



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 15, 1994

CECIL D. ANDRUS
GOVERNOR

Scott L. Campbell, Esq.
Elam & Burke
P.O. Box 1539
Boise, ID 83701

R. KEITH HIGGINSON
DIRECTOR

RE: Confirmation of Accounting for Refill of Irrigation Storage
Space in Cascade and Deadwood Reservoirs

Dear Scott:

I am in receipt of your letter dated December 1, 1994, in which you requested confirmation and clarification of the Department position concerning accounting for refill of irrigation storage space in Cascade and Deadwood reservoirs. This response will document the position taken by the Department in this matter as a result of discussions at the meeting held on July 29, 1994, and since that date.

Cascade and Deadwood Reservoirs contain allocated and unallocated storage space. During 1993 some water from both reservoirs was leased to the rental pool for out-of-basin fishery enhancement purposes. As you are aware, this water is subject to the last-to-fill provisions identified in the rental pool procedures. There are potentially four different refill categories for each reservoir, as follows:

1. Allocated storage space, normal fill
2. Unallocated storage space, normal fill
3. Allocated storage space, last-to-fill
4. Unallocated storage space, last-to-fill

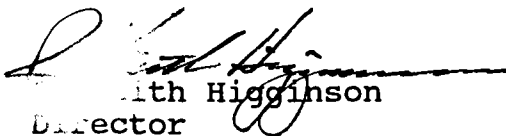
Storage contracts between the Bureau of Reclamation and the contract holders provide refill provisions. The computerized Water District 65 Accounting System developed by Mr. Bob Sutter of this office utilizes the provisions in the contracts for determining storage accounting, as directed by Bureau of Reclamation personnel.

For Case 1, Allocated storage space, normal fill, the storage contracts specify that refill amounts are based on percentages of storage space held in the reservoir. We determined that it follows that for Case 2, Unallocated storage space, normal fill, refill amounts should likewise be based on the same percentage factors. This is consistent with the system as operated in the Upper Snake River Basin for many years.

Last-to-fill is a concept that has been applied since the contracts were established, and is therefore not clarified therein. We determined that all last-to-fill storage space within the reservoir should be filled based on the percentage of storage space placed in last-to-fill, not the percentage of storage space contracted in the reservoir. Thus, this concept applies to both Case 3 and Case 4.

I recognize that this issue is complex, and that there are pros and cons of the various refill mechanisms. While the solution that I have described has been found to be acceptable to both the Bureau of Reclamation and the Department, we are certainly willing to consider additional discussion and input in this regard. If you have any concerns about the techniques described in this memorandum, I invite you to discuss alternate proposals with Mr. Sutter, or with Mr. Tuthill of our Western Regional Office.

Sincerely,


Keith Higginson
Director

cc: Bob Sutter
Dave Tuthill