



## Jackson Lake Releases FAQs:

- Who owns and manages the water in Jackson Lake?
  - The water in Jackson Lake and Palisades Reservoir is managed by the Bureau of Reclamation jointly as part of the Upper Snake River Basin system. The water in Jackson Lake is owned by the water users of Idaho Water District #1, primarily composed of Idaho irrigators, as well as the State of Wyoming. Wyoming owns 2.75% of the joint use space in Palisades Reservoir, or 33,000 acre-feet (a.f.) thanks in large part to the action of the local community and state in the 1980s and 1990s. As a Wyoming State Senator, John Turner got the proposal and funding enacted by the State Legislature. With advocacy from our local JHTU chapter, he then worked with Wyoming Governor Mike Sullivan, Wyoming State agencies, and the BOR to acquire this storage right from Idaho and transfer the volume to Jackson Lake to provide minimum winter flows to protect the fisheries.
- What factors led to the Bureau of Reclamation's (BOR) current plan?
  - According to what agency partners have heard from the BOR, due to an above-average snowpack in lower-elevation areas of the Upper Snake River Basin above Milner Dam, there is [very little water for storage space in the reservoir system](#). Jackson Lake is one of the only reservoirs with storage space, because it was drawn down to low levels during the past few years of drought. The BOR operates the reservoirs in the Upper Snake River Basin according to the “zero flow past Milner” policy. Because reservoirs are nearly-full, runoff is just beginning, and some space must be left available for flood control purposes, the BOR is at risk of violating its “zero flow past Milner” policy in which they cannot release any water past Milner that could have been stored and used in the Upper Snake River Basin. If they do not store water wherever they can (with Jackson Lake being one of the only available options), they would potentially be under threat of litigation by [water users in eastern Idaho that are facing curtailment](#) or other storage water rights holders in the system.
- What is “zero flow past Milner”?
  - As explained in an article in [Ag Proud Idaho](#) by Dr. Rob Van Kirk of the Henry's Fork Foundation: “Decades ago, the Idaho Water Resource Board formally developed the “two-rivers” policy, which divides the Snake River into two administrative reaches at Milner Dam. Milner is the downstream-most point where upper basin surface water can be diverted for irrigation. The policy's intent is to maximize the beneficial use of Snake River water by allowing storage and diversion of all water originating upstream of Milner by users there, while filling downstream rights with groundwater inputs, return flow and tributary inflow. Idaho Water District I (WDI) administers all surface water rights in the Snake River basin upstream of the Blackfoot River and on the mainstem Snake River from the Blackfoot River downstream to Milner. The federal reservoir system is managed by the U.S. Bureau of Reclamation. The board's policy directs these entities to minimize



spill of water past Milner Dam. During wet years when the river's natural flow exceeds upstream demand and storage capacity, water will necessarily flow past Milner Dam. Water is allowed to flow past Milner Dam when the watermaster is delivering Idaho Power's American Falls Reservoir storage and/or storage purchased from the WDI rental pool for flow augmentation or hydropower below Milner Dam. Otherwise, "zero flow at Milner" is the rule."

- What is the Upper Snake River Basin Rental Pool and who manages it?
  - [Idaho Water District #1](#) manages the Upper Snake River Basin Rental Pool, which allows water storage rights holders to temporarily sell or purchase storage water on an annual basis. The guidelines around the rental pool are outlined in the District's Water Accounting Manual and annual Rental Pool Procedures document.
- Why is it a big deal that the Wyoming storage account is being used for the first time?
  - The Wyoming storage account has never been charged before. Fortunately, since its establishment, the BOR, Wyoming Game and Fish Department (WGFD), and Grand Teton National Park (GTNP) have been able to work collaboratively to ensure flows have been kept to the 280 cfs minimum needed. TU and agency partners are concerned that if the storage account is used to provide flows for this purpose, versus accomplishing minimum flows through the BOR's operations, it will continue to be charged in the future and water will not always be available in the account to ensure minimum flows are met. In addition, the Wyoming storage account is the lowest priority for filling each year (all other storage rights holders are "senior" per the [Doctrine of Prior Appropriation](#) that governs Western Water law), so in a lower water year or in the case of lower reservoir levels, it may not refill.
- Isn't the Snake River protected through Wild and Scenic legislation?
  - The Craig Thomas Snake Headwaters Legacy Act has secured many protections for the [414 miles of rivers](#) in the Snake River Headwaters designated under the Wild & Scenic Rivers Act. Section 10a of the Wild and Scenic rivers Act includes the "nondegradation" clause that states that no federal agency or anyone else using federal dollars or resources may do anything that harms the values for which the river is protected. While the stretch of the Snake River below Jackson Lake Dam is included in this legislation beginning at one mile below the dam, and reducing flows would compromise the river's Outstandingly Remarkable Values, unfortunately, [the legislation](#) exempts water rights and Jackson Lake Dam management and operation:
    - “EFFECT OF DESIGNATIONS-
    - (A) IN GENERAL- Nothing in this section affects valid existing rights, including--
      - (i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);
      - (ii) water rights in the States of Idaho and Wyoming; and
      - (iii) water rights held by the United States.



(B) JACKSON LAKE; JACKSON LAKE DAM- Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.”

- There are instream flow water rights currently being established for the Wild and Scenic river designation, however, those rights would be dated to 2009 and would be “junior” to all other rights in the basin.
- Is Upper Snake River Basin Rental Pool water used for other conservation efforts?
  - Yes. It is used for salmon recovery efforts, to release flows at critical times of year in the Lower Snake River Basin so that juvenile salmon can more easily outmigrate to the ocean. 487,000 a.f. of water is targeted to be secured per year for this purpose as per the 2008 Upper Snake Biological Opinion, of which the Upper Snake River Basin provides nearly half in a given year (amounts vary by year and availability). [TU's Lower Snake Dam](#) campaign seeks to eliminate the four Lower Snake Dams, because the overwhelming scientific evidence shows that we need a free-flowing lower Snake River to recover Idaho's salmon and steelhead.