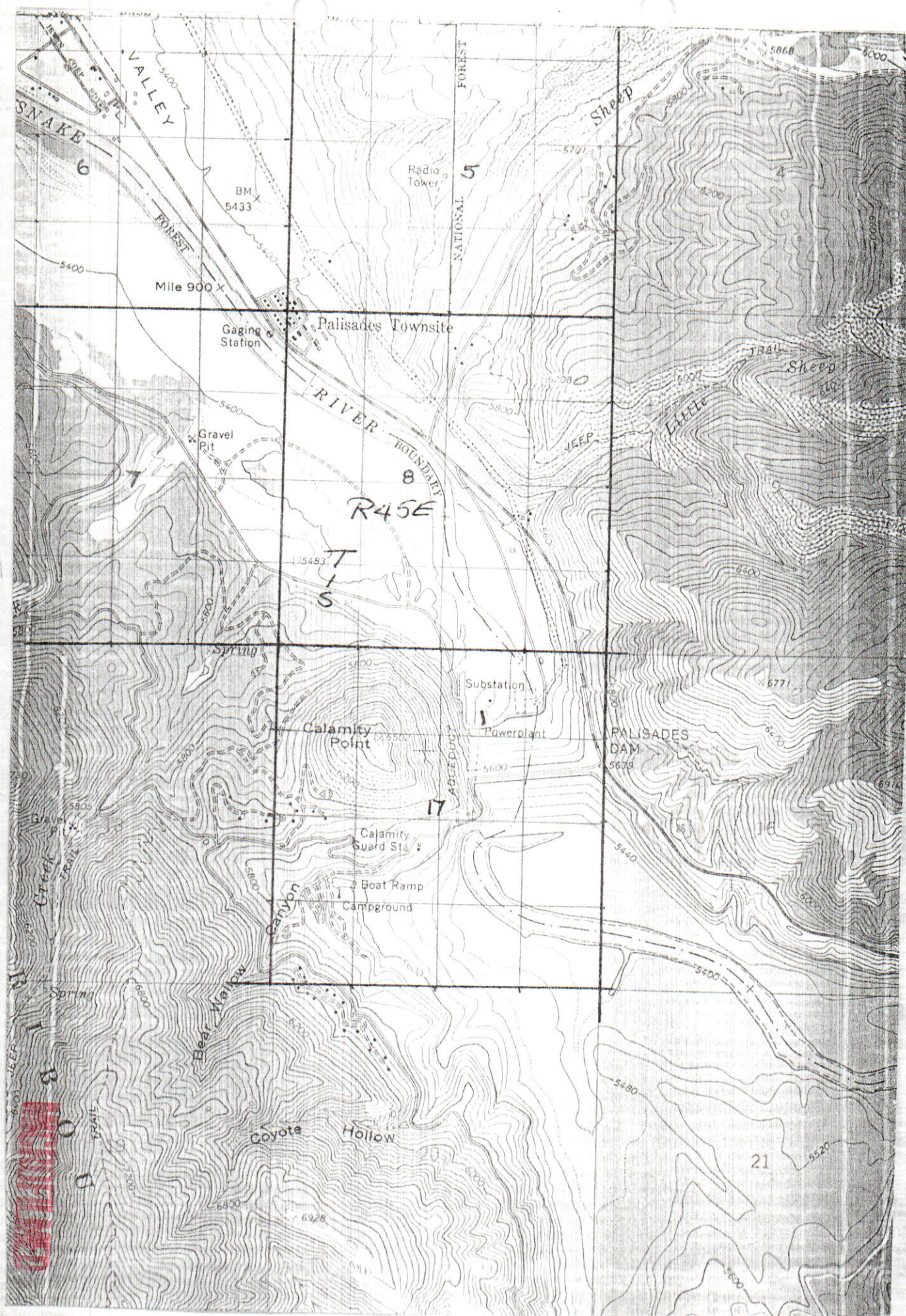




01-4055

See Transfer #3885

In Fiche #01-2064

MICROFILMED

JUN 24 1992

Jackson Lake Storage
Releases

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

The United States of America acting through the Regional Director
Notice is hereby given that Pacific Northwest Region, Bureau of Reclamation
Federal Building & U.S. Courthouse (Name of Claimant)
Box 043-550 West Fort Street, Boise, Idaho 83724 Telephone No. (208) 334-1908
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) (See attached)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Snake River (Jackson Lake Reservoir, WY) butary to Columbia River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)			
				(Mo., Day)		(Mo., Day)	
Quantity	<u>915,000 af</u>	Use	<u>Irrigation</u>	Period of Use From	<u>April 1</u>	To	<u>Oct 31</u>
Quantity	<u>1,415,000 af</u>	Use	<u>Power</u>	Period of Use From	<u>Jan 1</u>	To	<u>Dec 31</u>
Quantity	<u>5,000 af</u>	Use	<u>Domestic</u>	Period of Use From	<u>Jan 1</u>	To	<u>Dec 31</u>
Quantity	_____	Use	_____	Period of Use From	_____	To	_____
Quantity	_____	Use	_____	Period of Use From	_____	To	_____

- (4) 1,415,000 af TOTAL QUANTITY USED.
(cfs. af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 17 Twp. 1-S Rge. 45-E B.M., County of Bonneville

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. (see attached)

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 761,061

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
(see attached)

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: The United States of America

Waters claimed are storage releases from Jackson Lake, Wyoming, entering Idaho at the Idaho/Wyoming border. Active capacity 847,000 acre feet plus bank storage of 68,000 acre feet. Second fill or refill of 500,000 acre feet = 1,415,000 acre feet.

(8) Remarks

The places of use and points of diversion are as indicated within the boundaries as described in License No. R-670/01-2068 (Palladas Reservoir) and License No. 264/01-2064 (American Falls Reservoir) for those irrigation companies and/or districts shown on Exhibit attached.											

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada
) ss.
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29th day of June, 1983.
John W. Taylor, III
Acting Regional Director (Claimant)

Thomas
Notary Public
Residing at Boise

My commission expires 2.15

7-5-8 FOR DEPARTMENT USE ONLY

Received by SR Date 6/29/83 Exception filed by: Forwarded to Date
Prelim. check by KCL Date 3/14/85 claimant by: Date
Published in Post Register Date 6-29-83 # 300017
Dates 3/15 - 3/22/84

1. Date of priority for total yield of 1,415,000 acre-feet of Jackson Lake Reservoir storage flow from the State of Wyoming across the Idaho-Wyoming State line at Snake River Mile Location 980.5 miles into State of Idaho via Palisades Reservoir are as shown:

<u>Date of Priorities</u>	<u>Content (acre-feet)</u>
8/23/1906	298,981
4/1/1907	27,000
8/18/1910	138,829
4/1/1912	12,000
5/24/1913	409,190
4/1/1917	29,000
Jackson Lake Reservoir Total Capacity	
	915,000
4/1/1917 Second fill	500,000
Total Yield	1,415,000 acre feet

Claim for date of priority is based on License issued by Wyoming State Engineer for storage, contracting of allocated Reservoir space, and on Jackson Lake Reservoir enlargements as to when bank storage would have first been used on Minidoka Project (presently Minidoka and Burley Irrigation Districts or Warren Act Lands, presently Twin Falls and North Side Irrigation Companies.)

Date of priorities:

April 1, 1907 Water used on Minidoka Project lands
 April 1, 1912 Water used on Minidoka Project lands
 April 1, 1917 Water used on Warren Act lands

Bank storage quantities are obtained from cooperative Committee of Nine (Advisory Committee District No. 36), U.S. Geological Survey, and Bureau of Reclamation Study Report concerning "Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District 36, Idaho," page 28.

<u>Reservoir Content</u>	<u>Elevation (feet)</u>	<u>Bank Storage (acre-feet) Beginning at Elevation 6728.00</u>
299,000	6745.70	27,000
438,000	6752.00	12,000
847,000	6769.00	29,000

Bank Storage Total = 68,000 acre-feet

MICROFILMED

5. (B) A 26-foot outlet tunnel terminating in six outlets controlled by four 7.5 by 9-foot slide gates and two 96-inch hollow-jet valves. Capacity at Reservoir's elevation 5620.0 is 33,000 ft³/s. Also, a 26-foot power tunnel terminating in four 14-foot diameter penstock branches to powerhouse. Two penstock bypass branches to outlet works control house are each controlled by one 7.5 by 9-foot slide gate. Bypass capacity at Reservoir elevation 5620.0 is 14,000 ft³/s.

6. (B) The powerplant located is downstream toe of left abutment of Palisades Dam. Generation is by means of four Francis-type turbines with total of 158,000 horsepower at effective head of 190 feet and total plant discharge of approximately 8,560 ft³/s. Power is distributed by means of power substation located near center of the toe of Palisades Dam.

8. The Jackson Lake Dam and Reservoir served as multiple-purpose storage to the entire Upper Snake River Valley. The head water benefits derived from storage space has been to irrigation needs, re-regulation of low cost hydropower waters, flood protection, and many secondary benefits to both States of Idaho and Wyoming. Documentation of Jackson Reservoir Storage can be found in "Report Snake River Water Problems Concerning Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District No. 36, Idaho, by R. I. Meeker, Consulting Engineer, Denver, February 9, 1924.

EXHIBIT A

Jackson Lake Reservoir Storage Allocation Contracted by the United States, Bureau of Reclamation

<u>Irrigation Company or District</u> ^{4/}	<u>Storage (acre-feet)</u>	<u>Acres Irrigated</u> ^{1/}
Poplar Irrigation District	1,589	900
Progressive Irrigation District	7,209	33,000
Farmers Friend Irrigation Co.	2,000	10,500
Enterprise Canal Company	11,252	5,200
Harrison Canal & Irrig. Co.	11,943	13,000
Rudy Irrigation Canal Co.	3,530	5,000
Burgess Canal & Irrig. Co.	10,603	22,000
Lowder Slough Canal Company	1,040	1,000
Sunnydell Irrigation District	4,000	3,780
Lenroot Canal Company	5,234	3,100
Reid Canal Company	1,472	5,500
Enterprise Irrigation District ^{5/}	5,883	5,890
Dilts Irrigation Company	511	620
Butte & Market Lake Canal	2,695	20,000
Osgood	7,771	6,210
Bear Island ^{5/}	110	330 ^{2/}
Owners Mutual Irrig. Co. & Clemet Bros.	396	920 ^{2/}
Idaho Irrigation District	13,230	35,850 ^{3/}
Martin Canal Company	2,659	1,500 ^{3/}
New Sweden Irrigation Dist. & West Side Mutual	19,857	23,301 ^{3/}
Woodville Canal Company	3,491	2,350
Snake River Valley Irrig. Dist.	30,225	20,790
Blackfoot Irrigation Company	7,370	15,000
Peoples Canal & Irrig. Company	20,365	20,000
Aberdeen Springfield Canal Company	74,626	63,000
Corbett Slough Ditch Company	1,961	6,000
Trego Ditch Company	758	1,620
Minidoka Irrigation District	186,030	72,000
South Side Canal Company ^{5/}	97,183	202,700
North Side Canal Company	312,007	160,000
TOTAL CONTRACTED	847,000	TOTAL 761,061
UNCONTRACTED	68,000	
TOTAL JACKSON LAKE RESERVOIR YIELD	915,000	

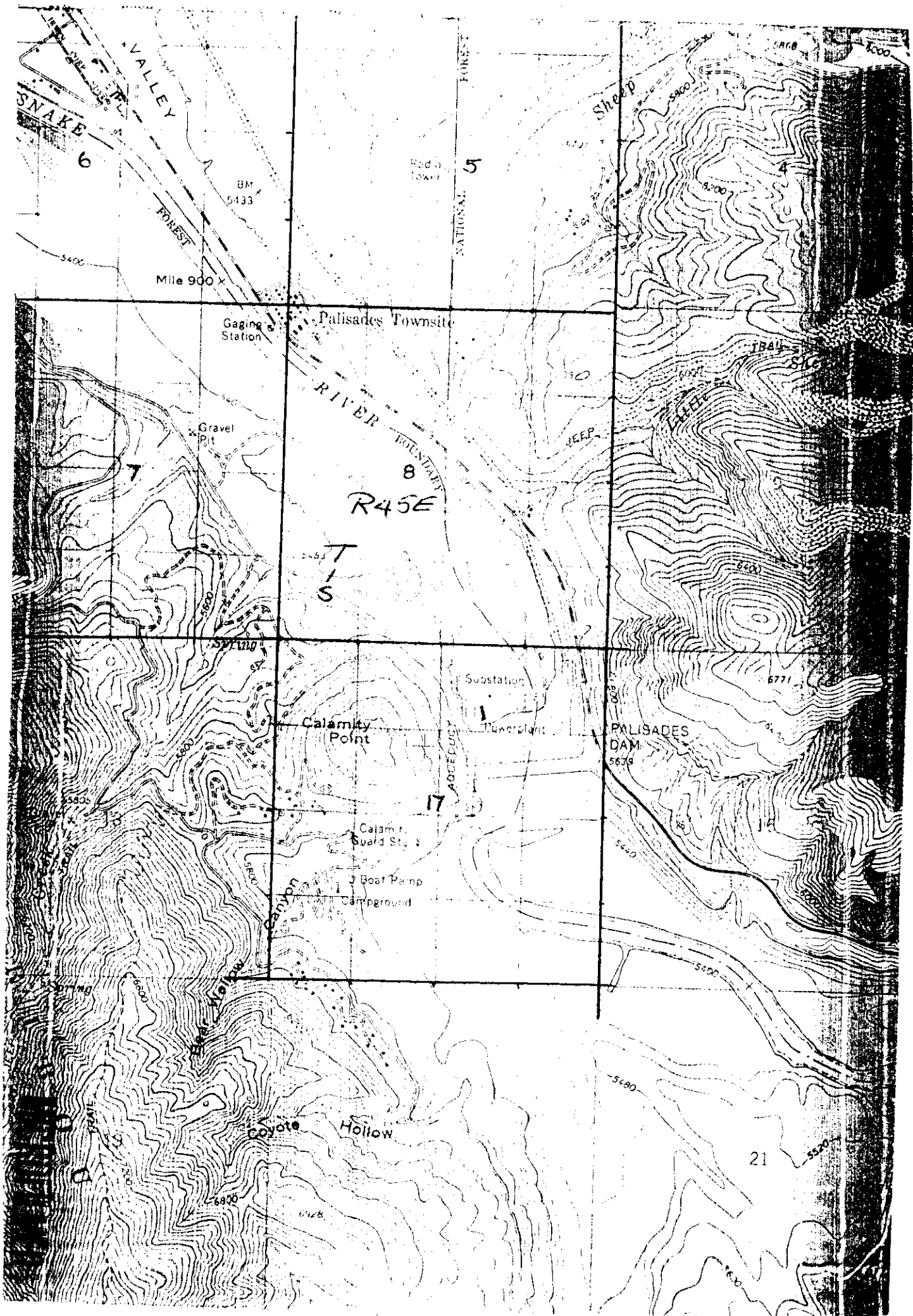
^{1/} According to "1977 Water Distribution and Hydrometric Work District No. 01, Snake River, Idaho" report.

^{2/} Within the "Kennedy."

^{3/} Within the "Great Western and Porter."

^{4/} Description of acres is found in Palisades storage use area as found in Exhibit A of License Water Right No. R-670/01-2068, unless otherwise noted below.

^{5/} Description of acres is found in American Falls storage use area as found in Exhibit B of License Water Right No. 269/01-2064.



Proof of Publication
The Post-Register

RECEIVED

MAR 22 1984

State of Idaho,

County of Bonneville

ss.

Department of Water Resources
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 15th day of March, 1984, last publication having been made on the 22nd day of March, 1984, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 22nd

day of March, 1984.

Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby that the Bureau of Reclamation, Boise, Idaho has filed claims to water rights established by diversion and application to beneficial use of the following claims from the Snake River tributary to Columbia River:

No. 01-4053 PRIORITY: 1948

0.31 cfs of water is claimed to be diverted within the NW1/4NW1/4, Sec. 8, T. 1S, R. 45E, Bonneville County and used from May 1 to Oct. 31 for domestic purposes and irrigation of 9 acres within the NW1/4NW1/4, Sec. 8, SW1/4SW1/4, Sec. 5, NE1/4NE1/4, Sec. 7, SE1/4SE1/4, Sec. 6, T. 1S, R. 45E, (Palisades Dam camp area).

No. 01-4054 PRIORITY: 2-27-1957

9,000 cfs of Palisades Dam water is claimed to be diverted in the NW1/4NE1/4, Sec. 17, T. 1S, R. 45E, and used for power purposes within the NW1/4NE1/4, Sec. 17, T. 1S, R. 45E.

No. 01-4055 PRIORITIES: 8-23-1906, 4-04-1907, 1-18-1910, 4-01-1912, 5-24-1913, 2-01-1917

Storage releases from Jackson Lake Reservoir are claimed to be diverted in the NW1/4NE1/4, Sec. 17, T. 1S, R. 45E (Palisades Reservoir). 915,000 af is used from April to Oct. 31 for the irrigation of 761,061 acres; 1,415,000 af of water is used from Jan. 1 to Dec. 31 for power purposes, and 5,000 af is used for domestic purposes within the boundaries of license No. R-670/01-2068 (Palisades Reservoir) and license No. 269/01-2064 (American Falls Reservoir) for various canal and irrigation districts within the service area.

No. 01-4056 PRIORITY: 5-03-1957

1,200,000 af of Palisades Dam water is claimed to be diverted in the NW1/4NE1/4, Sec. 17, T. 1S, R. 45E and used from Jan. 1 to Dec. 31 for power purposes and from Apr. 1 to Oct. 31 for the irrigation of 1,038,098 acres for those of the various contributing entities for storage space in Palisades Reservoir as described in license No. R-670/01-2068.

No. 01-4057 PRIORITY: 7-03-1957

92,000 A.P. of Palisades Dam bank storage water is claimed to be diverted in the NW1/4NE1/4, Sec. 17, T. 1S, R. 45E, and used from Jan. 1 to Dec. 31 for power purposes and from Apr. 1 to Oct. 31 for the irrigation of 1,038,098 acres within the service area of license No. R-670/01-2068.

Any exception to these claims of water rights may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 13, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: March 15, 22, 1984

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Water Right Transfer No.s 3883, 3884 & 3885

DATE: 2-20-92

The Bureau of Reclamation filed water right transfers on all all Bureau reservoirs within Idaho. The transfers were submitted in November, 1991. Numerous protests have been received. This water right is included in one of the above transfers. The transfers have been filed in order to recognize release of storage water for fish enhancement purposes (i.e.; to benefit salmon fish migrations).

Since the transfer applications are lengthy and involve numerous rights, a copy of the appropriate transfers are not included in this file. Please refer to the transfer application file for information concerning the transfers.

1. MED
JUN 24 1992

June 12, 1984

RE: Claims to Water Rights No. 01-4053, 01-4054, 01-4055, 01-4056, 01-4057
BUREAU OF RECLAMATION

Jack Billings, Chairman
Protective Union
Rt. #1, Box 124
Pingree, ID 83262

Dear Mr. Billings:

We have received the exception dated May 22, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections.---

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Regional Supervisor
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

Enclosure Blair Grover, Attorney

MICROFILMED

DEAN D. GROVER
KEITH M. WALLEN

June 12, 1984

RE: Claims to Water Rights No. 01-4053, 01-4054, 01-4055, 01-4056, 01-4057

Mr. Don Tracy
Bureau of Reclamation
1359 Hansen
Burley, ID 83318
Idaho Falls, Idaho 83401

Dear Mr. Tracy:
Re: Protecting Union

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

by the 42-225b. Recording of claims by department-----Corrections-----
with other provisions of the Idaho Code.

At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

GROVER & WALKER

CHARTERED

LAW OFFICES

P. O. BOX 36

RIGBY, IDAHO 83442-0036

(208) 745-6653

BLAIR J. GROVER
KEITH M. WALKER

T. HAROLD LEE
(1914-1976)

May 25, 1984

RECEIVED

MAY 29 1984

Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Protective Union

Dear Ron:

Enclosed please find an Excxeption to Claim Water Right filed by the Bureau of Reclamation. I suppose it can go of record along with other exceptions which may have been filed.

Yours very truly,

GROVER & WALKER



BLAIR GROVER

BG:pa
Enclosure
cc: Jack Billings

EXCEPTION TO CLAIM WATER RIGHT

AFFIDAVIT

RECEIVED
MAY 22 1984
Department of Water Resources
Eastern District Office

STATE OF IDAHO)
) ss.
County of Jefferson)

Jack Billings being first duly sworn, deposes and states:

1. I am the Chairman of the Directors of the Protective Union.

2. The Protective Union is an organization representing approximately fifty (50) canal companies in the Upper Snake River Valley, located generally from Blackfoot to Rexburg.

3. The Protective Union in behalf of itself and it's member canal companies, takes exemption to the Notice of Claims to Water Rights filed by the Bureau of Reclamation, which notice was published March 15 and March 22, 1984, in the Idaho Falls Post Register, a copy of which published notice is attached hereto, marked Exhibit "A" and by this reference made a part hereof.

4. Representatives of the Bureau have informed representatives of the Protective Union that the claimed water rights are already in existence and allocated, and the claim does not purport to establish or create any new or additional water rights. It would require considerable investigation and research to either dispute or corroborate that claim. Therefore, in the absence of knowledge to the contrary, that representation is at this time taken as accurate.

5. With the explanation in Paragraph 4 herein, exception is nevertheless raised to the 92,000 acre feet of bank storage for the following reasons:

(A) There is no legal right to claim bank storage water.

(B) The bank storage is unavailable unless the reservoir is drawn down. The amount of draw-down will proportionately affect the amount of actual bank storage.

(C) There are no rules or guidelines for use of the bank storage water.

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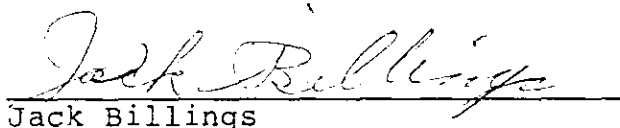
(D) There is insufficient evidence to establish that there is, in fact, 92,000 acre feet of bank storage that will come out of the banks when the reservoir is lowered. Even if that amount of water seeps into the bank, it is believed the majority of it will not come back into the reservoir as it is lowered.

(E) If bank storage is offset against transmission losses of allocated rights, that can have a detrimental effect on natural flow rights.

(F) All of the design capacity for Palisade storage water has been allocated and if there is in fact extra water, it may be subject to additional claims and/or allocations. If those are made and agreements subsequently entered, if that water does not exist, it will create an intolerable situation among holders of Palisade water because there would not be enough water to fill the contractual allotments.

6. This exception is not intended to suggest that if there is in fact storage water, it should not be prorated among existing spaceholders, but is to raise the problems described herein.

7. To the extent the claim alleges a right to more than 1.2 million acre feet for irrigation, through recharge and/or through refilling of the reservoir after it has once been filled each season, exception to such a right of refilling or recharge is made for the reason that such refilling or recharge interferes with flood water rights now diverted and applied to beneficial use by many water users.


Jack Billings

Subscribed and sworn to before me this 22nd day of May, 1984.

(Seal)

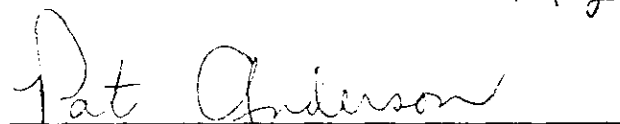

Notary Public for Idaho
Residing at Rigby, Idaho
Lifetime Commission

Exhibit "A"

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby that the Bureau of Reclamation, Boise, Idaho has filed claims to water rights established by diversion and application to beneficial use of the following claims from the Snake River tributary to Columbia River:

No. 01-4053 PRIORITY: 1948

0.31 cfs of water is claimed to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 1S, R. 45E, Bonneville County and used from May 1 to Oct. 31 for domestic purposes and irrigation of 9 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 1S, R. 45E, (Palisades Dam camp area).

No. 01-4054 PRIORITY: 2-27-1957

9,000 cfs of Palisades Dam water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E, and used for power purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E.

No. 01-4055 PRIORITIES: 8-23-1906, 4-01-1907, 8-18-1910, 4-01-1912, 5-24-1913, 4-01-1917

Storage releases from Jackson Lake Reservoir are claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E (Palisades Reservoir). 915,000 af is used from April to Oct. 31 for the irrigation of 761,061 acres; 1,415,000 af of water is used from Jan. 1 to Dec. 31 for power purposes, and 5,000 af is used for domestic purposes within the boundaries of license No. R-670/01-2068 (Palisades Reservoir) and license No. 269/01-2064 (American Falls Reservoir) for various canal and irrigation districts within the service area.

No. 01-4056 PRIORITY: 5-03-1957

1,200,000 af of Palisades Dam water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E and used from Jan. 1 to Dec. 31 for power purposes and from Apr. 1 to Oct. 31 for the irrigation of 1,038,098 acres for those of the various contracting entities for storage space in Palisades Reservoir as described in license No. R-670/01-2068.

No. 01-4057 PRIORITY: 7-03-1957

92,000 A.F. of Palisades Dam bank storage water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E; and used from Jan. 1 to Dec. 31 for power purposes and from Apr. 1 to Oct. 31 for the irrigation of 1,038,098 acres within the service area of license No. R-670/01-2068.

Any exception to these claims of water rights may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: March 15, 22, 1984

01-4055

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE April 6, 1984

TO Claim 01-4046

SUBJECT U.S. Bureau of Reclamation -- Exhibits to 16 claims on Minidoka Project

See File 01-4046 for exhibits on Minidoka Project

RE: 01-4046 thru 01-4057
21-4155 thru 21-4157
23-4073

RECEIVED
APR 10 1984
FBI - MINNAPOLIS

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE

ID 83724

RE: Claim No. 01-4051, 01-4053, 01-4054, 01-4055, 01-4056, and 01-4057

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure (6)

MICROFILMED



United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 943 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0430

JUN 20 1983

IN REPLY
REFER TO
870.

JUL 5 1983

Department of Water Resources
Eastern District Office

JUN 29 1983

5 claims to Southern
11 claims to Eastern

Mr. Kenneth Dunn
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed are 16 water right claims for use of waters within the Minidoka Project area, summarized as follows:

- | | |
|---------------------------------|---------------------------------|
| 1. Minidoka Irrigation District | Artificial Ground Water-Storage |
| 2. Burley Irrigation District | Artificial Ground Water-Storage |
| 3. Palisades Reservoir | Bank Storage |
| 4. Island Park Reservoir | Bank Storage |
| 5. Lake Walcott | Bank Storage |
| 6. Jackson Lake Wyoming | Storage Yield (Interstate) |
| 7. Grassy Lake Wyoming | Storage Yield (Interstate) |
| 8. Palisades Powerplant | Snake River Natural Flows |
| 9. Palisades Reservoir | Refill of Storage |
| 10. Island Park Reservoir | Refill of Storage |
| 11. American Falls Reservoir | Refill of Storage |
| 12. Walcott Park | Irrigation |
| 13. Palisades Camp | Irrigation & Domestic |
| 14. Palisades Camp | Domestic |
| 15. Falls Irrigation District | Recapture of Surface Water |
| 16. A&B Irrigation District | Recapture of Surface Water |

The claims, with their attachments are self explanatory.

Claim numbers 3, 4, and 5 are for net yields from so called Bank Storage in Palisades and Island Park Reservoirs and Lake Walcott respectively. Drawdown of American Falls Reservoir, also yields water stored in the permeable banks. However, Certificate No. 01-2064 for American Falls Reservoir already covers 100,000 acre-feet identified as bank storage, so no claim is required.

With regard to Lake Walcott the Foster Decree provides in part follows:

"It is further ORDERED, ADJUDGED AND DECREED, until otherwise provided by Statute, the State Engineer of the State of Idaho, or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session laws of 1909, entitled: "an act to provide for the

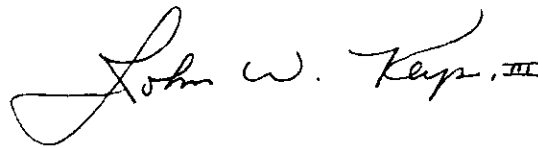
safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam. (emphasis added.)

Thus, a water right for all "waters flowing in the Snake River at Minidoka and Milner Dams" except natural flow has been adjudicated to the United States. Since bank storage is a result of construction of Federal Reclamation Project Works and not a part of "natural flow," any yield from Bank Storage in Lake Walcott belongs to the United States by Decree and no claim should be required.

Until 1978, the various watermasters determined the "amount of the natural flows" to which the "Twin Falls Projects are entitled" by measurements taken at Neeley, on the basis that the "normal flow at Neeley is the same as the normal flow at Milner would have been, if the Minidoka Dam had never been constructed" (water distribution below Neeley Gaging Station - Lynn Crandall - April 1, 1926).

The computer model used by the District 01, Watermaster for water accounting since 1978, contains no provision for recognizing yield from bank storage, therefore a claim for bank storage yield in Lake Walcott is included with this filing.

Sincerely yours,



STING

Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

RECEIVED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

U.S.A. BUREAU OF
RECLAMATION

Right Number 01-4055

Applicant

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use. *PLACE OF USE?*
- ☒ Signature/notarization/fee.

MULTIPLE DATES?

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By *Ernest Carlson* Date *April 9, 1984*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *pc* Date *4/12/84*

RECEIVED
APR 12 1984

Department of Water Resources

RECEIVED
APR 12 1984

Department of Water Resources

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby that the Bureau of Reclamation, Boise, Idaho has filed claims to water rights established by diversion and application to beneficial use of the following claims from the Snake River tributary to Columbia River:

No. 01-4053 PRIORITY: 1948

0.31 cfs of water is claimed to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 1S, R. 45E, Bonneville County; and used from May 1 to Oct 31 for domestic purposes and irrigation of 9 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 1S, R. 45E. (Palisades Dam camp area).

No. 01-4054 PRIORITY: 2-27-1957

9,000 cfs of Palisades Dam water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E, and used for power purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E.

No. 01-4055 PRIORITIES: 8-23-1906, 4-01-1907,
8-18-1910, 4-01-1912,
5-24-1913, 4-01-1917

Storage releases from Jackson Lake Reservoir are claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E (Palisades Reservoir). 915,000 af is used from Apr 1 to Oct 31 for the irrigation of 761,061 acres; 1,415,000 af of water is used from Jan 1 to Dec 31 for power purposes, and 5,000 af is used for domestic purposes within the boundaries of license No. R-670/01-2068 (Palisades Reservoir) and license No. 269/01-2064 (American Falls Reservoir) for various canal and irrigation districts within the service area.

No. 01-4056 PRIORITY: 5-03-1957

1,200,000 af of Palisades Dam water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E and used from Jan. 1 to Dec. 31 for power purposes and from Apr 1 to Oct 31 for the irrigation of 1,038,098 acres for those of the various contracting entities for storage space in Palisades Reservoir as described in license No. R-670/01-2068.

No. 01-4057 PRIORITY: 7-03-1957

92,000 A.F. of Palisades Dam bank storage water is claimed to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1S, R. 45E; and used from Jan. 1 to Dec. 31 for power purposes and from Apr 1 to Oct 31 for the irrigation of 1,038,098 acres within the service area of license No. R-670/01-2068.

Any exception to these claims of water rights may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN
Director

Published in the Post Register, Idaho Falls, 3/15 and 3/22/84.

01-4055

U.S. DEPT. OF INTERIOR

BUREAU OF RECLAMATION, ATTN: 424, BOX 042, 550 W. FORT ST., BOISE, ID 83724

Source: SNAKE RIVER trib. to COLUMBIA RIVER
JACKSON LAKE RESERVOIR trib. to COLUMBIA RIVER

Priority Date: / /

Diversion Pt: NWNE Sec 17 T 01S R 45E

Use: IRRIGATION	(915000.0 AF)
POWER	(1415000.0 AF)
DOMESTIC	(5000.0 AF)

RECORDED
INDEXED