

Wyoming Purchase of Palisades Space

"Wyoming Compact Space"

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Introduction

A contract is being negotiated and prepared for the purchase of 33,000 acre feet of uncontracted storage space in Palisades Reservoir (Palisades). The contract will be between the Bureau of Reclamation (Reclamation) and the State of Wyoming (Wyoming) with concurrence by the State of Idaho (Idaho), although Idaho is not signatory to the contract. This storage space was reserved in Palisades Reservoir as part of the Wyoming Compact obligations. It commonly has been called or referred to by the name "Wyoming Compact Space".

Background

The uncontracted space in Palisades Reservoir includes 33,000 acre feet that has been set aside as replacement storage. Reclamation has held this space as replacement for future depletions should upstream development occur in Wyoming after the signing date of the Snake River Compact, October 10, 1949. The Compact was approved by Congress on March 21, 1950. The Compact allocated the waters of the Snake River to each State, Idaho (96 percent) and Wyoming (4 percent), for storage or direct diversion exclusive of established Wyoming water rights. Established Wyoming Snake River water rights meant those validly established prior to July 1, 1949. The four percent has been commonly quantified as 200,000 acre feet based on average annual runoff at the Wyoming/Idaho stateline.

The Compact allowed for direct diversion or storage for future development in Wyoming to be compensated for with storage by Wyoming if certain "trigger" criteria were exceeded. The terms of the Compact allow one-half of Wyoming's allotment (100,000 acre feet) to be used without compensation. However, use in Wyoming of the remaining one-half (100,000 acre feet) requires replacement storage in the amount of one-third of such use for the benefit of existing Idaho waterusers. Therefore some 33,000 acre feet of space in Palisades Reservoir has historically been identified for that purpose, thus the term Wyoming Compact Space.

Wyoming and Idaho will develop an agreement for this compensation separate and apart from this contract. They will agree to a procedure when Idaho is in line for compensation because development of new storage or diversion in Wyoming have reached the above described threshold.

Little or no additional development has occurred in Wyoming since the Snake River Compact was signed. Wyoming, therefore, has not needed Compact Space to replace diversion or storage developments. The State, however, has need for additional water in Jackson Lake and below Jackson Dam for fishery and other recreational purposes. They do not presently own any storage space in Jackson Lake. All the space was contracted to waterusers in Idaho when Jackson Lake was constructed in the early 1900's.

Recreation importance and focus on Jackson Lake and on the Snake River below the lake have increased tremendously the last few years. The State and Reclamation have felt increased pressure to provide water as these needs have increased. Potential sources of water were sought to meet these needs and Palisades Wyoming Compact Space was offered as a possible solution.

Proposal

Wyoming will purchase 33,000 acre feet of Palisades Reservoir uncontracted space. They will pay the construction charges associated with the 33,000 acre feet and will also be responsible for the annual operation and maintenance charges associated with this space. Wyoming will become another space holder in Palisades Reservoir, along with the 53 other space holders. They will be treated as any other space holder with the same rights and responsibilities. Water will accrue to this Palisades space according to its priority date, July 28, 1939. Once that space is filled it cannot accumulate any additional water. It will be assessed its proportionate share of the Palisades evaporation loss each year. Wyoming may call for water from that space as can any present space holder. As is the case with other space holders, Wyoming may carry over unused water from year to year but it cannot accumulate water over the capacity of that space. New accruals, from each season, will be credited up to the capacity of the space. The space will not be guaranteed to be filled or to be full each year.

This space contracting arrangement will afford Wyoming the flexibility to make releases from or to hold water in Jackson Lake. Coordinated project operation of Jackson Lake and Palisades will make this possible. An accounting exchange will be made between Palisades Reservoir and Jackson Lake. Through this exchange, water then can be provided to Wyoming from Jackson Lake when water is available from the space. This exchange process will not allow double use of the water, for example 33,000 acre feet of water in both lakes. The State of Wyoming will make the calls on how the water from the space will be used.

Wyoming will be responsible to coordinate input from interested

agencies and/or publics to make the determination of how best water from the space will be used. They can choose to have the water left in Jackson Lake to maintain higher lake levels or they can choose to call for a release of that water to provide additional flow below Jackson Dam. If used for stream flow augmentation, 33,000 acre feet would provide a continuous flow of 100 cfs for 166 days. If left in Jackson Lake it would provide an additional 16 to 17 inches of water in Jackson Lake at a lake elevations of 6758 feet (23,800 acres) to 6769 feet (25,540 acres).

If a call is made for a release from Jackson Lake it will remain under the jurisdiction of the State of Wyoming until it crosses the Wyoming/Idaho stateline. This water then comes under the jurisdiction of Idaho water law. It would be accounted for as natural flow and would be subject to the priority in effect at that time, storage priority in the non-irrigation season or natural flow priority in the irrigation season. Wyoming can also elect to leave the water in Palisades Reservoir. They could then choose to contribute it to the Upper Snake River waterbank for rent to another water user following the waterbank rules and procedures.

Most likely the water will be left in Jackson Lake to maintain higher lake levels and will then be released during times of low fall-winter flows to supplement flows in the Snake River below Jackson Dam. In some sequences of years, it may reside in Jackson Lake for many years in a row without a call being made for it. In dry years like 1987, 1988, and 1990 this water may be used to increase releases, sometimes several fall/winter seasons in a row.

Water will accrue to this space as it does to other spaceholders of similar priority. From 1980 through 1987 for example, it would have accrued water to fill the space nearly 100 percent each year. In 1988, however, this priority accrued 34 percent, in 1989 it accrued 43 percent, and in 1990 it accrued 18 percent. The accounting of the water in the space will be made by Reclamation's Minidoka Project Office in Burley, Idaho in cooperation with the watermaster for Idaho Water District #01 in Idaho Falls, Idaho.