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DEPARTMENT OF
WATER RESOURCES

Orr Affidavit

Exhibit 69

Letter from B.E. Stoutemyer, District Counsel,
U.S. Reclamation Service, to the Chief
Engineer, U.S. Reclamation Service
(Aug. 16, 1926)

301-1-
MINIDOKA
ELB-mcs

Portland, Oregon, August 16, 1926.

From District Counsel B.E. Stoutemyer

To Chief Engineer

Subject: Use of American Falls Storage - Minidoka Project.

1. Referring to your letter of August 13th to the Construction Engineer at American Falls in regard to the use of American Falls storage.

2. I am under the impression that if the year 1927 proves to be another low water year like that of 1924 and 1926, the only thing which can save the irrigation interests of the Snake River valley from a great disaster, involving crop losses aggregating possibly as much as the entire cost of the American Falls reservoir, is the storage this winter in the American Falls reservoir of all the winter flow which can be saved. To gamble on sacrificing irrigation projects of the valley to this extent for the purpose of getting a few thousand dollars from the Power Company by selling to them the winter water which we have secured the right to store, would seem to me very unwise.

3. Judging from past records, the chance that next year will be another low water year may be considered to be one chance in four, but on account of the drouth during the preceding year and the amount of water which would be absorbed in the soil, it is possible that even a normal precipitation during the coming year would not produce a normal runoff.

4. In years like 1924 and 1926 there is little or no flood water available for storage in the spring. Whatever storage is secured must be secured out of the winter flow. Ordinarily the winter flow of Snake River at American Falls runs pretty close to 5000 second-feet in round numbers, but after a year of drouth the winter flow might be less. If we begin storing early in November we would have a storage period of about 5 months or 150 days before the beginning of the irrigation season in April.

5. The power plant at the Minidoka dam can not be shut down without depriving the project towns and many of the project farms of light and power and in many cases of heat. To shut down the power plant would also

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disrupt the power business and the power revenue on the project which has required many years of effort to develop. I am under the impression that if we continue operating the Minidoka Power plant, we can not count on being able to store more than five or six thousand acre-feet per day for a period of about 150 days, so you will see that even if we do our best to save the available winter water, storage capacity of American Falls reservoir will not be filled by any means at the beginning of the next irrigation season in the event that next year is a year like 1924 and 1926--in fact, the reservoir would be little more than half filled.

6. The only reason why the water shortage in Snake River Valley was not much more serious this year is that we carried over 350,000 acre-feet of stored water in Jackson Lake reservoir from 1925. All the water available for the Twin Falls projects from Jackson Lake reservoir this year and a little of the stored water available for the Minidoka Project and projects in the upper valley was water carried over from 1925. There was also a little stored water purchased by the North Side Canal Company from the Blackfoot reservoir at 75 cents an acre-foot and the Minidoka Irrigation District made a contract to purchase a considerable amount at the same figure provided the Indian Bureau could deliver the water but was much disappointed because the delivery could not be made.

7. In the event of another low water year in 1927, there would be no stored water in that part of Jackson Lake reservoir belonging to the Twin Falls projects and the part belonging to the Minidoka Project would not be completely filled. In that event, the amount of stored water needed by the North Side Twin Falls project would be about three times the amount of its share in the American Falls reservoir and many other projects would be in a similar situation.

8. In the event that we have another low water year, the winter flow which can be stored in American Falls reservoir is far more valuable for irrigation than for power and we should store all the water we can and rent the Government's share to the projects which will need it. Then we have stored enough water in the American Falls reservoir to take care of all the irrigation needs of Snake River valley, we can then consider dickering with the Power Company to release some water for power development, but not before that time.

9. Practically all the irrigation projects of the Snake River Valley, in a most commendable spirit of cooperation, have bonded themselves and paid in advance to the government about half the cost of the American Falls reservoir, for the purpose of insuring the valley against water shortages. The government has also put its money into the enterprise primarily for irrigation purposes. Under the circumstances, I think we owe it to the irrigation farmers on the million acres of irrigated lands in the Snake River Valley to give them the first chance to rent any stored water which the Government may have available and which is not needed for the government project. The farmers have always been rather jealous of the Idaho Power Company and disposed to criticize the Reclamation Bureau or the Secretary of the Interior for favoring the Power Company, altho I am satisfied that there has been no ground for such complaint in the past, but if we sell to the Power Company the winter flow of Snake River which we ought to save for irrigation purposes and let the irrigated farms burn up next summer, in case of a low water year, we would never hear the end of it.

10. There is another point to be considered in this connection: If the North Side Twin Falls Project has only a third or a half of the stored water that it needs and the Twin Falls Canal Company is also cut down early in the season to the amount available of its prior right to the natural flow, the pumping division of the Minidoka Project will be short of power, and while we are burning up the farms on the Twin Falls North Side Project thru lack of irrigation water, the settlers in the Burley Irrigation District will also be suffering for lack of sufficient power to pump the required water onto their project lands and to supply the commercial power demands.

11. So far as the Power Company is concerned, it is probable that they would rather have a larger amount of water in the winter at their American Falls plant and that they might be willing to pay something for this privilege, but so far as the total amount of power developed at American Falls is concerned, so long as the total amount of water passing the American Falls dam does not exceed the combined capacities of the Company's plant and the Island and West Side plants owned by the Government, the company would be almost as well off to have the winter flow stored, as we propose, and then have it pass thru the

power plant of the company during the irrigation season, as it would be to have the water discharged in the winter time and the Company's plant operated only to partial capacity during the summer; that is to say, the water we send down to the North Side Canal Company and the Twin Falls Canal Company in the irrigation season is useful for power development both at American Falls and at Minidoka dam as well as for irrigation, and under these conditions, it is problematical whether the Power Company would ~~no~~ would not be willing to pay much of a consideration for having the water discharged in the winter instead of in the summer.

12. The Company is also dependent upon the prosperity of the county for its commercial power business, and it is not impossible that in the event of a disastrous water shortage and the consequent inability of the farmers and towns people to pay for electric power and electric appliances, the Power Company might lose indirectly more than it could gain by selling winter power to the Utah Power Company, but in any event it is my opinion that we should not consider releasing any water for power development until we have secured sufficient storage in American Falls reservoir to fully protect all the irrigation interests of the Snake River valley in the event that next year proves to be another low water year like 1924 and 1926.

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B.E. STOUTEMYER

CC to American Falls
to Burley