11/6/2006

From: Ernie Carlsen

RE: Analysis of 01-4055, 01-10045 and 01-10044

These three claims filed by the BOR have a basis of beneficial use with the source of Jackson Lake Reservoir and the Snake River with the dam at Palisades Reservoir as the point of diversion. The claims list irrigation storage as the purpose of use with a combined total of 920,000 AF; stating this is the average total yield of the watershed upstream from the Wyoming Idaho state line.

The claims seem to seek rights for all the water in the Snake River at the state line consisting of both storage releases from Jackson Lake Reservoir and natural flow from tributaries to the Snake River below Jackson Lake Reservoir. The narratives in the claims also references bank storage and second fill from Jackson Lake Reservoir. To the extent BOR captures the natural flow on the Snake River system for storage in Palisades and American Falls Reservoirs it has obtained water rights issued by Idaho. If storage in Jackson Lake Reservoir is greater than Wyoming water rights authorize that issue is beyond the jurisdiction of the SRBA.

Claim 01-4055 also lists 1,415,000 AF for power generation, which is the maximum-recorded yield of the Snake River watershed in Wyoming recorded at the state line. For the purpose of power generation the BOR is entitled to a water right with the diversion at Palisades Dam. The use of water for this purpose is being recommended as 01-4054.

Though all the water in the Snake River flowing from Wyoming into Idaho does pass through Palisades Dam, during the irrigation season this natural flow is allocated to fill water rights below the reservoir and is captured for storage. Other than power generation the BOR does not put this water to beneficial use. I fail to see justification for favorably recommending these three claims.