



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 20, 2013

Ms. Lorrie Lee, Regional Director
Bureau of Reclamation
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, Idaho 83706

Dear Ms. Lee:

I am writing to express my concern about the Bureau of Reclamation's current releases of storage water from Palisades Reservoir. Historically, the Department has not always carefully reviewed the Bureau of Reclamation's operations of the Upper Snake River Basin reservoirs. Given the Bureau of Reclamation's recent assertions that the water right accounting in Water District 01 does not properly account for the fill of the storage water rights, however, I have determined that I must more actively track the Bureau's reservoir operations to determine whether the operations comply with the provisions of the Bureau's state-based water rights.

Last week at the Committee of Nine Meeting, I listened to an explanation by the Bureau of Reclamation regarding its recent flow releases from Palisades Reservoir. I and other IDWR staff could not reconcile the explanation with our understanding of past Bureau of Reclamation operations. I asked IDWR staff to compare Palisades Reservoir releases of 2013 to Palisades Reservoir releases in prior years.

I understand that in 2003 the Bureau of Reclamation fundamentally changed its operation of Palisades Dam by adopting the “Ecologically Based Systems Operation.” Accordingly, IDWR staff compared 2013 releases to releases since 2003. In the chart below, the years 2003-2013 are sorted from the worst-to-best Palisades’ storage content on November 1. The November 1 content of American Falls and Jackson Lake are also shown. The last column lists the average releases for the period November 11- December 19 for the years in question:

Sorted by year				
Year	PAL af	AMF af	JCK af	PAL cfs
2007	45,060	252,051	282,987	823
2003	49,470	174,061	114,387	945
2012	97,643	335,040	585,054	902
2004	121,024	272,573	97,230	900
2013	137,670	245,052	156,702	1,278
2005	373,673	338,946	344,910	801
2008	404,826	479,835	635,664	830
2010	409,668	556,019	646,475	1,109
2006	596,865	506,855	629,173	1,704
2009	745,253	792,833	634,701	1,818
2011	1,042,605	716,220	625,557	3,468

The above table clearly establishes that the 2013 Palisades Reservoir releases are not consistent with past Bureau of Reclamation operations. The 2013 Palisades Reservoir storage content is the fifth worst, yet in only three years, all when the content of the three reservoirs was more than a million acre-feet greater than 2013, did flow releases exceed 2013 flow releases. In all comparable years, releases were in the 800-900 cfs range.

The Bureau of Reclamation's justification for the current releases, as reported to the Committee of Nine and the Watermaster, is that the Bureau is confident the extra releases have a low likelihood of being spilled past American Falls Reservoir. The Bureau's actions are not justifiable for the following reasons:

1. A fundamental tenet of reservoir-system management is that water should be stored as high in the system as possible to maximize the ability to physically fill the system. Sending too much water to American Falls early in the storage season could reduce the quantity of storage water deliverable to spaceholders above American Falls Reservoir in this or a future year.
2. American Falls Reservoir is the easiest reservoir to fill within Water District 01. American Falls Reservoir does not need extra water now, and the potential exists that American Falls Reservoir will fill and spill in the spring of 2014 or in a future year when Palisades Reservoir is not full.
3. In contrast to the ease of filling American Falls Reservoir, Palisades Reservoir is difficult to fill. Releasing an extra 400 cfs for half a year robs Palisades Reservoir of over 144,000 acre-feet of water.

By releasing the water now, the Bureau has unnecessarily increased the risk that the reservoir system will not fill and that that water stored for irrigation and other purposes will need to be released past Milner and wasted. Given the current contents of the reservoir system and that this will likely be a year when every drop of water in the reservoir system will be needed, the Bureau's actions are not justified.

I conclude that Reclamation is releasing stored water from Palisades Reservoir to generate hydropower. To my knowledge there is no current flood control obligation. The Bureau's hydropower rights at Palisades Reservoir are subordinate to its storage rights. The Bureau has a legal duty to maximize storage of available flows for irrigation.

Absent an explanation demonstrating a legal justification for the current releases, Palisades Reservoir releases should be reduced to 800 cfs or lower to maximize the opportunity to fill the reservoir system.

Sincerely



Gary Spackman
Director, Idaho Department of Water Resources