



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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February 2, 1993

Kenneth Henley  
Project Manager, Boise Project Board of Control  
214 Broadway  
Boise, ID 83702

RE: Storage of Mores Creek Water in Lucky Peak Reservoir

Dear Ken:

I am in receipt of your letter dated December 11, 1992, in which you requested information regarding the potential for storage of Mores Creek water in Lucky Peak Reservoir for subsequent conveyance to Lake Lowell. In preparing this response I have reviewed the letter on the same subject from Jerrold D. Gregg of the U.S. Bureau of Reclamation dated January 5, 1993, and the water delivery accounting mechanisms established by this Department for Water District 63.

In Idaho, for systems on which the Bureau of Reclamation operates multiple reservoirs, it is common for water to be stored upstream from the reservoir which is to receive a certain priority water right. For example, water could be temporarily held at Anderson Ranch Reservoir under the Arrowrock water right, for later transmittal to Arrowrock. However, this type of storage is subject to three limitations, which are consistent with both Idaho water law and my understanding of Bureau of Reclamation contract provisions.

First, each water right is allowed to be filled under its priority one time only. Subsequent filling can occur only if all other storage rights on the system have been filled and all natural flow water rights are being satisfied. Second, only water tributary to a specific reservoir can be accrued to that reservoir. For example, Mores Creek water cannot be accrued to Anderson Ranch Reservoir.

The third storage limitation is unique to off-stream reservoirs such as Lake Lowell. For this type of reservoir, storage can occur only when water is being diverted to the reservoir. During periods of icing, canal maintenance, or for other reasons when flows are not being diverted to the reservoir, storage does not occur.

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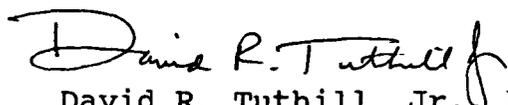
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The storage difference between on-stream and off-stream reservoirs is based on operational parameters. On-stream reservoirs are utilized for flood control and hydropower optimization purposes that necessitate integrated management. Off-stream reservoirs have a narrower range of functions and a reduced need for integrated management. Watermaster accounting for Anderson Ranch, Arrowrock and Lucky Peak Reservoirs includes detailed storage quantities, inflows, outflows, and reach/gain computations. Stored water deliveries to and from Lake Lowell are not monitored by the Watermaster. Lake Lowell is not entitled to the upstream storage privileges and requirements of the on-stream reservoirs. To do so would cause injury to the on-stream spaceholders.

It is important to note that the storage water rights for all four Boise River basin reservoirs are in the name of the United States of America. Decision-making relative to the use of water by contract holders is the responsibility of the Bureau of Reclamation in only the three on-stream reservoirs. The Watermaster of Water District 63 advises the Bureau as to the storage accrued under each on-stream storage water right, and the Bureau advises him regarding which contract holders are to receive storage water.

Based on this discussion, I am not aware of any legal manner by which Lake Lowell contract holders would be able to temporarily store water in Lucky Peak Reservoir for subsequent conveyance to Lake Lowell.

Sincerely,



David R. Tuthill, Jr. P.E.  
Manager, Western Regional Office

cc: Lee Sisco, Watermaster, Water District 63  
Norman C. Young, IDWR  
Jerrold D. Gregg, BOR