

Orr Affidavit

Exhibit 82

RECEIVED

OCT 19 2009

DEPARTMENT OF
WATER RESOURCES

Letter from U.S. Bureau of Reclamation
Commissioner Floyd Dominy to
Senator Len Jordan
(Jan. 5, 1968)

MSS 6 LEN B. JORDAN COLLECTIONBox 45 Folder 21UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON, D.C. 20240IN REPLY
REFER TO: 736

JAN 5 - 1968

UNITED STATES SENATOR
RECEIVED
JAN 6 1967
RECEIVED
LEN B. JORDANHon. Len B. Jordan
United States Senate
Washington, D. C.

Dear Senator Jordan:

Your letter of December 14 to Regional Director H. T. Nelson at Boise, Idaho, requesting a copy of Mr. Moore's speech to the Idaho Water Resource Board at the June 22, 1967, meeting in Idaho Falls has been forwarded to this office.

The Regional Director reports that Mr. Moore did not have a prepared statement for his presentation to the board; however, for your information, the following paragraphs present a brief resume of the major items included in his presentation and of material furnished to the Idaho Water Resource Board at a later date.

To prevent flooding of additional Fort Hall bottom lands by an enlarged American Falls Reservoir would require a dike about 56 miles long along the contour of the high water line of the present reservoir. An alternative and more practical solution would be a dike about 14 miles long cutting across country to protect most of the Fort Hall bottoms (13.5 miles for a 6-foot enlargement and 14.6 miles for a 13-foot enlargement). However, the shorter dikes would require the purchase of additional Indian lands over and above those which our Bureau now has rights to flood and thus would continue to involve the Indians on the question of requiring additional Indian lands.

The justification for providing dikes and pumping to avoid additional inundation of Fort Hall bottom lands must be based on the incremental benefit between replacement to the existing capacity and the enlarged reservoir. In any case, the cost of dikes would have to bear a reasonable relationship to the value of the land being protected. Rough studies indicate a number of technical problems are involved with any diking plan. These problems may prove to be difficult and costly to resolve.

Reproduced from the manuscript collections
at Boise State University LibraryNOTICE THIS MATERIAL MAY BE
PROTECTED BY COPYRIGHT LAW
(TITLE 17 U.S. CODE).

JRP013560

MSS 6 LEN B. JORDAN COLLECTIONBox 45 Folder 21

The Regional Director has not made any studies nor does he have estimates of the cost of a dike to protect the Indian lands. He estimates a reconnaissance study to obtain information on a dike would cost as much as \$200,000 and require approximately 3 years to make. The Indians would also have to allow access to the area for field surveys. Such a study would not only involve the dike itself, but also water collection systems and pumping plants to assure proper drainage of the Fort Hall bottoms. Utilizing the limited information now available, the diking proposal will be discussed in the Regional Director's report on American Falls Dam.

Lynn Crandall Dam is not considered an alternative to enlargement of American Falls Reservoir. To utilize fully the water resource in the upper Snake River above Milner Dam would require storage capacity greater than that which could be provided at the Lynn Crandall site.

The Regional Director's latest operation studies, which include storage in Ririe, Lower Teton, and Lynn Crandall Reservoirs, show that there still would be an average of 635,000 acre-feet passing Milner Dam annually during the 1928-1961 study period. (The Idaho Power Company's primary right of 45,000 acre-feet was deducted in arriving at this figure.) Taking into account an average of 155,000 acre-feet to meet Idaho Power Company secondary power rights and an additional 117,000 acre-feet released to meet water quality control objectives, an annual average of 363,000 acre-feet of water would pass Milner in excess of all downstream requirements. These excesses range from nothing in 17 of the 34 years of study to over 2,000,000 acre-feet in 1951.

If potential diversions for the Snake Plain Recharge Project are deducted (83,000 acre-feet in St. Anthony area and 165,000 acre-feet in Idaho Falls area), the average annual surplus at Milner Dam would be 115,000 acre-feet.

If it is determined that American Falls Dam should not be enlarged, alternatives should be investigated to control and utilize uncommitted flows passing Milner Dam. These can be programed for study as funds are available. Some of the possibilities that should be considered and evaluated are as follows:

- (1) Storage at downstream reservoir sites.
- (2) Enlargement of Lake Walcott.
- (3) Offstream storage sites to be filled by pumping from the Snake River.

POOR QUALITY ORIGINAL

MSS 6 LEN B. JORDAN COLLECTION

Box 45 Folder 21

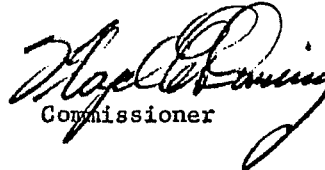
- (4) Development of the ground-water resource in the Upper Snake Plain, thereby reducing flows returning to the Snake River upstream and at American Falls Reservoir.

While criteria now in use indicate that none of the foregoing alternatives to enlarging American Falls Dam are attractive, changes in economic conditions, national policy, and time may permit a plan being formulated at some future date which could control most of the uncommitted flows above Milner Dam. Such a plan would probably combine the use of storage, ground-water recharge, and ground-water pumping into a feasible and acceptable project and insure that spills past Milner Dam would not be lost to the Upper Snake River Basin. In any event, considering potential uses downstream from Milner Dam, the spills would not be lost to the State of Idaho.

In the event American Falls Reservoir is enlarged, the present spaceholders would pay costs based on replacement to the existing size. The incremental cost of raising the dam would be assigned to the beneficiaries of the additional space. Actually, with additional beneficiaries participating, annual operation and maintenance costs to present spaceholders most likely could be reduced.

The Regional Director has also pointed out that there would not be any interference with existing water rights in an enlarged American Falls Reservoir. Our Bureau has no authority to infringe on existing water rights.

Sincerely yours,


Commissioner

Reproduced from the manuscript collections
at Boise State University Library

NOTICE THIS MATERIAL MAY BE
PROTECTED BY COPYRIGHT LAW
(TITLE 17 U.S. CODE).