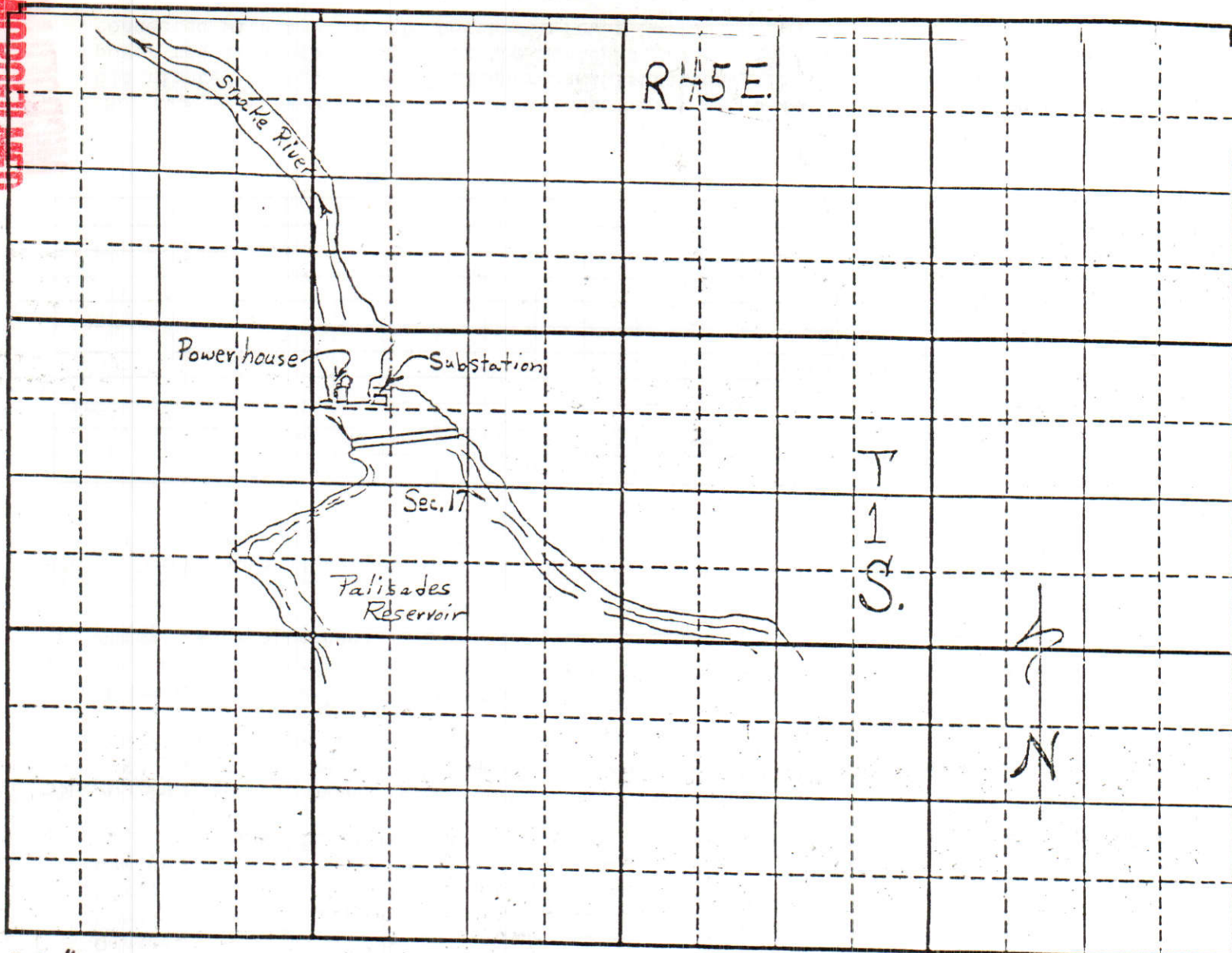


(8) Remarks This claim is for use of natural flows of the Snake River for power generation at Palisades Hydro-power Plant.



Scale: 4 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. Keys, III
Acting Regional Director (Claimant)

Ed Shamas
Notary Public
Residing at Boise

My commission expires 1-1-84

Received by SAE Date 6/29/83 Exception filed by: _____ Date _____
Prelim. check by Kew Date 10-25-83
\$30.00 fee received by SA Date 6-29-83 #30027
Published in Post Register
Dates 3/15-3/22/84

FOR DEPARTMENT USE ONLY

Fowarded to claimant by: _____ Date _____

Palisades Project

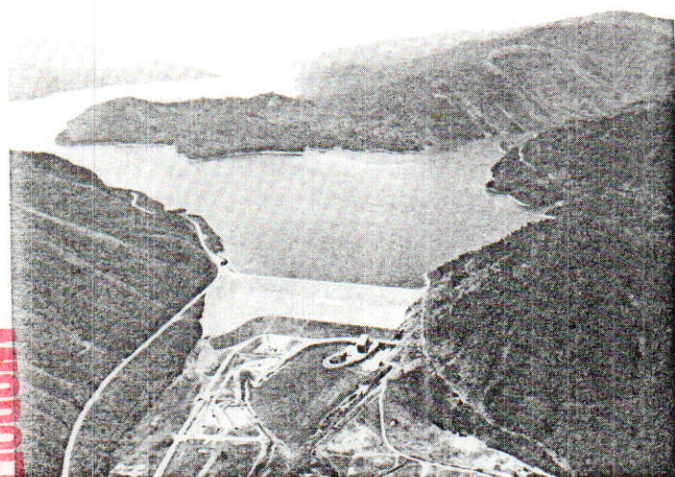
Idaho: Bonneville County
Wyoming: Lincoln County

Pacific Northwest Region
Bureau of Reclamation

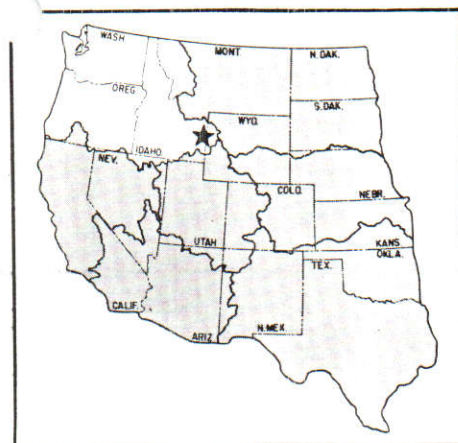
The Palisades Project is a multiple-purpose development involving irrigation, power, flood control, recreation, and fish and wildlife conservation. Palisades Dam is on the South Fork of the Snake River at Calamity Point in eastern Idaho about 11 miles west of the Idaho-Wyoming boundary. The project provides a supplemental water supply to about 670,000 acres of irrigated land in the Minidoka and Michaud Flats Projects. The 118,750-kilowatt hydroelectric powerplant furnishes energy needed in the upper valley to serve irrigation pumping units, municipalities, rural cooperatives, and other power users. The principal features of the project are Palisades Dam, Reservoir, and Powerplant.

PLAN

The project, in addition to providing needed holdover storage, helps control floods, develops a substantial block of power, and permits the annual storage of about 135,000 acre-feet of water saved by shutting off canals in the upper valley during the winter. This water is stored to the credit of and delivered to the water users who make the savings possible.



Palisades Dam and Reservoir



Releases from Palisades Reservoir are diverted and carried to the land by previously constructed facilities.

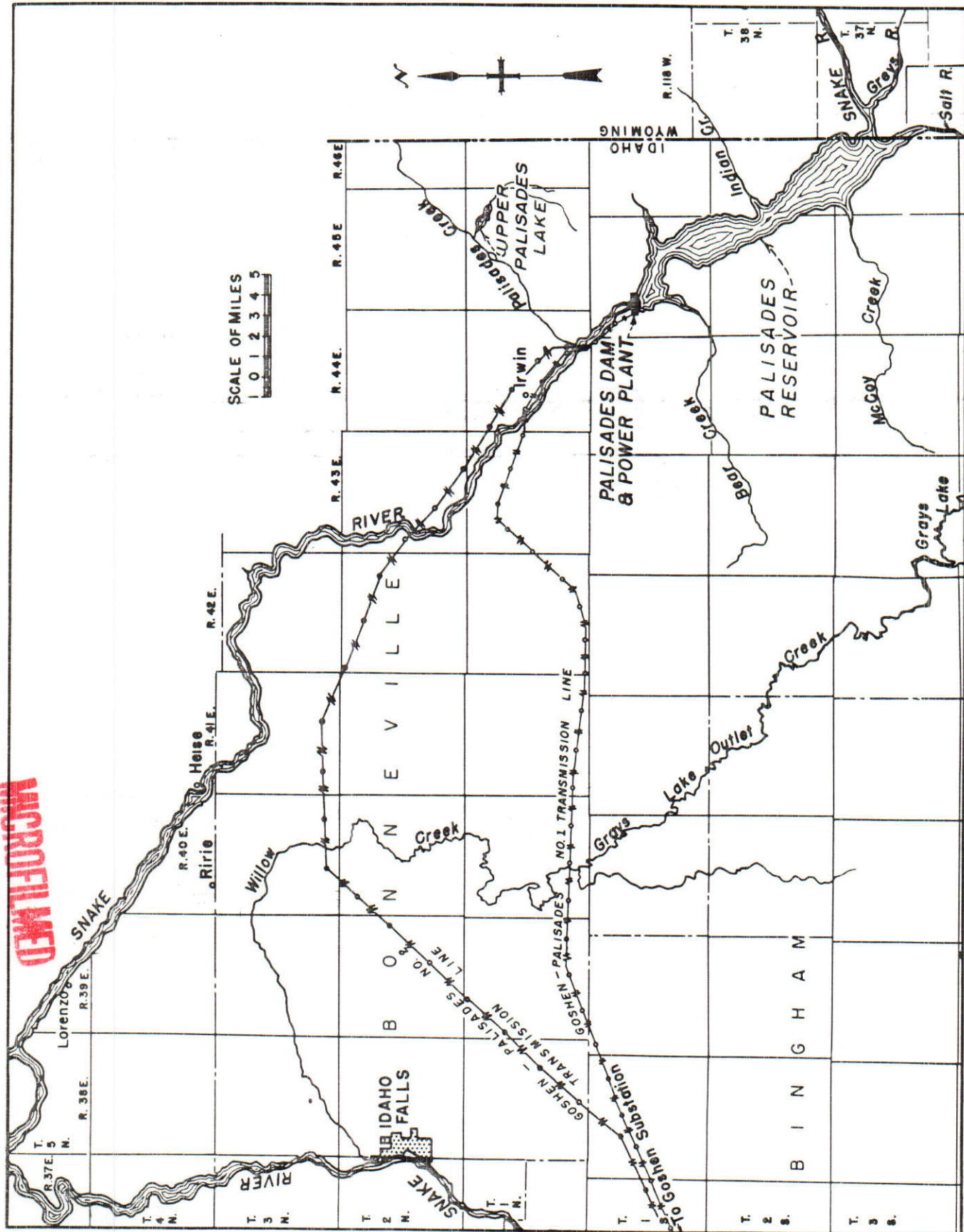
Palisades Dam and Powerplant

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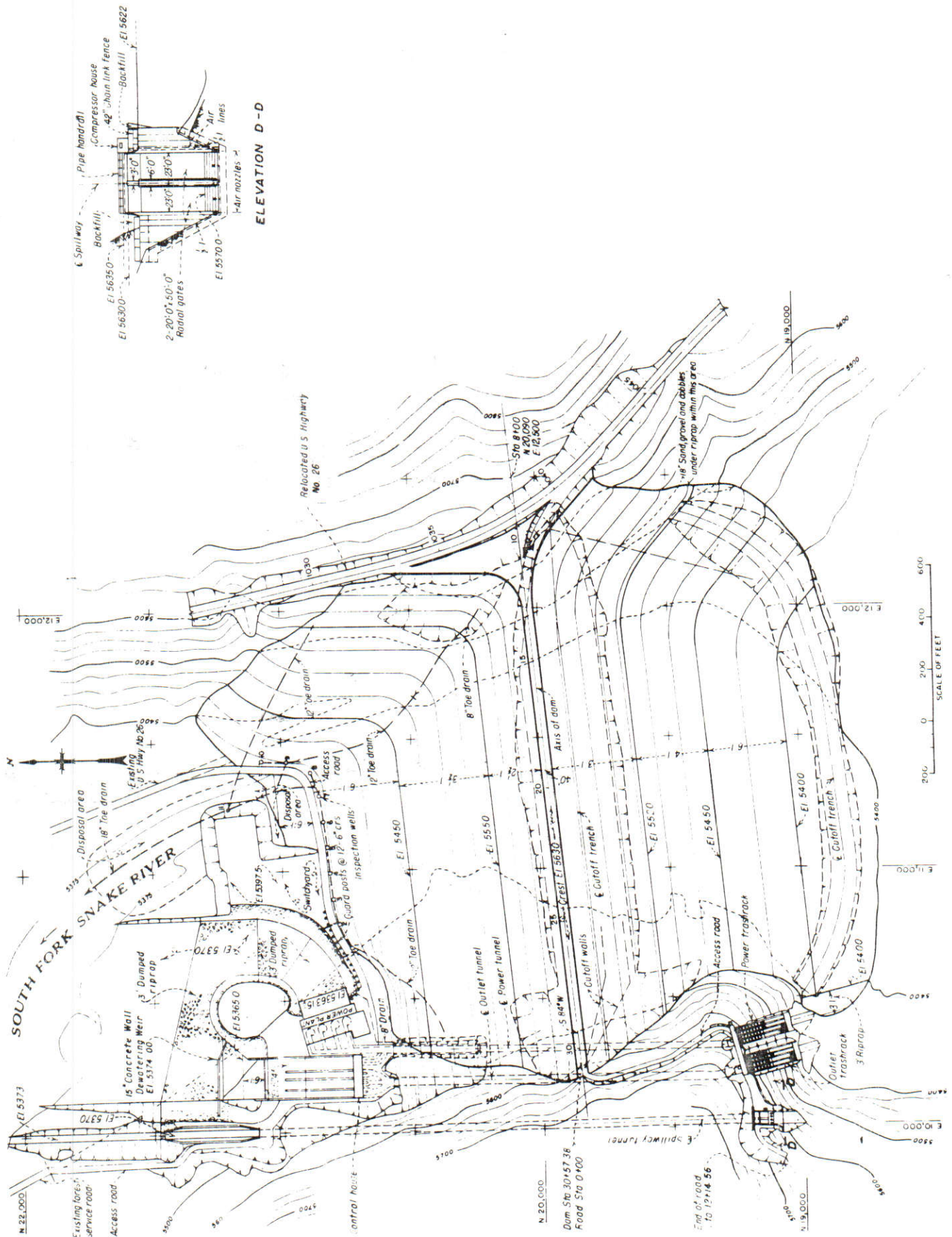


Jackson Lake, Wyoming

Palisades Project



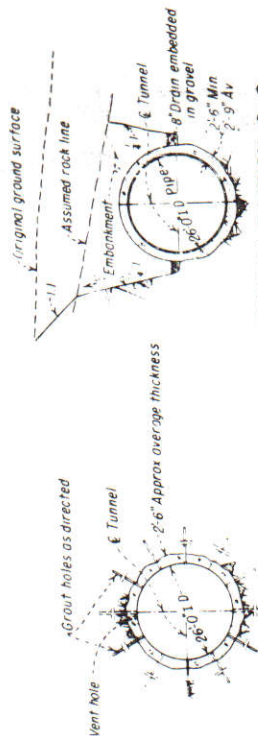
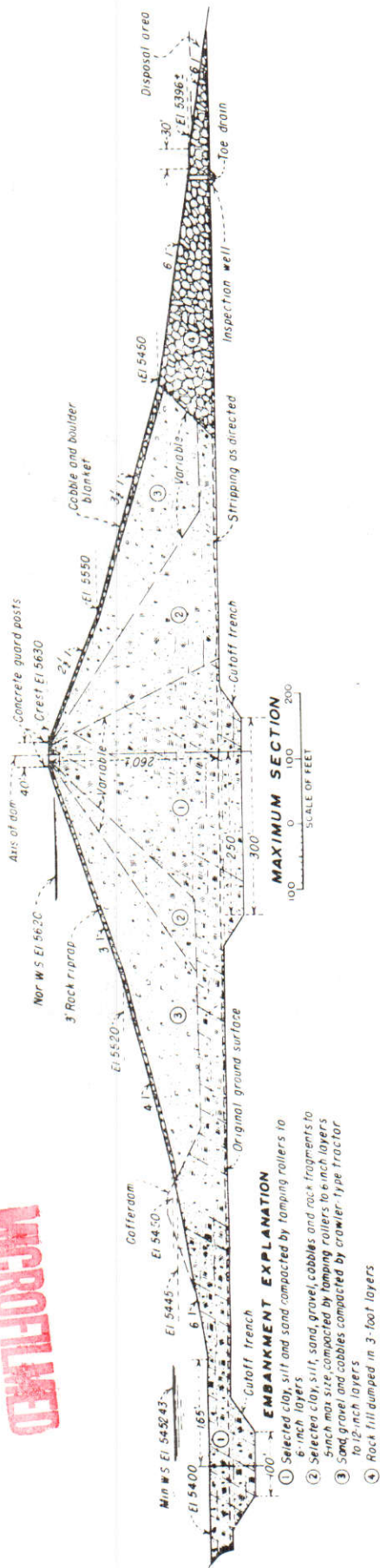
Palisades Project



Palisades Dam, Plan

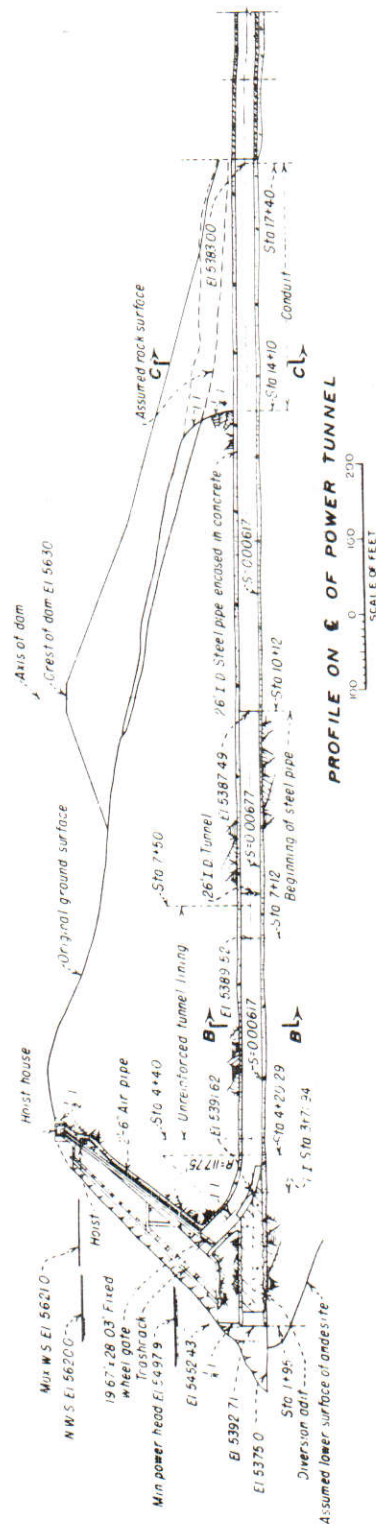
Palisades Project

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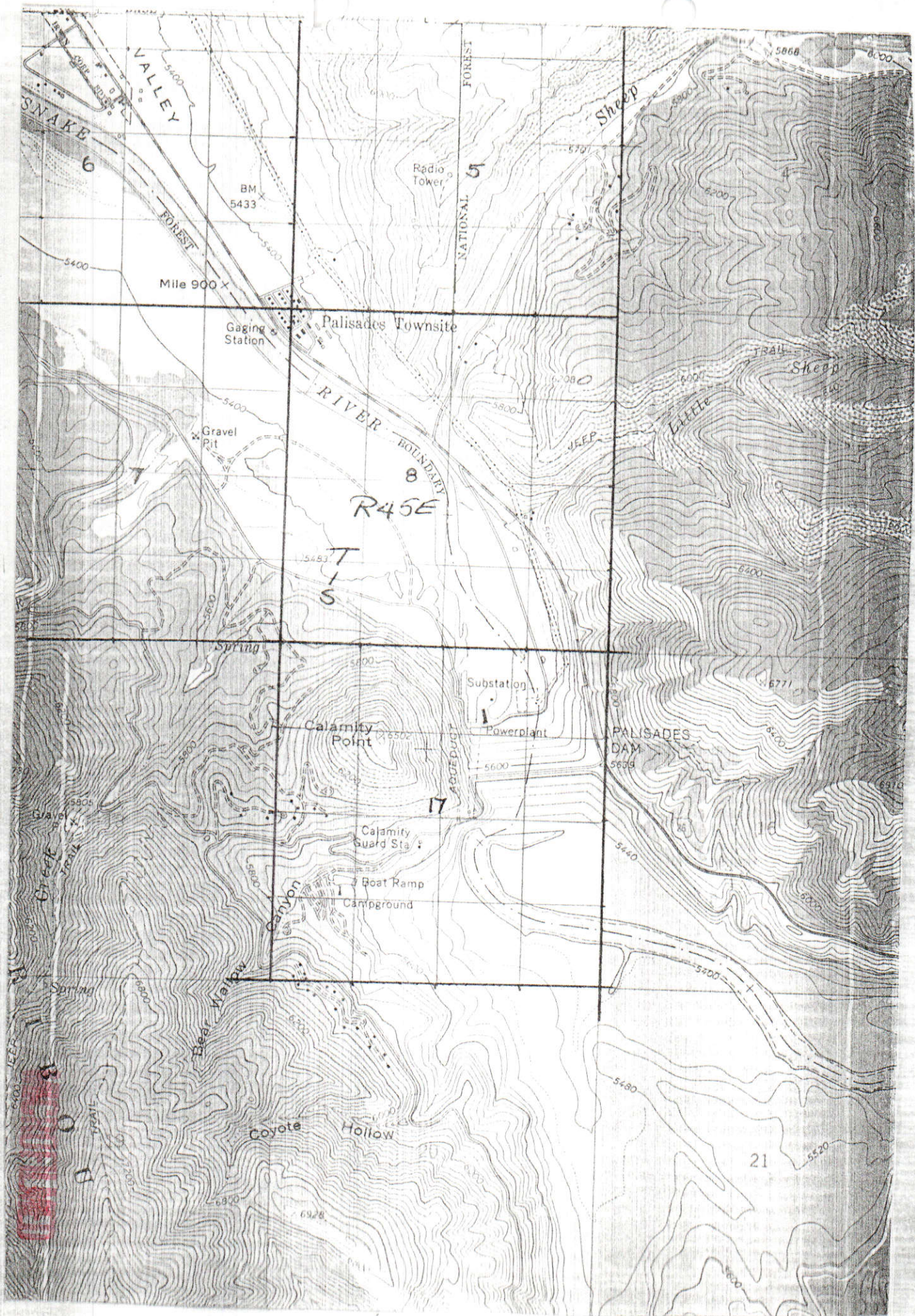


TYPICAL SECTION B-B

TYPICAL SECTION C-C



Palisades Dam, Sections



Palisades Powerplant
Natural Flows

Claim No. 01-4054

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.

Notice is hereby given that The United States of America acting through the Regional Director,
~~Pacific Northwest Region, Bureau of Reclamation~~
Federal Building & U.S. Courthouse
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) February 27, 1957

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 tributary 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	9,000 ft ³ /s	Use power generation	Period of Use From Jan 1	To Dec 31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 9,000 ft³/s TOTAL QUANTITY USED. @Reservoir elevation 5583.35 ft. (head 206.48')
(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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1-S	45-E	17		X															

No. of acres

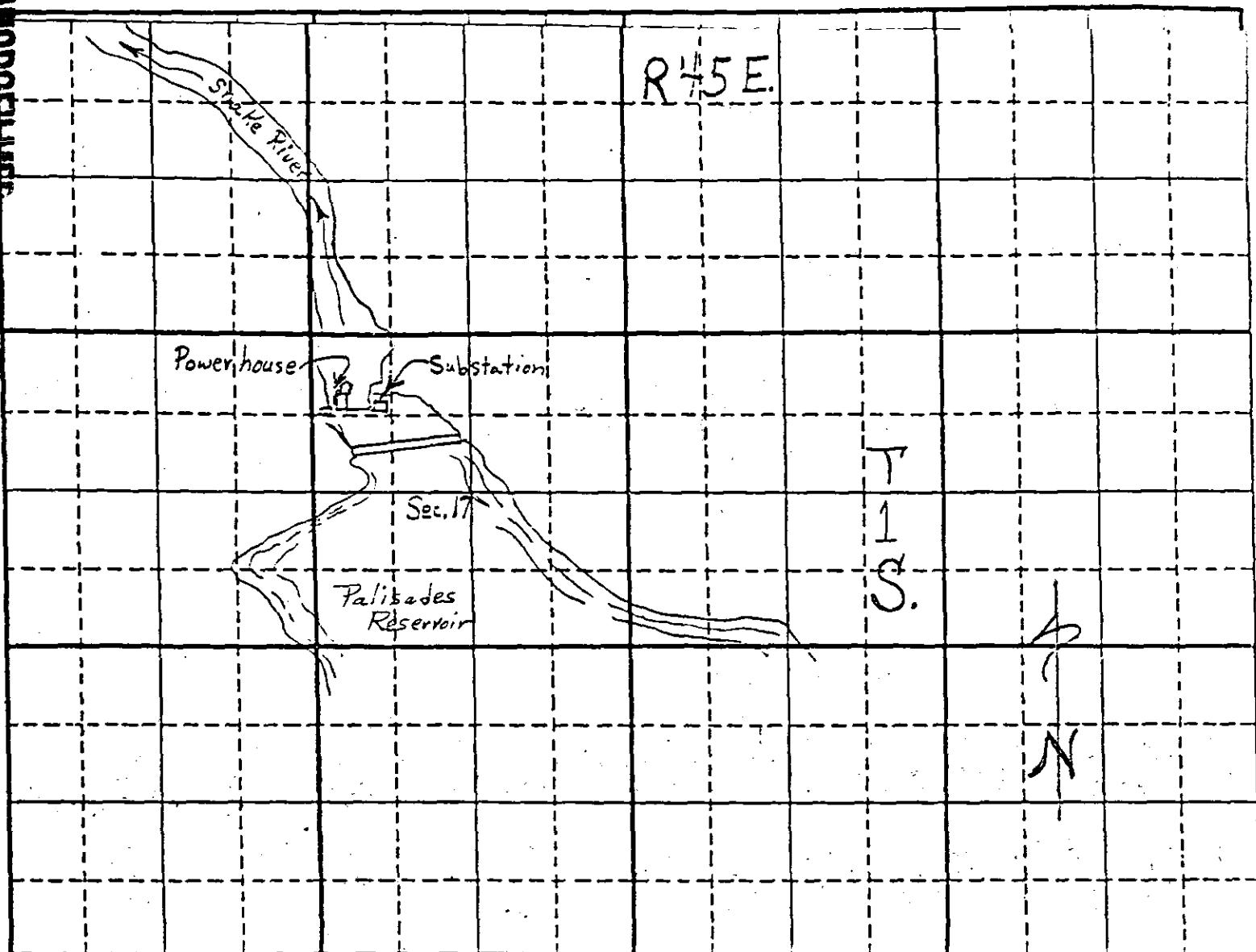
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The power product is distributed by the Bonneville Power Administration. It serves large irrigation pumping power requirements on and near the Minidoka Project in Southern Idaho. The plant is connected with the Pacific Northwest Power Pool.

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: United States of America

MICROFILMED

(8) Remarks This claim is for use of natural flows of the Snake River for power generation at Palisades Hydro-power Plant.



Scale: 4 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. Keys, Jr.
Acting Regional Director (Claimant)

E. J. Shama
Notary Public
Residing at Boise

My commission expires 1-1-84

Received by SA Date 6/29/83 Exception filed by: _____ Date _____
Prelim. check by Kew Date 10-25-83 Forwarded to claimant by: _____ Date _____
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Published in Post Register
Dates 3/15 3/22/84

Palisades Project

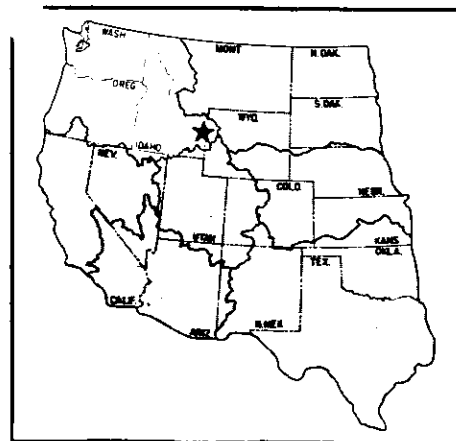
Idaho: Bonneville County
Wyoming: Lincoln County

Pacific Northwest Region
Bureau of Reclamation

The Palisades Project is a multiple-purpose development involving irrigation, power, flood control, recreation, and fish and wildlife conservation. Palisades Dam is on the South Fork of the Snake River at Calamity Point in eastern Idaho about 11 miles west of the Idaho-Wyoming boundary. The project provides a supplemental water supply to about 670,000 acres of irrigated land in the Minidoka and Michaud Flats Projects. The 118,750-kilowatt hydroelectric powerplant furnishes energy needed in the upper valley to serve irrigation pumping units, municipalities, rural cooperatives, and other power users. The principal features of the project are Palisades Dam, Reservoir, and Powerplant.

PLAN

The project, in addition to providing needed holdover storage, helps control floods, develops a substantial block of power, and permits the annual storage of about 135,000 acre-feet of water saved by shutting off canals in the upper valley during the winter. This water is stored to the credit of and delivered to the water users who make the savings possible.



Releases from Palisades Reservoir are diverted and carried to the land by previously constructed facilities.

Palisades Dam and Powerplant

Located on the Snake River about 55 miles southeast of Idaho Falls, Idaho, Palisades Dam is a large zoned earthfill structure 270 feet high, has a crest length of 2,100 feet, and contains 13,571,000 cubic yards of material. At the time of construction, this was the largest volume of material placed in a dam by the Bureau of Reclamation. The spillway is a 28-foot-diameter tunnel through the left abutment, with a capacity of 48,500 cubic feet per second. The outlet works and power inlet structures are controlled by a fixed-wheel gate at the entrances of the inclined shafts leading to 26-foot-diameter tunnels. The outlet tunnel conveys the water to the steel manifold transition section, where it is released to the stilling basin by regulating gates. At the lower end of the power tunnel, the water may be released to the stilling basin or to four penstocks and conveyed to the turbines for power generation. The capacity of the outlet works is



Palisades Dam and Reservoir



Jackson Lake, Wyoming

33,000 cubic feet per second. The dam creates a reservoir of 1,401,000 acre-feet capacity.

The powerplant is on the downstream toe of the dam on the west side of the river and has a total capacity of 118,750 kilowatts.

DEVELOPMENT

Investigations

Following the drought period of the early 1930's, a need was recognized for additional storage for lands already under irrigation in the Minidoka Project and in private developments, and investigations of various reservoir sites were made upstream from American Falls Dam. The Palisades site was selected for the construction of the dam and reservoir to provide holdover storage to supplement the water supply for existing irrigated lands, to develop a limited acreage of new lands, to provide flood control, and to generate electrical power. Intensive investigations at the location as now developed were started by the Bureau of Reclamation in 1934.

In February 1978, a study was completed that could add 90,000 kilowatts of power. Present penstock capacity could be tapped and two generating units of 45,000 kilowatts each added, accommodated by an extension to the existing powerhouse. Further studies are underway that would tap the present outlet works with power facilities to add another 135,000 kilowatts. This would require a new powerplant building and probably downstream reregulating facilities.

Authorization

The project was initially authorized by the Secretary of the Interior on December 9, 1941, under the provisions of section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187). Reauthorization of the project by the Congress was granted on September 30, 1950 (Public Law 864, 81st Cong.), substantially in accordance with a supplemental report approved by the Secretary of the Interior in 1949.

Construction

The preconstruction phase of the project was started early in 1945. Construction was delayed until the close of World War II and until local interests gave satisfactory assurance to the Bureau of Reclamation that they would eliminate the wasteful use of water in the area to be served by the project. Actual construction of the project was initiated in 1951 and completed in 1957. All generating units of the powerplant were in operation by May 1958.

Operating Agency

The Bureau of Reclamation operates and maintains the project.

BENEFITS

Irrigation

Palisades Dam provides holdover storage during years of average or above average precipitation for release in ensuing dry years to lands of the Upper Snake River Valley, the area served by diversions from the river above Milner Dam. This holdover storage assures an adequate supply of supplemental water for over 670,000 acres of irrigated lands in the valley. Principal crops are grain, alfalfa, pasture, dry beans, potatoes, sugar beets, other vegetables, and seeds.

Hydroelectric Power

The Palisades Powerplant has four generators, two rated at 30,875 kilowatts each and two rated at 28,500 kilowatts each, making the total capacity of the powerplant 118,750 kilowatts. It serves large irrigation pumping power requirements on and near the Minidoka Project in southern Idaho. The plant is connected with the Pacific Northwest Power Pool.

Flood Control

The project also provides substantial flood control benefits. A flood control operating plan has been established with the Corps of Engineers and several local interests. The plan provides for the joint use of storage capacity during flood seasons for irrigation and flood control on the basis of periodic runoff forecasts. Flood control space is held in Jackson Lake and Palisades Reservoir on a forecast basis to control the Snake River near Heise to no more than 20,000 cubic feet per second.

Recreation

Palisades Reservoir is in a scenic river valley with forested hillsides rising from the water to the towering snowcapped mountains which form the background. Since the reservoir is paralleled by U.S. Highway 26, much of the recreational use is by tourists. The reservoir has about 70 miles of shoreline and six access roads have been built. Recreation at Palisades Reservoir is administered by the Targhee National Forest headquartered in St. Anthony, Idaho. Public use facilities include six campgrounds, five picnic areas, and six boat ramps. Two boat clubs have facilities on the reservoir and 74 private cabins have been constructed under lease from the Forest Service. The Bureau of Reclamation has developed a day-use area and campground below the dam to provide fishing and boat launching on the Snake River.

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JAN 11 1979

Palisades Project

PROJECT DATA

Land Areas (1981)

Irrigable area:
Supplemental irrigation service¹ 670,000 acres

Land areas are under the Minidoka and Michaud Flats Projects.

Facilities in Operation

Storage dams 1
Powerplants 1
Transmission lines 0.44 mi
Substations 1

Power Generation

Fiscal year	Palisades Powerplant (kWh)	Fiscal year	Palisades Powerplant (kWh)
1968	633,702,000	1975	773,119,000
1969	611,407,000	1976	21,081,240,000
1970	563,954,000	1977	585,141,000
1971	651,019,000	1978	546,569,000
1972	754,984,000	1979	766,548,000
1973	731,438,000	1980	570,068,000
1974	645,435,000	1981	552,147,000

¹15-month period. Transitional quarter July-September 1976 included.
Fiscal year changed from July-June to October-September.

ENGINEERING DATA

Water Supply

SOUTH FORK, SNAKE RIVER

Drainage area above Palisades Dam 5,208 mi²
Annual discharge at Heise, Idaho:
Maximum (1971) 7,456,000 acre-ft
Minimum (1977) 2,549,000 acre-ft
Average¹ 5,317,000 acre-ft

Runoff at Heise is 9.12 percent higher than at Palisades Dam.

Storage Facilities

PALISADES DAM

Type: Zoned earthfill
Location: On the South Fork of Snake River
7.5 mi southeast of Irwin, Idaho.
Construction period: 1951-57
Date of closure (first storage): November 1956
Reservoir, Palisades:
Average annual inflow, 1967-81 4,945,000 acre-ft
Total capacity to El. 5620 1,401,000 acre-ft
Active capacity 1,200,000 acre-ft
Surface area 16,150 acres

Dimensions:

Structural height 270 ft
Hydraulic height 248 ft
Top width 40 ft
Maximum base width 2,100 ft
Crest length 2,100 ft
Crest elevation 5630.0 ft
Total volume 13,571,000 yd³

Spillway: Concrete crest and concrete-lined
tunnel through left abutment controlled by
two 20- by 50-ft radial gates.

Elevation, top of gates 5620.0 ft
Crest elevation 5570.0 ft
Capacity at El. 5621 48,500 ft³/s
Outlet works:

River: Concrete-lined tunnel through left
abutment controlled by four 7.5- by 9-ft
slide gates and two 96-in hollow-jet valves.

Capacity at El. 5621 33,000 ft³/s

Power: Concrete-lined tunnel through left
abutment terminating in four penstock
branches to powerhouse. Two penstock
bypass branches to outlet works control
house are each controlled by a 7.5- by 9-ft
slide gate.

Capacity at El. 5621 (bypass) 14,500 ft³/s

Foundation: Highly compacted, generally
impermeable alternating layers of clayey
silt, sandstone, clayey sand and gravel, and
conglomerate in the riverbed and right
abutment; left abutment is a hard, ex-
ceedingly sound andesite intrusion.

Power Facilities

PALISADES POWERPLANT

Location: Palisades Dam
Year of initial operation: 1957
Year last unit placed in operation: 1958
Nameplate capacity 118,750 kW
Number and capacity of generators (2) 28,500 kW
..... (2) 30,875 kW
Maximum head 244 ft

SUBSTATIONS

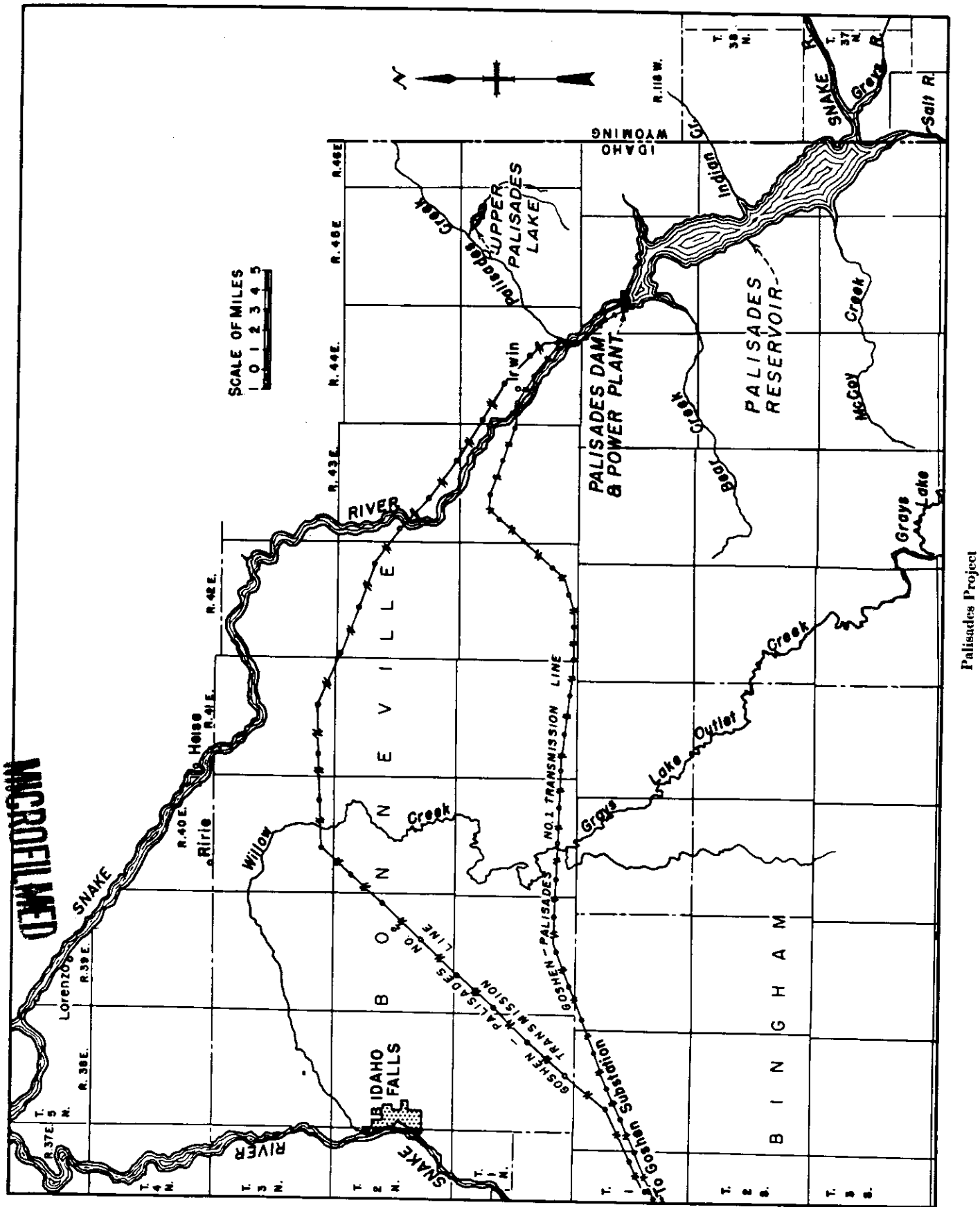
Number in operation 1
Capacity of transformers 152,500 kVA

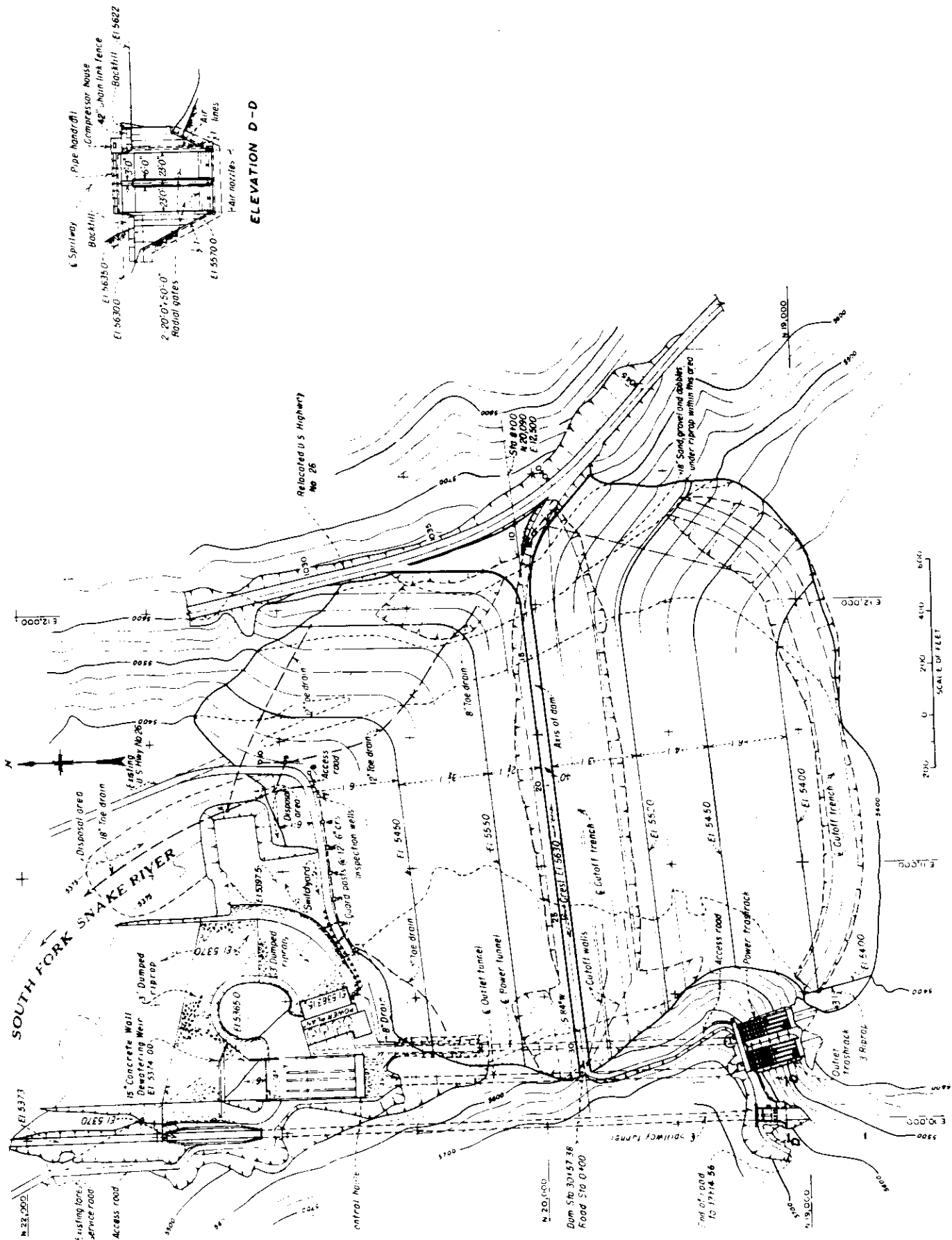
TRANSMISSION LINES

Total number of lines 4
Total circuit miles 0.44

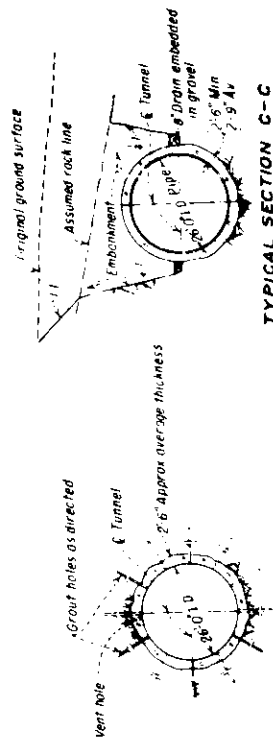
Designation	Capacity		Circuit miles	Year placed in service
	kV	kW		
Palisades Powerplant—				
Switchyard (Y1)	115	35,000	0.11	1957
Switchyard (Y2)	115	35,000	.11	1957
Switchyard (Y3)	115	35,000	.11	1957
Switchyard (Y4)	115	35,000	.11	1958

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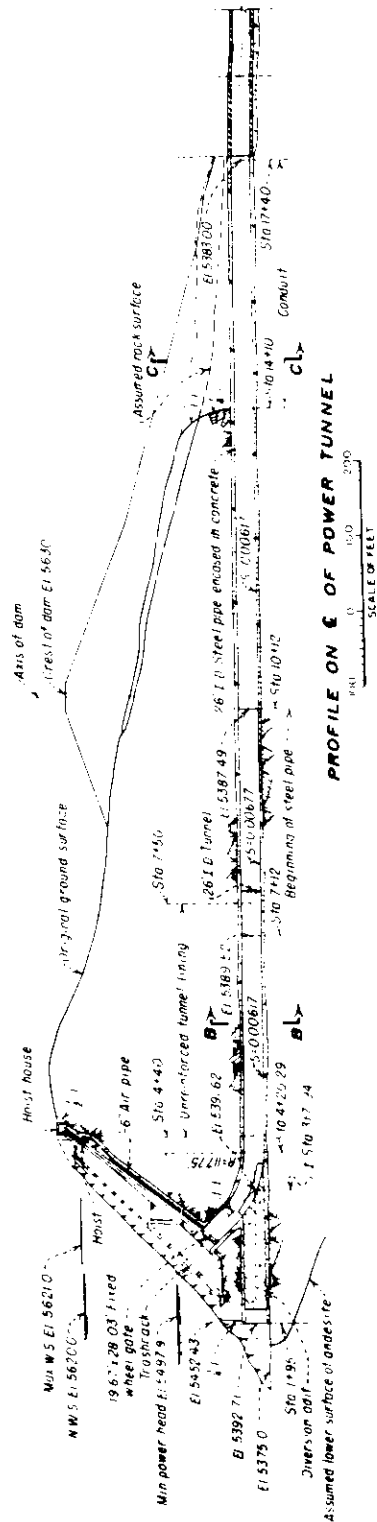


Palisades Dam, Plan



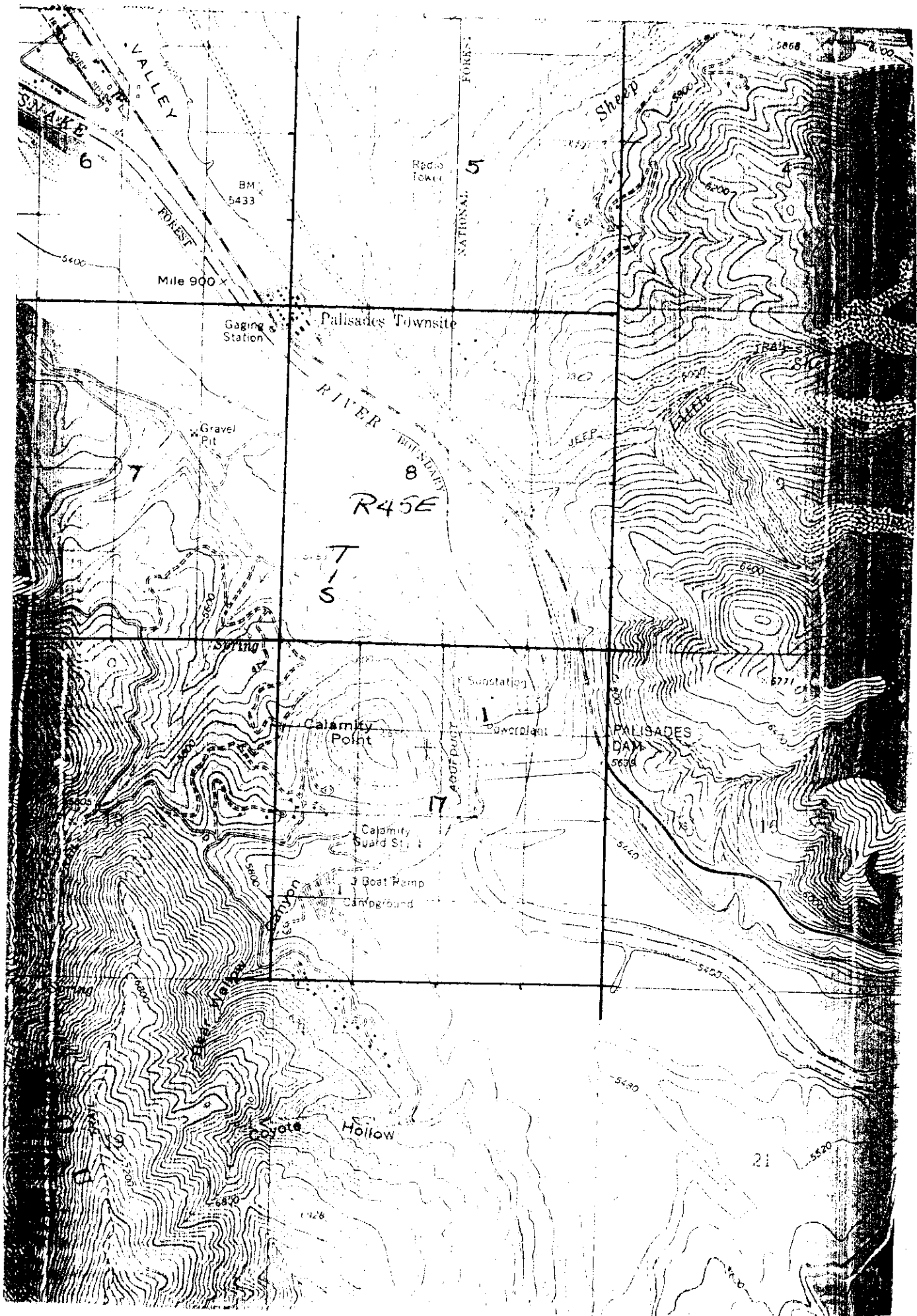
TYPICAL SECTION C-C

TYPICAL SECTION B-B



PROFILE ON E OF POWER TUNNEL

Palisades Dam, Sections



5. (B) The powerplant location is at the downstream toe of the left abutment of Palisades Dam. Generation is by means of four Francis-type turbines with a 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.

MICROFILMED

Proof of Publication
The Post-Register

RECEIVED

MAR 25 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 consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished 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.

Deon K. Napier
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 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

DEPARTMENT OF WATER RESOURCES

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
Eastern Regional Supervisor
RDC:cw
cc: IDWR - State Office
Blair Grover, Attorney

MICROFILMED

BLAIR
RECEIVED

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: Protective Order

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 Department of Water Resources
with other claims filed by the Department of Water Resources
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
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
(1914-1978)

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 15 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.

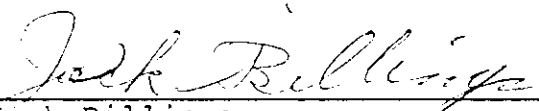
(D) There is insufficient evidence to establish that there is, in fact, 92,000 acre feet of bank storage that will come out of the banks when the reservoir is lowered. Even if that amount of water seeps into the bank, it is believed the majority of it will not come back into the reservoir as it is lowered.

(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.

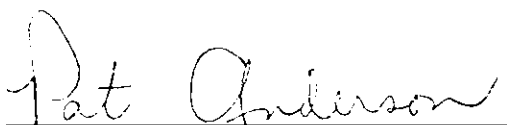
6. This exception is not intended to suggest that if there is in fact storage water, it should not be prorated among existing spaceholders, but is to raise the problems described herein.

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.



Notary Public for Idaho
Residing at Rigby, Idaho
Lifetime Commission

(Seal)

MICROFILMED

Exhibit 17

**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

01-4054

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

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.

Sincerely,

RECEIVED
APR 11 1984

WALD D. CARLSON
Eastern Region Supervisor

Enclosure (6)



United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 045 - 550 WEST FORT STREET
BOISE, IDAHO 83724-0430

JUN 29 1983

IN REPLY
REFER TO
870.

RECEIVED
JUN 29 1983

Department of Water Resources
Eastern District Office

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

5 claims to Southern
11 claims to Eastern

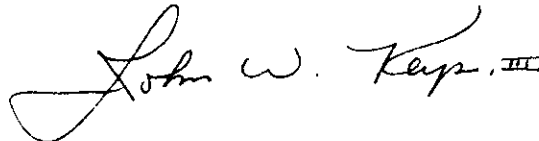
safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion 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,



105.142 Regional Director

Enclosures

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

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

U.S.A. BUREAU OF
RECLAMATION

Right Number

01-4054

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.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson.

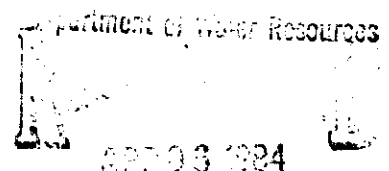
Date April 9, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC

Date 4/12/84



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:

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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.

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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

IDENT. NO. 01-4054

WATER RIGHT
DATA ENTRY LOG[illegible]

01-4054

U.S. DEPT. OF INTERIOR

BUREAU OF RECLAMATION, ATTN: 424, BOX 042, BOISE, ID 83724

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Priority Date: 02/27/1957

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

Use: POWER (9000.00 CFS)

In: NWNE Sec 17 T 01S R 45E

RECEIVED
FEB 28 1957
BUREAU OF RECLAMATION
BOISE, IDAHO