. (See Regulation L-15.)

(B) To begin the construction of the works, or the several parts of the works, within a specified period or periods from the date of the permit for which application has been made, and thereafter to diligently and continuously prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee. The term "construction of the works" as used in this regulation shall be deemed and taken to mean only the actual construction of dams, conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the completed works, and shall not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent works.

(C) To complete the construction and begin the operation of the works, or the several parts of the works, within a specified period or periods from the date of the permit for which application has been made.

(D) To operate continuously for the generation of electric energy the works constructed and maintained in whole or in part under the permit, unless, upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies, this requirement

shall be temporarily waived by the written consent of the Secretary of Agriculture.

(E) That any approval by the Secretary of Agriculture of any alteration or amendment, or of any map or plan, or of any extension of time, shall affect only the portions specifically covered by such approval. And no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the stipulation.

(F) To pay annually in advance for the use and occupancy of the land such charges as may be required by the regulations of the Secretary of Agriculture. (Regulations L-7 and L-8.)

(G) To install and maintain in good operating condition accurate measuring weirs, gauges, and other devices approved by the Secretary of Agriculture, adequate for the determination of the natural flow of the stream or streams from which the water is to be diverted for the operation of the works and of the amount of water used from the natural flow in the operation of the works and of the amounts of water held in and drawn from storage, and to keep accurate and sufficient records, to the satisfaction of the Secretary of Agriculture, of the above-named measurements.

(H) That the books and records of the permittee in so far as they show the amount of electric energy generated by the works constructed or maintained, in whole or in part, under permit, or the amount of water held in or used from storage, or the stream flow or other data of the watershed furnishing water used in the generation of

electric energy, shall be open at all times to the inspection and examination of the Secretary of Agriculture, or his duly authorized representative, and that the permittee will during January of each year make a return to the Secretary of Agriculture, under oath, of such of the records of measurements made by or in the possession of the permittee as may be required by the Secretary of Agriculture and for the year ending on December thirty-first preceding.

(I) That the works to be constructed and maintained under the permit will not be owned, leased, trusteeed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect, any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory in the generation, sale, or distribution of electric energy.

(J) To protect all Government and other telephone lines at crossings of and at all places of proximity to the transmission line and to maintain the line in such a manner as to prevent injury to stock grazing on the National Forests.

(K) To clear and keep clear the land along the transmission line where it crosses National Forest lands.

(L) To dispose of all brush and other refuse resulting from the clearing out or cutting of timber on the National Forest lands to be occupied under the permit for which application is made.

(M) To build and repair roads and trails whenever any roads or trails are destroyed or injured by construction work or flooding under the permission applied for, and to build and maintain necessary and suitable crossings for all roads and trails which intersect the conduit, if any, constructed, operated, or maintained on the lands the occupancy and use of which is applied for.

(N) To pay for the full value of all merchantable timber upon National Forest lands to be cut, injured, or destroyed.

(O) To pay full value for all damage to the National Forests resulting from the breaking of or the overflowing, leaking, or seeping of water from the works to be constructed, maintained, or operated under the permission applied for, and for all other damage to the National Forests caused by the neglect of the permittee or the employees, contractors, or employees of the contractors of the permittee.

(P) To sell electric energy to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time: Provided, That the permittee can furnish the same to the United States without diminishing the measured quantity of energy sold before such request to any other customer by a binding contract of sale: And provided further, That nothing in this clause shall be construed to require the permittee to increase its permanent work or to install additional generating machinery.

(Q) To do all reasonably within its power to prevent and suppress forest fires on or near the lands to be occupied under permit.

REG. L-14. During the progress of construction amendments to maps of location or plans of structures will be required from the permittee if there is a physical interference with the use of lands granted by existing permits or pending applications, or if there is a material deviation from the maps or plans as originally filed, but no deviation will be considered material which involves a change of less than 10 per cent in the estimated gross capacity of the works. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental stipulation and permit so drawn as to become a part of the original stipulation and permit and a substitute for the clauses amended. Any approval by the Secretary of Agriculture of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the stipulation.

If after the completion of the works there are any deviations in location from those shown upon the original map, or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed with the District Forester within six months after the completion of each part of the works showing the extent of such deviations and the final locations of such parts of the works. Also upon the completion of the works detailed working plans will be required of the works as constructed, except of such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional

plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general lay-out plans are required.

REG. L-15. An extension of the periods stipulated by the permittee for beginning construction, or for the completion of construction and the beginning of operation, will be granted only by the written approval of the Secretary of Agriculture after a showing by the permittee satisfactory to the Secretary of Agriculture that the beginning or completion of construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

REG. L-16. Upon the presentation to the Secretary of Agriculture of certified copies of sale, lease, assignment, execution of judgment, or other form of transfer of the properties or other rights of the permittee in and to the works constructed under a water-power permit and of the water or other rights necessary to the enjoyment of the use of the said works, the said Secretary may, in his discretion, upon the formal surrender of the original permit and the filing of a stipulation satisfactory to the said Secretary by the purchasers, transferees, executors, successors, lessees, or assigns of the original permittee, issue a new permit for the unexpired term of the original permit to such purchasers, transferees, executors, successors, lessees, or assigns, authorizing him, it, or them to occupy

and use the lands of the United States specified in the original permit for the purposes named in the original permit.

REG. L-17. If any person shall make a false engineer's affidavit under regulation L-10 the Secretary of Agriculture may order that no map, field notes, plan, or estimate made by such person shall be received or filed while the order is in force. If any applicant shall offer or file any map, field notes, plan, or estimate bearing a false engineer's affidavit, knowing the same to be false, the Secretary of Agriculture may order that no water-power application shall be received from and no water-power permit shall be granted to such applicant while the order is in force.

WATER-POWER FORMS.

FORM 58.

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE.

.....
(Name of Forest.)

.....
(Name of applicant.)

.....
(Use applied for.)

.....
(Date of priority of application.)

Application for preliminary water-power permit.

The _____, a corporation organized and existing under and by virtue of the laws of the State (or Territory) of _____, and having its office and principal place of business at _____, in the State (or Territory) of _____.

71956°—11—3

_____, _____, citizen of the United States and resident of the State (or Territory) of _____, do hereby make application for a preliminary permit for _____ months, covering certain lands of the United States within the _____ National Forest in the State (or Territory) of _____ as such lands are approximately shown upon a certain map executed by _____, on the _____ day of _____, 19____, which map is filed herewith and made a part hereof. This application is made in order that _____ may, upon the filing of a complete and final application in accordance with the regulations of the Secretary, secure a priority for said final application from the date of the filing of this preliminary application.

.....
(Space for insertion of request for construction work if necessary to maintain water rights.)

In witness whereof, _____ ha caused this instrument to be executed this _____ day of _____, 19____.

[Seal of corporation.] _____.

Attest:

_____,
Secretary.

FORM 58a.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Certificate of receipt of preliminary application.

The within application of _____, dated _____ for preliminary water-power permit was received by me at _____, this _____ day of _____, 19____, at _____ m.

_____,
District Forester.

I certify that I have examined the within application of _____ for preliminary water-power permit and have found it _____ as described in detail in a certain letter to said applicant dated _____, and signed by the _____, District Forester, a copy of which is attached hereto.

_____,
District Engineer.

Dated _____, 19____.

The within application of _____, for preliminary water-power permit, having been returned to the applicant for completion, has been received by me at _____, on this _____ day of _____, 19—, at _____ m.

_____,
District Forester.

I certify that the within application of _____ for preliminary water-power permit is complete as required by the regulations of the Secretary of Agriculture.

_____,
District Engineer.

Dated _____, 19—.

If when first examined by the District Engineer, the application is complete as required by the regulations, the second and third forms of certification will be canceled.

FORM 59.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

....., Water Power.
(Name of Forest.)

.....
(Name of applicant.)

.....
(Use applied for.) (Date of priority of application.)

Preliminary water-power permit.

This preliminary permit issued this _____ day of _____, 19—, to the _____ Company, hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of the State (or Territory) of _____, and having its office and principal place of business at _____, in the State (or Territory) of _____, Witnesseth: That,

Whereas the permittee filed with the District Forester at _____, _____, on the _____ day of _____, 19—, at _____ m., an application for a preliminary permit, in accordance with the regulations of the Department of Agriculture;

And whereas the permittee, on the _____ day of _____, 19—, paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ dollars (\$_____);

Now, therefore, the conditions of this permit are as follows:

Clause 1. If the permittee shall, on or before the _____ day of _____, 19—, file with the District Forester at _____, _____, in the manner prescribed by the regulations and instructions of the Secretary of Agriculture, a complete and final application for a permit to occupy and use lands of the United States within the _____ National Forest as shown upon a certain map executed by _____ on the _____ day of _____, 19—, and made a part of the aforesaid preliminary application for (1) _____ reservoir _____ to be located approximately as shown upon the aforesaid map; (2) _____ conduit _____ to be located between points of diversion and discharge as approximately shown upon the aforesaid map; and (3) _____ power-house site _____ to be located approximately as shown on the aforesaid map; then and thereupon said final application shall with reference to priority of application relate back and be effective as of the date of the aforesaid preliminary application, and the priority of the permittee's application for a permit to occupy and use the lands of the United States, as such lands are shown in its final application shall be established as against any other application for a like use, covering in whole or in part the same lands, which may have been filed subsequently to the filing of the aforesaid preliminary application.

Provided, however, that if the permittee shall include in said final application lands covering developments not comprehended by its preliminary application, the priority of its application for such additional lands shall date only from the date of the filing of said final application.

Clause 2. The permittee shall pay to the _____ National Bank of _____ (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States the following amounts on or before the following dates, to wit: _____, _____, 19—, _____ dollars (\$_____).

Clause 3. If any one or any part of the amounts named in Clause 2 hereof shall, after due notice has been given, be in arrears for sixty (60) days, then and thereupon this permit shall terminate and become void.

Clause 4. If upon the filing of the said final application a water-power permit is granted by the Secretary of Agriculture to the permittee to occupy and use the aforesaid lands for the construction, maintenance, and, or, operation of the aforesaid works; all payments made in consideration of this preliminary permit shall be credited to the permittee and be applied to the payment of charges due, or to

become due, under the said water-power permit: *Provided, however,* That if such final application provides for only a partial development of the project or projects, as outlined in the aforesaid preliminary application and as protected by this permit, then only such proportional part of the aforesaid payments shall be credited to the permittee as the amount of development provided for in said final application bears to the amount of development indicated in said preliminary application.

Clause 5. This permit shall terminate and become void upon the date named in Clause 1 hereof, unless extended by the written consent of the Secretary of Agriculture, and such extension shall not be granted unless the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen, or by some special or peculiar cause beyond the control of the permittee; and if at the date of the termination of this permit as named in Clause 1 hereof, or at the date of the termination of any extension of time as herein provided, the permittee has failed to present a complete and final application in the manner and in the form prescribed in Clause 1 hereof, then and thereupon the aforesaid priority shall be lost, and no other application covering in whole or in part the same or adjacent lands will be accepted from the permittee for a period of one year subsequent to the date of the termination of this permit or to the date of the termination of any extension thereof.

Clause 6.¹ This permit shall give no right to begin construction of any kind or to cut or destroy any timber upon National Forest lands; but shall give only the right to establish priority of application as hereinbefore provided.

Clause 6.¹ The permittee is hereby authorized to begin the construction of the following works: _____

Clause 7. This permit is nontransferable.

In witness whereof, I have hereunto set my name this _____ day of _____, 19—.

_____,
Secretary of Agriculture.

¹Cancel form of clause not used.

FORM 60.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

.....
(Name of Forest.)

.....
(Name of applicant.)

.....
(Use applied for.)

.....
(Date of priority of application.)

Application for final water-power permit.

The _____, a corporation organized and existing under and by virtue of the laws of the State (or Territory) of _____, and having its office and principal place of business at _____, in the State (or Territory) of _____.

_____, _____, citizen of the United States and resident of the State (or Territory) of _____, do hereby make application for permission to occupy and use certain lands of the United States within the _____ National Forest in the State (or Territory) of _____ by constructing, maintaining, and, or, operating thereon for the main purpose of the generation of electric power, the following works:

(Cancel such of the four following items (a), (b), (c), (d) as may not be applicable.)

(a) _____ dams approximately
(Masonry, earth, etc., diverting or storage.)

_____ feet in maximum height and approximately _____ feet in maximum length, to occupy approximately _____ acres, respectively, and to form _____ reservoirs to flood approximately _____ acres at extreme flood level and approximately _____ acres at spillway level, respectively;¹ in section _____, township _____, range _____, _____ meridian, of which total of _____ acres approximately _____ acres are National Forest land; said dams and said reservoirs being designated respectively as follows: _____.

(b) _____ conduits approximately _____ miles in length, respectively,¹ crossing sections _____, township _____, range _____, _____ meridian, of which total of _____ miles approximately _____ miles will lie upon National Forest land, said conduits being designated respectively as follows: _____.

¹ If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the District Forester on the _____ day of _____, 19-."

(c) ——— power houses and appurtenant structures to occupy approximately ——— acres, respectively,¹ in section ———, township ———, range ———, ——— meridian, of which total of ——— acres approximately ——— acres are National Forest land; said power houses being designated respectively as follows: ———.

(d) ——— transmission lines ——— miles in length, respectively,¹ crossing sections ———, township ———, range ———, ——— meridian, of which total of ——— miles approximately ——— miles will cross National Forest land; said transmission lines being designated as follows: ———.

All as approximately shown upon certain maps and plans executed by ———, on the ——— day of ———, 19—, which maps and plans are filed together herewith and designated as follows: ——— (Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan as "Exhibit A," Map of location of, etc.; "Exhibit —," Plan of, etc.), which maps and plans together with certain field notes, estimates and data, evidence of water rights, articles of incorporation, and evidence of authority to conduct business, designated respectively as "Exhibit —," "Exhibit —," "Exhibit —," "Exhibit —," and "Exhibit —," are hereby made a part of this application.

This application has been prepared to be filed in accordance with the regulation of the Secretary of Agriculture, in order that ——— may obtain the benefits of the act of Congress approved February 15, 1901, entitled "An act relating to rights of way through certain parks, reservations, and other public lands;" and that the use and occupation of the lands for which this application is made is desired for the purpose of generating electric power ———. (Add use to which power is to be put and any other purpose for which land may be desired.)

In witness whereof ——— ha caused this instrument to be executed this ——— day of ———, 19—.

[Seal of corporation.]

Attest:

_____,
Secretary.

¹ If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the District Forester on the ——— day of ———, 19—."

FORM 60a.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Certification of receipt of final application.

The within application of _____, dated _____, for a final water-power permit, was received by me at _____, this _____ day of _____ 19—, at _____ m.

_____,
District Forester.

I certify that I have examined the within application of _____, for a final water-power permit, and have found it _____ as described in detail in a certain letter to said applicant, dated _____, and signed by the _____ District Forester, a copy of which is attached hereto.

_____,
District Engineer.

Dated _____, 19—.

The within application of _____, for a final water-power permit, having been returned to the applicant for completion, has been received by me at _____, this _____ day of _____, 19—, at _____ m.

_____,
District Forester.

I certify that the within application of _____, for a final water-power permit, is complete as required by the regulations of the Secretary of Agriculture.

_____,
District Engineer.

Dated _____, 19—.

If when first examined by the District Engineer the application is complete as required by the regulations, the second and third forms of certification will be canceled.

60b.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of affidavit of engineer on map of location.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says he is the engineer of (or the person employed to make the survey by) the _____ Company; that the survey of said company's (conduits, transmission lines, reservoirs, and, or, power-house sites), described as follows: [Here describe each conduit and transmission line by termini and length and each reservoir and, or, power-house site, by area and initial point], being a total length of conduit of approximately _____ miles, a total length of transmission line of approximately _____ miles, a total area of reservoir site of approximately _____ acres, and a total area of power-house site of approximately _____ acres, was made by him (or under his direction) as engineer of (or as the person employed to make the survey by) said company, and under its authority; that said survey was commenced on the _____ day of _____, 19—, and ended on the _____ day of _____, 19—, and that said survey of said (conduits, transmission lines, reservoirs, and, or, power-house sites), approximately represents the proposed final location of said conduit, and approximately represents the proposed final location of said transmission lines, and approximately represents the proposed final location of the flood line of said reservoirs, and approximately represents the necessary area and proposed final location for said power-house sites; and that said survey is accurately represented upon this map and by the accompanying field notes, marked "Exhibit —" (and no lake or lake bed, stream or stream bed, is to be used for said conduits or reservoirs except as shown on this map).

Engineer.

Subscribed and sworn to before me this _____ day of _____, 19—. [Seal.]

Notary Public.

60c.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of certificate of applicant on map of location.

I, ——, do hereby certify that I am the —— of the —— Company; that ——, who subscribed the accompanying affidavit, is the engineer of (or the person employed to make the survey by) the said company; that the survey of the (conduits, transmission lines, reservoirs, and, or, power-house sites), as accurately represented on this map and by the accompanying field notes, marked "Exhibit —," was made under authority of said company; that said company is duly authorized by its articles of incorporation to construct (conduits, transmission lines, dams, reservoirs, and, or, power houses) upon the locations shown upon this map; that the location of said (conduits, transmission lines, reservoirs, and, or, power-house sites, as represented on this map and by said field notes, have been adopted by said company as the approximate final locations of said (conduits, transmission lines, dams, reservoirs, and, or, power-house sites) as described in the engineer's affidavit hereon —— (and that no lake or lake bed, stream or stream bed is to be used for said (conduits and reservoirs) except as shown on this map); and that in accordance with the regulations of the Department of Agriculture this map has been prepared to be filed as "Exhibit —" of an application of said company, dated ——, 19—, and bearing my signature as —— of said company.

[Seal of company.]

———, ———,
——— of the ——— Company.

Attest:

———, ———,
Secretary.

60d.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of affidavit of engineer on notes of survey.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says that he is the engineer of (or the person employed to make the survey by) the _____ Company; that the foregoing notes of survey are a true and complete copy of the field notes of an actual location survey made on the ground by him (or under his direction) as engineer of (or as the person employed to make the survey by) said company, and under its authority; and that all of said notes and no others were used in the preparation of the maps filed together herewith and marked "Exhibit —."

Engineer.

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

Notary Public.

[Seal.]

60e.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of certificate of applicant on notes of survey.

I, _____, do hereby certify that I am the _____ of the _____ Company; that _____, who subscribed the accompanying affidavit, is the engineer of (or the person employed to make the survey by) the said company; and that, in accordance with the regulations of the Secretary of Agriculture, the foregoing notes have been prepared to be filed as "Exhibit —" of an application of said company, dated _____, 19—, and bearing my signature as _____ of said company.

Attest:

_____ of the _____ Company.

Secretary.

60f.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of affidavit of engineer on plans of structures.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says he is the engineer of (or the person employed to make the designs and plans by) the _____ Company; that the designs of said company's (conduits, dams, etc.), as accurately represented upon this plan, were made by him (or under his direction) as engineer of (or as the person employed to make the designs and plans by) said company, and under its authority; that the designs of said (conduits, dams, etc.), represent safe, proper, and adequate structures for the fullest economic utilization of the power available for development at the locations shown upon certain maps filed together herewith and marked "Exhibit —."

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

_____,
Engineer.

_____,
Notary Public.

60g.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of certificate of applicant on plans of structures.

I, _____, do hereby certify that I am the _____ of the _____ Company; that _____, who subscribed the accompanying affidavit, is the engineer of (or the person employed to make the designs and plans by) said company; that the designs of (conduits, dams, etc.), as accurately represented upon this plan, were made under the authority of said company; that said company is duly authorized by its articles of incorporation to construct (conduits, dams, etc.), of the character shown upon this plan; that the designs of said (conduits, dams, etc.), as accurately represented upon this plan, have been adopted by said company as the approximate designs of the (conduits, dams, etc.), proposed to be constructed in the locations shown upon certain maps filed together herewith and marked "Exhibit —;" and that, in accordance with the regulations of the

Secretary of Agriculture, this plan has been prepared to be filed as "Exhibit —" of an application of said company, dated _____, 19—, and bearing my signature as _____ of said company.

_____,
_____ of the _____ Company.

[Seal of company.]

Attest: _____,
_____, (Secretary.)

60h.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of affidavit of engineer on estimates and data.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says that he is the engineer of (or the person employed to collect the data and prepare the estimates of power by) the _____ Company; that the foregoing data were collected by him and the foregoing estimates were prepared by him (or under his direction) as engineer of (or the person employed to collect the data and prepare the estimates of power by) said company, and under its authority; that the foregoing estimates, based upon all the data available therefor, represent, in his best judgment and belief, the amounts of power that can be developed by the entire works proposed to be constructed in the location shown upon certain maps filed together herewith and marked "Exhibit —"; that the foregoing data are all the data available for said estimates; and that all of said data and no others were used in making said estimates.

Engineer.

Subscribed and sworn to before me, this _____ day of _____, 19—.
[Seal.]

Notary Public.

60i.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Form of certificate of applicant on estimates and data.

I, _____, do hereby certify that I am the _____ of the _____ Company; that _____, who subscribed the accompanying affidavit, is the engineer of (or the person employed to collect the data and prepare the estimates of power by) said company; that the foregoing estimates have been approved by said company; and that, in accordance with the regulations of the Secretary of Agriculture, said estimates have been prepared to be filed as "Exhibit —" of an application of said company dated _____, 19—, and bearing my signature as _____ of said _____ Company.

[Seal of company.]

_____,
_____ of the _____ Company.

Attest: _____,
Secretary.

FORM 61.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

....., Water Power.
(Name of Forest.)

.....
(Name of applicant.)

.....
(Use applied for.)

.....
(Date of priority of application.)

Water-power stipulation.

The _____ Company, hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of the State (or Territory) of _____, and having its office and principal place of business at _____, in the State (or Territory) of _____, having on the _____ day of _____, 19—, filed with the District Forester at _____, an application, in accordance with the regulations of the Secretary of Agriculture, for a permit to occupy and use certain lands of the United States within the _____ National Forest in the State (or Territory) of _____, and more particularly described in and shown by the maps and plans accompanying said application

and made a part thereof, upon which to construct, maintain, and operate certain works described in said application for the purpose of storing, conducting, and, or, using water for generating electric energy, and for the purpose of transmitting said energy, does hereby, in consideration of and as a prerequisite to the approval of the said application and the granting of the permit applied for, stipulate and agree as follows, to wit:

1. To construct its works on the locations shown upon the maps and in accordance with the plans specifically described in its final application for a permit, filed with the District Forester at _____ on the _____ day of _____, 19—, which said maps and plans are hereby made a part of this stipulation, and to make no material deviation from said locations or from said plans unless and until maps or plans showing such deviation shall have been filed with the District Forester and approved by the Secretary of Agriculture.

2. To file, within six (6) months after the completion of each part of the works as required in Clause 4 hereof, in the manner prescribed for original maps of location, maps showing the final location of such part of the works as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof; and to file also within six (6) months of the completion of each part of the works as aforesaid, in such manner as may be prescribed by the Secretary of Agriculture, detailed working plans of each part of the works as constructed, except of such parts as have been constructed in compliance with the plans originally filed or approved amendments thereof.

3. ¹ To begin the construction of the aforesaid works within the period of _____ months from the date of the permit for which application has been made, and to secure which this stipulation is filed with the District Forester, and thereafter to diligently and continuously prosecute such construction unless such construction is temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

3. ¹ To begin the construction of the following several parts of the aforesaid works within the several periods in this clause provided, which periods shall begin on the date of the permit for which application has been made, and to secure which this stipulation is filed with the District Forester, and thereafter to diligently and continuously prosecute such construction, unless such construction is tem-

¹ Use the first form of Clauses 3 and 4 when but one complete project is to be constructed and it is inadvisable to separate it into two or more units of construction. When several distinct projects are involved, or where it may be desirable to divide a single project into two or more units of construction, use the second form of Clauses 3 and 4. Cancel out form not used.

porarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee:

(1) Within _____ months, Project A, consisting of _____.

4. ¹ To complete the construction and begin the operation of the aforesaid works within a period of _____ months from the date of the permit for which application has been made and to secure which this stipulation is filed with the District Forester.

4. ¹ To complete the construction and begin the operation of the following several parts of the aforesaid works within the several periods in this clause provided, which periods shall begin on the date of the permit for which application has been made and to secure which this stipulation is filed with the District Forester:

(1) Within _____ months, Project A, consisting of _____.

5. That it is understood that the term "construction of the works," as used in this stipulation, shall be deemed and taken to mean only the actual construction of dams, conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the completed works; and shall not include surveys, or the building of roads or trails, or the clearing of lands, or the performance of any work preliminary to the actual construction of the permanent works.

6. That it is understood that if at the date of the termination of any one of the periods specified in Clause 3 hereof, unless such period is extended by the written approval of the Secretary of Agriculture after a showing by the permittee satisfactory to the Secretary of Agriculture, that such beginning of construction of that part of the works required to have been begun within such period has been prevented by the act of God or the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee, thereupon the permission to occupy and use the lands of the United States within a National Forest for all parts of said works, the construction of which has not been begun on said date, shall terminate and become void, and that the water-power permit, in so far as such parts of said works are concerned, shall become of no effect.

7. That it is understood that the periods specified in Clause 4 hereof for the completion of construction and the beginning of operation of the several parts of the works will be extended only upon the written approval of the Secretary of Agriculture after a showing by the permittee, satisfactory to the Secretary of Agriculture that the completion of construction and beginning of operation has been pre-

¹ Use the first form of Clauses 3 and 4 when but one complete project is to be constructed and it is inadvisable to separate it into two or more units of construction. When several distinct projects are involved, or where it may be desirable to divide a single project into two or more units of construction, use the second form of Clauses 3 and 4. Cancel out form not used.

vented by the act of God, or the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee; and, if such extension be not approved, that thereupon the permission to occupy and use the lands of the United States within a National Forest for such parts of said works shall terminate and become void; and that the water-power permit, in so far only as such parts of said works are concerned, shall become of no effect.

8. That, except when prevented by the act of God, or by the public enemy, or by unavoidable accidents or contingencies, the permittee will, after the beginning of operation, continuously operate for the generation of electric energy the works constructed, maintained and, or, operated, in whole or in part, under the aforesaid permit: *unless* upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived by the written consent of the Secretary of Agriculture.

9. That any approval by the Secretary of Agriculture of any alteration or amendment, as hereinbefore provided, of any map or plan, or of any extension of time, shall affect only the matter specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of this stipulation.

10. To pay annually in advance from the 1st day of January, 19—, to the ——— National Bank of ——— (United States depository), or such other Government depository or officer as may be hereafter legally designated, to be placed to the credit of the United States, a charge for the occupancy and use of the lands described and shown upon the maps hereinbefore referred to, which charge shall be based upon the value for power purposes of the lands of the United States, permission for the occupancy and use of which has been applied for, or will hereafter be applied for; and the measure of said value for said power purposes shall be deemed and taken to be the net power capacity of the works constructed, maintained, and, or, operated under said permit, as said net power capacity is hereinafter fixed or determined in Clause 12: *It being understood* that the term "gross power capacity," as used in this stipulation, shall be deemed and taken to mean the power capacity of the entire works to be constructed, maintained, and, or, operated in whole or in part under the permit for which application is made: *Provided*, That the term "power capacity," as used in this stipulation, shall be deemed and taken to mean estimated average annual station output in electrical horsepower, which under continuous operation with reasonable load factor is possible of development from all water available therefor

falling through effective head, with deductions for reasonable mechanical and electrical losses in generating machinery, and that the term "load factor," as used in this stipulation, shall be deemed and taken to mean ratio of average output to maximum output; that the term "net power capacity," as used in this stipulation, shall be deemed and taken to mean the gross power capacity, as above defined, less the deductions hereinafter specifically set forth.

11. That the gross power capacity of the entire works to be constructed, maintained, and, or, operated, in whole or in part, under the aforesaid permit shall, for the purposes of this stipulation be deemed and taken to be ——— electrical horsepower, of which amount the storage power of the reservoir or reservoirs, to be constructed, maintained, and, or, operated, in whole or in part, under said permit shall, for the purpose of this stipulation, be deemed and taken to be ——— electrical horsepower: *It being understood* that the term "storage power" as used in this stipulation shall be deemed and taken to mean that part of the aforesaid gross power capacity which is made possible of development by the use of the aforesaid reservoir or reservoirs: *It being further understood* that if any alterations or amendments of the maps of location or plans of structures, as provided for in clauses 1 and 2 hereof, shall cause an increase or a decrease of the gross power capacity or of the storage power as hereinbefore taken, said increased or decreased gross power capacity and storage power shall, from the beginning of the calendar year next succeeding the date of the approval of said alterations or amendments, be deemed and taken to be, for the purposes of this stipulation, the gross power capacity of the works and the storage power of the reservoir or reservoirs, to be constructed, maintained, and, or, operated under said permit; and, *It being further understood* that if at any time not less than ten (10) years after the original or after the last preceding determination of the said gross power capacity, either the permittee or the Secretary of Agriculture, on the ground of the inaccuracy, insufficiency, or inapplicability of the data upon which said original or said last preceding determination of the said gross power capacity was made, shall apply for or give notice of review of said original or said last preceding determination, then and thereupon such review shall be taken by the said Secretary and a redetermination of the gross power capacity and of the storage power shall be made; and the said redetermined gross power capacity and the said redetermined storage power shall, for the purposes of this stipulation, and from the beginning of the next calendar year, be deemed and taken to be the gross power capacity of the works and the storage power of the reservoir or reservoirs, constructed, maintained, and, or, operated, in whole or in part, under said permit.

12. That it is understood that in order to determine the net power capacity upon which the aforesaid charge shall be calculated, deductions from the gross power capacity as hereinbefore taken or determined will be made as follows:

(a) An amount bearing approximately the same ratio to the storage power of the reservoir or reservoirs, to be constructed, maintained, and, or, operated under the aforesaid permit, as the area of unreserved lands and patented lands within the flood lines of such reservoir or reservoirs bears to the total area within said flood lines, as of the beginning of each year; *It being understood* that the term "unreserved lands," as used in this stipulation, shall be deemed and taken to mean lands of the United States not reserved as a part of any National Forest, and that this stipulation shall not affect such lands or restrict in any manner the right and duty of the United States to control the occupancy and use thereof through the department or office lawfully charged with their custody or control; and *It being further understood* that the term "patented lands," as used in this stipulation, shall include all lands to which title has been perfected in persons, corporations, States, and Territories; also all lands outside the United States.

(b) An amount bearing approximately the same ratio to the difference between the aforesaid gross power capacity and the aforesaid storage power as the length of the conduit or conduits to be constructed, maintained, and, or, operated, under said permit, upon unreserved lands and upon patented lands, bears to the total length, from intake to power house, of the said conduit or conduits, as of the beginning of each year; *It being understood* that the word "conduit," as used in this stipulation, shall include ditches, canals, flumes, pipe lines, and all other means for the conveyance of a flow of water.

(c) From the gross power capacity remaining after the said deductions (a) and (b) have been made will be made a further deduction, which deduction, in per cent, will be calculated by multiplying the square of the distance of primary transmission in miles by the constant factor 0.001; *It being understood* that in no case will deduction (c) exceed twenty-five (25) per cent, and that the net power capacity resulting from said deductions from the aforesaid gross power capacity shall be deemed and taken to be, as of the beginning of each year, the net power capacity upon which the aforesaid charge shall be calculated.

13. That it is understood that if any part of the electric energy generated by the works constructed either in whole or in part under the aforesaid permit is used by the permittee itself in the operation of its own mines or in the milling or reduction of ores therefrom, or as auxiliary to irrigation works owned and operated by the permittee,

or for such other miscellaneous uses as may be determined by the Secretary of Agriculture to fall within "noncommercial" use, the aforesaid net power capacity upon which the aforesaid charge for any year is to be calculated shall, before such calculation, be reduced by an amount bearing approximately the same ratio to the aforesaid net power capacity as the amount of electric energy generated by the said works and used for the purposes in this clause above named during the last preceding year bears to the total amount of energy generated by the said works during the said last preceding year.

14. That the rates at which the aforesaid charge shall be calculated shall be the following amounts per net electrical horsepower per annum:

For the first year.....	\$0. 10
For the second year.....	0. 20
For the third year.....	0. 30
For the fourth year.....	0. 40
For the fifth year.....	0. 50
For the sixth year.....	0. 60
For the seventh year.....	0. 70
For the eighth year.....	0. 80
For the ninth year.....	0. 90
For the tenth and each succeeding year.....	1. 00

15. That it is understood that if the permittee completes the construction and begins the operation of the several parts of the aforesaid works within the periods provided for in Clause 4 hereof, or any approved extensions thereof, thereupon all charges for the occupancy and use of the lands for the said works so completed and operated which may have been paid prior to the date of the termination of such periods, or any extensions thereof, will be credited to the permittee and will be applied to the payment of charges due at the termination of such periods or any extensions thereof, or to become due thereafter, and the rate of ten (10) cents per net electrical horsepower per annum will apply from the date of the termination of the period or periods for the completion of construction and the beginning of operation specified in Clause 4 of this stipulation, or any approved extension thereof, and shall increase by ten (10) cents per net electrical horsepower per annum for each year thereafter until a rate of one dollar (\$1.00) per net electrical horsepower per annum is reached, and will then remain at the rate of one dollar (\$1.00) per net electrical horsepower per annum until the expiration of the aforesaid permit.

16. That it is understood that if any part of the aforesaid charge, payable as hereinbefore provided, shall, after due notice has been given, be in arrears for six (6) months, then and thereupon the said

permit to occupy and use the lands of the United States covered by said permit within a National Forest shall terminate and be void.

17. That the decision of the Secretary of Agriculture shall be final as to all matters of fact upon which the gross power capacity of the works and the storage power of the reservoir or reservoirs, constructed or to be constructed, maintained and, or, operated, in whole or in part, under the aforesaid permit, and the net power capacity of the aforesaid works for any year, depend.

18. To install and maintain in good operating condition, free of all expense to the United States, accurate measuring weirs, gauges, and, or, other devices approved by the Secretary of Agriculture or his authorized representative, adequate for the determination of the natural flow of the stream or streams from which water is diverted for the operation of said works, and of the amount of water used from the natural flow in the operation of said works, and of the amounts of water held in and drawn from storage, and to keep accurate and sufficient records, to the satisfaction of the Secretary of Agriculture, or his authorized representative, of the above-named measurements.

19. That the books and records of the permittee, in so far as they show the amount of electric energy generated by the works constructed, maintained, and, or, operated, in whole or in part, under the aforesaid permit, or the amounts of water held in or used from storage, or the stream flow, or any other data of the watershed furnishing the water used in the generation of said energy, shall be open at all times to the inspection and examination of the Secretary of Agriculture, or his duly authorized representative, and the permittee will, during January of each year, unless the time thereof is extended by the written consent of the Secretary of Agriculture, make a return to said Secretary, certified under oath, in such form as may be prescribed by the said Secretary, of such of the records of measurements made by or in the possession of the permittee, as may be required by the said Secretary, concerning the matters in this clause above named, and for the year ending on December thirty-first preceding.

20. That the works constructed, or to be constructed, maintained, and, or, operated under the aforesaid permit, will not be owned, leased, trusted, possessed, or controlled by any device, permanently, temporarily, directly or indirectly, tacitly, or in any manner whatsoever so that they form a part of, or in any way effect, any combination, or are in any wise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any

one State or Territory in the generation, sale, or distribution of electric energy.

21. That the aforesaid permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized by said permit.

22. To protect all Forest Service and other telephone lines at crossings of and at all places of proximity to the transmission line in a standard manner and satisfactory to the Forest officers, and to maintain the line in such a manner as to prevent injury to stock grazing on the Forest.

23. To clear and keep clear the land along the transmission line for such width and in such manner as the Forest officers may direct.

24. To dispose of all brush and other refuse resulting from the necessary clearing of or cutting of timber on the lands occupied and, or, used under the permission applied for, as may be required by the Forest officer in charge.

25. To build and repair roads and trails as required by the Forest officer, or other duly authorized officer or agent of the United States, whenever any roads or trails are destroyed or injured by the construction work or flooding under the permission applied for, and to build and maintain suitable crossings as required by the Forest officer, or other duly authorized officer or agent of the United States, for all roads and trails which intersect the conduit, if any, constructed, maintained, and, or, operated on the lands the occupancy and use of which have been applied for and to secure which this stipulation is filed with the District Forester.

26. To pay in advance, as required by the District Forester, to the United States depository or officer, as above set forth in clause 10 hereof, to be placed to the credit of the United States, the full value of all merchantable, live and dead timber cut, injured, or destroyed in the construction of said works, title to which at the time of said cutting, injury, or destruction is in the United States; such full value to be deemed and taken to be the amount of timber fixed by the District Forester according to the scale, count, or estimate of the Forest officer or other agent of the United States, in charge of said scale, count, or estimate, at a price which shall be the prevailing stumpage price for similar material on the said National Forest at the time of said cutting, injury, or destruction.

27. To pay, on demand of the District Forester, or other duly authorized officer or agent of the United States, to the United States depository or officer, as above set forth in Clause 10 hereof, to be placed to the credit of the United States, full value as fixed by such District Forester or other duly authorized officer or agent, for all damage to the National Forests resulting from the breaking of,

or the overflowing, leaking, or seeping of water from the works constructed, maintained, and, or, operated under the permission applied for, and for all other damage to the National Forests caused by the neglect of the permittee or that of its employees, contractors, or employees of contractors.

28. To sell electric energy to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time: *Provided*, That the permittee can furnish the same to the United States without diminishing the measured quantity of energy sold before such request to any other consumer by a binding contract of sale: *And provided further*, That nothing in this clause shall be construed to require the permittee to increase its permanent works or to install additional generating machinery.

29. To do all reasonably within its power and to require of its employees, contractors, and employees of contractors to do all reasonably within their power both independently and upon the request of the Forest officers, to prevent and suppress forest fires upon and near the lands to be occupied under permit.

In witness whereof the permittee has executed this stipulation on the _____ day of _____, 19—.

[Seal.]

Attest:

By _____

Secretary.

Acknowledgment.

STATE OF _____, County of _____, ss:

On this _____ day of _____, 19—, before me, a notary public in and for said county, duly commissioned and sworn, my commission expiring _____, 19—, personally came _____ to me personally known, who being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____ Company; that said company is the corporation which is described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order; and the said _____ acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and official seal the day and year first above written.

[Notarial Seal.]

Notary Public.

FORM 61a.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

Certification of receipt of stipulation.

The within stipulation for the construction, maintenance, and operation of water-power works on lands of the United States within the _____ National Forest, executed by _____, on the _____ day of _____, 19—, was filed with me at _____, this _____ day of _____, 19—.

_____,
District Forester.

FORM 62.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

Water Power.

.....
(Name of Forest.)

.....
(Name of applicant.)

.....
(Use applied for.)

.....
(Date of priority of application.)

Final water-power permit.

Whereas the _____ Company, hereinafter called the permittee, by authority of a resolution of its board of directors, adopted on the _____ day of _____, 19—, filed with the District Forester at _____, on the _____ day of _____, 19—, in accordance with the regulations of the Secretary of Agriculture under the act of February 15, 1901, an application for permission to occupy and use, for the generation, distribution, and transmission of electric energy certain lands of the United States within the _____ National Forest, in the State (or Territory) of _____, and more particularly described and shown by the maps, field notes, plans, estimates and data accompanying the said application;

Whereas the aforesaid maps and plans, as hereinafter specifically set forth, have been adopted by the permittee as the maps of the approximate final location and as the approximate plans of the works which the permittee proposes to construct under this permit; and

Whereas the permittee has paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ dollars (\$_____); and

Whereas the permittee on the _____ day of _____, 19—, executed, and on the _____ day of _____, 19—, filed with the District Forester at _____ a stipulation required by the Secretary of Agriculture as a condition to the issuance of this permit;

Now, therefore, I, ———, Secretary of Agriculture of the United States, in accordance with the authority conferred upon me by the act of February 15, 1901, do authorize the permittee to occupy and use the lands hereinbefore referred to, subject to the regulations of the Secretary of Agriculture and to the provisions hereinafter set forth, for the construction, maintenance, and, or, operation thereon, for the purposes in Clause 1 below set forth, of the following works:

(Cancel such of the four following items (a), (b), (c), and (d) as may not be applicable.)

(a) ————— dams approximately
(Masonry, earth, etc., diverting or storage.)
———— feet in maximum height, and approximately ——— feet in maximum length, to occupy approximately ——— acres, respectively, and to form ——— reservoirs to flood approximately ——— acres at extreme flood level and approximately ——— acres at spillway level, respectively; ¹ in section ———, township ———, range ———, ——— meridian, of which total of ——— acres approximately ——— acres are National Forest land; said dams and said reservoirs being designated respectively as follows: ———

(b) ——— conduits, approximately ——— miles in length, respectively, ¹ crossing sections ——— township ———, range ———, ——— meridian, of which total of ——— miles, approximately ——— miles will lie upon National Forest land; said conduits being designated, respectively, as follows: ———

(c) ——— power houses and appurtenant structures to occupy approximately ——— acres, respectively, ¹ in section ———, township ———, range ———, ——— meridian, of which total of ——— acres approximately ——— acres are National Forest land; said power houses being designated, respectively, as follows: ———.

(d) ——— transmission lines ——— miles in length, respectively, ¹ crossing section ———, township ———, range ———, ——— meridian, of which total of ——— miles approximately ——— miles will cross National Forest land; said transmission lines being designated, respectively, as follows: ———.

All as approximately shown upon certain maps and plans executed by ———, on the ——— day of ———, 19—, and designated as follows: ——— (Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan, as "Exhibit A," Map of Location of, etc.):

¹ If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the District Forester on the ——— day of ———, 19—."

“Exhibit —,” Plan of, etc.), which maps and plans are hereby made a part of this permit.

Clause 1. The works to be constructed and, or, operated under this permit shall be constructed, maintained, and, or, operated for the purpose of storing, conducting, and, or, using water for the generation of electric energy and for the purpose of the transmission of said energy.

Clause 2. Unless sooner revoked by the Secretary of Agriculture, this permit shall terminate and become void at the expiration of fifty (50) years from the date hereof, and at said expiration may be deemed to be an application by the permittee for a new permit to occupy and use such lands as are occupied and used under this permit: *Provided*, That the permittee shall, not less than two or more than four years prior to the termination of said fifty (50) years, formally notify the Secretary of Agriculture that it desires such new permit, and shall comply with all laws and regulations at such time existing regulating the occupancy and use for water-power purpose of lands of the United States within National Forests.

Clause 3. Upon the presentation to the Secretary of Agriculture of certified copies of sale, lease, assignment, execution of judgment, or other form of transfer of the properties or other rights of the permittee in and to the works constructed under this permit and of the water or other rights necessary to the enjoyment of the use of the said works, the said Secretary may, in his discretion, upon the formal surrender of this permit, and the filing of a stipulation satisfactory to the said Secretary by the purchasers, transferees, executors, successors, lessees, or assigns of the permittee, issue a new permit to such purchasers, transferees, executors, successors, lessees, or assigns, authorizing him, it, or them to occupy and use the aforesaid lands of the United States for the purposes specified in this permit and in the stipulation to be filed as aforesaid, and for the unexpired term of this permit.

Clause 4. The works constructed under this permit, excepting reservoirs, dams, and operating mechanism, and conduits and operating mechanism, may be removed by the permittee at any time during the life of this permit, and may be removed by the permittee, or by its successors in interest under Clause 3 hereof, after the termination of the permit if within one year of the date of said termination notice in writing of intention to remove within a reasonable time is filed with the Forest Supervisor.

Clause 5. This permit is nontransferable.

In witness whereof I have hereunto set my name this _____ day of _____, 19—.

Secretary of Agriculture.

FORM 63.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

..... Water Power.

(Name of Forest.)

.....
(Name of applicant.)

Transmission Line.

.....
(Date of application.)

Transmission line permit.

This transmission line permit issued this _____ day of _____, 19—, to the _____ Company, hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of the State (or Territory) of _____, and having its office and principal place of business at _____, in the State (or Territory) of _____, witnesseth that,

Whereas, the permittee filed with the Supervisor of the _____ National Forest at _____ on the _____ day of _____, 19—, an application for permission to occupy and use certain lands of the United States within the _____ National Forest, in the State (or Territory) of _____;

And whereas, the permittee on the _____ day of _____, 19—, paid to the _____ National Bank of _____ (United States depository) to be placed to the credit of the United States, the sum of _____ dollars (\$_____) as one year's charge in advance from the date of the issuance of this permit:

Now, therefore, the conditions of this permit are as follows:

Clause 1. Permission is hereby granted to the permittee to construct and maintain a transmission line _____ miles in length, within the boundaries of the _____ National Forest, and crossing section _____, township _____, range _____, meridian _____ whereof approximately _____ miles will cross National Forest land, such location being as shown on a certain tracing accompanying the application for this permit, which tracing was executed by _____ on the _____ day of _____, 19—, and which tracing is hereby made a part of this permit; and said permission being subject to all regulations of the Secretary of Agriculture governing National Forests and to the specific provisions and considerations hereinafter set forth.

Clause 2. The permittee shall pay to the _____ National Bank of _____ (United States depository) or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States, a charge annually in advance

from January 1, 19—, of ——— dollars (\$——) being at the approximate rate of five dollars (\$5.00) per mile per annum.

Clause 3. If any part of the aforesaid charge, payable as aforesaid, shall, after due notice has been given, be in arrears for six (6) months, then and thereupon this permit shall terminate and become void and be of no effect.

Clause 4. The permittee shall pay in advance, as required by the District Forester, to the United States depository or officer as aforesaid, to be placed to the credit of the United States, the full value of all merchantable, live and dead timber cut, injured, or destroyed in the construction of said transmission line, title to which, at the time of said cutting, injury, or destruction, is in the United States; such full value to be deemed and taken to be the amount of timber fixed by the District Forester according to the scale, count, or estimate of the Forest officer or other agent of the United States in charge of said scale, count, or estimate, at a price which shall be the prevailing stumpage price for similar material on the said National Forest at the time of said cutting, injury, or destruction.

Clause 5. The permittee shall begin bona fide construction within ——— months and complete within ——— months from date of execution of this permit.

Clause 6. The permittee shall clear and keep clear the land along the transmission line for such width and in such manner as the Forest officers may direct.

Clause 7. The permittee shall protect all Forest Service and other telephone lines at crossings of and at all places of proximity to the transmission line in a standard manner and satisfactory to the Forest officers and shall maintain the line in such manner as to prevent injury to stock grazing in the Forest.

Clause 8. The permittee shall do all reasonably within its power, and require of its employees, contractors, and employees of contractors to do all reasonably within their power, both independently and upon the request of the Forest officers, to prevent and suppress forest fires upon and near the lands to be occupied under permit.

Clause 9. This permit is nontransferable and is subject to all prior valid claims or permits which are not subject to the occupancy hereby permitted.

In witness whereof I have hereunto set my hand this ——— day of ———, 19—.

District Forester.

INSTRUCTIONS TO FOREST OFFICERS.

All applications for authority to occupy and use National Forest lands for the purpose of developing water power will be filed with the District Forester of the District in which the power is to be developed.

Applications filed in error in the Forester's or Supervisor's office will be forwarded to the District Forester concerned.

PRELIMINARY APPLICATIONS AND PERMITS.

If an applicant desires to secure priority for its application during a time sufficient for the preparation of the maps, plans, and other data required to be filed with an application for a final water-power permit, it may do so by filing an application for a preliminary permit. (See Regulation L-9 and Form 58.)

The preliminary permit will be granted for a definite limited period, which will vary according to the circumstances of the particular case, and will be only long enough to give a reasonable time for the preparation of a final application as prescribed in the regulations.

In general, such period will not exceed two years. If a longer time than this is applied for and approved in any case, a special report will be made by the District Engineer showing the necessity for the longer period, which report will be submitted with the other papers in the case.

Whenever the time prescribed by the State statutes within which construction must begin in order to

maintain water rights is insufficient to enable the applicant to prepare a final application before beginning construction, a clause may be inserted in the preliminary permit allowing construction to proceed to an extent sufficient to permit compliance with the State law. Only in exceptional cases will a clause be inserted allowing construction in advance of final application and permit for any other reason than to permit compliance with the State law, and when inserted for any other reason the necessity for it must be fully explained in the recommendation of the District Forester.

No extension will be granted except upon the written approval of the Secretary of Agriculture after a satisfactory showing by the permittee of the reasons for such extension, and after a report has been submitted by the District Forester.

To prevent speculative holding of sites under preliminary permits and to secure the presentation of the final application within the time named in the preliminary permit, an annual charge will be made during the term of the preliminary permit. The charge will be calculated on the basis of the estimated net capacity of the proposed works and at the rates prescribed in Regulation L-7. If the final application is filed in accordance with the terms of the preliminary permit, the payments made under the preliminary permit will be credited upon payments due or to become due under the final permit.

The lines shown on the maps accompanying the final application will not be required to follow without

change the lines as shown on the map accompanying the preliminary application, and the position and arrangement of conduits and power houses as shown upon the map accompanying the preliminary application may be changed, if the detailed surveys preceding the final application show such change to be desirable, but priority from the date of filing of the preliminary application will be allowed for only so much of the projects shown in the application for final water-power permit as is within the approximate limits of diversion and discharge as shown in the application for the preliminary water-power permit. (Regulation L-3.)

Upon the failure of the permittee to comply with the terms of a preliminary permit, the District Forester will immediately submit to the Forester a letter prepared for the signature of the Secretary of Agriculture to the permittee giving him notice that the permit has terminated and that the priority has been lost. If a preliminary permit is thus terminated, no other application for a permit covering the same or adjacent lands will be received from the same applicant for a period of one year subsequent to the termination of the preliminary permit.

Upon receipt of an application for the use of an area which is in whole or in part included in an existing permit previously issued, the District Forester will return the application to the applicant and will inform him fully of the existing permit and of the extent to which his application is in conflict therewith. The applicant may then amend his application to avoid

such conflict, or may renew his application when at the termination of the existing permit the priority of application has been lost by the prior applicant.

The date upon which priority of application is established shall be the date of the filing in the Office of the District Forester of the last map or paper necessary to constitute a complete application as required by Regulation L-9. If the application is received by mail, the envelope which contained the application shall be attached to and filed with the other papers. The date and hour of the receipt of a preliminary application will be inserted in the space provided on the form, and will be certified by the signature of the District Forester. Upon the receipt of preliminary applications with their accompanying maps and papers, the District Engineer will examine them in the order of their receipt, as certified by the District Forester, with a view of determining whether the application is complete as required by the regulation. If complete, the District Engineer will certify to the fact in the space provided on the form. If incomplete or insufficient, the District Engineer will prepare for the signature of the District Forester a letter to the applicant returning the application and its accompanying papers, with a detailed statement of the incompleteness or insufficiency. A carbon copy of this letter certified by the signature of the District Engineer will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the District Forester in the

same manner as when they were originally received. Upon the receipt of the amended papers the District Engineer will examine them, and if found complete as required by the regulation, he will certify the fact in the space provided on the form.

After certifying that the application is complete as prescribed by the regulation, the District Engineer will examine the maps and estimates, using such additional data as he may be able to secure, will determine the approximate net capacity of the works to be constructed, and will submit a report and recommendations in triplicate to the District Forester. A field examination by the District Engineer will be made only when required by the District Forester.

Upon receiving the District Engineer's report, the District Forester will prepare five copies of permit on Form 59. If the application is approved by the District Forester and the District Engineer, they will initial the permit. The District Forester will send the Chief Engineer a copy of the complete application, except the certificate of water appropriation, the original map on tracing linen, one copy of the District Engineer's report, the original, and one copy of the permit, and the correspondence file.

The Chief Engineer will examine all the papers received from the District Forester, and if he approves the application, he will initial the original permit and return it with the original map on tracing linen and the correspondence file to the District Forester. If he

does not approve the application, he will return the original permit without initial and with a letter to the District Forester explaining in detail his reasons for not approving.

Upon the return of the permit from the Chief Engineer, if approved, the District Forester will prepare a letter of transmittal (Form 861) in triplicate, stating the amount of the charge. The original will be sent to the applicant, and upon receipt of notice from the District Fiscal Agent that deposit has been made the District Forester will forward to the Forester one copy of the complete application, one copy of the report of the District Engineer, the original, and one copy of the permit, and the correspondence file.

When the original permit has been signed by the Secretary, the Forester will retain one copy of the permit and one print map of location and return all the other papers in the case to the District Forester.

Before transmitting the original permit to the permittee the District Forester will inform the Chief Engineer by letter of the dates of signing and the signature on the permit. He will also send the Supervisor a copy of the permit, a copy of the complete application, except the certificate of water appropriation, a copy of the report of the District Engineer, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the receipt of the first payment.

FINAL APPLICATIONS AND PERMITS.

If, in accordance with the terms of a preliminary permit a final application is filed in the form prescribed by Regulation L-10 (Application Form 60, Affidavits and Certificates 64 to 71), such final application shall, with reference to the priority of application, relate back and be effective as of the date of the preliminary application. The date upon which priority of application is either maintained in accordance with a preliminary permit or established by final application in the absence of a preliminary permit shall be the date of the filing in the Office of the District Forester of the last map or paper necessary to constitute a complete application as prescribed in the regulation. If the final application is received by mail, the envelope will be attached to and filed with the other papers. The date and hour of the receipt of an application will be inserted in the space provided on Form 60a, and will be certified by the signature of the District Forester. Applications will be examined by the District Engineer in the order of their receipt as certified by the District Forester. The application and its accompanying papers, especially the plans of structures, estimates, and data, will be carefully examined with a view to determine whether they are in complete and proper form and contain all the information required by the regulation. If complete, the District Engineer will certify to the fact in the space provided on the form.

If any of the papers required by the regulation are incomplete or insufficient, the District Engineer will prepare for the signature of the District Forester a letter to the applicant returning the application and its accompanying papers with a statement of its incompleteness or insufficiency. A carbon copy of this letter certified by the signature of the District Engineer will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the District Forester in the same manner as when they were originally received. They will be reexamined by the District Engineer and if found complete as required by the regulation he will certify the fact in the space provided on the form.

Upon the receipt of an application for the use of an area which is in whole or in part included in an existing permit previously issued, the District Forester will return the application to the applicant and will inform him fully of the existing permit and of the extent to which his application is in conflict therewith. The applicant may then amend his application to avoid such conflict, or may renew his application should the priority of application be lost by the prior applicant.

When the District Engineer has certified that the application is complete as required by the regulation, the District Forester, after making such additional prints of maps and plans as may be necessary, will forward a copy of the complete application, except the certificates of water appropriation and of incorporation,

to the Chief Engineer, and will also forward to the Forest Supervisor two print maps of location, a copy of the notes of survey, and such other papers as may be necessary. If the application was not accompanied by a certificate from the Supervising Engineer of the Reclamation Service that the occupancy and use of the lands applied for will not interfere with any project of the Reclamation Service, the District Forester will forward a print of the map of location to the Supervising Engineer concerned and request him to state whether the occupancy of the land for water-power purposes will interfere with any project of the Reclamation Service.

Upon the receipt of the maps and other papers the Supervisor will forward a print of the map of location to the Ranger, will cause an immediate examination to be made for the purpose of estimating the amount of timber to be cut or destroyed, and will report to the District Forester on Form 578b. Reports on Form 964 will be required in water-power cases only where no examination and report by a District Engineer will be made.

Upon the receipt of a complete application the District Engineer will make such field examination of the project as may be necessary and collect all information and data bearing upon the case that may be available. If practicable, this examination will be made at the same time as the Supervisor's. Only in exceptional instances when the District Engineer is thoroughly familiar with the project will the field examination be omitted. In this examination the District Engineer

will determine whether in his judgment the project as applied for will make a reasonably full development of the power available at the locations covered by the application.

After the completion of the examination and the collection of the data, the District Engineer will submit a report in triplicate to the District Forester. The report will describe the project in detail, with its relation to other projects of the same or allied or competing companies; state whether the project comprehends a full development of the available power; describe the market for the power and the general market conditions in the District so far as such information is available, and the relation of the power development to other interests, particularly agricultural. The report should present detailed estimates of the amount of power that will probably be developed and the complete data upon which such estimates are based. The report should designate the several items necessary for filling the blanks of the stipulation and permit, a recommendation of the gross power capacity to be inserted in the stipulation, and such other recommendations as may seem desirable.

Under Regulation L-6 the term "construction of the works" excludes all such preliminary work as surveys, road and trail building, clearing of land, etc. It will therefore be necessary, in inserting the lengths of periods in Clause 3 of the stipulation, to allow a time before construction must begin reasonably sufficient for the completion of all necessary preliminary work.

It will be advisable, in general, to confer with the applicant before fixing the time limits, with the view of agreeing upon such limits as will be satisfactory to the applicant while at the same time properly protecting the public interests.

Clauses 3 and 4 of the water-power stipulation have been drawn for the purpose of allowing permittees to make progressive developments of two or more projects upon the same stream or watershed if they so desire. Each division of the works as taken in these clauses should in general constitute a complete operating unit. But where, for example, it may be the applicant's intention to construct several storage reservoirs not directly connected with the conduits, each reservoir may be, and in general should be, taken as a distinct division of the works. Conduits and the diverting dams and power houses connected therewith should never be separated.

Particular care should be exercised in the determination of the power capacity of the works. All the available data should be secured and where storage is to be used, some graphical method, as that of Rippl or Hill, should be employed. (See Mead's Water Power Engineering.) The District Engineer should review carefully the estimates presented by the applicant and compare the same with his own independent estimates. The gross power capacity as finally determined should represent that extent of development which good business judgment would warrant, if a ready

market were available for all the power. Full consideration of the fact that such market may not be available at the outset is taken by the provision of very low rates in the earlier years, gradually increasing with the probable increase of market until the tenth year after the beginning of operation, when the full rate is charged.

From the fact that probably, in many instances, the data for the original calculations will be meager, provision is made in Regulation L-8 for a redetermination of the power capacity by 10-year intervals to admit of utilizing more complete data and to allow for possible change of conditions.

Upon receiving the District Engineer's report the District Forester will prepare five copies of the stipulation on Form 61 and five copies of the permit on Form 62. If the application is approved by the District Engineer and the District Forester, they will initial the original copies of the stipulation and the permit. The District Forester will send the Chief Engineer one copy of the District Engineer's report, the original maps and plans on tracing linen, the correspondence file, the letter from the Supervising Engineer of the Reclamation Service and the original, and one copy of the stipulation and of the permit.

If, because of field conditions or other reasons, the Supervisor has been unable to make his report on timber (Form 578b) by the time the other papers are ready for transmittal, the case should not be delayed on that account, but be forwarded immediately, and the Form 578b submitted later.

The Chief Engineer will examine the papers received from the District Forester, together with the matter submitted in the application. He will return to the District Forester the original maps and plans on tracing linen, the correspondence file, the letter of the Supervising Engineer of the Reclamation Service, and the original copies of the stipulation and the permit. If he concurs in the recommendations of the District Forester and the District Engineer, he will initial the original copies of the stipulation and the permit. If he does not concur, he will return them without his initial and with a letter to the District Forester explaining his reasons for not concurring.

The District Forester will send the applicant two copies of the stipulation, and, when necessary, a form (319) for corporate officer's authority, with the request that one copy of the stipulation be duly executed and returned to him. He will at the same time inform the applicant that any priority established under his application will be lost if the stipulation is not executed and returned within 90 days from the time it is mailed to the applicant, unless such time is extended by the written authority of the Secretary of Agriculture. The District Forester will also send with the stipulation a statement, on Form 861, of the amount of the first year's advance payment, provided a sufficient deposit has not already been made in connection with a preliminary permit.

After the duly executed stipulation has been returned and has been initialed by the Assistant to the Solicitor,

and after notice of payment is received the District Forester will submit to the Forester one copy of the complete application, one copy of the report of the District Engineer, the original and one copy of the stipulation, the original and one copy of the permit, the correspondence file and the letter of the Supervising Engineer of the United States Reclamation Service. If any material changes are made in the stipulation and permit after they have been returned to the District Forester by the Chief Engineer, all papers in the case will be resubmitted to the Chief Engineer before being finally submitted by the District Forester to the Forester.

Upon receipt of the complete papers in the case the Forester will submit them with his recommendation to the Secretary of Agriculture. When the permit has been signed by the Secretary the Forester will retain one copy of the permit, one copy of the stipulation, and one print-map of location, and return all the other papers in the case, including the signed original permit, to the District Forester.

Upon transmitting the original permit to the permittee the District Forester will inform the Chief Engineer by letter of the dates of signing and the signatures on the stipulation and permit. He will also send the Supervisor a copy of the complete application, except the certificates of water appropriation and of incorporation, and except the print map of location and the copy of the field notes which have been previously sent, a copy of the report of the District Engi-

neer, one copy of the stipulation, one copy of the permit, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the payments made.

All recommendations by the District Forester for cancellation of permit, either in whole or in part, shall be accompanied by a report setting forth in detail the reasons for such recommendations, and shall be submitted to the Forester through the Chief Engineer.

On November 15 of each year the District Forester will prepare and send, by registered mail, to each permittee, a statement of account. This statement will show the amount of the charge for the succeeding calendar year and the credit, if any, on account of previous payments. If a balance is due from the permittee the statement will be accompanied by a letter of transmittal (Form 861). The District Forester will retain two carbons of the statements and the Form 861, and will file them, together with the registry receipt, with the other papers in the case. Upon the receipt from the District Fiscal Agent of the notice of payment the date of such payment should be indorsed upon the file copies of the Form 861. The original Form 861 with the customary indorsement thereon of payment will be sent to the permittee through the Supervisor and one copy of the statement and of the Form 861 will be sent to the Supervisor for his files.

In preparing the notice of the first annual payment after the granting of the permit, the minimum rate of

10 cents per horsepower per annum will apply proportionately to the fractional parts of the calendar year succeeding the date of the granting of the permit and also to the following full calendar year.

If the works are completed and operation begun at or prior to the time specified in the stipulation, the minimum rate of 10 cents per electrical horsepower per annum will apply from such date proportionately to the fractional part of the calendar year succeeding such date and also to the following full calendar year, and the rate will be increased each year by 10 cents per electrical horsepower until the rate of \$1 is reached, and will then remain at that rate until the expiration of the permit, and all payments made previous to the beginning of operation will be applied on payments due or to become due at and after that time.

In order that the District Forester may know whether the terms of the stipulation and permit are being complied with, the Supervisor should keep himself fully informed of the progress of the work. He shall immediately upon the date specified in the stipulation upon which construction should begin, make an examination and report to the District Forester whether the construction has begun. The Supervisor should ascertain from time to time thereafter whether the works are being constructed with due diligence and in substantial agreement with the maps and plans, and in case of doubt should call for an examination by the District Engineer. He shall also immediately on the date specified in the stipulation upon which operation

should begin, make an examination and report to the District Forester whether such operation has begun.

In order that the District Forester may be informed of the power situation in the whole District, the Supervisors will forward from time to time whatever information they are able to collect, formally or informally, concerning costs of generation of power, the returns from its sale, the interrelations of the various companies, transfers of rights, water locations, etc. The date and source of all such information should be given with the Supervisor's opinion of its reliability.

SEMICOMMERCIAL WATER-POWER WORKS.

Water-power works of a semicommercial nature will be regarded as commercial except in so far as a satisfactory showing of partial noncommercial use may be made to the District Forester by the permittee.

The application and procedure will be the same as in commercial water-power works except that the charge will be based upon the net power capacity after a proper deduction has been made for the amount of electric energy used for noncommercial purposes. (See Regulation L-8.) The figure will be determined from statements submitted to the District Forester by the permittee, or, if necessary, from an examination of the permittee's books (see Regulation L-13), or from an investigation by the District Engineer.

The data for the deduction will be obtained each year by November 15, in order that the District Forester may be prepared to send to the permittee at that

time a statement of account, accompanied by a letter of transmittal (Form 861), if a balance is due from the permittee. In arriving at the deduction to be made for any year, data shall be used for the 12 months next preceding the date of determination.

APPLICATION AND PERMIT FOR NONCOMMERCIAL WATER-POWER WORKS OF 1,000 HORSEPOWER CAPACITY OR LESS.

Permits for noncommercial water-power works having a maximum capacity of 1,000 horsepower or less will be issued by the District Forester. (Regulation L-1.) No charge will be made for such permits. (Regulation L-2.)

Applications in writing will be filed with the District Forester and must conform to the requirements of Regulation L-11.

When the application is received the District Forester will indorse thereon the date of its receipt. The application will be examined by the District Engineer to determine whether it conforms to the requirements of the Regulation and whether the capacity of the proposed works is 1,000 horsepower or less. If the capacity is found to be in excess of 1,000 horsepower, the application will be returned and the applicant informed that an application in the form prescribed by Regulation L-9 or L-10 will be required. If the application is complete and the capacity 1,000 horsepower or less the District Forester will send the Supervisor two print maps of location and a copy of the notes of survey and such other papers as may be necessary. If the appli-

cation was not accompanied by a certificate from the Supervising Engineer of the Reclamation Service that the proposed works will not interfere with any project of the Reclamation Service, the District Forester will secure the certificate before issuing the permit.

The Supervisor will cause such field examination to be made as may be necessary, and will submit a special-use report (Form 964), accompanied when necessary by a report on timber to be cut or destroyed (Form 578b), to the District Forester.

A field examination by the District Engineer will be made only when necessary, in the judgment of the Supervisor or the District Forester.

When the application is approved the District Forester will prepare a permit on Form 832, in which the following conditions will be inserted: In case any part of the power developed by the plant is sold for use generally, or to other mining companies for any purpose, the permittee will be required to pay such charges and to comply with such other requirements fixed by the Secretary of Agriculture as shall then be in force in respect to other users of National Forest lands for like purposes. This permit shall cease and be void on failure of the permittee to pay the charges and comply with the requirements within 90 days from the date on which demand is made.

The permit will be prepared in triplicate, one copy stamped "original," one "duplicate," and one "Supervisor's copy." The District Forester will sign the original and duplicate copies and send the original to the

permittee, the Supervisor's copy to the Supervisor, and retain the duplicate.

TRANSMISSION LINES, APPLICATIONS AND PERMITS.

Permits for transmission lines which are not a part of a general power project covered by a power permit will be issued by the District Forester.

A fee will be charged of \$5 per annum for each mile of National Forest land crossed by such lines, and the minimum fee for any one permit will be \$5 per annum.

Applications for such transmission-line permits will be filed in the Office of the Supervisor and will consist of tracings and field notes of survey, both in the form and with the affidavits and certificates required for such lines when part of a water-power application. (Regulation L-10.)

The Supervisor will send the District Forester reports on Forms 964 and 578b together with the map and field notes submitted by the applicant, and will send a Form 861 to the applicant. No engineering examination will be made unless requested by the Supervisor or desired by the District Forester.

Upon approval of the application, and upon the receipt of notification from the District Fiscal Agent that the first advance payment has been made, the District Forester will prepare and execute the permit with three copies, one for his own files, one for the Chief Engineer, and one for the Supervisor. The original will be sent to the permittee through the Supervisor, together with the original of the Form 861.

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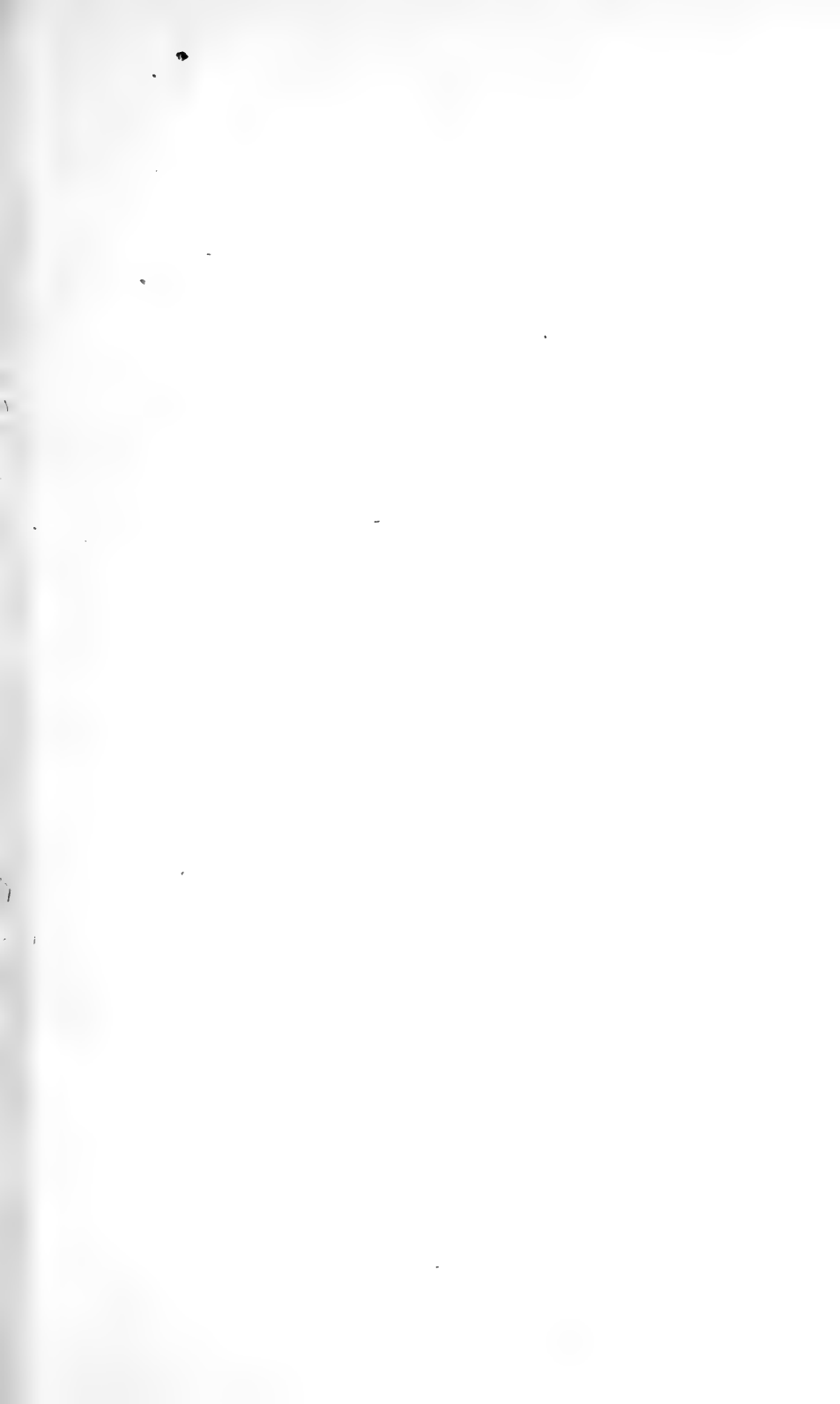
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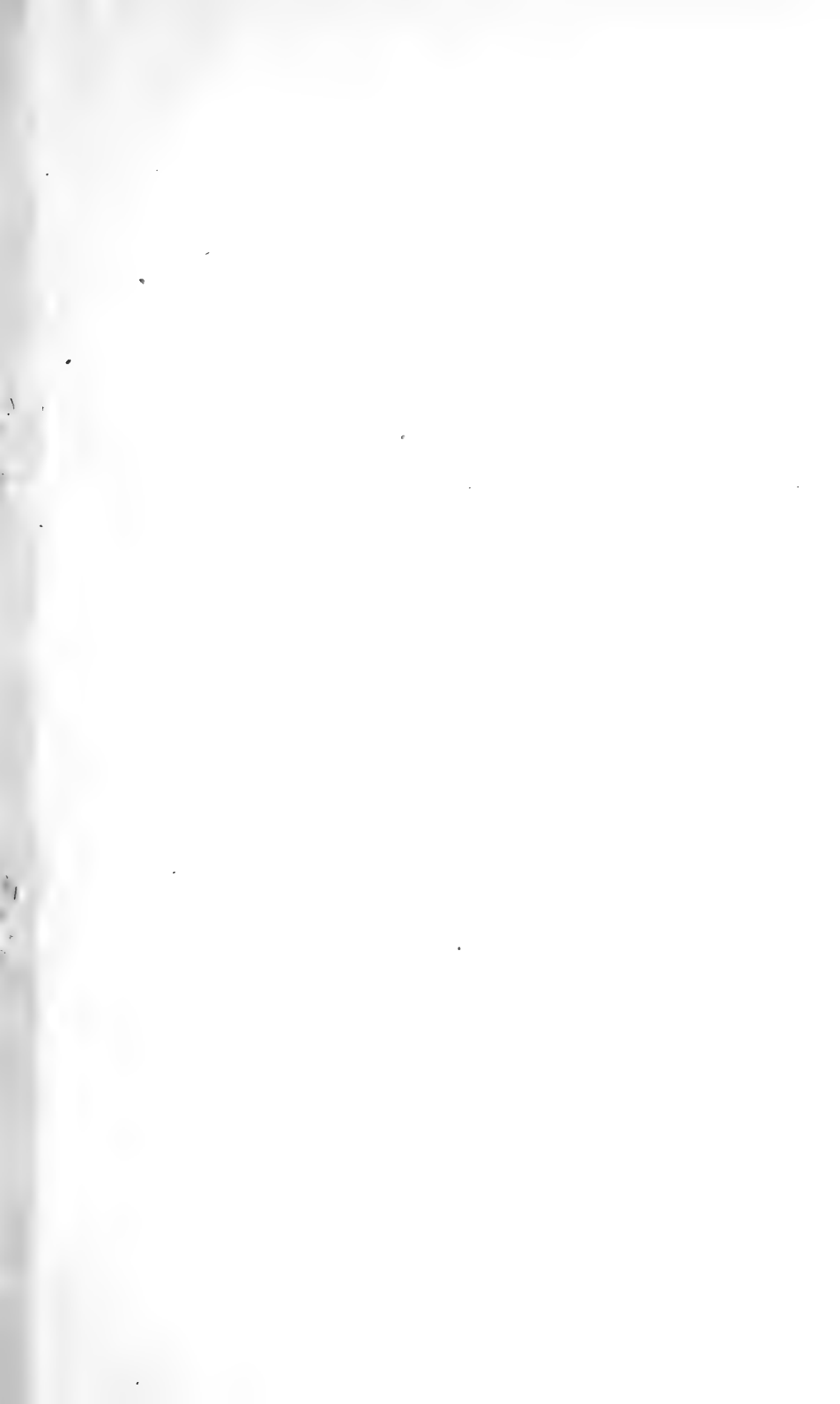
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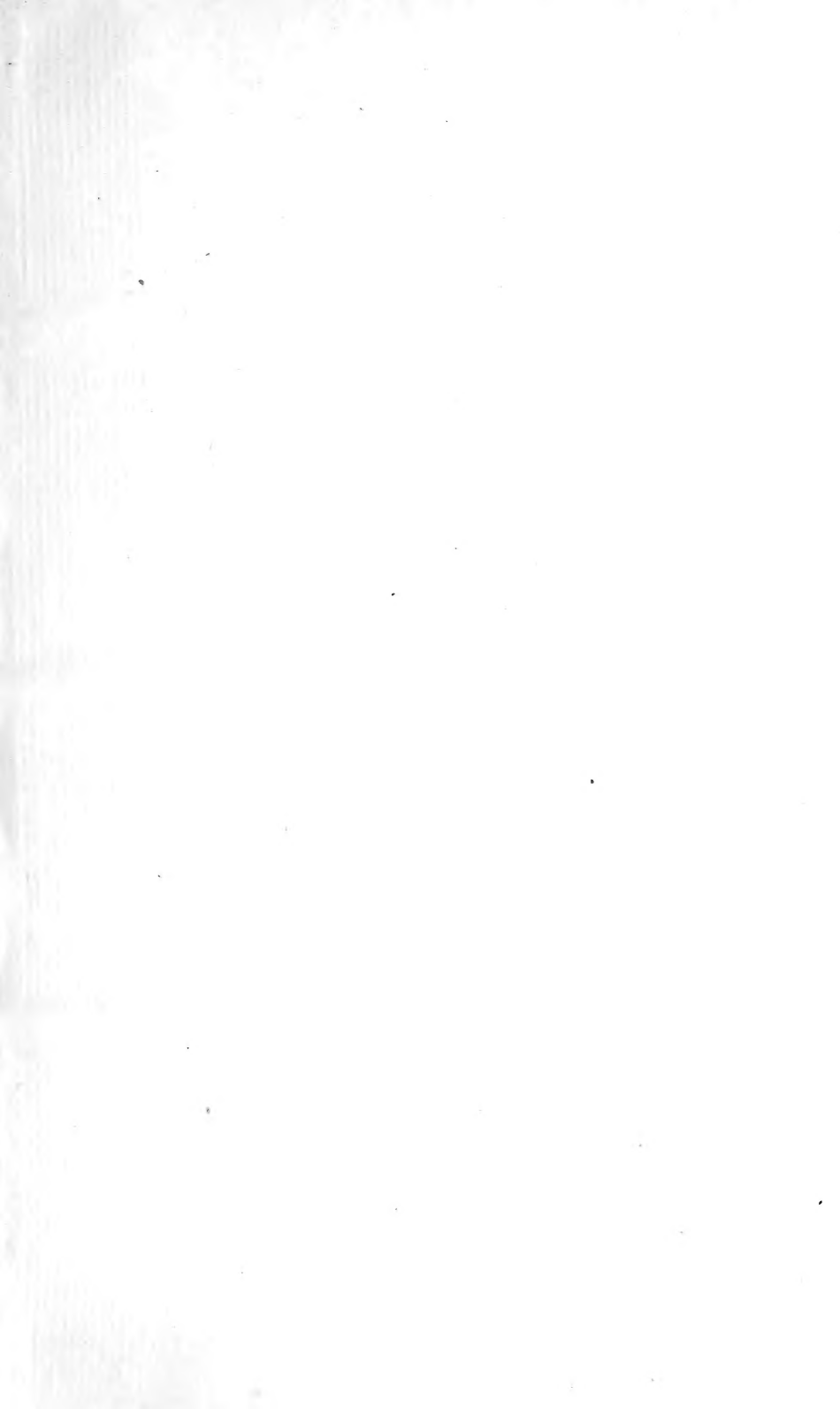




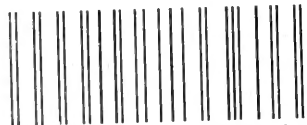








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