



# United States Department of the Interior

**OFFICE OF THE SOLICITOR**  
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July 8, 2019

Mr. Gary Spackman  
Director  
Idaho Department of Water Resources  
322 East Front Street, Suite 648  
Boise, Idaho 83702-7371

Subject: Docket No. P-WRA-2017-002

Dear Director Spackman:

I write today on behalf of the Bureau of Reclamation concerning the above referenced contested case proceeding before the Idaho Department of Water Resources. Reclamation appreciates the Department's and the parties' efforts to work through the difficult issues presented in the case.

Reclamation understands that the parties to the contested case have moved the Department for an order approving an interim stipulation entailing two key components, and also staying proceedings. The first component in the stipulation would establish September 15 as the reset date for water right accounting upstream of Milner Dam, consistent with current practice. The second component would limit diversions under Reclamation's Lake Walcott storage right to 2,500 cubic feet per second from September 15 to October 15. The parties have agreed that the stipulation would operate only on an interim basis while the contested case is stayed and until a judicial order is entered to include these terms as remarks in the Snake River Basin Adjudication Final Decree.

Reclamation understands further that the Department has expressed reluctance to approve this stipulation until it hears the views of Reclamation as the holder of legal title to the Lake Walcott storage right. Because this negotiated approach coincides with much of Lake Walcott's operational history, Reclamation supports the effort to have this storage right modified, provided a judicial order is entered that establishes through remarks the September 15 reset date and 2,500 cubic feet per second diversion limitation from September 15 to October 15. Please know, however, that Reclamation must also obtain approval from the Department of the Interior and the Department of Justice to support the effort formally.

Pending issuance of such a judicial order, Reclamation does not object to interim administration according to a September 15 reset date because, as mentioned, it is consistent with administration

over recent decades. Nonetheless, Reclamation believes that partially subordinating the Lake Walcott right temporarily or permanently requires judicial approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Williamson', with a stylized flourish at the end.

Jeremiah I. Williamson

Cc: Parties identified in the “Additional Service List in the Matter of the Petition Regarding Storage Reset in Water District 01 filed by Milner Irrigation District”