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THE STATE



OF WYOMING

MIKE SULLIVAN  
GOVERNOR

GORDON W. FASSETT  
STATE ENGINEER

# State Engineer's Office

Herschler Building, 4-E  
(307) 777-7354

Cheyenne, Wyoming 82002  
FAX (307) 777-5451

August 16, 1993

BUREAU OF  
RECLAMATION  
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AUG 20 1993

Allen E. Inman  
Acting Project Superintendent  
Minidoka Project Office  
1659 Hansen Avenue  
Burley, ID 83318-1821

TO	INIT	DATE
425	ds	8/20
427	w	8/20
433	W/DA	8/24
470	Dy	8/24
471	Jed	8/27

Dear Mr. Inman:

Wyoming has been developing a set of guidelines regarding the operations of the Snake River Bureau of Reclamation Projects for some time now. We appreciate the efforts that Earl Corless and Mike Beus have invested in the project and the latest draft is very near a final document. The final draft was received by my office on April 12, 1993. We have delayed our comments until later into this season until the storage amounts in the various facilities were known. Due to the heavy spring precipitation and cool weather, the system has recovered remarkably. In this response, I would like to raise a couple of concerns that still remain, to give you some specific editorial changes to the final draft, and to set the meeting date between Wyoming and Reclamation as specified in Section VII. of the guidelines.

I note on the August 3, 1993 Snake River Flow Accounting sheet completed by Water District 01 that the 4th Reservoir Right listed for Jackson Lake of 409,190.0 AF shows having stored only 340,034.9. I find this curious given the fact that the other reservoirs filled and your teacup diagram of August 3, 1993 shows Jackson Lake at 99% full. I am puzzled how the most senior priority water right, which fills under benefit of a Wyoming water right not restricted by downstream natural flow rights, could not be filled both on paper as well as physically. In addition and for the purposes of our future planning of Wyoming's 33,000 AF, we presume that the last to fill restriction has been lifted since all of the Palisades rights on the Flow Accounting Sheet of August 3, 1993 show filled. This important divisive issue should now be resolved and your written confirmation will be appreciated.

I reviewed with interest the various correspondence between your office and the Committee of Nine during June, 1993 regarding the proposed releases from the powerhead space in Palisades Reservoir for the downstream fish flush. As a Palisades Reservoir space holder, Wyoming shares the concerns raised by Mr. Moss in his letter of June 17, 1993. Given the experience we have been through with the "last to fill" restriction that was appurtenant to the space we purchased, and the subsequent lengthy negotiations that caused, I find it unfortunate that the last to fill restriction was lifted from this space. We agree with the Committee of Nine that this powerhead space should be considered junior to the 1939 right in Palisades and should only accumulate water after the 1939 space holders have been fully satisfied, and any restrictions removed.

At the spring public meeting held in Jackson on May 19, 1993, Reclamation agreed to inquire from the Corps of Engineers the degree of latitude and flexibility regarding reaching the flood control evacuation level on precisely October 1. If that target operations date could be moved to later in the fall, some additional flows could be released for maintaining an increased flow for the fishery below Jackson Dam during October and possibly November. We realize that this would decrease the amount of water released during times of whitewater float trips, but during years of adequate flows, like this one, it would seem there could be some additional flexibility that would not affect any contractor that may not have been fully explored yet. I would appreciate your keeping me informed of any communication you have with the Corps of Engineers in this matter.

In your cover letter of April 8, 1993, you note Wyoming's insistence that there may be additional operating flexibility in the system beyond those procedures currently in place. We would hope that while you may be hesitant to put any additional wording regarding increased flexibility into these guidelines, that Reclamation will attend each fall's meeting with Wyoming with the intent of providing as much flow for the maintenance and enhancement of the fishery below Jackson Lake Dam as possible without causing injury to any space holder. The following are specific editorial comments to the final draft:

- On the last line of Page 6, "falls" should be capitalized.
- The punctuation in the last paragraph on page 9 doesn't seem quite right. It should read: "Spaceholder contracts do not convey a water entitlement, as water delivery contracts do. They convey the right to utilize reservoir space."
- There should be a paragraph break on the next to the last line on page 11.

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-- On page 19, last paragraph, we're assuming that the "natural calculated inflow" is the same as the amount given in your daily taped message as "Jackson Lake computed inflow".

-- On page 20, we suggest the following sentence be added above "2.": "Further, if Reclamation estimates that higher releases can be made without injury to contract holders, releases greater than inflows may be made.

-- there is a typo in the first line of page 23.

-- On page 26 there is a reference made to the graphs on pages A-6 and A-7. These graphs are not self-explanatory and it is not clear what they are trying to depict. Perhaps a bar graph or histogram showing total annual inflow frequencies would be more useful.

-- At the end of the second paragraph on page 29, add "....reservoir system, other than those granted by Wyoming water law."

We had agreed in the guidelines to meet as near to the 15th of September as our schedules would allow. I am proposing Friday, September 10 to meet in Jackson at 9:00 a.m. to discuss Reclamation's planned releases for the fall and to discuss possible enhancements of flow beyond inflows with Wyoming's 33,000 AF. I look forward to discussing these issues in more detail at that time.

With best regards,



Gordon W. Fassett  
State Engineer

GWF/SL

cc: Governor Mike Sullivan  
✓ John W. Keys, III  
Francis Petera  
Tom Annear  
John Kiefling