



United States Department of the Interior



BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:

PN-3100

WTR-4.10

SEP 23 2005

RECEIVED

SEP 27 2005

DEPARTMENT OF
WATER RESOURCES

Mr. Gary Spackman
Water Allocations Bureau Chief
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

RECEIVED

SEP 29 2005

WATER RESOURCES
WESTERN REGION

Subject: Withdrawal of Water Right Transfer Application No. 4636 for Water Right No. 63-303,
Arrowrock Reservoir, Boise Project

Dear Mr. Spackman:

On August 31, 2005, the Bureau of Reclamation submitted a withdrawal of the Applications for Transfer and Amendment that Reclamation filed on May 15, 1995. On May 25, 2005, Reclamation filed an additional Application for Transfer of Water Right No. 63-303 for Arrowrock Reservoir. Reclamation hereby also withdraws that application (Transfer No. 4636) for the reasons set forth in our letter of August 31, 2005.

If you have any questions, please contact me at 208-378-5306.

Sincerely,

E. Gail McGarry
Program Manager
Water Rights and Acquisitions

Total acres	
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Application for Transfer of Water Right
Attachment A

Nature of Use, Part 1, page one

As an additional use added to those already of record for each right referenced in Attachments A and C, the following:

CONSERVATION STORAGE for Idaho fish and wildlife, including anadromous Idaho reared salmonids and mollusks.

CONSERVATION FROM STORAGE for Idaho fish and wildlife, including anadromous Idaho reared salmonids and mollusks.

AVOIDANCE OF JEOPARDY STORAGE for threatened or endangered anadromous Idaho reared salmonids.

AVOIDANCE OF JEOPARDY FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

PROTECTION OF CRITICAL HABITAT STORAGE for threatened or endangered anadromous Idaho reared salmonids and mollusks.

PROTECTION OF CRITICAL HABITAT FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

CONTRIBUTION TO T & E RECOVERY STORAGE for threatened or endangered anadromous Idaho reared salmonids.

CONTRIBUTION TO T & E RECOVERY FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

All uses described supra inure substantially to the benefit of Idaho residents and occur substantially within the State of Idaho. For threatened or endangered salmonids, benefits will accrue in Idaho and other places, with water use occurring in the Snake and Columbia Rivers.

Application for Transfer of Water Right

Note #1

A total of no more than 427,000 acre feet of water would be released during any water year from the aggregate of all rights delineated in the Applications for Transfer of Water Rights and the Applications for Amendment of Permit filed contemporaneously herewith. The source of 427,000 acre feet of water each water year would be a mixture of uncontracted water and contracted water made available from willing contracting entities utilizing appropriate state procedures such as local rental pools. Although the attached applications amount, in the aggregate, to approximately 5.2 million acre feet of storage space, in the event the United States desired to draw more than 427,000 acre feet in a given water year for the purposes described herein, the United States recognizes that such additional water would not be available by virtue of any change in use granted in response to these applications.

Proposed conditions of water use:

See Attachment B

General Information:

Purpose of Transfer

☐ Change point(s) of diversion	☐ Add diversion point(s)	☐ Add & Change point(s) of diversion
☐ Change place of use	☐ Change nature of use	☐ Add point diversion & Change place of use
☐ Change period of use	☒ Other <u>Add Places & Natures of Use</u>	☐ Change point diversion & place use

Describe the reason for the proposed changes:

See Attachment B

If the place of use of the water right(s) is changed, complete the following:

1. Provide evidence of water right ownership:

2. Is the land from which you propose to transfer the water right subject to any liens, deeds of trust mortgages, or contracts? N/A If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

3. Identify all other water rights used on the lands affected by this transfer application (original and new lands).

No affected lands are identifiable; this transfer relates primarily to reservoir storage.

Application for Transfer of a Water Right
Attachment B

Reasons for Transfer of Water Right
Top of Page 2.

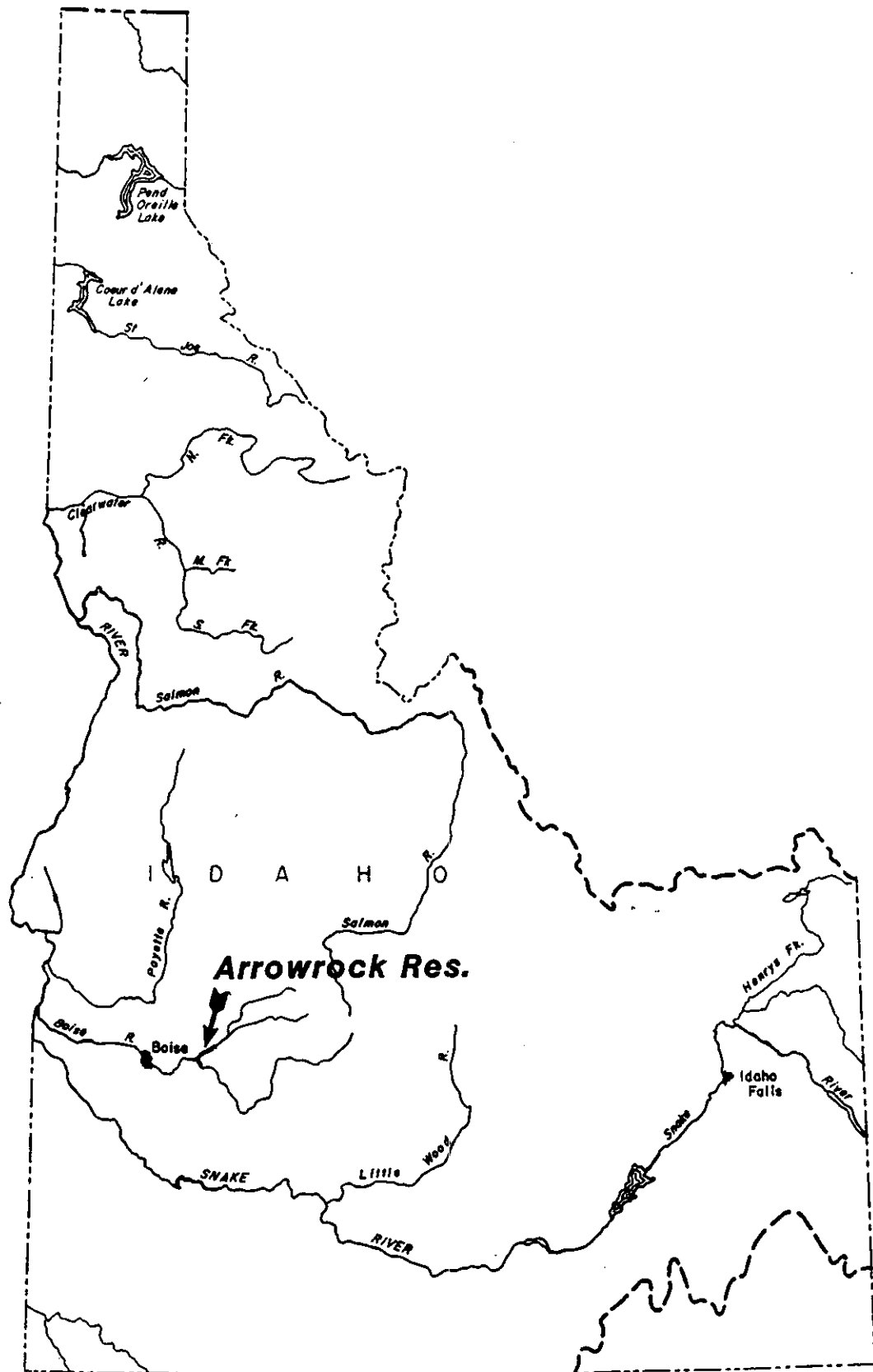
Proposed conditions of water use:

Changes in release levels will be announced and controlled by the applicant in conjunction with appropriate state officials to provide for reasonable public safety to fishers, rafters and other recreational and irrigation users of the Snake River and its tributaries. Releases for anadromous salmonids will be timed to directly or indirectly realize benefits in the lower Snake River at various times of each calendar year. Accounting for releases will be made based on data from an existing gauging station, or as otherwise lawfully arranged.

Middle of Page 2.

Describe the reason for the proposed changes:

This application for transfer of water rights is submitted to avoid jeopardizing the continued existence of anadromous salmon species listed under the Endangered Species Act, namely; the Snake River Sockeye, the Spring/Summer Chinook, and the Fall Chinook Salmon. Pursuant to Endangered Species Act Section 7 consultation with the National Marine Fisheries Service (NMFS), a Biological Opinion was issued by NMFS on March 2, 1995. Among the requirements suggested as necessary to avoid jeopardy to the listed salmon stocks was that Reclamation "provide 427,000 acre-feet (KAF) of flow augmentation from the Upper Snake River. . . ." (March 2, 1995 Biological Opinion at p. 99.) In addition, however, and at least partially in response to comments generated by Reclamation itself, the March 2 Biological Opinion also provides that Reclamation "shall secure water for flow augmentation in a manner consistent with applicable state law and from willing sellers." (March 2, 1995 Biological Opinion at p. 99.) Thus, in a March 10, 1995, Record of Decision, Reclamation affirmed the federal commitment to implement the components of the March 2 Biological Opinion, including provision of 427 KAF annual flow augmentation from the Upper Snake. To this end, Reclamation hereby submits this application to add appropriate places and natures of use to Idaho reservoir and related water rights.



I assert that no one will be injured by such change and that the change does not constitute an enlargement in the original right. The information contained in this application is true to the best of my knowledge.
Understand that any willful misrepresentations made in this application may result in voiding its approval.

Kenneth R. Pedde
(Signature of applicant)

Subscribed and sworn to before me this 24th day of May, 199 5.

Diana L. Jacobs
(Notary Public)

My commission expires 5-23-2000

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.(s)

Witness my hand this _____ day of _____, 199 ____.

Director

FOR DEPARTMENT USE ONLY

Fee _____ Receipt Date _____ Receipt No. _____ Received By _____

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____ date received _____

Field exam conducted (required for statutory claims) _____

Protest filed by: _____

Hearing held by: _____

Recommended for Approval _____ Denial _____

by _____