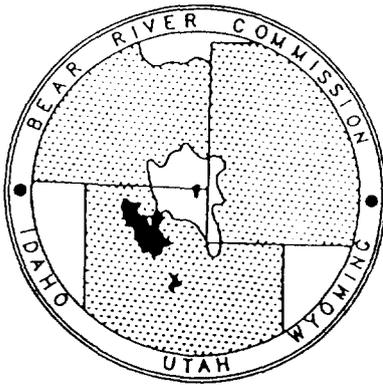


BEAR RIVER COMMISSION

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MINUTES

BEAR RIVER COMMISSION REGULAR MEETING

Utah Department of Natural Resources Building
Salt Lake City, Utah
November 29, 1994

COMMISSION MEMBERS

Chair

Denice Wheeler

Idaho Members

R. Keith Higginson
Rodney Wallentine
Floyd J. Jensen

Utah Members

D. Larry Anderson
Blair Francis
Calvin Funk

Wyoming Members

Gordon W. Fassett
J. W. Myers
S. Reed Dayton

ENGINEER-MANAGER

Jack A. Barnett
Suite 101
106 West 500 South
Bountiful, UT 84010

The regular meeting of the Bear River Commission was called to order by Vice Chairman Calvin Funk at 1:30 p.m. on November 29, 1994, at the Utah Department of Natural Resources Building in Salt Lake City, Utah. Vice Chairman Funk welcomed everyone to the Commission meeting and asked those in attendance to introduce themselves. A copy of the attendance roster is attached as Appendix A. Funk indicated that Glen Nelson, Alternate Commissioner in the Lower Bear from Utah, passed away on October 15, 1994. His replacement is Lee Summers and Lee was introduced to the group. Vice Chairman Funk also introduced Nola Peterson as Jack Barnett's new secretary.

Vice Chairman Funk asked if there were any changes to the proposed agenda. The agenda for the Commission meeting was approved without change and is attached as Appendix B.

The Commission then considered the proposed minutes from the Commission meeting held on June 14, 1994. The minutes were approved with minor editorial changes made by Larry Anderson.

Vice Chairman Funk asked Larry Anderson to present the Secretary-Treasurer's report. Anderson invited Bert Page to give a summary of the expenditures of the Bear River Commission for the last fiscal year, as well as the expenditures to date in the current fiscal year. Page distributed a Statement of Income and Expenditures for the period July 1, 1993 to June

30, 1994 (see Appendix C). Page indicated that at each November meeting, two reports are presented since the annual meeting is held before the fiscal year is completed. There is one asterisk on the report indicating that the Commission had paid a legal retainer for FY 93 & 94. Page indicated that the Commission ended with a surplus of \$70,099.28. Appendix C, page two, shows details of the checks. Appendix C, page three, shows the current fiscal year expenditures, July 1, 1994 to June 30, 1995. The Commission began with a balance of \$70,099.28. To date, the Commission has received interest income of \$2,083.91. Page indicated that the three states have each paid their \$30,000 assessment, giving the Commission an income balance of \$162,183.19. The Commission has expended money for stream gaging which totaled \$44,840.00. Expenditures for the personal services of Jack Barnett and other miscellaneous expenses total \$14,654.33. The total expenditures to date are \$59,494.33. Appendix C, page four, gives details of the checks. It should be noted that the asterisk indicates the work done at Pixley Dam. The details of this work were discussed at the last Commission meeting. Page indicated that the Commission has savings at the State Treasurer's office amounting to \$100,699.97, and adding that amount to the cash in the bank gives the Commission a balance of \$102,688.86. The budget report was approved as presented.

Larry Anderson asked Jack Barnett if the Commission needed to bill Evanston City for the gage at Sulphur Creek. Barnett indicated that a bill was submitted last year and one will be sent in the near future. Anderson indicated that that would be an additional income item, but it is not shown on the Statement of Income and Expenditures. Anderson further indicated that the Commission has already paid the USGS budget. This budget is paid in September, the end of the government's fiscal year. That bill was \$44,400.00 and covered the period of October 1, 1993 through September 30, 1994. Anderson now has a contract to sign with the USGS for this current government fiscal year. The Commission has not approved this year's current budget and will not approve the budget until the April meeting. Anderson requested authorization from the Commission to sign the contract with USGS. Historically, Anderson has just signed the contract but has been advised that perhaps he should ask for authorization to sign this contract. The contract is for \$47,370.00. Anderson also requested permission for Jack Barnett and/or himself to meet with the USGS to discuss two items which the Commission is paying for: 1) \$720.00 for extra costs for under-billing at Pixley Dam; 2) Bear River Commission has been paying the USGS to put in their annual water supply report readings of three gages that Utah Power takes and submits the records to USGS. Those gages are the Hammond Canal near Collinston, Utah; the Westside Canal near Collinston, Utah; and the Bear River near Collinston, Utah. The cost is about \$900 (\$300 per gage) to include that in the USGS report. Since the Commission does a report annually, if those gages were that important to the Commission, they could be included in the Commission's report which would save the Commission money. Anderson requested permission to meet with the USGS and find out the reason why the Commission is paying for those gages to be included in the USGS report rather than including them in the Commission report. Anderson indicated that he had met briefly with Carly Burton and found that Burton submits the information to USGS but that Burton didn't care if the information was printed or not.

Carly Burton indicated that under the Utah Power provisions, they are required to prepare the records and submit them to the USGS. Those three particular records are very important in the regulation and management of the system. Burton felt that whether those records should be published by the Commission or not is really up to the Commission. Anderson again indicated that he and/or Jack Barnett would like to meet with USGS to discuss this issue. Jim Kolva of USGS indicated that in addition to the publication by USGS, that data is also of benefit besides having it on paper. When Carly submits the information, USGS reviews it and enters it into the data base. Anderson moved that the Commission authorize him to sign the contract with USGS and to meet with USGS regarding the two issues discussed. The motion passed unanimously.

Vice Chairman Funk invited Jack Barnett, Engineer-Manager, to discuss 1994 water deliveries and water supply. Barnett referred to two handouts (attached as Appendix D) which were distributed and he indicated that the 1994 irrigation season was not very good. On Appendix D (Page One), 1994 — Upper Division Weekly Allocation of Compact Flows, the top line indicates the divertible flow during the year. Barnett indicated that when the flow reduces to below 1,250 cfs, we are in a water emergency. Hence, the Compact determines the regulation of water between the states. The total divertible flow in the Upper Division was calculated from river commissioner call-ins every week. Around July 1, the divertible flow dropped below 1,250 cfs. Throughout the remainder of the irrigation season, the flow dropped to a very low level and the diversions and allocations were very close to the same, but there was not a lot of water to use. Appendix D - Page Two is the Upper Division Weekly Allocation of Compact Flows showing Upper Wyoming Diversions, Allocations, and the Divertible Flow. Barnett indicated that the Commission had good cooperation from the river commissioners despite the short supply of water.

Barnett then referred to Appendix D - Page Three, 1994 — Central Division Weekly Allocation of Compact Flows. He pointed out that above 870 cfs is where the flow rate is out of Compact regulation. It never reached this point in the summer of 1994. Barnett also indicated that there is a concern with the second pinch point which is the border gage. The border gage would have to get to 350 cfs to be out of a water emergency. Similarly, this never occurred in the Central Division in 1994. The Central Division was deep in a water emergency the entire year. Barnett pointed out that the amount of water available to Idaho and what they were allocated was very similar. Appendix D - Page Four shows a similar situation for Wyoming. Pete Peterson asked if it was natural flow at the Border gage and what causes it to jump up and down. Barnett indicated that it was natural flow. As far as the variation in the border gage, Barnett pointed out that it is a weekly value. The graph points appear sharper than if data was received daily. The weekly values are uncorrected and there could be shifts that could also help level out the line.

Vice Chairman Funk asked for the Ground Water Study in Cache Valley by Bob Morgan of USGS. Bob Fotheringham was designated to give the report. Fotheringham used overheads which were used to explain the study to the people in Cache Valley. Those overheads are

included in the minutes as Appendix E. Basically, the report is a massaging of data which has been put into a model. The model will be used by the State Engineer to make management decisions. Fotheringham indicated that the report is data based on estimates. Therefore, one needs to use judgement as to whether applications are approved or not. The model is just a tool, it is not the answer. Fotheringham noted that Allison Grandy was present. Ms. Grandy is USGS's local expert. She has accepted the challenge to give decisive answers in the report and has run different criteria through the model and come up with some preliminary results. She was prepared to give information if it was required.

The first overhead shows the basic outline of the study area. The dashed line indicates the boundary of unconsolidated basin-fill deposits. The basin fill was divided into 6 layers of aquifers. The first three aquifers were 100 feet thick, the next one was 300 feet thick, and the last two were 500 feet thick. Overhead 2 is a schematic cross-section of what Cache Valley may look like. Overhead 3 shows an average groundwater recharge in Cache Valley. Fotheringham noted that the report shows that the units are in cubic feet per second (cfs) and have been converted to acre-feet. The overhead showed that there is basically 300,000 acre-feet in that aquifer system. Overhead 4 shows the ground-water discharge out of the valley to seepage from streams, springs, evapotranspiration, seepage to reservoirs, and wells and totals around 300,000 acre-feet of water (1992 average).

Overhead 5 shows Well Withdrawal by Use: irrigation, industry, public supply, and domestic and stock use in the valley. The USGS wants to point out that in 1988-89 there began to be a large component of municipal supply taking water from the aquifer. Overhead 6 is a hydrograph of one of the artisan wells in the valley. Fotheringham indicated that this remains fairly constant. There is no downward trending until you get to the last years. This decline in water level is due to either man-imposed conditions or natural occurrences. The hydrograph does not specify how much is the result of what man imposes and what is the result of natural circumstances or supply. From this overhead, it could be assumed that there is an increase in public demand and an increase in municipal pumpage. There is a good increase in the wet year and it recharges very rapidly.

Overhead 7 shows the Surface Water Flow in Cache Valley. Entering the valley, the Bear River flow is 740,000 acre-feet and the other stream flow is 527,000 acre-feet for a total of 1,267,000 acre-feet. The flow leaving the valley is 1,420,000 acre-feet on an average. Overhead 8 was not a part of the report but it shows the Collinston Gage on the Bear River and a large variation in supply. One concern is that at certain times of the year, the flow at Collinston is zero, or very near zero, and there is not a measurable flow seeping through Cutler Reservoir or springs entering below. Fotheringham indicated that at these points in time, the State Engineer has to be concerned about what is happening in Cache Valley and whether or not diversions are in their rights downstream. This is one reason for continuing the study of the system to try to determine how much of an impairment there is or if there is an impairment. Fotheringham felt that there is an impairment.

Overhead 9 is a Water-level Change Map from 1963 to 1993. This map basically shows increases and declines in water level over a 30-year period. Fotheringham noted that the Smithfield/Logan area is where the greatest population is and that it is also where the irrigation pumping is the greatest. Irrigation canals cannot supply their demand and they turn to wells in that region of the valley. The Clarkston area, above Newton, is not included in the ground-water model. The USGS feels that that is somewhat of a separate basin with regards to discharge and recharge so it is not included. Fotheringham indicated that Walt Holmes was present to answer any questions about the model.

The second portion of the report on Cache Valley is a compilation of all the ground-water filings in the Cache Valley greater than 0.1 cfs. The total appropriated water rights is 444 cfs. Fotheringham indicated that in the model of the system, USGS indicates that there is a continuous withdrawal of only 44 cfs. One could draw his/her own conclusion from that. The conclusion Fotheringham drew is that even though the State Engineer appropriates water, people use more at different periods of the year or, if the surface water is sufficient, they don't use it at all. Fotheringham pointed out that the report indicates that there is a majority of artisan wells drilled in the Utah portion of Cache Valley. A significant portion of ground water has been developed in the Utah portion of Cache Valley.

Overheads 10 and 11 show that there have been a total of 444 cfs appropriated (309 cfs to 1969 and 135 cfs from 1969-1990). The unapproved cfs total 104.31. These water rights have been held by the State Engineer based on the moratorium in Cache Valley because of the concerns with interference with surface water rights, etc. There are a significant number of filings not approved. Overhead 12 shows the Ground-water Budget for Cache Valley. The figures are from 1990 and were developed in the USGS office based on a desire to find out what would happen if they approved additional rights in Cache Valley. The inflow to the aquifer is broken down by recharge and reservoir seepage. The outflow out of the aquifer is broken down by drains, evapotranspiration, seepage to rivers, and well withdrawal.

Overhead 13 shows the model if one was to allow a new development of 30 cfs from the system and what happens to the portions of the budget. The inflow to the aquifer from storage would be 700 acre-feet, recharging would be 218,000 acre-feet, and there would be a noticeable amount of increase of flow from reservoirs into the aquifer system. The outflow from the system is shown as 48,700 acre-feet from drains, evapotranspiration remains about the same, seepage to rivers declines. It was pointed out that they are now looking at 74 cfs. Overhead 14 indicates an increase of 21,700 acre-feet in well pumpage. The decreases are 200 acre-feet in evapotranspiration, 700 acre-feet in storage, 3,800 acre-feet in seepage to reservoirs, 7,700 acre-feet in seepage to rivers, and 9,300 acre-feet in seepage to drains and springs. These figures are shown assuming that you take 30 cfs out of the system and have no return flow. Fotheringham pointed out that the biggest component is the rivers and reservoirs.

Overhead 15 shows well withdrawals from 1972 through 1991. Fotheringham pointed out that in 1977, which was a drought year, there was a greater pumpage from the valley.

Overhead 16 shows canal diversions and indicates that they are fairly constant. Overhead 17 shows surface outflow. The Bear River Canal diversions remain fairly constant. Fotheringham raised the question as to whether they separated Bear Lake water out of Bear River water as far as the hydrographs show. Walt Holmes was not sure but assumed that Bear Lake water was included with the Bear River water. Overhead 18 shows Surface Inflow & Outflow in thousands of acre-feet surface water. In years when there are drought conditions, the inflow and outflow become very close to the same number.

Larry Anderson indicated that he has copies of the USGS report and that the State Engineer's office also has copies. Vice Chairman Funk asked if all of the overheads were included in the USGS report. Fotheringham indicated that about two-thirds of the overheads are in the USGS report. Funk asked if copies of the overheads not in the report could be attached to the minutes as part of the presentation. It was determined that Fotheringham will get a copy of the overheads to Jack Barnett's office for the minutes.

Floyd Jensen gave the report of the Records Committee. Jensen indicated that at the last Records Committee meeting, all of the Bear River Compact meeting minutes had been compiled and Don Barnett was directed to put the information in the computer. This has now been accomplished. It was suggested that Don include Commission Reports along with the minutes. They will be printed and put in a plastic-bound cover. Each state will receive a computer disk of those records. The Bear River Compact needs to be reprinted to include the Commission-approved procedures. There are still a few copies of that. The Commission will stay with the same format for the next printing and will wait on the printing until after the April meeting. Jensen pointed out that there are some differences in the Bylaws and the Compact with regards to having the audit report in the biennial report. A motion was made to change the bylaws to conform with the Compact with regards to the audit report. The biennial report will be ready for approval by the next meeting. Vice Chairman Funk asked how many pages of minutes there were. Jensen indicated that there are about 4,100 pages. The Records Committee report was accepted.

Funk then turned the time to Rodney Wallentine for the Operations Committee report. Wallentine turned the time to Carly Burton for a report of the Utah Power Bear Lake operations. Burton passed out a handout, Appendix F, and reported on the 1994 operation which was very difficult. Page 1 of the handout is an updated bar graph of the Bear Lake Net Runoff from 1913-1994. The last large bar represents 1993. 1994 shows as a minute blip because the calculated figure was only 3,000 acre-feet. The median value is 311,000. 1994 represents the 9th lowest value since the reporting began in 1913. The second page of the handout shows Bear Lake Elevation from 1916-1994. In 1993 there was a great recovery on Bear Lake as the elevation went up to 5911.5. There was very little decrease in contents in 1993. In 1994 Bear Lake dropped over 5 feet. At the end of the water year, Bear Lake was at 5,906.44. This is only about 4.5 feet above the historic low of 5902 in 1935.

Page three of the handout is a comparison of 1992, 1993, and 1994 operations. Burton focused on 1994 operations. The flow at Rainbow Canal was a little over 89,000 and fluctuates greatly over the past few years. The peak on Bear Lake occurred on May 13 at 5911.62 and ended up at 5906.44 at the end of the water year. The total release from the Outlet Canal was 241,300 acre-feet. The irrigation demands were higher in 1994 than they were in either 1992 or 1993. Burton added that June 23 was the peak flow in the Outlet Canal of about 1,550. He also pointed out that the calculated evaporation on Bear Lake from the spring period through the end of the water year was about 142,000 acre-feet. Evaporation alone took two feet off the lake. At one point in July, they could not meet the irrigation demand in the system and had to ask all the irrigation interests downstream to curtail for a period of time. Some companies cooperated and some did not. For a period of about two weeks, most of the irrigators around Cutler Reservoir were not able to divert water because when there is a deficit in the system, Cutler Reservoir takes the hit.

Burton continued that in June they received a letter from a firm in Boulder, Colorado called the Land & Water Trust of the Rockies. They are a law firm which specializes in environmental law and who are representing the interests of Bear Lake. That letter was a notice of intent to sue PacifiCorp, the Army Corps of Engineers, and EPA on the basis that the permit that was granted by the Corps to PacifiCorp for dredging violated provisions of Section 404 of the Clean Water Act. PacifiCorp's position at that time was that that permit was issued under Corps authorization and jurisdiction and PacifiCorp had no reason to try and go to battle for the Corps. The permit was acquired for the irrigation interests and PacifiCorp stated at that time that the irrigators would have to go to their own defense. PacifiCorp has not heard from them. Burton indicated that he had been told several months ago that the complaint was to be filed in the near future, but he has not seen anything yet.

The permit with Idaho Department of Lands has expired and PacifiCorp is proceeding to file a new permit with the State of Idaho. They are considering the option of a joint permit application with PacifiCorp and Bear River Water Users Association. They are hoping to have new permits filed within the next two or three weeks. PacifiCorp is also working on a permit with the Corps.

Burton commented that if there is another year like 1994, PacifiCorp will probably have to consider an allocation less than past years in terms of the Outlet Canal storage release in Bear Lake (235,000). They may be considering 150,000 to 175,000. It is uncertain how that would be apportioned out to contracted users. Burton was hopeful to have a plan in place by late January or early February. There is about 291,000 acre-feet of water in Bear Lake which leaves a storage space of about 1.1 million acre-feet. Vice-chairman Funk asked if there were questions for Carly. Larry Anderson asked if PacifiCorp had a listing of contracts and if that listing is available to the Commission. Burton indicated that they do and it is available to the Commission. Anderson also asked if the listing provides a date of priority. Burton indicated that there are really only 5 priority dates that needed to be considered. The first five contracts with U&I Sugar, Bear River Canal Company, Last Chance, West Cache, and Cub River were

entered into between 1912 and 1917. Bear River Canal Company is the earliest priority contract. There is a contract that they entered into in 1961 with Twin Lakes Canal Company. The rest of the contracts, of which there are about 90, came along in 1989 and 1990. Larry Anderson asked if Burton could make the priority date listing available to the Commission for the minutes. Burton agreed to make this available. (See Appendix G)

Blair Francis asked how much water is left in the lake below 5902. Burton indicated that it was 5.5 million and that above is 1.4 million. Floyd Jensen asked about the priority dates and Burton indicated that the last group of contracts were all signed about the same time and the date on the contract letter is the same for all. As a matter of interest, the total combined use of all of the later contracts is only about 10,000 to 15,000 acre-feet annually. There were no other questions.

Rodney Wallentine asked Don Barnett to explain the new graph with Utah Power's data on Mud Lake and Bear Lake. Don indicated that all members of the Commission had received a copy of this. Several years ago the Commission moved to accept a equivalence table that combines Mud Lake storage with Bear Lake storage and then depicts an equivalent elevation at which Bear Lake would be at should all the waters of Mud Lake be allowed to flow into Bear Lake. This was based upon information that there were some concerns about the accuracy of the rating table and how much water was actually in Mud Lake. Then, because of the failure of Mud Lake, the draining of the lake, and the subsequent construction of the new dike, Utah Power had the opportunity to measure inflow and create a new rating table as Mud Lake Reservoir filled. In doing so, they found that at an elevation of 5921.5 feet instead of the numbers being approximately 11,000 to 12,000 acre-feet, there is in reality about 23,000 acre-feet.

Based upon the new information, a very preliminary new equivalency table was created. The difference between the old rating table and the new rating table is that an equivalent elevation of 5911 would decrease from the old mark of 5910.82 to 5910.66 feet, or about 16/100 of a foot difference in elevation from the old rating table to the new rating table. Utah Power has done some additional refinement of that rating table which is not included in this graph. The proposal is that it will be incorporated and make a final revision of the graph based upon the best Utah Power information available. Rodney Wallentine proposed that the new data of Utah Power be used to create this new equivalency table. Vice-chairman Funk indicated that as he understood it, Wallentine was asking the Commission to incorporate this data in determining the lake level and the new capacity chart on Mud Lake, and to determine the Bear Lake level for reasons of upstream storage, etc. Wallentine so moved and Keith Higginson seconded the motion. The motion was unanimously passed.

Funk turned the time to Jack Barnett for the TAC report. Jack Barnett indicated that in connection with Larry Anderson's report on stream gaging, the Technical Advisory Committee has an ongoing assignment to review the stream gages. This will be discussed, in part, at the next TAC meeting. It should be noted that even though the gages have been dropped from 16

to 12, the expenditures to the Commission are now almost as much as when there were 16 gages. With regards to the Bear Lake/Mud Lake issue, Jack felt that that issue did not need to be discussed further.

Barnett indicated that with regards to upstream storage, realizing that Bear Lake will probably not reach an elevation during the upcoming storage season of an equivalent to 5911, upstream reservoirs will be restricted to storage not greater than the original Compact storage allocations. There are five reservoirs upstream that need to be regulated in this regard, three are small but two were specifically mentioned. First, Sulphur Creek has a capacity of a little over 19,500 acre-feet since it was enlarged. The owners of that reservoir, which include a large ownership by Evanston City, have been able to keep it nearly filled. At times they have not needed their original Compact storage to fill the reservoir. This year, however, it was drawn down to the point where Sulphur Creek will not be allowed to quite fill under the permanent allocation.

The largest of the reservoirs is Woodruff Narrows and is of most concern. It has drawn down to 7,700 acre-feet at this moment in time. It has allocated from Utah and Wyoming combined 18,500 acre-feet. It has been the custom of the states in recent years to consider putting temporary storage into that reservoir. If you assume that they will again this year make some temporary assignment, you may find Woodruff Narrows has a right to fill around 30,500 acre-feet. Woodruff Narrows has a capacity of 57,000 which means that 26,500 acre-feet would not be allowed to be utilized by the owners of the reservoir for storage until Bear Lake got to its equivalent elevation of 5911. This will be a significant issue for the users in that area.

Barnett indicated that the Technical Advisory Committee is looking at the provision in the Compact that allows, in the Upper Division, individual state sections to transfer water to the other state sections if they are not using all of their entitlement. There are some things which are not spelled out in the Compact, and so the TAC will review some information which Barnett will put together as to what kind of guidelines or rules might be used in considering transfers in the future during water emergencies.

Vice Chairman Funk called on Keith Higginson to give the Management Committee report. Keith Higginson had three items to report from the Management Committee. The first item relates to conflicts and controversies over Bear Lake and its operations from lake front property owners and others who have concerns over the current management of Bear Lake and the effects and impacts of the aesthetic quality of the lake at its drawn down elevations. It was the Management Committee's recommendation to the Commission that the Commission schedule its next regular meeting in April to be held in Cache Valley, probably Logan, for the purpose of allowing opportunity for the holding of a public meeting on the evening prior to the Commission meeting itself. At this meeting there would be an opportunity for some exchange of information and education, if you will, among representatives of the Compact Commission itself, Utah Power and its operations at Bear Lake, and some of the interest groups that are now being formed, and have been formed, to represent landowners and other environmental interests

around the lake. Hopefully there would be a free exchange of information and an opportunity for those people to feel like they at least have an audience and that they have a better understanding of what the Compact Commission is about, what our limits of responsibilities and authorities are, and so forth. It was the Management Committee's recommendation that this be considered. There has been concern that these interest groups don't know who to talk to and are making suggestions that perhaps the Compact could be amended to take care of their concerns, and they need to understand what the Compact is and how it operates and we need to understand what their concerns are.

The second item which Higginson reported on was in regards to the interstate delivery schedule for delivery of water below Bear Lake. It was the recommendation of the Management Committee that this responsibility for addressing the matter concerning the development of an interstate delivery schedule and associated procedures in the Lower Division of the Bear River be assigned to the Operations Committee, and that the Operations Committee be charged with basically two assignments which are related. First, to give consideration to the process for responding to a petition for interstate delivery. Questions to consider might be: 1) What does the Commission need to do?; 2) What are the considerations? In connection with that, Jack has prepared a "White Paper" which has been made available to members of that committee and to the rest of the Commission which asks six pages of questions that need to be addressed. There are no suggested answers, but at least questions have been addressed on a piece of paper.

The first charge to the Operations Committee would be to take a look at those items set forth in that paper, and any others there may be, and determine how the Commission should respond under the Compact. The second charge is for the Operations Committee to consider what an interstate delivery schedule might look like and to bring it to the Commission for consideration under whatever process is determined. Higginson made the motion that this responsibility, or this assignment, be given to the Operations Committee and that the Operations Committee have the full assistance of the Engineer-Manager and staff and appropriate staffs from the respective states, as those states might be determined and assigned. The motion was seconded and approved.

The third item which Higginson reported on was in regards to revisions to the Compact. There is a provision that states that at intervals not exceeding 20 years, the Commission shall review the provisions of the Compact and may propose amendments after public hearings and so forth. The Compact was last revised, accepted, and approved by the Compact Commission in 1978. Then it went through a process of legislative review in the various states and then Congressional approval. We are approaching, within a few years, the 20-year period that is set forth in the Compact. The Management Committee asked that the TAC take a look at the Compact provisions. They have reviewed the provisions and have some commentary with regard to amendments that might be considered. It is the Management Committee's view that this matter ought to be looked at by attorneys representing the three states. It was suggested that the Attorneys General might confer and give advice concerning the following: 1) What the process ought to be and what the deadlines and dates are for that 20-year review; 2) When does

the process start?; 3) What constitutes 20 years? Do you start measuring from the date of the President's signature on the revised Compact, or do you start from the date of approval by this Commission, or by the legislative approvals? Higginson suggested that this matter be referred back to the Commission at a future meeting. There was no action to be taken at this time.

Vice Chairman Funk asked for reports from the three states. Larry Anderson had two items from Utah. First, a water summit was held on November 19 in Salt Lake City where four specific items were covered. One item, which related to the Bear River, was that they invited Merlin Olsen to be on a panel to discuss the interests and needs of the people who live around Bear Lake. Carly Burton was there to represent Utah Power and he talked about Utah Power's responsibilities as related to Bear Lake. Brent Rose, who is the attorney for the Bear River Canal Company, spoke on the contractual arrangements between Utah Power and the irrigation company as seen from the irrigation company's point of view. It was not intended that the panel would draw conclusions and come up with answers as to what ought to be done. There were about 400 in attendance and it showed that there is a lot of interest in water issues.

The second item which Anderson had concerned the passing of Glen Nelson, the alternate commissioner for the Lower Bear River Basin of Utah. Anderson had prepared a resolution of appreciation for Mr. Nelson which he read in for the record and moved that it be approved by the Commission. The resolution is as follows:

**RESOLUTION OF APPRECIATION
from the Bear River Commission
honoring J. Glen Nelson**

WHEREAS, J. Glen Nelson passed away October 15, 1994 at his home in Elwood while pursuing a lifelong interest in farming. Glen served 8 years as mayor of Elwood, was a member of the Elwood Town Council, the Bear River Valley Hospital Board, and was involved in numerous other civic activities; and

WHEREAS, he was also director of U&I Sugar Company for 8 years and a board member for more than 15 years, served as chairman of the Box Elder County Canning Corporation Association, was ASCS Committee chairman for three terms, and was president and vice president of the Bear River Canal Company from 1980 to 1994; and

WHEREAS, for the last seven years of his life, Glen served ably as Utah's Lower Division Alternate Commissioner on the Bear River Commission; and

NOW, THEREFORE, BE IT RESOLVED THAT the members of the Bear River Commission and Commission staff express their deep appreciation to J. Glen Nelson for his praiseworthy service to co-operative resource management in the Bear River Basin in Utah, Idaho, and Wyoming.

Anderson moved that the Commission unanimously approve the resolution for Mr. Nelson. The motion was seconded and approved. Anderson asked that Lee Summers deliver the resolution to Mr. Nelson's widow and express the Commission's appreciation.

Keith Higginson gave a brief report from the State of Idaho. He noted the changes which have occurred due to the November elections; a new governor, a new republican attorney general, and all but one elected officer are republicans. Of the Idaho legislature of 21 seats which changed occupancy during the elections, 12 of them changed from democratic to republican. As a result of these changes, there is one member of the Idaho delegation, Floyd Jensen, whose term expires at the end of the year. It is not known what the changes will be. Higginson has received a letter from the Governor asking for his resignation. He further indicated the enjoyment he has had in participating with the Commission in this worthwhile endeavor. Vice Chairman Funk thanked Keith, on behalf of the Commission, for his lifetime of service in resource management and water problems. Wes Myers also expressed his appreciation for Keith.

There were no items from Wyoming.

In regards to the next meeting, there had been a recommendation that a public meeting be held on the evening prior to the Commission meeting. The Compact calls for the third Monday in April to be the meeting date. Tuesdays have been found to be a better date. It was moved that the Commission meeting be held on a Tuesday. The motion was seconded and approved. It was moved that the evening meeting be held on Monday, April 17 in Logan, and that the Commission meeting be held on Tuesday, April 18. The motion was seconded and approved. The Engineer-Manager, Jack Barnett, will take care of the arrangements and publicity.

The meeting adjourned at 3:05 p.m.

ATTENDANCE ROSTER

**BEAR RIVER COMMISSION
REGULAR MEETING**

Utah Department of Natural Resources Building
Salt Lake City, Utah
November 29, 1994

IDAHO COMMISSIONERS

R. Keith Higginson
Rodney Wallentine
Floyd Jensen

WYOMING COMMISSIONERS

Gordon W. Fassett
J. W. Myers
S. Reed Dayton
John A. Teichert (Alternate)

UTAH COMMISSIONERS

D. Larry Anderson
Blair R. Francis
Calvin Funk
Dean Stuart (Alternate)
Lee Summers (Alternate)

ENGINEER-MANAGER & STAFF

Jack A. Barnett
Don A. Barnett
Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Department of Water Resources
Pete Peterson, River Commissioner

UTAH

Robert M. Fotheringham, Division of Water Rights
Norman Stauffer, Division of Water Resources
Bert Page, Division of Water Resources
Bob Morgan, Division of Water Rights
Allyson T. Grandy, Division of Water Rights
Lee Sim, Division of Water Rights

WYOMING

Sue Lowry, State Engineer's Office
Lisa L. H. Johnson, State Engineer's Office
Jade Henderson, State Engineer's Office
Marvin Bollschweiler, Retired Hydrographer
Kevin Wilde, River Commissioner

OTHERS

Jim Kolva, U.S. Geological Survey
Al Trout, Bear River Refuge
Jody Williams, PacifiCorp (Utah Power)
Carly Burton, PacifiCorp (Utah Power)
Craig Thomas, Bear Lake Regional Commission

**APPENDIX A
PAGE TWO**

Ray Wilson, NRCS - Snow Survey
Walt Holmes, U.S. Geological Survey
J. Kent Hortin, Bear River Water Users
David Styer, Bear River Canal Co.

**PROPOSED
AGENDA**

Bear River Commission Regular Meeting
November 29, 1994

First Floor Auditorium
Utah Department of Natural Resources Building
1636 West North Temple
Salt Lake City, Utah

COMMISSION AND ASSOCIATED MEETINGS

November 28

12:30 p.m. Technical Advisory Committee meeting Barnett

November 29

8:30 a.m. Operations Committee meeting Wallentine

10:00 a.m. Records Committee meeting Jensen

11:15 a.m. Informal Meeting of Commission Barnett

11:30 p.m. Lunch and state caucuses Higginson/Fassett/Anderson

1:30 p.m. Commission meeting Funk

REGULAR COMMISSION MEETING

November 29, 1994

Convene Meeting: 1:30 p.m., Vice Chairman Calvin Funk

- | | | |
|------|--|----------|
| I. | Call to order | Funk |
| | A. Welcome and overview of meeting | |
| | B. Approval of agenda | |
| | C. Introductions | |
| II. | Approval of minutes of last Commission meeting (June 14, 1994) | Funk |
| III. | Report of Secretary-Treasurer | Anderson |

- | | | |
|-------|--|------------|
| IV. | 1994 Water deliveries and water supply | Barnett |
| V. | Ground Water Study in Cache Valley | Morgan |
| VI. | Report of the Records Committee | Jensen |
| VII. | Report of the Operations Committee | Wallentine |
| VIII. | Report of the Technical Advisory Committee | Barnett |
| | A. Stream Gaging | |
| | B. Bear Lake/Mud Lake | |
| | C. Other | |
| IX. | Items from the Management Committee | Higginson |
| X. | States Reports | |
| | A. Utah | Anderson |
| | B. Wyoming | Fassett |
| | C. Idaho | Higginson |
| XI. | Next Commission meeting - April _____, 1995
(Annual Meeting, third Monday of April,
as set forth in Bylaws, is April 17, 1995) | Funk |

Anticipated adjournment: 4:00 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1993 TO JUNE 30, 1994

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-31-93	\$55,420.49			\$55,420.49
State of Idaho			\$30,000.00	30,000.00
State of Utah			30,000.00	30,000.00
State of Wyoming			30,000.00	30,000.00
Interest on Savings		\$3,459.23		3,459.23
City of Evanston		\$1,625.00		1,625.00
 TOTAL INCOME TO June 30, 1994	 \$55,420.49	 \$5,084.23	 \$90,000.00	 \$150,504.72

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$40,850.00	\$0.00	\$40,850.00
 SUBTOTAL	 \$40,850.00	 \$0.00	 \$40,850.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$31,690.00	(1,625.61)	\$33,315.61
Travel (Eng-Mgr)		700.00	76.76	623.24
Office Expenses		1,000.00	(577.81)	1,577.81
Printing Biennial Report		2,000.00	749.34	1,250.66
Treasurer Bond & Audit		980.00	(78.82)	1,058.82
Printing		250.00	(479.30)	729.30
Legal Retainer		500.00	(500.00)	1,000.00 *
 SUBTOTAL		 \$37,120.00	 (\$2,435.44)	 \$39,555.44
 TOTAL		 \$77,970.00	 (\$2,435.44)	 \$80,405.44
 CASH BALANCE AS OF 6-30-94				 \$70,099.28

* Note: Legal retainer amount is for FY 93 & 94.

BEAR RIVER COMMISSION
DETAILS OF EXPENDITURES

FOR PERIOD ENDING JUNE 30, 1994

320	JACK BARNETT	2,661.15
322	JACK BARNETT	2,354.85
323	ALPHAGRAPHS	142.22
324	VOID	0.00
325	E. J. SKEEN	500.00
326	JACK BARNETT	3,132.55
327	ALPHAGRAPHS	40.12
328	ALPHAGRAPHS	181.88
329	JACK BARNETT	2,622.29
330	U S G S	40,850.00
331	ALPHAGRAPHS	20.68
332	JACK BARNETT	2,506.30
333	GILCHRIST SADLER HARDEN	958.82
334	ALPHAGRAPHS	54.42
335	JACK BARNETT	2,406.38
336	ALPHAGRAPHS	227.80
337	ALPHAGRAPHS	6.24
338	JACK BARNETT	\$2,684.92
339	ALPHAGRAPHS	24.57
340	JACK BARNETT	2,515.04
341	IST SECURITY INSURANCE	100.00
342	ALPHAGRAPHS	1,135.64
343	JACK BARNETT	2,399.17
344	ALPHAGRAPHS	5.00
345	VOID	0.00
346	JACK BARNETT	2,472.69
347	JACK BARNETT	2,491.15
348	E J SKEEN	500.00
349	JACK BARNETT	2,430.65
350 NO #351-#368	VOID	0.00
369	ALPHAGRAPHS	141.39
370	JACK BARNETT	162.11
371	VOID	0.00
374	JACK BARNETT	4,677.41

TOTAL EXPENSE \$80,405.44

BANK RECONCILIATION

Cash in Bank per Statement 6-30-94	(\$1,516.78)
Plus: Intransit Deposits	0.00
Less: Outstanding Checks	0.00
Total Cash in Bank	(\$1,516.78)
Plus: Savings Account-Utah State Treasurer	71,616.06
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$70,099.28

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1994 TO JUNE 30, 1995

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-1-94	\$70,099.28			\$70,099.28
State of Idaho			\$30,000.00	30,000.00
State of Utah			30,000.00	30,000.00
State of Wyoming			30,000.00	30,000.00
Interest on Savings and other income		\$2,083.91		2,083.91
 TOTAL INCOME TO October 31. 1994	 \$70,099.28	 \$2,083.91	 \$90,000.00	 \$162,183.19

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$44,400.00	(\$440.00)	\$44,840.00
SUBTOTAL	\$44,400.00	(\$440.00)	\$44,840.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$32,957.00	\$19,758.50	\$13,198.50
Travel (Eng-Mgr)		900.00	760.40	139.60
Office Expenses		1,400.00	1110.48	289.52
Printing Biennial Report		900.00	900.00	0.00
Treasurer Bond & Audit		1,100.00	103.41	996.59
Printing		700.00	669.88	30.12
Legal Retainer		0.00	0.00	0.00
SUBTOTAL		\$37,957.00	\$23,302.67	\$14,654.33

TOTAL		\$82,357.00	\$22,862.67	\$59,494.33
CASH BALANCE AS OF 10-31-94				\$102,688.86

BEAR RIVER COMMISSION
DETAILS OF EXPENDITURES

FOR PERIOD ENDING OCTOBER 31, 1994

372	JACK BARNETT	2,449.00
373	ALPHAGRAPHS	53.27
375	JACK BARNETT	2,449.00
376	JACK BARNETT	2,581.45
377	ALPHAGRAPHS	30.12
BANKCHARGE	OVERDRAFT	4.00
378	JACK BARNETT	3,380.06
379	SCOTT SPENCER	420.00 *
380	JACK BARNETT	2,710.84
381	DALTON, GILCHRIST & HARDEN	996.59
382	USGS	44,420.00
	TOTAL EXPENSE	\$59,494.33

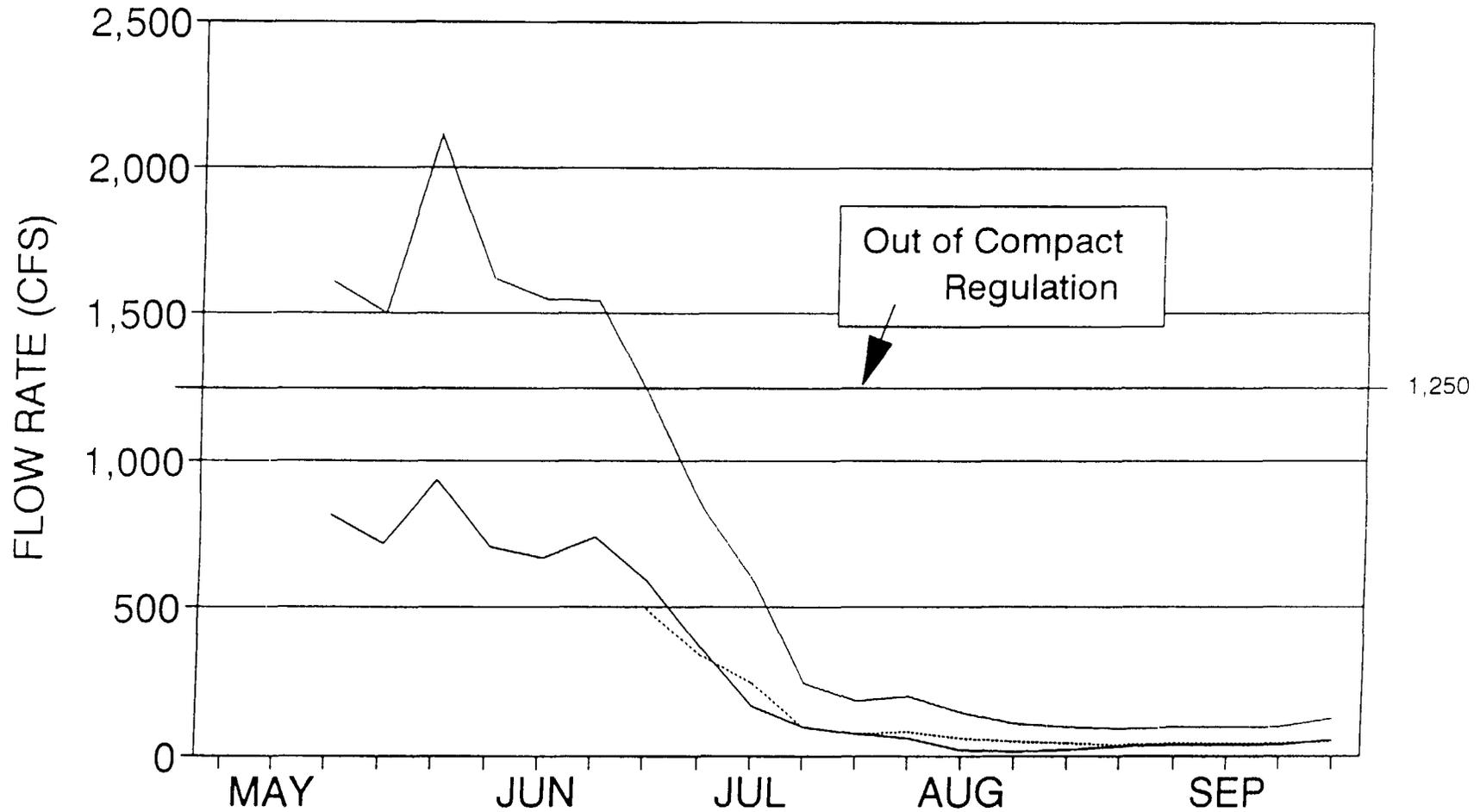
BANK RECONCILIATION

Cash in Bank per Statement 10-31-94	\$5,116.32
Plus: Intransit Deposits	45,000.00
Less: Outstanding Checks	48,127.43
Total Cash in Bank	\$1,988.89
Plus: Savings Account-Utah State Treasurer	100,699.97
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$102,688.86

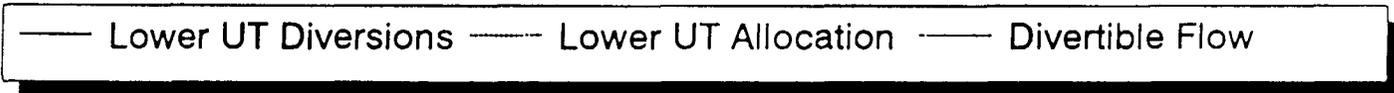
* Backhoe work at Pixley Dam

1994 --- UPPER DIVISION

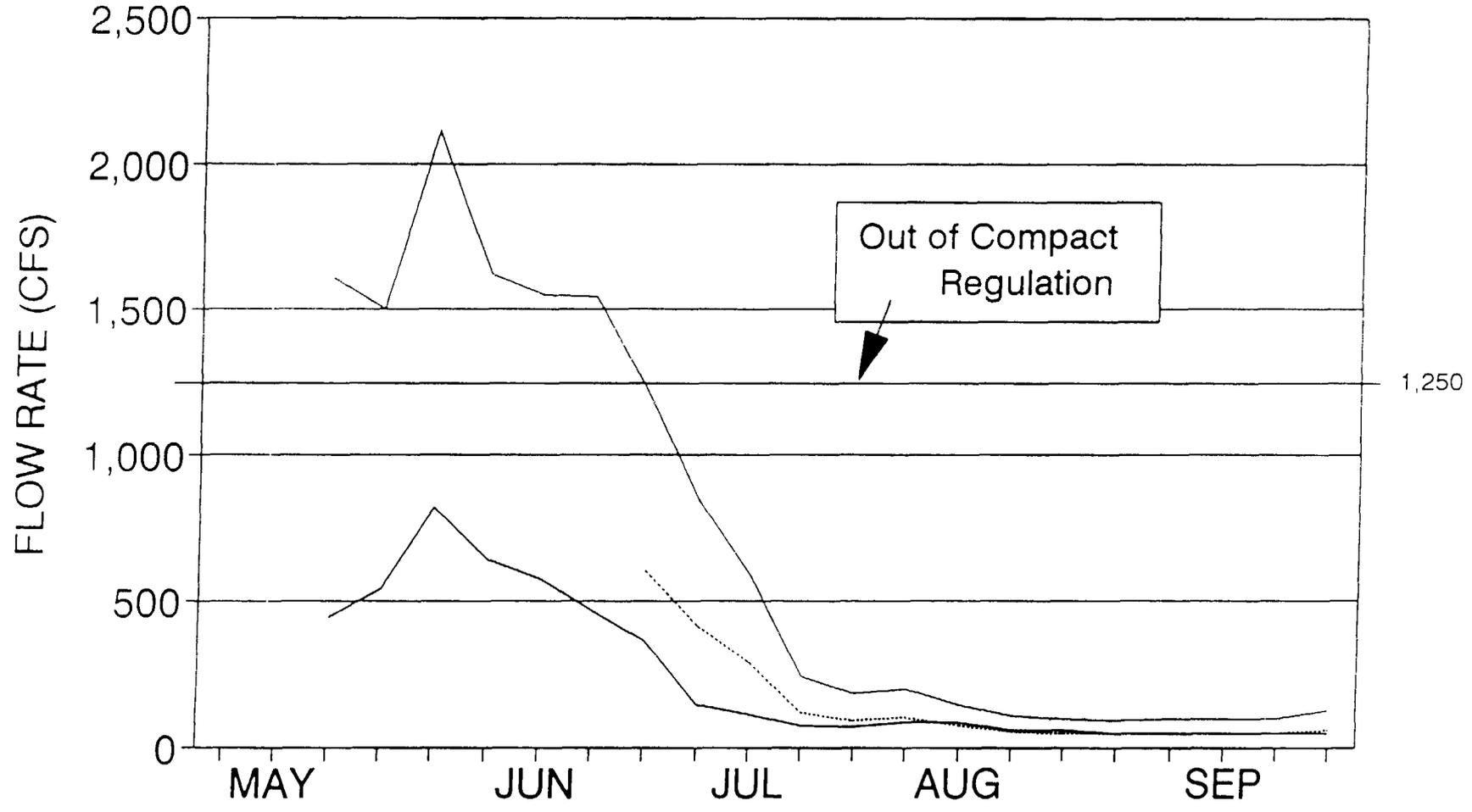
WEEKLY ALLOCATION OF COMPACT FLOWS



Month indicator located on weekly regulation date nearest to the middle of the month.



1994 --- UPPER DIVISION WEEKLY ALLOCATION OF COMPACT FLOWS

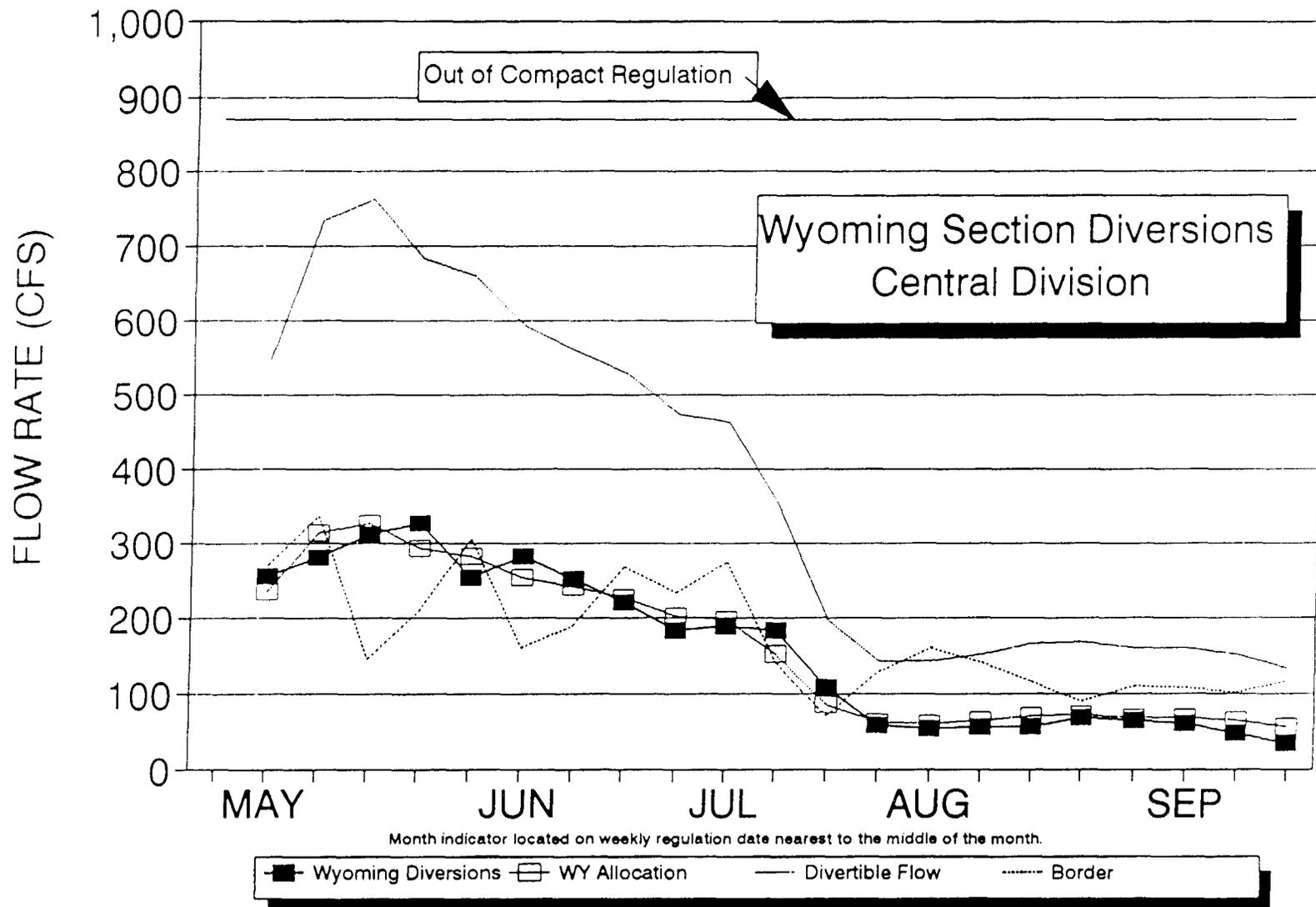


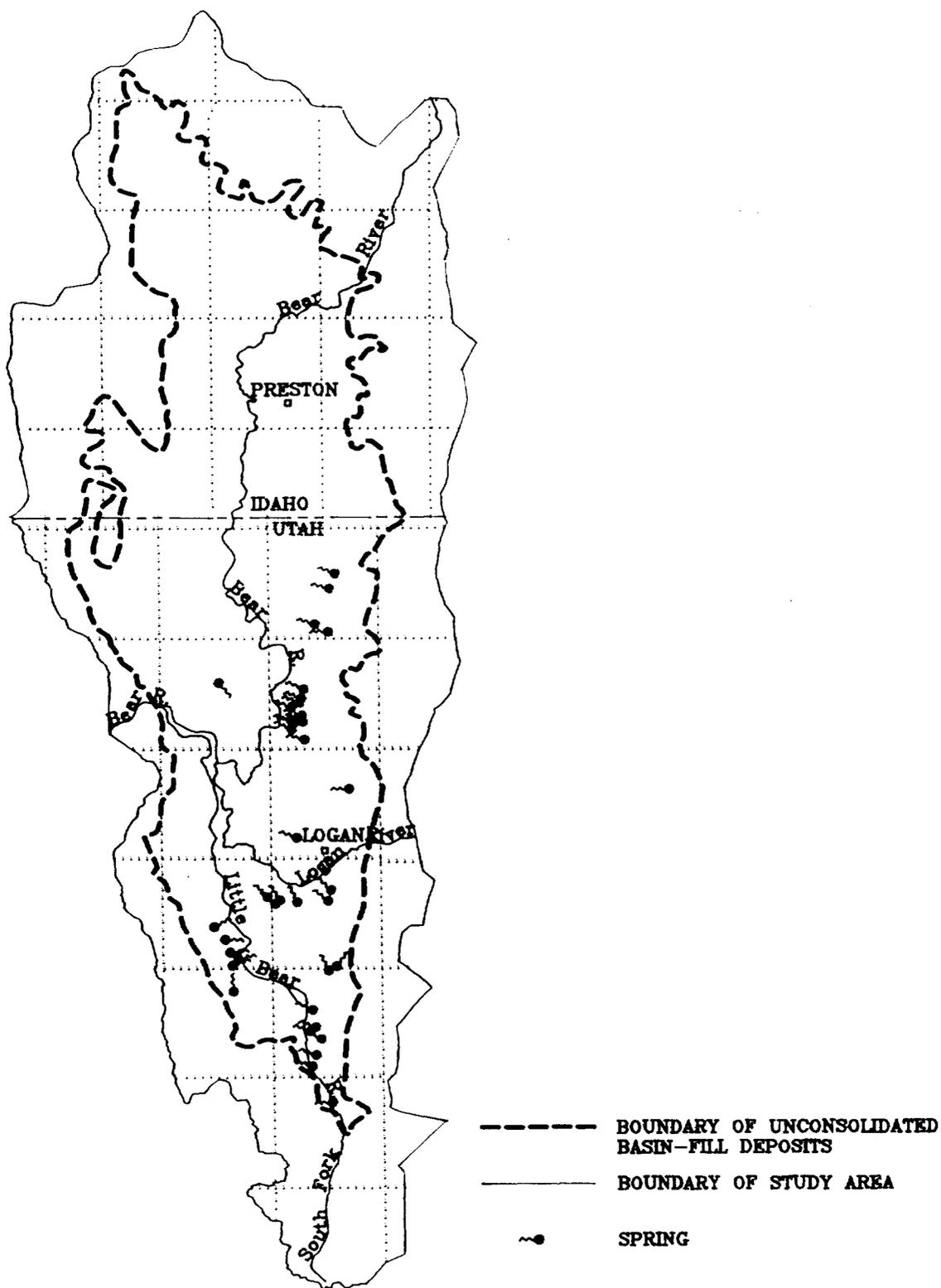
Month indicator located on weekly regulation date nearest to the middle of the month.

— Upper WY Diversions Upper WY Allocation - - - Divertible Flow

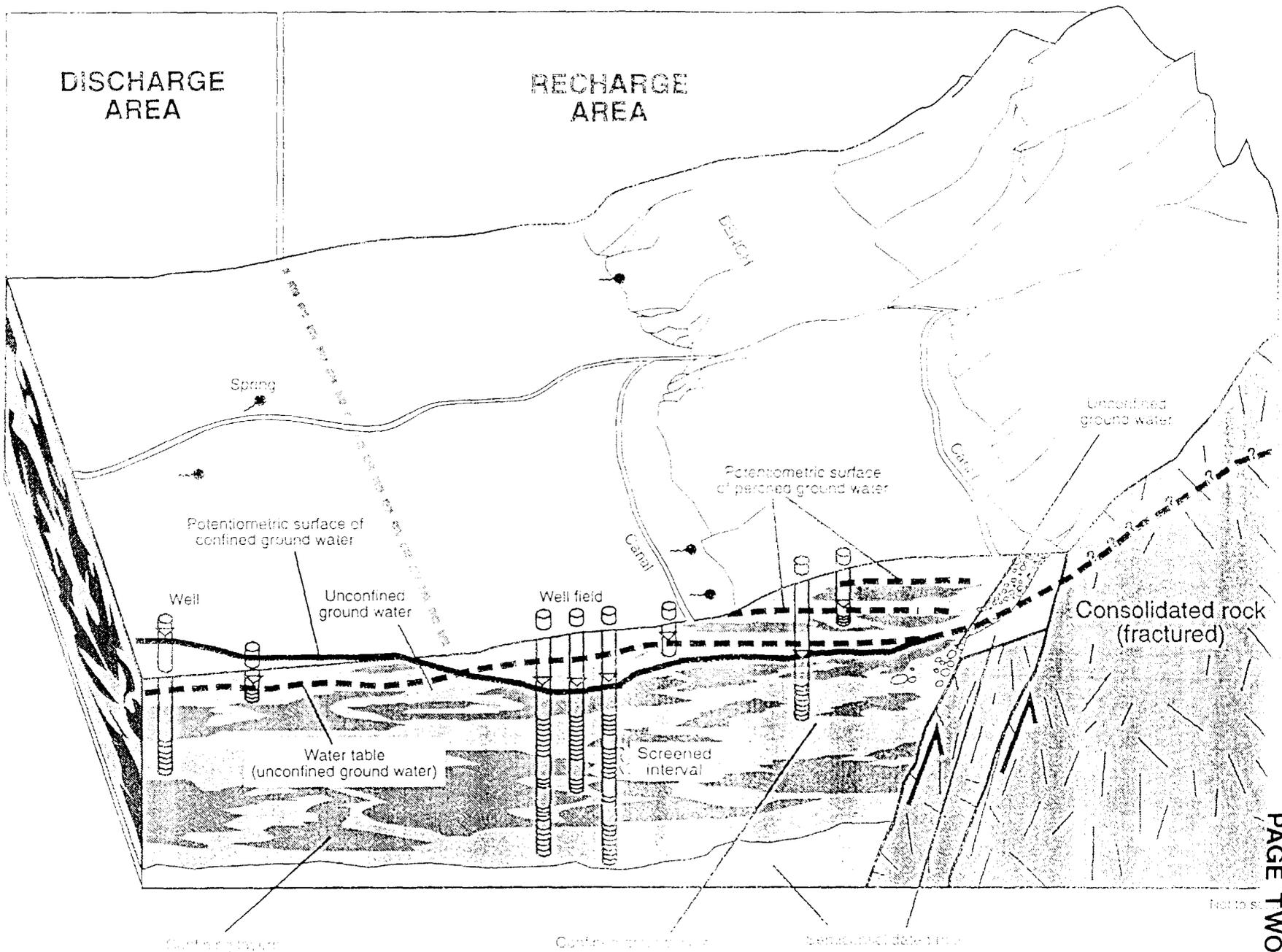
1994 --- CENTRAL DIVISION

WEEKLY ALLOCATION OF COMPACT FLOWS





Location of selected springs that discharge from unconsolidated basin-fill deposits in Cache Valley



Not to scale

GROUND-WATER RECHARGE CACHE VALLEY

(units: acre-feet)

Infiltration Precip. & irrigation	285,000
Seepage from Streams	1,000
Other	47,000
TOTAL	333,000

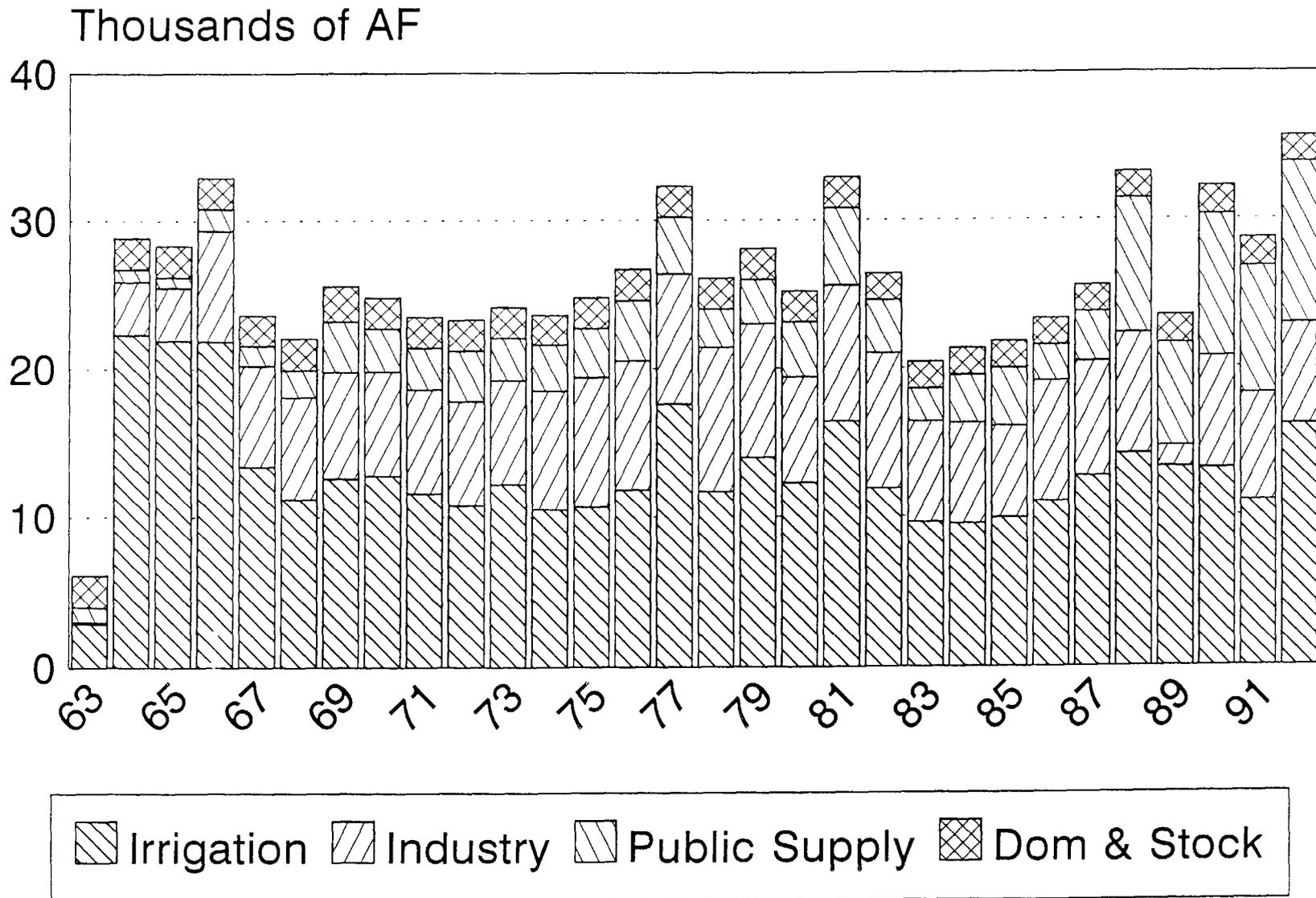
GROUND-WATER DISCHARGE CACHE VALLEY

(units: acre-feet)

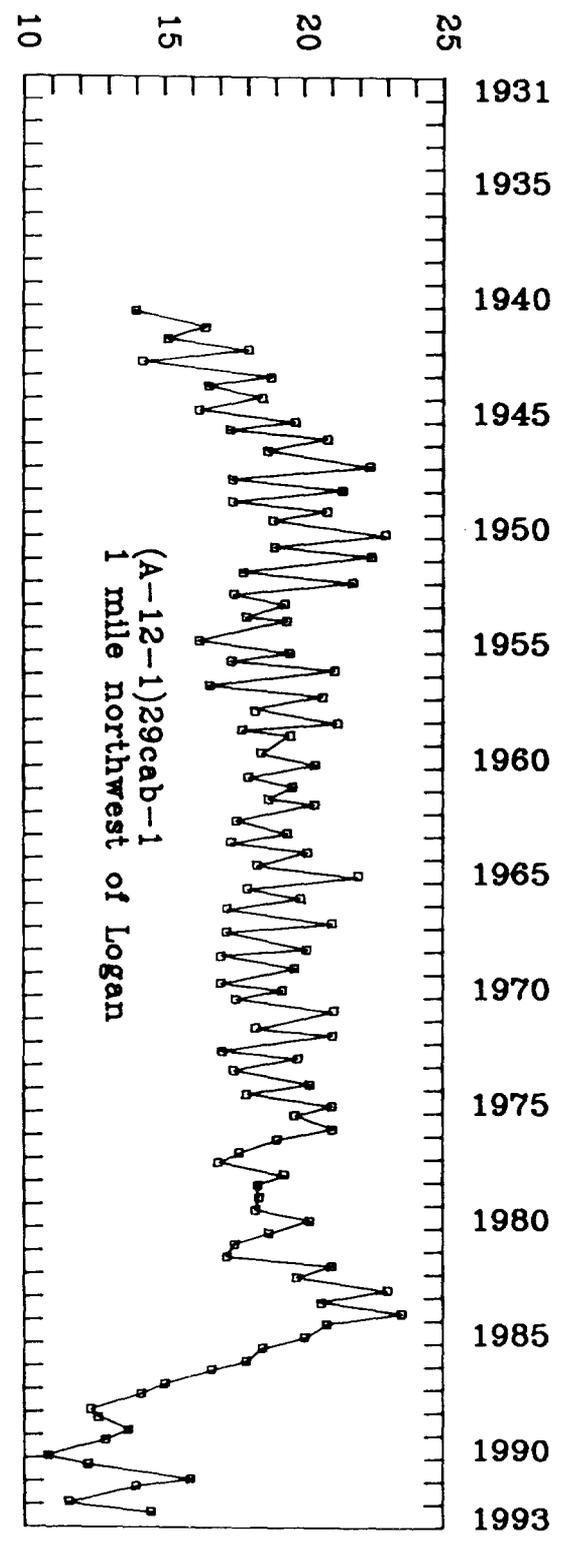
Seepage from Streams	98,000
Springs	76,000
Evapotranspiration	54,000
Seepage to Reservoirs	43,000
Wells	30,000
TOTAL	301,000

Cache Valley

Well Withdrawal by Use



WATER LEVEL,
IN FEET
ABOVE LAND SURFACE



SURFACE WATER FLOW CACHE VALLEY

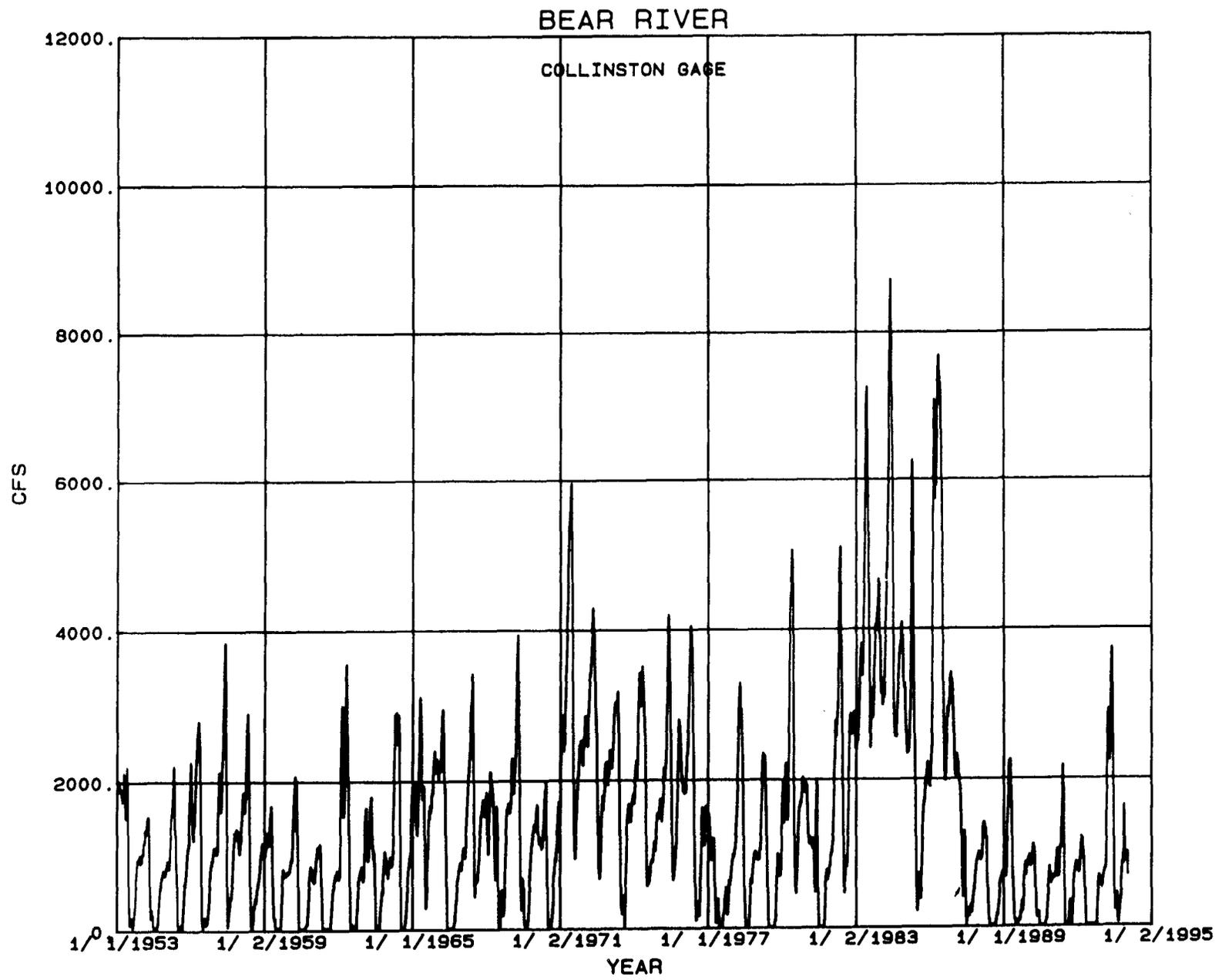
(units: acre-feet)

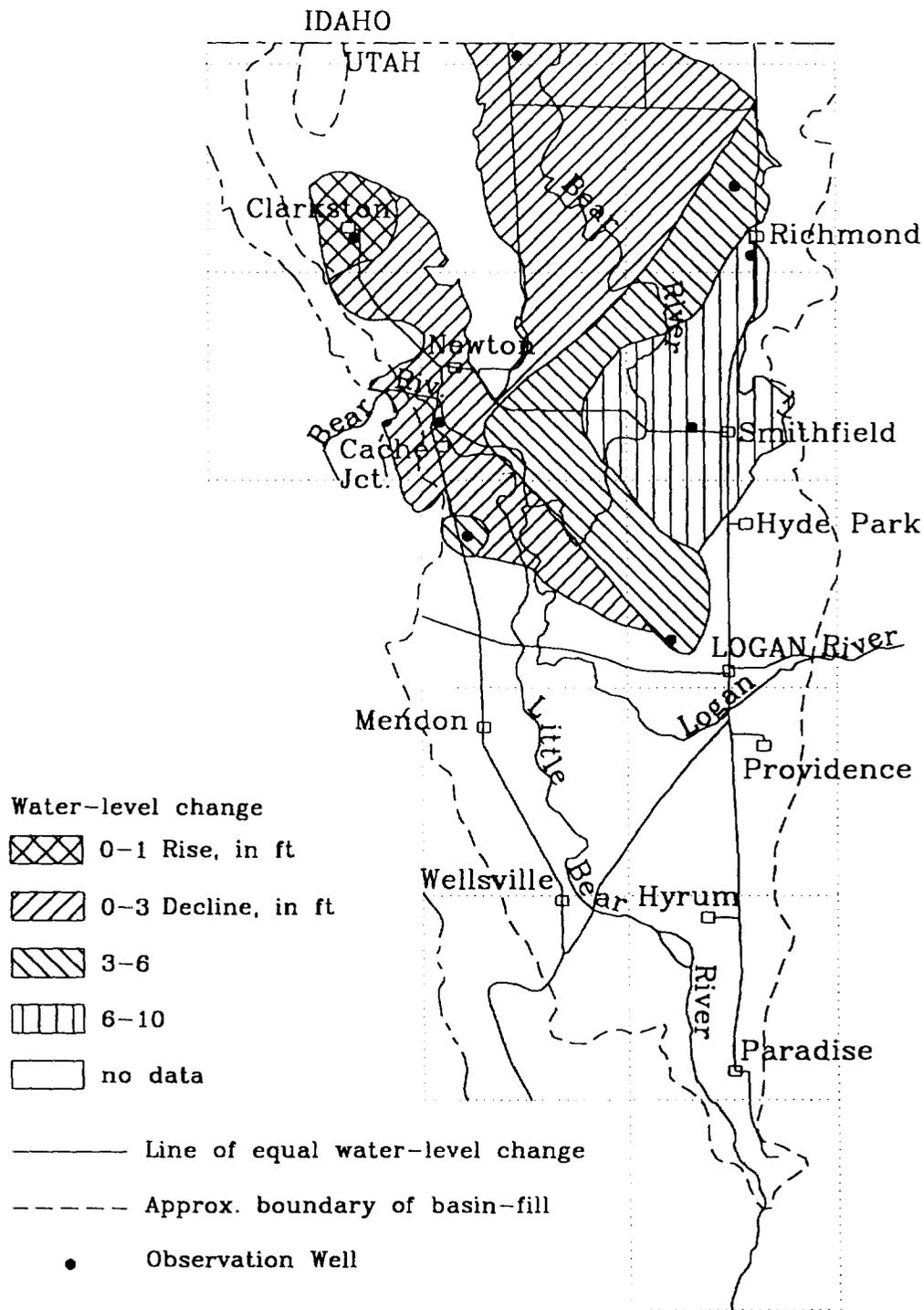
Entering Cache Valley

Bear River	740,000
Other Streams	527,000
TOTAL	1,267,000

Leaving Cache Valley

Bear River	1,180,000
Canals	240,000
TOTAL	1,420,000





Map of Cache Valley showing change of water levels from March 1963 to March 1993

CACHE VALLEY, UTAH WELL FILINGS GREATER THAN 0.1 cfs

Priority of Well Use	Approved cfs	No. Water Right Filings
to 1900	8	26
1901-1909	4	17
1910-1919	32	106
1920-1929	25	110
1930-1939	42	80
1940-1949	13	19
1950-1959	54	50
1960-1969	131	97
1970-1979	87	129
1980-1989	48	96
TOTAL	444	730

APPROPRIATED cfs

TOTAL to 1969 309 cfs

TOTAL 1969-1990 135 cfs

UNAPPROVED cfs

1990 to 1994 104.31

Cache Valley

Ground-water Budget No New Development

- **Inflow**
 - 218,000 AF Recharge**
 - 14,500 AF Reservoir Seepage**

- **Outflow**
 - 58,000 AF Drains**
 - 53,500 AF Evapotranspiration**
 - 83,000 AF Seepage to Rivers**
 - 38,000 AF Wells**

as per USGS model

Cache Valley

Ground-water Budget

30 cfs New Development

- Inflow
 - 700 AF Storage
 - 218,000 AF Recharge
 - 18,300 AF Reservoir Seepage
- Outflow
 - 48,700 AF Drains
 - 53,300 AF Evapotranspiration
 - 75,300 AF Seepage to Rivers
 - 59,700 AF Wells

as per USGS model

Cache Valley

Ground-water Budget

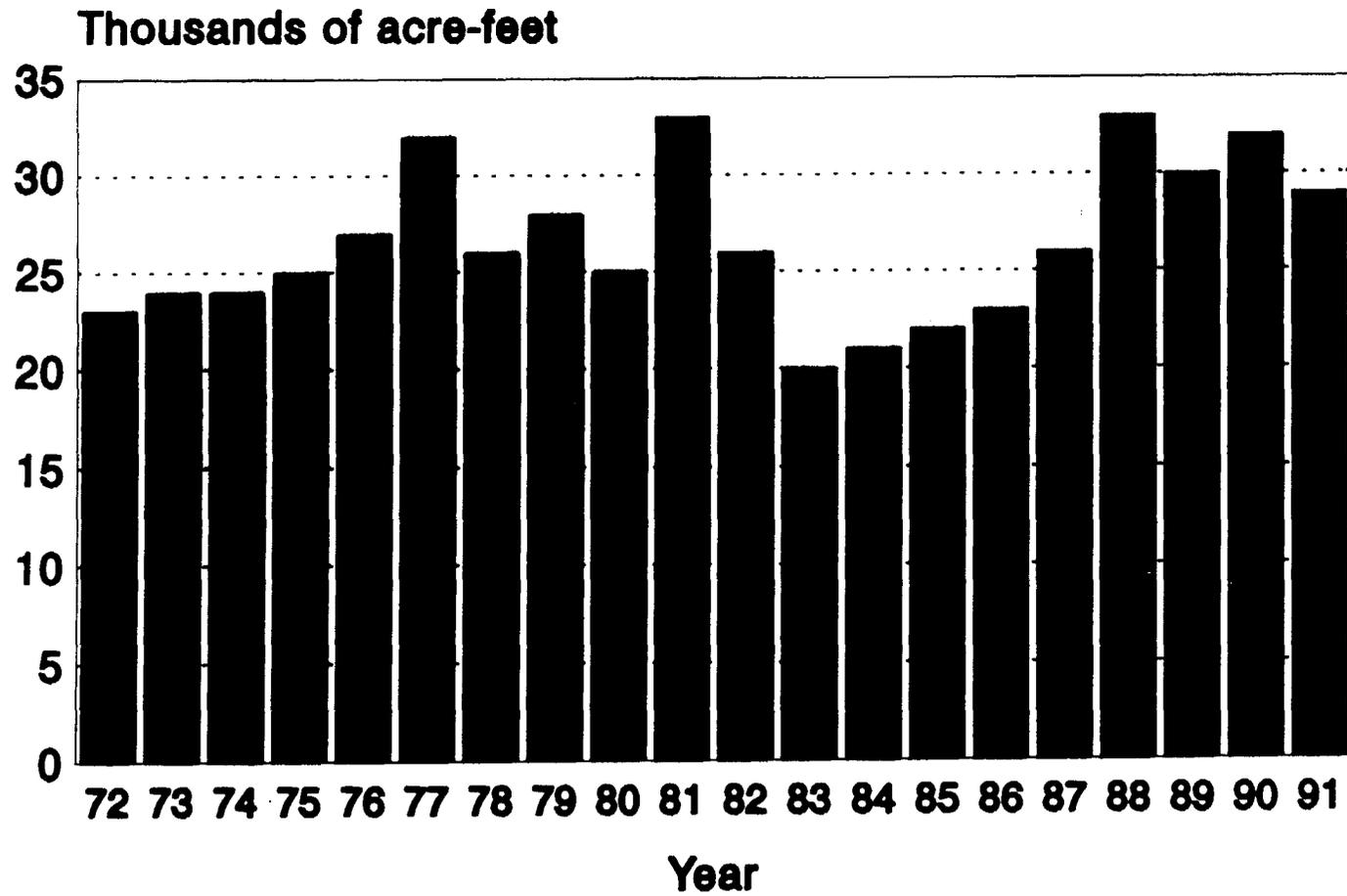
Effect of New Development

- **Increases**
21,700 AF Well Pumpage
- **Decreases**
 - 200 AF Evapotranspiration
 - 700 AF Storage
 - 3,800 AF Seepage to Reservoirs
 - 7,700 AF Seepage to Rivers
 - 9,300 AF Seepage to Drains, Springs
- **Net Decrease to Surface Water**
20,800 AF or 96% of new pumpage

as per USGS model

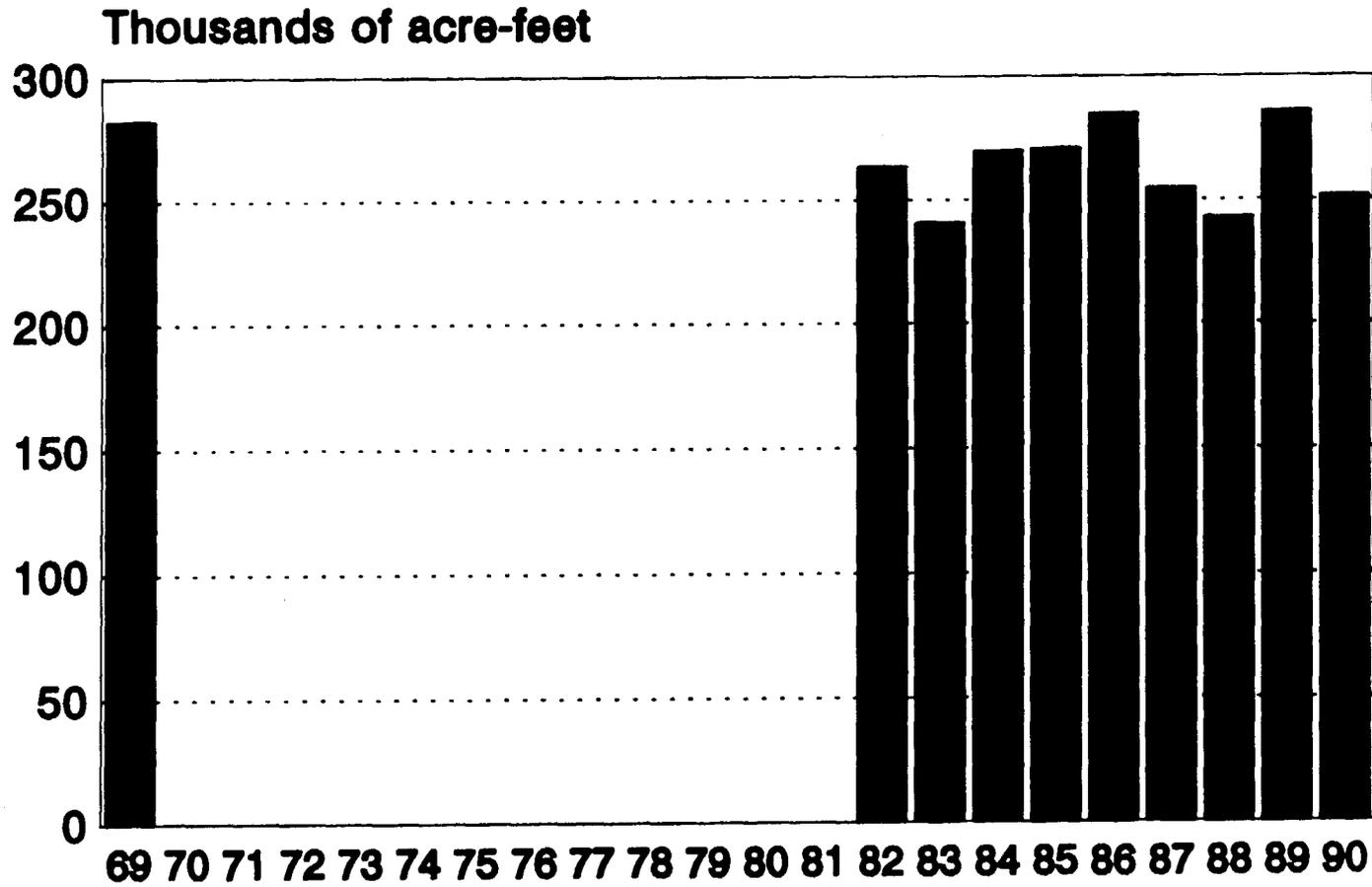
Cache Valley

Well Withdrawals



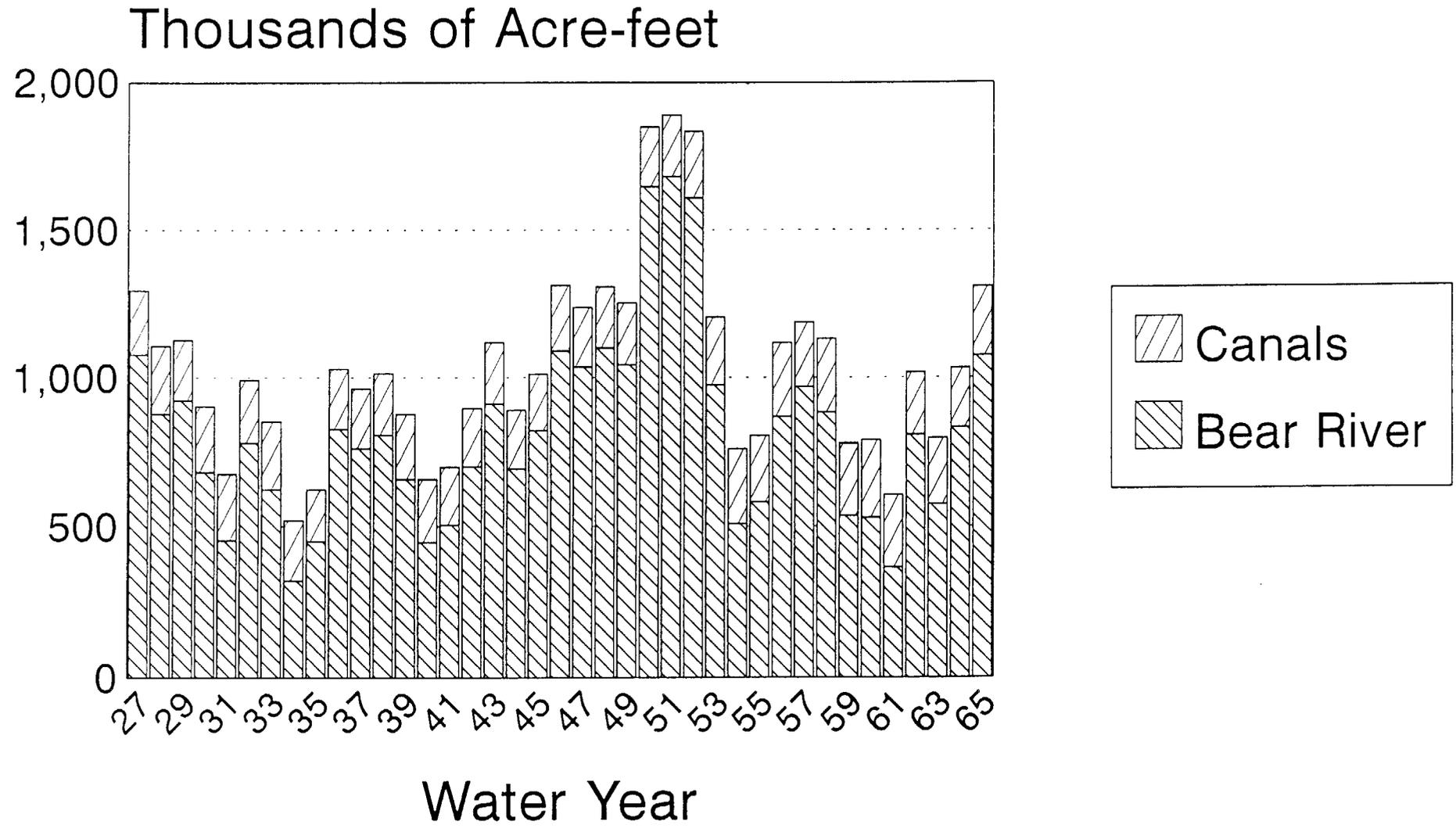
Cache Valley

Canal Diversions



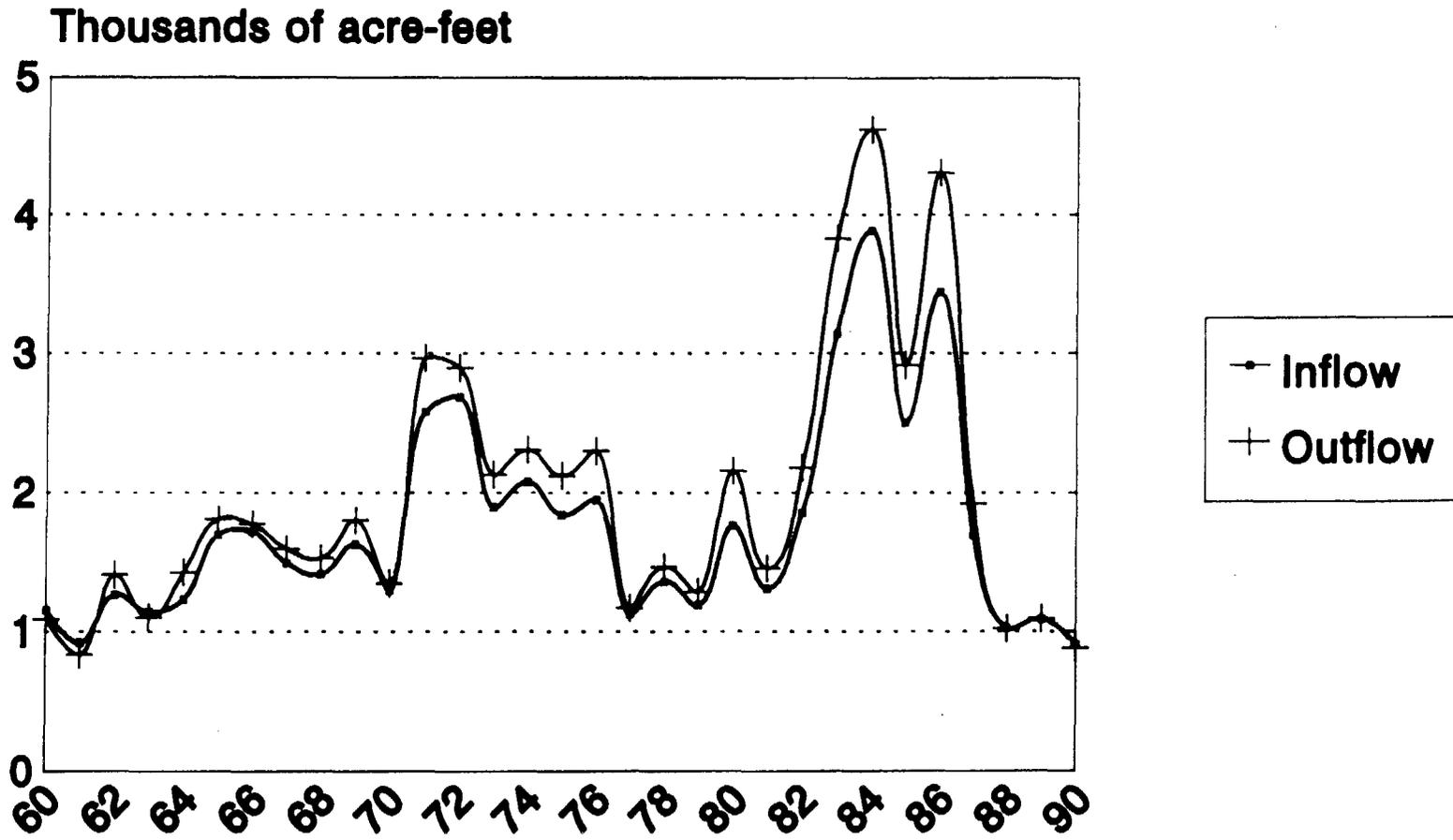
Cache Valley

Surface outflow



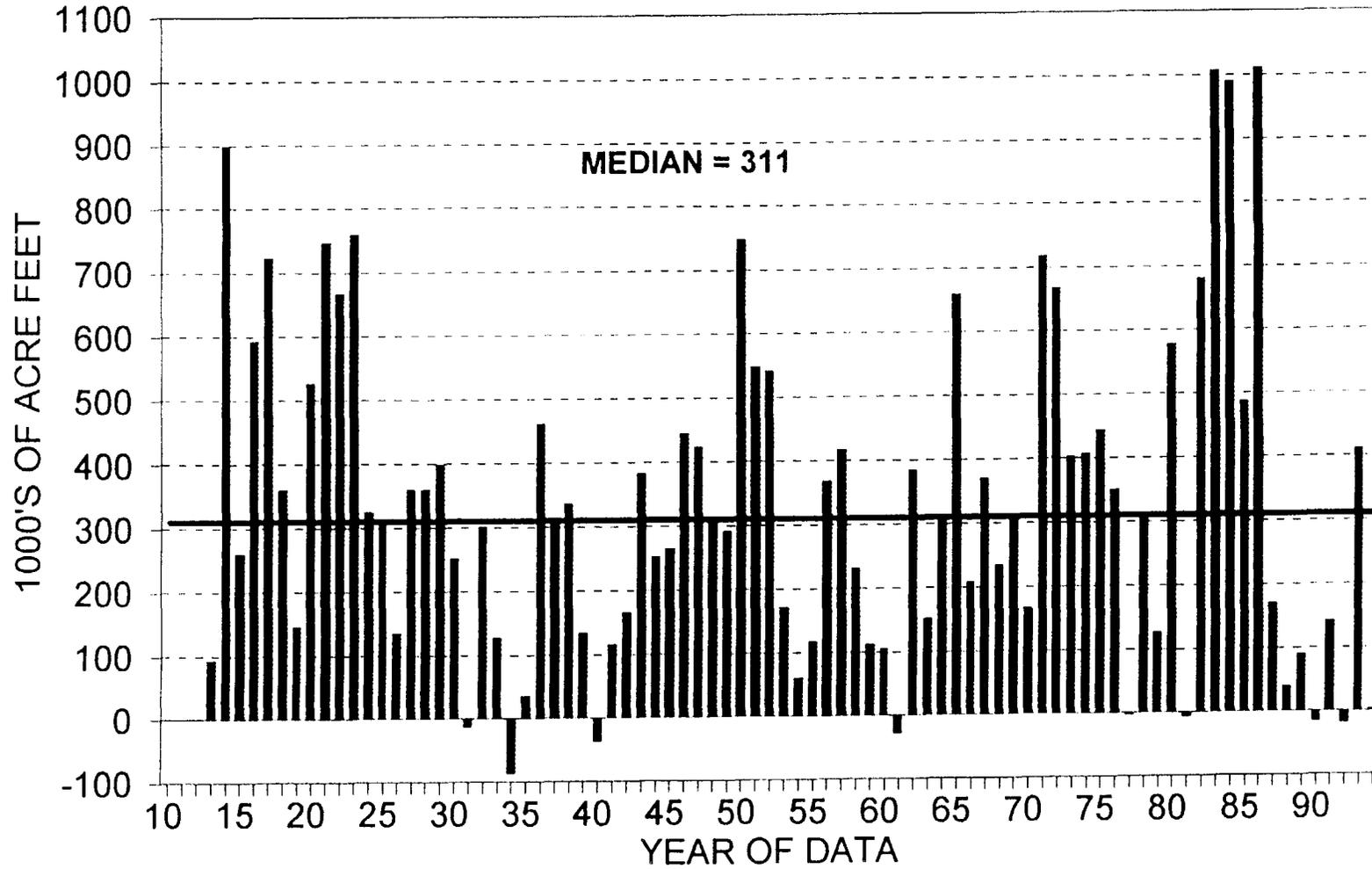
Cache Valley

Surface Inflow & Outflow

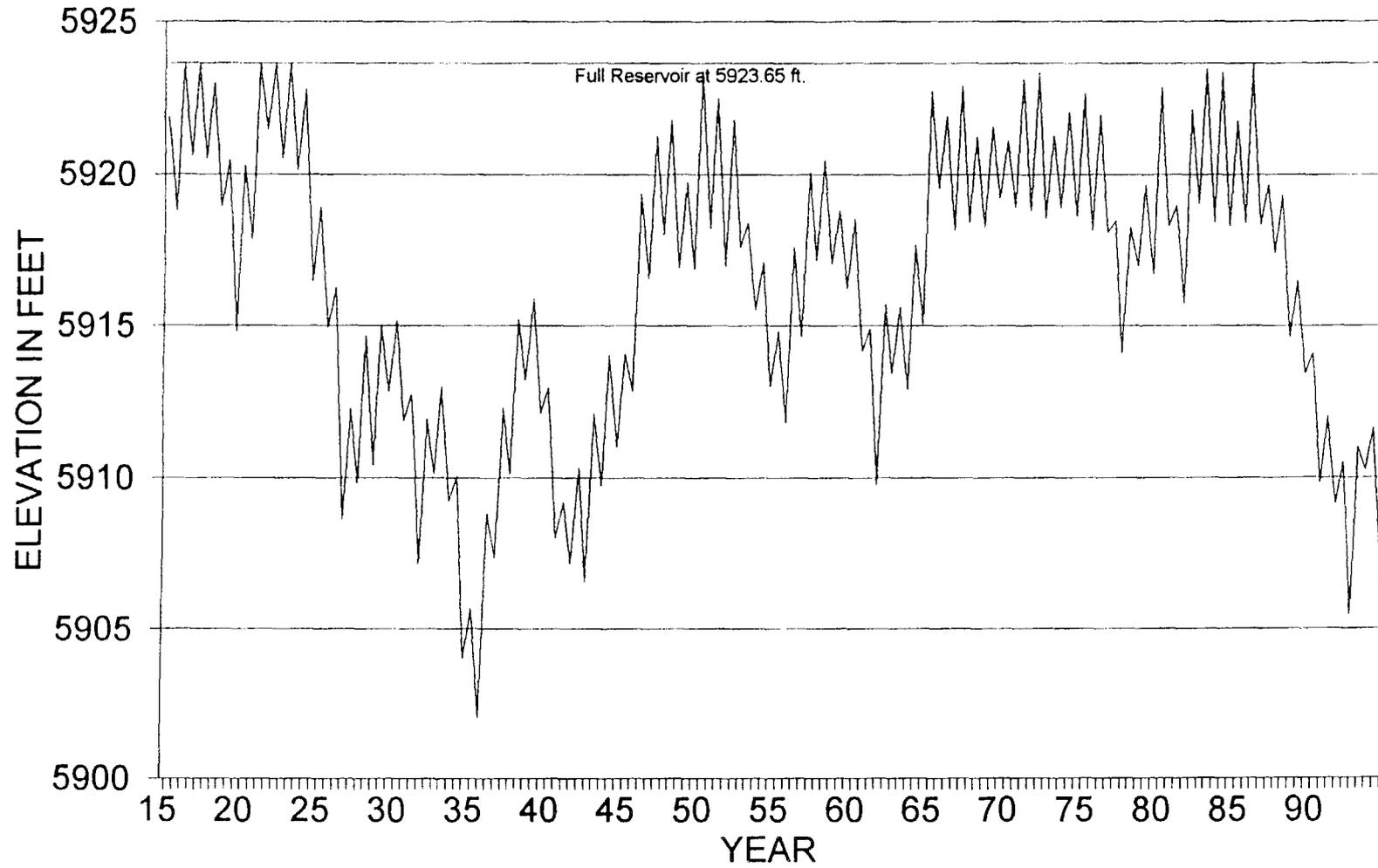


BEAR LAKE NET RUNOFF

FROM 1913 - 1994



BEAR LAKE ELEVATION FROM 1916 TO 1994



BEAR RIVER-BEAR LAKE SYSTEM
COMPARISON OF 1992, 1993 AND 1994 OPERATION

	<u>1992 WATER YR.</u>	<u>1993 WATER YR.</u>	<u>1994 WATER YR.</u>
Rainbow Inlet Canal (AF)	79,620	308,700	89,411
Bear Lake Elevations			
● High Elevation	5910.50 (4/24/92)	5911.00 (7/10/93)	5911.62 (5/13/94)
● Low Elevation	5905.40 (11/1/92)	5910.25 (9/26/93)	5906.44 (9/29/94)
Outlet Canal			
● Annual Flow (AF)	229,400	89,290	241,300
● Release Period	4/24/92 to 9/2/92	7/2/93 to 9/23/93	5/23/94 TO 9/22/94
● Number Days Pumping	150	34	123
● Storage Releases (AF)	216,832	43,349	235,039
Irrigation Demands			
● Idaho	112,068	135,430	143,576
● Utah	235,730	241,537	264,875
● TOTAL	347,798	376,967	408,451

BEAR RIVER CONTRACTS FOR DELIVERY OF BEAR LAKE STORAGE

I. SUMMARY OF HISTORICAL CONTRACTS

<u>Company</u>	<u>Date</u>	<u>Location</u>	<u>Amount</u>
Bear River Canal Company	12/30/1912	Utah	900 CFS Summer 150 CFS Winter
Cub River Irrigation Co.	04/03/1916	Idaho	20,000 Acre Feet
West Cache Canal Company	06/19/1919	Idaho	12,000 Acre Feet
Last Chance Canal Company	08/02/1919 Amended 01/17/84	Idaho	63,600 AF/10-Year Period Max. 20,000 AF/Year Charge for additional water
Twin Lakes Canal Company	02/09/1961	Idaho	5,000 Acre Feet
Individual Pumpers	1989	Idaho ²⁸ (18)	.
Individual Pumpers	1989	Utah ⁸⁸ (88) Idaho (86)	.

II. PURPOSE OF CONTRACTS

- A. To document natural flow and storage use by all users on Bear River.
- B. To protect storage rights and deliveries to irrigators from Bear Lake.
- C. To promote conservation and optimum use of available water supply by all users.

III. PROVISIONS OF NEW (1989) CONTRACTS

A. Conditions

1. Irrigator must have existing rights approved by the State in which the right exists.
2. Storage water will be delivered on a supplemental basis only, not intended to be the primary use of water.
3. The available storage water will vary from year to year, and deliveries will be made on a priority based on the contract date.
4. UP&L will determine available supply by April 1 of each year.
5. Irrigator will, by May 1 of each year, make written request for the amount of storage water needed for that year.
6. If total requests exceed available supply, the amounts granted to individuals will be on a pro rata basis.

8/3/95

IDAHO IRRIGATORS

Ms. Elsie E. Bastian
c/o Bertis L. Embry

Mr. Reed W. Kunz

Mr. Roger Stephens

Mr. David Skaeblund

Mr. Stephen Kunz

Thatcher Irrigation Company
c/o Chris Barthlome, President

Gentile Valley Canal Company
c/o Mr. Chris Barthlome

Mr. Wayne Kunz

Ream-Crockett

Mr. Robert Henderson

Mr. Bruce Lamont and
Mr. Alex Inglet

Mr. L. White, Jr.

Mr. Keith Hodges

Mr. Carroll E. Whitney

Mr. Dean Hogan

Mr. Randy Panter

Mr. Floyd Jensen

Mr. Allyn Phelps

Mr. L. Alleman

Mr. Ben Johnson

Riverdale Irrigation Company
c/o Mr. Don Carter

Nelson Ditch Company
c/o Delyle Barrington

Mr. Dean Kunz

Riverdale-Preston Irrigation Co.
c/o Mr. Wilford B. Meek

Mr. Paul Kunz

Saywich Lands & Livestock
c/o George & Ralph Wanlass

Riverdale Irrigation Co.-Upper
c/o Pete Peterson

Steve Bobka

UTAH IRRIGATORS

Mr. John E. Allen	Mr. Daune Griffin
Mr. Cecil Archibald	Mr. Robert Griffiths
Mr. Landell Ballard	Mr. W. A. Hansen c/o Jess Harris
Ballard Pump c/o Mr. Todd Ballard	Mr. William Harris
Ballard-Reese Pump c/o Mr. Melroy Ballard	Mr. Kim Haws
Mr. William Beckstead	Hill Irrigation Company c/o Ms. Donna Goodin
Mr. Dale Benson	Mr. Paul F. Cardon
Benson Bear Lake Irrigation Co. c/o Mr. Wayne Cardon	Mr. Robert Hoffman
Bullen Farms c/o Mr. Reed Bullen, Jr.	Ms. Louise Hughes
Mr. Joseph Cowley	Hyer-Jorgensen Pump c/o Regan Wheeler
Cowley Pump c/o Mr. Joseph Cowley	Mr. Lee Johnson
Mr. Floyd Dorius	W. D. and Norval Johnson c/o Mr. Norval Johnson
Mr. Harold Falslev	Mr. Wendell Munk
Mr. Laron Falslev	King Irrigation Company c/o Mr. Tom Reese
Mr. Larry Falslev	Mr. Darrell Kunzler
Mr. Rulon Falslev	L. D. S. Church c/o Mr. Rulon Falslev
Goodwin Pump	Mr. Clair C. Larkin
Goosner Farms c/o Mr. Alan Wheeler	Ms. Joanne Larson

Mr. Max J. Rasmussen
c/o Mr. William Lindley

Mr. William Lindley

Marchant Brothers
c/o Mr. George Marchant

Mr. Robert Munk

Munk-Jorgenson Pump Company
c/o Mr. Robert Munk

Munk-Tarbet-Fisher Pump
c/o Mr. George Tarbet

Mr. Larry Pitcher

Mr. Willard Pitcher

Reese-Clark Pump & Irrig. Co.
c/o Mr. Wendell Munk

Mr. Tom Reese

Mr. W. Lee Reese

Rich Pump
c/o Mr. Wayne Rich

Mr. Gordon Ricks

Ricks Pumps
John Ricks/Darrell Kunzler

Mr. J. Golden Rigby

Mr. Murray Rigby
c/o Mr. Mark L. Rigby

Mr. Mark L. Rigby

Ms. Norma Seasons

Mr. Russ Seamons
c/o Mr. Todd Ballard

Simmonds-Chambers Pump
c/o Mr. Jerry Simmonds

Mrs. Grant Simmonds

Smithfield West Ben Irrig. Co.
c/o Mr. G. Duncan

Mr. Don Spackman
c/o Mr. R. Strebelt

Spackman Pump
c/o Mr. Robert Spackman

Messrs. Reid and Paul Stewart

Mr. Paul Thain

Mr. T. Ray Theurer

Mr. Joseph L. Watterson
c/o Mr. Jim Watterson

Mr. Wayne Watterson

Mr. Gordon Webb
c/o Mr. Clain Skidmore

Weeks-Taggart Pump
c/o Merlin Weeks

Western Dairymen Coperative
c/o Mr. Don Jensen

Mr. Alan Wheeler

Mr. Regan Wheeler

Wheeler Pump
c/o Mr. Regan Wheeler

Mr. Wendell H. Wiser

Mr. Walter Wood

Wood Irrigation Company
c/o Mr. Walter Wood

West Cache Irrigation Co.
Mr. Joe Larsen, President

Mr. Lee Sommers, President
Bear River Canal Company

Logan River-Blacksmith Fork
Irrigation Company

Mr. Claine Skidmore

Mr. Gordon Ricks

Mr. Gordon Webb
c/o Mr. Claine Skidmore

Mr. D. R. Geddes
c/o Ms. Adrian Geddes

Mr. Reynold Pearson

Mr. Larrell Hobbs

Mr. Gary Allen

Mr. Boyd Larsen

Mr. Gene Larsen

Mr. Howard Anderson

Rudy Serrano



1407 West North Temple
Salt Lake City, Utah 84140
(801) 220-2860

HARRY A. HAYCOCK
Senior Vice President

May 22, 1989

Dear Lower Bear River Water User:

Utah Power & Light Company is pleased to submit the enclosed final letter agreement for your review and signature. This agreement will allow you to continue to receive a supplemental water supply from Bear Lake at times when your natural flow rights are not sufficient to meet your water requirements and an adequate supply is available from storage in Bear Lake.

The water demands in the Bear River basin will surely increase in the future as population increases put a strain on limited water supplies. We feel it is important to document water usage from the Bear River System, whether it be natural flows or storage water from Bear Lake.

This agreement reaffirms UP&L's commitment to provide Bear Lake storage water to users within the Bear River basin. The storage water in Bear Lake will be allocated on a priority basis based on the date of contract execution. Naturally, the Bear River Canal Company will receive Bear Lake water first, since that contract was signed in 1912. It is important to note that, in the future, water users who sign the agreement in 1989 will receive storage water before users who sign in subsequent years.

In summary, Utah Power & Light Company feels that this agreement is in the best interest of both the water users and our Company; and we are hopeful that you will sign and return the agreement to us as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry A. Haycock". The signature is fluid and cursive, written over a horizontal line.

CBB3/5./4

cc: B. Fatheringham
T. Gnehm, Commissioner



1407 West North Temple
Salt Lake City Utah 84140

May 22, 1989

By this letter agreement, Utah Power & Light Company (UP&L) hereby agrees to lease supplemental Bear Lake storage water to T. Ray Theurer (irrigator) under the following terms and conditions:

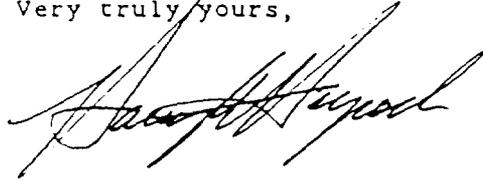
1. Irrigator has an existing water right on file or pending with the State Engineer of Utah.
2. Irrigator's rights are for _____ cfs under application(s) or certificate(s) # _____ on file with the State Engineer. Irrigator's water rights are for _____ acres of irrigated farmground.
3. By April 1 of each year, UP&L will determine the amount and cost of Bear Lake storage water available for lease.
4. The amount of available storage water will vary from year to year based on the level of Bear Lake on April 1, the forecasted runoff, and general water supply as determined by UP&L. If Bear Lake level falls below 5,910.0 on April 1 and the projected water supply is deficient based on the forecasted spring runoff, no storage water will be available for lease.
5. The cost will vary from year to year and will be equal to the cost to replace the lost energy from the Cutler Plant due to irrigator's diversion of water.
6. Irrigator will, by May 1, request in writing the amount of Bear Lake storage water required for operation that year. All requests should be mailed to: Attention: Hydrology Supervisor, Room 195, 1407 W. North Temple, Salt Lake City, Utah 84140.

7. If total requests exceed the available supply, the amounts granted to individual irrigators will be prorated based on the following formula:

Individual water right divided by total water rights
subscribed to times total available supply.
8. The Lower Bear River River Commissioner, appointed each year by the State Engineer, will deliver Bear Lake storage water to irrigator.
9. The Commissioner will determine the actual amount of storage water diverted by irrigator and will submit a report to UP&L at the end of irrigation season.
10. UP&L will render a billing to irrigator showing the amount of storage water used and the cost at the end of each irrigation season no later than December 1.
11. Irrigator will make payment to UP&L prior to March 1 of the following year and prior to receiving supplemental storage water the following year.
12. Storage water made available by this agreement cannot be subleased to another party. The storage water shall be used for supplemental irrigation purposes only. If irrigator sells the irrigated farmland during the term of this agreement, this agreement may be transferred to the buyer of the irrigated farmland if:
 - a. The land will continue to be used as irrigated farmland and Bear Lake storage water used as a supplemental irrigation source, and
 - b. Irrigator's water rights for use on the irrigated farmland are also transferred to the buyer.
13. Irrigator understands and agrees that UP&L will use its best efforts to deliver the storage water, but further agrees to release and hold UP&L harmless from any and all liability, loss, or damage resulting from the interruption or discontinuance of the delivery of storage water.
14. Irrigator's right to receive storage water under this agreement will not be construed as a water right or a right to claim a firm allocation of UP&L's storage water in Bear Lake.
15. This letter agreement shall remain in effect until notice of cancellation by either party giving one year's notice.

If you agree with the terms in this agreement, please sign both originals in the space provided, keep one for your record, and return one to Utah Power & Light Company, Attention: Carly Burton, 1407 West North Temple, Salt Lake City, Utah 84140.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carly Burton", written over the text "Very truly yours,".

Accepted by:

Irrigator

Attachment

CBB2/51./4

1989 ATTACHEMENT

The parties recognize that for the 1989 irrigation season irrigator may have no records or information on which to base his requested amount of Bear Lake storage water. The 1989 irrigation season will provide the initial documentation of natural flow and Bear Lake storage water use upon which irrigator can base his requested amount of storage water in subsequent years.

Upon execution of this agreement, UP&L will supply Bear Lake storage water to irrigator for the 1989 irrigation season under one of the following options:

- A. Irrigator will submit a written request to UP&L to deliver the amount of storage water necessary for irrigator's use in 1989, without limitation. At the end of the 1989 irrigation season, the Bear River Commissioner will calculate the amount of natural flow and Bear Lake storage water used by irrigator and submit his report to UP&L and irrigator. UP&L will then bill irrigator for storage water used by irrigator at the amount of \$1.43 per acre foot.

OR

- B. Irrigator will request UP&L to deliver a designated amount of Bear Lake storage water, and the Bear River Commissioner will not deliver to irrigator more than irrigator's requested amount. UP&L will bill irrigator only for the amount of storage water actually used.

In years subsequent to 1989, irrigator will request the amount of Bear Lake storage water required for that year's operation pursuant to the agreement.

In making your request for storage water in 1989, please specify Option A or B above and return your request to Carly Burton, 1407 West North Temple, Salt Lake City, Utah 84141, by June 1, 1989.



1407 West North Temple
Salt Lake City, Utah 84140
(801) 220-2860

HARRY A. HAYCOCK
Senior Vice President

August 24, 1989

Dear Water User:

This letter is to remind you that Utah Power & Light Company still has not received the signed contract which will allow you to receive supplemental storage water from Bear Lake for 1989 and for future years. While data on river flows and diversions is still being compiled and analyzed, the Lower Bear River Commissioner has indicated that virtually all irrigators are diverting Bear Lake storage water at the present time. Without the signed contract, the Commissioner only has the authority to deliver natural flows which are presently insufficient to meet the existing demands.

We would, therefore, encourage you to sign and return the contract to us as soon as possible. We have advised the Commissioner that in 1990 storage water will be available only to irrigators who have signed the contract. In addition, irrigators who sign the contract in 1989 will receive supplemental storage water before irrigators who sign after 1989.

With the increased interest for Bear River water, UP&L has no choice but to move forward to protect its water rights in Bear Lake. We feel this contract serves both UP&L and your irrigation interests into the future.

Your earliest response would be appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Harry A. Haycock".

HAH:cms
CBB3/22/w5



1407 West North Temple
Salt Lake City, Utah 84140
(801) 220-2860

HARRY A. HAYCOCK
Senior Vice President

September 26, 1989

Dear Water User:

The enclosed addendum modifies the letter agreement to receive Bear Lake storage water which was sent to you earlier this summer. These additions were made due to concerns which were expressed by several irrigators in Cache Valley. UP&L feels that extending the cancellation notice to 5 years, plus a clause that recognizes your legal irrigation rights, strengthens the agreement considerably and clarifies the parties' intentions.

If you have not signed an agreement yet, please sign the agreement and enclosed addendum and return them to UP&L as soon as possible. Otherwise, please sign the addendum and return it to UP&L.

Again, we must remind you that irrigators who sign the agreement in 1989 will receive Bear Lake water ahead of irrigators who sign after 1989.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Harry A. Haycock".

Harry A. Haycock

wpgw86
Enclosure

Addendum to Agreement

By mutual agreement of the parties to that letter agreement dated May 22, 1989 between Utah Power & Light Company (UP&L) and Irrigator, this addendum amends the May 22, 1989 letter agreement as follows:

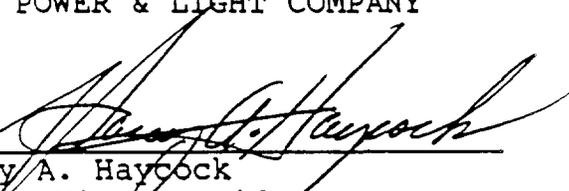
1. At the end of paragraph 2, add the following sentence: "UP&L makes no claim to irrigator's water rights granted by the State Engineer, and UP&L shall not interfere with or disrupt irrigator's use of its water rights in any manner whatsoever."

2. At the end of paragraph 14, add the following sentence: "To the extent that UP&L makes its Bear Lake storage water available to irrigators by contract, the Lower Bear River Commissioner shall deliver Bear Lake storage water to irrigators in priority of contract dates, so irrigators who sign this agreement in 1989 will have priority to receive Bear Lake storage water over irrigators who sign this agreement after 1989."

3. Paragraph 15 is replaced with the following sentence: "This letter agreement shall remain in effect until either party gives the other a five year written cancellation notice; provided, however, that the agreement may be cancelled by UP&L if payment by irrigator is more than three months in arrears."

DATED this _____ day of _____, 1989.

UTAH POWER & LIGHT COMPANY

By: 
Harry A. Haycock
Senior Vice President

IRRIGATOR

By: _____



May 29, 1992

This letter is a follow-up to the public meeting to which you were invited in Smithfield, Utah, on May 7, 1992, for the purpose of setting the water allocation from Bear Lake for 1992.

PacifiCorp, in working with State Engineers of Wyoming, Idaho, and Utah, indicated at that meeting that the allocation for 1992 would be based on 85% of your 1990 use of Bear Lake storage water as determined by the respective Bear River Commissioner up to a maximum of 150,000 acre feet for all irrigators. This allocation method will be the same for all contracted irrigators, and PacifiCorp believes this is the fairest plan which would allow irrigators to receive a proportionate share of Utah Power's Bear Lake water.

Since the May 7 meeting, PacifiCorp has received numerous calls and letters by irrigators who have indicated that the 1992 allocation will not be sufficient to meet their needs over the course of the irrigation season.

In response to the concerns expressed by Bear River irrigators, PacifiCorp, after consultation with the State Engineers, is willing to provide additional storage water if needed for your use in 1992 with the understanding that the additional storage water will be deducted from the storage water available for you for 1993. It is very possible that based on current conditions *no* storage water will be available in 1993 if the current drought continues and if Utah Power's contract users use the 1993 allocations in 1992.

Accordingly, your 1992 allocation of Bear Lake storage water is equal to 96 acre feet. If you need additional storage water in excess of this amount, please indicate the amount needed in the space provided and return this letter to me at the address below. This letter must be returned *no later than June 10, 1992*; otherwise, you will receive the 1992 amount allocated above.

Upon receipt of your request, PacifiCorp will send you an agreement which will outline the terms and conditions by which the additional water will be made available to you for 1992 only.

May 29, 1992
Page 2

PacifiCorp hopes that you and the other contract users will have an adequate supplemental water supply from Bear Lake by using only the 1992 allocation. PacifiCorp believes that all water users in the Bear River basin will benefit by stringent conservation in this irrigation season. However, if additional water is *necessary* to your operation in the 1992 irrigation season, PacifiCorp will attempt to provide it to you and others in this most critical drought. Your cooperation is appreciated.

Very truly yours,



Carly Burton
Hydrological Supervisor

CBB4:cms

 NO, I do not require water in excess of my 1992 allocation.

 YES, I require additional water in excess of my 1992 allocation.
 acre feet additional request.

RETURN ADDRESS:

Carly Burton
PacifiCorp
1407 West North Temple, Suite 210
Salt Lake City, Utah 84140

MEMORANDUM OF UNDERSTANDING
Re: 1992 Irrigation Season

1. On June 12, 1989, _____, (Irrigator), and Utah Power & Light Company (Utah Power) entered into a letter agreement for annual lease and delivery of Utah Power's supplemental Bear Lake storage water to Irrigator. An addendum to the letter agreement was executed on October 11, 1989.

2. Paragraph 4 of the letter agreement provides that the amount of available Bear Lake storage water for lease to Irrigator will vary from year to year, depending on the level of Bear Lake, the forecasted runoff, and the general water supply. Paragraph 4 also states that if the level of Bear Lake is below 5910.0 on April 1st of any year, there may be no storage water available to Irrigator under the letter agreement.

3. Paragraph 7 of the letter agreement provides that if total Bear Lake supplemental storage water demand for all Utah Power contract users exceeds the supply, Utah Power will prorate the available supply among its contract users.

4. Due to persistent and continuing drought conditions throughout the Bear River Basin, there is a severe shortage of natural flow water in the Bear River and its tributaries to supply Irrigator's water rights. On April 1, 1992, the elevation of Bear Lake was 5910.22 feet, UP&L datum.

5. Because of a hot, dry spring, many irrigators in the Bear River Basin planted crops earlier than usual and required supplemental Bear Lake storage water earlier than usual. As a result of these and other unusual conditions, rather than notifying Irrigator that no supplemental water from Bear Lake storage would be available in the 1992 irrigation season, Utah Power reduced deliveries to all of its contract users of Bear Lake storage water to a total of 150,000 acre feet to be distributed pro rata among all of them based upon 85 percent of their actual use during the 1990 irrigation season. Accordingly, 96 acre feet of Bear Lake storage water was allocated to Irrigator for the 1992 irrigation season.

6. Irrigator has evaluated its planted crops, water available from its natural flow water rights, and its 1992 irrigation season needs and represented to Utah Power that its 1992 storage water allocation is insufficient to raise Irrigator's planted crops. Irrigator further represents that if additional Bear Lake storage water is not made available to it during the 1992 irrigation season, it will suffer drastic and irreparable loss.

7. Utah Power hereby agrees to allocate and deliver to Irrigator a maximum of an additional 100 acre feet of supplemental storage water from Bear Lake or other upstream storage subject to:
(1) Utah Power's ability to deliver; (2) Utah Power first

satisfying the delivery to other contract irrigators of their share of the 150,000 acre feet previously allocated from Bear Lake for the 1992 irrigation season; and (3) claims of third parties.

8. Due to PacifiCorp's limited pumping capability at the Lifton Pump Station, the maximum total release from Bear Lake will not exceed 1100 CFS at any time during the season. If total system irrigation demands for Bear Lake storage exceed the 1100 CFS capability, Irrigator will proportionally reduce maximum demand under the direction of the respective River Commissioner.

9. Utah Power will not provide Bear Lake storage water for use in the 1992 irrigation season to irrigator after September 15, 1992.

10. Bear Lake water will not be available for irrigation of farm lands after final harvest is completed. Any individual who is observed irrigating harvested croplands will be immediately shut off under the direction of the respective River Commissioner and will forfeit any right to receive storage water in 1993.

11. Irrigator agrees that whatever amount of Bear Lake storage water would be allocated to it by Utah Power during the 1993 irrigation season, if any, will be reduced by the additional amount of up to 100 acre feet delivered in the 1992 irrigation season. In signing this memorandum of understanding, Irrigator expressly acknowledges that there may be no water allocated to it by Utah Power in the 1993 irrigation season unless the drought is substantially abated.

12. All Bear Lake storage water delivered to Irrigator during the 1992 irrigation season, whether or not charged to the 1992 or 1993 irrigation season, will be accounted for by the Bear River Commissioner as set forth in paragraph 9 of the letter agreement.

13. Irrigator waives any and all rights to claim damages or liability against Utah Power for crop loss or other damages to personal or real property whatsoever due to shortage of water or delivery of supplemental irrigation water from Bear Lake allocated for the 1992 or 1993 irrigation seasons.

14. Irrigator agrees to use all reasonable conservation methods during the 1992 irrigation season to preserve as much Bear Lake storage water as possible for 1993 irrigation allocations and other needs upstream, in, and around Bear Lake.

15. All other terms and conditions of the letter agreement shall remain in full force and effect.

IRRIGATOR

By

UTAH POWER & LIGHT COMPANY

By


Charles C. Adams
Senior Vice President