

No. 5

**BEAR RIVER COMMISSION**  
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REVISED TENTATIVE DRAFT

of

BEAR RIVER COMPACT

IDAHO, WYOMING AND UTAH

Number 224.3

(Original Draft dated March 31, 1948 revised  
to include revisions dated July 29, 1948)

PART IV

Prepared for:

BEAR RIVER COMPACT COMMISSION

By

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Federal Power Commission

and

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July 29, 1948

ARTICLE I

- A. Where the name of a State is used in this Compact, as a party thereto, it shall be construed to include the individuals, corporations, partnerships, associations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, appropriators, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Bear River System under the authority of said State.
- B. Any individual, corporation, partnership, association, district, administrative department, bureau, political subdivision, agency, person, permittee, or appropriator authorized by or under the laws of a signatory State, and all others using, claiming, or in any manner asserting any right to the use of the waters of Bear River System under the authority of said State, shall be subject to the terms of this Compact. Where the singular is used in this article, it shall be construed to include the plural.

ARTICLE II

As used in this Compact, the following names, terms and expressions are described, defined, applied and taken to mean as in this Article set forth:

- A. The State of Idaho, the State of Utah, and the State of Wyoming are hereinafter designated as "Idaho," "Utah," and "Wyoming," respectively.
- B. The terms "Commission" and "Bear River Compact Commission" mean the agency created as provided herein for the administration of this Compact.
- C. The term "Bear River Basin" means the territory drained by the Bear River and its tributaries in Idaho, Utah, and Wyoming above the <sup>Cutter Dam</sup> Wheelon Dam.
- D. The term "Bear River System" means the Bear River and all its tributaries including springs and swamps, from their sources to the <sup>Cutter Dam</sup> Wheelon Dam.
- Dd. The term "Bear River Main Stem" means the channel or channels of Bear River, exclusive of tributaries between the mouth of West Fork of Bear River and <sup>Cutter Dam</sup> Wheelon Dam.

- E. The term "Tributary" means any stream which in a natural state contributes to the flow of the Bear River, including interstate tributaries and tributaries thereof.
- F. "Smiths Fork" a tributary to Bear River which rises in Lincoln County, Wyoming and flows in a general southerly direction to its confluence in a group of channels with Bear River near Cokeville, Wyoming.
- Ff. The term "Smiths Fork Main Stem" means the channel or channels of Smiths Fork, exclusive of tributaries, between the mouth of Hobble Creek and the confluence of Smiths Fork with Bear River.
- G. The term "Interstate Tributaries" means the following:
1. "Mill Creek" which rises in Summitt County, Utah and flows in a general northwesterly direction across the Utah-Wyoming state line to its confluence with Bear River in Section 23, Township 13 North, Range 120 West, Sixth Principal Meridian.
  2. "Yellow Creek" which rises in Summitt County, Utah and flows in a general northerly direction crossing the Common boundary between Utah and Wyoming three times above its confluence with Bear River in Section 12, Township 15 North, Range 121 West, Sixth Principal Meridian.
  3. "Thomas Fork" which rises in Lincoln County, Wyoming and flows in a general westerly direction to where it crosses the Wyoming-Idaho state line near Geneva, Idaho then in a southerly direction to its confluence with Bear River in Section 10, Township 14 South, Range 46 East, Boise Meridian.
  4. "Raymond Creek" a tributary to Thomas Fork and which crosses the Wyoming-Idaho state line near Raymond, Idaho.
  5. "Cub River" which rises in Franklin County, Idaho and flows in a general southwesterly direction across the Utah-Idaho state line to its confluence with Bear River in Section 6, Township 13 North, Range 1 East, Salt Lake Base and Meridian.

6. "Worm Creek" a tributary to Cub River which rises in Franklin County, Idaho and flows in a general southerly direction across the Idaho-Utah state line to its confluence with Cub River north of Lewiston, Utah.
- H. The term "Utah-Wyoming State Line above Evanston" is the common boundary line between Utah and Wyoming south of Evanston, Wyoming.
- I. The term "Wyoming-Utah State Line near Woodruff" is the common boundary line between Wyoming and Utah east of Woodruff, Utah.
- J. The term "Utah-Wyoming State Line near Randolph" is the common boundary line between Utah and Wyoming east of Randolph, Utah.
- K. The term "Wyoming-Idaho State Line" is the common boundary line between Wyoming and Idaho near Border, Wyoming.
- L. The term "Idaho-Utah State Line" is the common boundary line between Idaho and Utah south of Preston, Idaho.
- M. The term "Mouth of Smiths Fork" is taken for the purposes of this Compact to mean the confluence of the Collett Creek branch of Smiths Fork with Bear River south of Cokeville, Wyoming.
- N. The term "Stewart Dam" means the diversion dam on Bear River in section 34, Township 13 South, Range 44 East, Boise Meridian, at head of intake canal to Mud and Bear Lakes.
- O. The term "Rainbow Canal" means the intake canal to Mud and Bear Lakes with point of diversion at the Stewart Dam.
- P. The term "Dingle Inlet" means the conveyance canal between the Dingle Irrigation Company canal and the Rainbow Canal by which water is at times diverted from Bear River into the Rainbow Canal below its headgates.
- Q. The term "Wheelon Dam" means the dam across Bear River in the Narrows between Cache Valley and the Salt Lake Basin.

- R. The term "Upper Wyoming Section" means that area in Uinta County, Wyoming, irrigated from Bear River, but excluding lands under the Bear River Canal and Francis Lee Canal.
- S. The term "Middle Wyoming Section" means that area above the mouth of Smiths Fork in Lincoln County, Wyoming, irrigated from Bear River, but excluding lands under the Beckwith Quinn West Side Canal.
- T. The term "Lower Wyoming Section" means that area in Lincoln County, Wyoming irrigated from Smiths Fork and Bear River below mouth of Smiths Fork, and including lands under the Cook Canal in Idaho.
- U. The term "Upper Utah Section" means the areas in Summitt County, Utah, irrigated from Bear River and its tributaries, except Mill Creek and Yellow Creek.
- V. The term "Middle Utah Section" means the areas in Rich County, Utah, irrigated from Bear River; areas under the Bear River Canal and Francis Lee Canal in Uinta County, Wyoming; and the areas in Lincoln County, Wyoming, under the Beckwith Quinn West Side Canal.
- W. The term "Lower Utah Section" means the areas in Cache and Box Elder Counties, Utah, irrigated by canals from Bear River whose points of diversion are at or above the Wheelon Dam, except the lands served by the West Cache Canal and Cub River Pump Canal.
- X. The term "Upper Idaho Section" means the area in Bear Lake County, Idaho, irrigated by canals from Bear River whose points of diversion are at or above the Stewart Dam, but excluding lands under the Cook Canal and the Rainbow Canal.
- Y. The term "Lower Idaho Section" means the areas in Idaho, irrigated by canal from Bear River diverting below the Stewart Dam and above the Idaho-Utah State Line, and includes the areas in Cache County, Utah, served by the

Cache Canal and Cub River Pump Canal.

- Z. The "Hilliard East Fork Canal" is that irrigation canal which diverts water from the right bank of the East Fork Bear River in Summitt County, Utah, in the southeast quarter Section 16, Township 2 North, Range 10 East, Salt Lake Meridian, and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston, Wyoming, into the southwest quarter, Section 21, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- AA. The "Lannon Canal" is that irrigation canal which diverts water from the right bank of Bear River in Summitt County, Utah, East 1,480 feet from West quarter corner Section 19, Township 3 North, Range 10 East, Salt Lake Base Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston into the south half, Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- BB. The "Hilliard West Side Canal" is that irrigation canal which diverts water from the right banks of Bear River in Summitt County, Utah, near the northwest corner Section 18, Township 3 North, Range 10 East, Salt Lake Base and Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston into the south half, Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- CC. The "Francis Lee Canal" is that irrigation canal which diverts water from the left bank of Bear River in Uinta County, Wyoming, near the northeast corner Section 30, Township 18 North, Range 120 West, Sixth Principal Meridian and flows in a westerly direction across the Wyoming-Utah State Line near Woodruff, into Section 16, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah.
- DD. The "Bear River Canal" is that irrigation canal which diverts water from the right bank of Bear River in Uinta County, Wyoming, near the southeast corner

- of Section 19, Township 16 North, Range 120 West, Sixth Principal Meridian and runs in a westerly direction crossing the Utah-Wyoming State Line into Section 9, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah.
- EE. The "Chapman Canal" is that irrigation canal which diverts water from the left bank of Bear River in Uinta County, Wyoming, near the northeast corner Section 36, Township 16 North, Range 121 West, Sixth Principal Meridian, and runs in a northerly direction crossing over the low divide into the Saleratus basin drainage near the southeast corner Section 36, Township 17 North, Range 121 West, Sixth Principal Meridian and then in a general westerly direction crossing the Wyoming-Utah State Line near Woodruff. The point of determination of flow for delivery to Utah shall be at the U.S.G.S gaging station, located immediately below the last diversion to Wyoming lands and above the first diversion to Utah lands.
- FF. The "Neponset Reservoir" is that reservoir having a nominal capacity of six thousand (6,000) acre-feet, located principally in Sections 34 and 35, Township 9 North, Range 7 East, Salt Lake Base and Meridian, Utah.
- GG. The "Beckwith Quinn West Side Canal" is that irrigation canal which diverts water from the left bank of Bear River in Rich County, Utah, near the northwest corner Section 7, Township 11 North, Range 8 East, Salt Lake Base and Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line near Randolph into Section 28, Township 22 North, Range 120 West, Sixth Principal Meridian, Wyoming.
- HH. The "Cook Canal" is that irrigation canal which diverts water from the left bank of Bear River in Lincoln County, Wyoming, near the northwest corner Section 7, Township 25 North, Range 119 West, Sixth Principal Meridian, and runs in a westerly direction crossing the Wyoming-Idaho State Line in

in several laterals into Sections 23 and 26, Township 14 South, Range 46 East, Boise Meridian, Idaho.

- II. The "West Cache Canal" is that irrigation canal which diverts water from the right bank of Bear River in Franklin County, Idaho near the southwest corner Section 25, Township 14 South, Range 39 East, Boise Meridian and runs in a southerly direction crossing the Idaho-Utah State Line into Section 34, Township 15 North, Range 1 West, Salt Lake Base and Meridian, Utah.
- JJ. The "Cub River Pump Canal" is that irrigation canal which diverts water from the left bank of Bear River in Franklin County near the southeast corner Section 20, Township 16 South, Range 39 East, Boise Meridian and runs in a southeasterly direction crossing the Idaho-Utah State Line in several laterals into Township 15 North, Ranges 1 and 2 East, Salt Lake Base and Meridian, Utah.
- KK. The term "natural flow" means the usual and ordinary flows in the natural watercourse and includes floodwaters and such return flows as enter the natural watercourse but excludes storage waters.
- LL. The term "divertible <sup>natural</sup> flow" means the quantity of <sup>natural flow</sup> water that could be diverted from the stream ~~flow~~ above a designated point of measurement during a specified period of time. It is comprised of three elements; (a) the total net inflow to storage; (b) the total diversions; and (c) the remaining flow in the stream at the designated point of measurement for which the divertible <sup>natural</sup> flow is being determined. It is computed as follows:
- The algebraic sum of:
1. The quantity of water (in acre-feet) that flowed into reservoirs situated above the point of measurement during the specified period of time; less the outflow and diversions made directly from reservoirs (in acre-feet) during the same period; plus



2. The quantity of water (in acre-feet) that was diverted from the stream above the point of measurement (including diversions made directly from reservoirs) during the specified period of time; plus
  3. The quantity of water in the stream (in acre-feet) that flowed past the point of measurement for which divertible flows are being determined during the specified period of time.
- MM. The term "mean daily divertible natural flow" means the average divertible natural flow occurring during a 24-hour period, beginning at 12:00 midnight
- NN. The term "Irrigation Season" normally means that period in each calendar year between May 1 and September 30; however, if unusual and abnormal conditions should occur, then the period may be changed in that calendar year by unanimous agreement of the Compact Commission.
- OO. The term "Non-Irrigation Season" means that period of time extending from October 1 of one year to April 30 of the following year inclusive, unless due to abnormal conditions the period is changed by unanimous agreement of the Compact Commission.
- PP. The term "Point of Diversion" means the point or place at which water is taken or removed from the channel of the Bear River or from any tributary thereof.
- QQ. The terms "Divert" and "Diversion" mean the taking or removing of water from the Bear River or any tributary thereof when the water so taken or removed is not returned directly into the channel of the Bear River or of the tributary from which it is taken.

### ARTICLE III

- A. This Compact is entered into by each signatory State in the exercise of its sovereign powers for a governmental purpose, and its provisions shall be administered by a Commission, composed of one representative from each signatory State, to be known as the Bear River Compact Commission. The State representatives on this Commission shall be selected in such manner as each signatory State shall elect. The President of the United States shall be requested by the Commission to designate a representative of the United States to sit with such Commission, and such representative of the United States, if designated by the President, shall, when present, act as Chairman of the Commission without vote.
- B. The salaries and necessary expenses of each State representative shall be paid by the respective State; all other expenses incident to the administration of this Compact not borne by the United States shall be allocated to and borne equally by each of the three States.
- C. In addition to other powers and duties herein conferred upon the Commission and the members thereof, the jurisdiction of the Commission shall include the collection, correlation, and presentation of factual data, the maintenance of records having a bearing upon the administration of this Compact, and, by unanimous action, the making of recommendations to the respective States upon matters connected with the administration of this Compact. In connection with the performance of its duties hereunder, the Commission may employ such services and make such expenditures as may be reasonably necessary, within the limit of funds provided for that purpose by the respective States. The Commission shall compile a report for each year ending September 30th, and shall transmit it to the Governors of the signatory States on or before December 31st following the year covered by the report.

- D. The Director, United States Geological Survey, the Commissioner, United States Bureau of Reclamation; the Chairman, Federal Power Commission; or comparable officers of whatever Federal agencies may succeed to the functions and duties of these agencies, and such other Federal officers and officers of appropriate agencies of the signatory States having services or data useful or necessary to the Compact Commission, shall cooperate, ex officio, with the Commission in the execution of its duty in the collection, correlation, and publication of records and data necessary for the proper administration of the Compact; and these officers may perform such other services related to the Compact as may be mutually agreed on with the Commission.
- E. The Commission shall have power to formulate rules of procedure, rules, and regulations, and to perform any and all acts it may find necessary to carry out the provisions of this Compact, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations. All rules of procedure, rules, and regulations of the Commission shall be filed in the Office of the State Engineer of each signatory State and shall be kept in a convenient form for public inspection and examination during reasonable business hours.
- F. The Commission herein authorized shall have power to sue and be sued in its official capacity in any Federal Court of the signatory States, and may adopt and use an official seal which shall be judicially noticed.

ARTICLE IV

The Commission shall itself, or in cooperation, or in conjunction with an appropriate Federal, State or other responsible agency, cause to be maintained and operated a stream gaging station equipped with an automatic water stage recorder on each of the following streams and canals at the places indicated to wit:

- A. Bear River at or near the Utah-Wyoming State Line above Evanston, Wyoming
- B. Hilliard East Fork Canal at or near point of diversion.
- C. Lannon Canal at or near point of diversion.
- D. Bear River in Woodruff Narrows near Wyoming-Utah State Line near Woodruff, Utah.
- E. Chapman Canal below last Wyoming diversion and above first Utah diversion near Wyoming-Utah State Line.
- F. Bear River at or near Utah-Wyoming State Line near Randolph, Utah.
- G. Bear River above Sublette Creek near Cokeville, Wyoming.
- H. Smiths Fork above diversions.
- I. Bear River at or near Wyoming-Idaho State Line near Border, Wyoming.
- J. Bear River below Stewart Dam.
- K. Rainbow Canal below point of diversion.
- L. Dingle Inlet above confluence with Rainbow Canal.
- M. Outlet Canal below control gates.
- N. Thomas Fork above confluence with Bear River.
- O. Bear River near Alexander, Idaho.
- P. Bear River at or near Idaho-Utah State Line near Preston, Idaho.
- Q. Bear River below Wheelon Dam.

In addition, such other gaging stations as the Commission finds necessary

in connection with its duties. Such gaging stations shall be equipped, maintained and operated in such manner as to produce reliable records at all times.

If at any time it should be the unanimous finding and determination of the Commission that because of changed physical conditions, or for any other reason, reliable records are not obtainable or cannot be obtained, at any of the stream-gaging stations herein referred to, such stations may, with the unanimous approval of the Commission, be abandoned, and with such approval another station, or other stations, shall be established and new measurements shall be substituted which, in the unanimous opinion of the Commission, will produce substantially the same results, so far as the rights and obligations to deliver water are concerned, as would have existed if such substitution of stations and measurements had not been so made.

ARTICLE V

- A. The States of Idaho, Utah, and Wyoming agree that the waters of Bear River Main Stem, Smiths Fork Main Stem and tributaries upstream from the Utah-Wyoming State Line above Evanston shall be apportioned among States as follows:
1. Bear River and tributaries upstream from Utah-Wyoming State Line above Evanston.
    - a. The State of Utah shall have the right to divert, during the irrigation season in the Upper Utah Section, not to exceed 10 cubic feet per second of natural flow from Bear River and its tributaries upstream from the Utah-Wyoming State Line above Evanston, exclusive of water for domestic uses including watering stock and culinary purposes which uses shall be limited to reasonable amounts. All natural flow in excess of 10 cubic feet per second and that necessary for domestic purposes shall be allowed to flow from Utah to Wyoming through the natural watercourses or through canals crossing the Utah-Wyoming State Line above Evanston and serving lands in Wyoming.
  2. Bear River Main Stem upstream from mouth of Smiths Fork.
    - a. Each day during the irrigation season of each year, the mean daily divertible natural flow of the Bear River Main Stem, including canals crossing the Utah-Wyoming State Line above Evanston, determined at the first Bear River diversion above Sublette Creek near Cokeville gaging station, shall be divided between Utah and Wyoming, and apportioned among the Upper Wyoming, Middle Utah, and Middle Wyoming sections according to the following schedule, except that when the divertible flow determined at the Utah-Wyoming State Line above

Evanston, is less than 50 cubic feet per second, each section may divert all divertible natural flows in its respective reach of the river.

Total Daily Divertible Natural Flow	Upper Wyoming Section	Middle Utah Section	Middle Wyomin. Section
Acre-feet Daily	Acre-feet Daily	Acre-feet Daily	Acre-feet Daily
0	0	0	0
380	190	190	available flo
480	190	190	100
690	250	250	190
920	300	300	320
3,340	1,500	1,500	340
4,600	2,060	2,060	480

Note: Intermediate quantities shall be computed by proportional parts.

Further, the maximum total diversions of natural flow for irrigation shall not exceed 2,060 acre-feet daily in the Upper Wyoming Section, 2,060 acre-feet daily in the Middle Utah Section, and 480 acre-feet daily in the Middle Wyoming Section. However, either section may temporarily divert, for its beneficial use but not to exceed its maximum allocation, any unused part of the above flow allotted to another, but no continuing right to such unused flow shall be established thereby; provided further, that any unused part of the flow allotted to the Middle Wyoming Section shall, insofar as possible, be divided equally between the Middle Utah Section and Upper Wyoming Section.

Further, in any period of high runoff during the irrigation season, should the Upper Wyoming Section elect to limit its use to 1,500 acre-feet daily, Wyoming may store for the beneficial use of the Upper Wyoming Section, whenever the combined flows past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, not to exceed 50 per centum of that Section's unused allocation, the remaining 50 per centum of which shall be delivered past the lowest point of diversion in the Upper Wyoming Section to compensate for return flow.

Further, in any period of high runoff during the irrigation season, should the Middle Utah Section elect to limit its use to 1,500 acre-feet daily, Utah may store for the beneficial use of the Middle Utah Section, whenever the combined flows past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, not to exceed 50 per centum of that Section's unused allocation, the remaining 50 per centum of which shall be delivered past the lowest point of diversion in the Middle Utah Section to compensate for return flow.

Further, in any period of high runoff during the irrigation season, should the Middle Wyoming Section elect to limit its use to <sup>340</sup>~~1,500~~ acre-feet daily, Wyoming may store for the beneficial use of the Middle Wyoming Section, whenever the combined flows past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, not to exceed 50 per centum of that Section's unused allocation, the remaining 50 percentum of which shall be delivered past the lowest point of diversion in the Middle Wyoming Section to compensate for return flow.



Further, the State of Wyoming shall have the right to determine the amount and time of diversion of water into the Hilliard East Fork, Lannon, and Hilliard West Side canals, and into any future interstate canal or canals crossing the Utah-Wyoming State Line above Evanston and serving lands in Wyoming. Water delivered to such canals shall be from the Upper Wyoming allocation.

Further, the State of Utah shall have the right to determine the amount and time of diversion of water into the Francis Lee and Bear River canals, which cross the Wyoming-Utah State Line near Woodruff and serve lands primarily in Utah. Water delivered to these canals shall be from the Middle Utah allocation.

Further, the State of Wyoming shall, during the irrigation season, deliver to Utah through the Chapman canal, not to exceed 112 cubic feet of water per second for irrigation of lands in the Salteratus Basin. Said water to be derived from the Upper Wyoming allocation and delivered in such amounts and at such times as determined by the State of Wyoming.

Further, the State of Utah shall have, in addition, the right to divert through the Chapman canal, during the non-irrigation season for storage in Neponset Reservoir, such flows as granted by the State Engineer of Wyoming.

3. Smiths Fork Main Stem and Bear River Main Stem between a point immediately above the mouth of Smiths Fork and Stewart Dam.
  - a. Each day during the irrigation season of each year, the mean daily divertible natural flow of Smiths Fork Main Stem and Bear River Main Stem determined immediately below Stewart Dam and including flows into Rainbow Canal and Dingle Inlet, shall be divided between the

Lower Wyoming Section and Upper Idaho Section according to the following schedule, except that the Lower Wyoming Section may divert during the irrigation season unused water, if any, up to 380 acre-feet daily, provided such unused water otherwise would pass Stewart Dam or flow into the Rainbow Canal, either at head or through the Dingle Inlet.

Total Mean Daily Divertible Natural Flow	Lower Wyoming Section	Upper Idaho Section
Acre-feet Daily	Acre-feet Daily	Acre-feet Daily
0	0	0
730	145	585
930	150	780
1,120	220	900
1,510	610	900
2,160	87	1,290

Note: Intermediate quantities shall be computed by proportional parts.

Further, the maximum total diversions of natural flow for irrigation shall not exceed 870 acre-feet daily in the Lower Wyoming Section and 1,290 acre-feet daily in the Upper Idaho Section.

However, either section may temporarily divert for its beneficial use but not to exceed its maximum allocation, any unused part of the above flow allotted to the other whenever the combined flow past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, but no continuing right to such unused flow shall be established thereby.

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Further, in any period of high runoff during the irrigation season, should the Lower Wyoming Section elect to limit its use to 610 acre-feet daily, Wyoming may store for the beneficial use of the Lower Wyoming Section, whenever the combined flows past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, not to exceed 50 per centum of that Section's unused allocation, the remaining 50 per centum of which shall be delivered past the lowest point of diversion in the Lower Wyoming Section to compensate for return flow.

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Further, in any period of high runoff during the irrigation season, should the Upper Idaho Section elect to limit its use to 900 acre-feet daily, Idaho may store for the beneficial use of the Upper Idaho Section, whenever the combined flows past Stewart Dam and into the Rainbow Canal are greater than 600 acre-feet daily, not to exceed 50 per centum of that Section's unused allocation, the remaining 50 per centum of which shall be delivered past the lowest point of diversion in the Upper Idaho Section to compensate for return flow.

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Further, Wyoming shall, during the irrigation season deliver to Idaho, through the Cook Canal, for the irrigation of lands in Idaho under the Cook Canal system, such water as is adjudicated to these lands by Wyoming, but not to exceed 70.50 cubic feet of flow per second. Water delivered to this canal shall be from the Lower Wyoming allocation.

4. Bear River -- Main Stem from Stewart Dam and headgates of the Rainbow Canal to Wheelon Dam.
  - a. All divertible natural flow of Bear River in the Lower Idaho Section

Article VI, paragraph B shall be divided as follows:

1. a. The natural flow of Mill Creek, during the irrigation season, shall be apportioned among its various users on the basis of priority of rights; said rights being those legally accepted in adjudications of Utah and Wyoming, and apportioned on the basis of one cubic-foot per second of flow for each 60 acres of land.
  - b. The natural flow of Yellow Creek, during the irrigation season shall be apportioned among its various users on the basis of priority of rights, said rights being those legally accepted in adjudications of Utah and Wyoming, and apportioned on the basis of one cubic-foot of flow per second for each 60 acres of land.
  - c. All natural flow of Thomas Fork, during the irrigation season, shall be allowed to flow from Wyoming to Idaho through the natural water-courses or through canals crossing the State Line, for delivery by Idaho to lands in Idaho and Wyoming, in accordance with priority of rights as decreed and adjudicated in Idaho.
  - d. All natural flow of Raymond Creek, during the irrigation season, may be diverted by Wyoming for lands in Wyoming and Idaho, in accordance with priority of rights as adjudicated in Wyoming.
  - e. The waters of Cub River and Worm Creek, an interstate tributary to Cub River, during the irrigation season, shall be apportioned among the various users on the basis of priority of rights; said rights being those legally accepted in Idaho and Utah.
2. Each State shall have the right, during the non-irrigation season, to divert and use, through irrigation ditches, for general domestic uses, including watering stock and culinary purposes, such of the waters of the interstate tributaries as are available and necessary for such domestic purposes.

3. All waters of interstate tributaries in excess of water necessary for domestic uses, shall be allowed to flow down the natural water courses during the non-irrigation season.

#### ARTICLE VI

- A. Present vested rights within each State and between States relating to the beneficial use of the waters of the Bear River Main Stem, Smiths Fork Main Stem, and tributaries upstream from the Utah-Wyoming State Line above Evanston, except as specifically set forth herein, are recognized by this Compact. All rights to the beneficial use of the waters of the Bear River Main Stem, Smiths Fork Main Stem and tributaries upstream from the Utah-Wyoming State Line above Evanston heretofore established, except as herein limited or specifically defined, and hereafter established under the laws of any signatory State, shall be satisfied solely from the proportion of the water allotted to that State as provided in Article V - Section A.
- B. Present vested rights on all tributaries in the Bear River System within each State and between States relating to the beneficial use of the waters of the tributaries are recognized by this Compact and except for the waters of Smiths Fork Main Stem and tributaries above the Utah-Wyoming State Line above Evanston are not included in the allocations as provided in Article V - Section A. Any signatory State is hereafter prohibited from granting and/or establishing under its laws, except for domestic uses including watering stock and culinary purposes, any right or usage of water on any tributary stream which shall result in a decrease of the water available for Main Stem diversions. The domestic uses shall be limited to reasonable amounts.

ARTICLE VII

A. A lower signatory State shall have the right, by compliance with the laws of an upper signatory State, to construct or participate in the construction and use of any dam, storage reservoir, or diversion works in such upper State for the purpose of conserving and regulating water that may be apportioned to it, provided that such right is subject to the rights of the upper State; and, provided further, that should an upper State elect, it may share in the use of any such facilities constructed by a lower State to the extent of its reasonable needs upon assuming and guaranteeing payment of its proportionate share of the cost of construction, operation, and maintenance. Similarly, an upper State shall have the same right to construct or participate in the construction of facilities in a lower State in order to provide for exchange of storage waters, accumulated from its allocation as provided in Article V, for natural flow.

#### ARTICLE VIII

A signatory State shall have the right, upon compliance with the laws of another signatory State, to acquire in such other State by purchase, or through exercise of the power of eminent domain, such easements and rights of way for the construction, operation, and maintenance of pumping plants, storage reservoirs, canals, conduits, and appurtenant works as may be required for the enjoyment of the privileges granted herein to such State.

#### ARTICLE IX

Should any facilities be constructed by a signatory State in another State under the provisions of Article VII, the construction, operation, repairs, and replacements of such facilities shall be subject to the laws of the other State.

#### ARTICLE X

In the event water from another drainage basin shall be imported into the Bear River Basin or transferred from one tributary basin to another by the United States, Idaho, Utah, or Wyoming, or any of them jointly, the State having the right to the use of such water shall be given proper credit therefor in determining its share of the divertible flows apportioned in accordance with Article V herein.

#### ARTICLE XI

The provisions of this Compact shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

ARTICLE XII

No action taken by the Compact Commission shall be valid except by the unanimous consent of the Commissioners representing the signatory States.

ARTICLE XIII

This Compact may be terminated at any time by unanimous consent of the signatory States, and upon such termination all rights then established hereunder shall continue unimpaired.

ARTICLE XIV

Nothing in this Compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, in any Federal Court or the United States Supreme Court, for the protection of any right under this Compact or the enforcement of any of its provisions.

ARTICLE XV

The physical and other conditions characteristic of the Bear River are peculiar to the territory drained and served thereby and to the development thereof, have actuated the signatory States in the consummation of this Compact, and none of them, nor the United States by its consent and approval, concedes thereby the establishment of any general principle or precedent with respect to other interstate streams.

ARTICLE XVI

The Commission shall at the request of any member of the Commission meet to review any of the provisions of this Compact which are not substantive in



character and which do not affect the basic principles upon which the Compact is founded and may by unanimous agreement make such changes, or modifications as are fair, just, and equitable; provided, however, that the provisions hereof shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

#### ARTICLE XVII

This Compact shall become operative when approved by the Legislature of each of the signatory States and consented to and approved by the Congress of the United States.

#### ARTICLE XVIII

Nothing in this Compact shall be deemed:

- A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Bear River Basin nor its capacity to acquire rights in and to the use of said waters;
- B. To subject any property of the United States, its agencies, or instrumentalities to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes;

C. To subject any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the Compact.

#### ARTICLE XIX

Should a Court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or of the United States, all other severable provisions of this Compact shall continue in full force and effect.

IN WITNESS WHEREOF the Commissioners have signed this Compact in quadruplicate original, one of which shall be filed in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

SUGGESTED CORRECTIONS AND REVISIONS

for

REVISED TENTATIVE DRAFT OF BEAR RIVER COMPACT

Dated July 29, 1948

by

W. V. Iorns

Dated December 9, 1948

State meetings held since the publication of the Revised Tentative Draft have indicated that if the attached corrections are incorporated, a more acceptable Compact will result.

ARTICLE II

Page 1.

Paragraph "C" Change Wheelon Dam to Cutler Dam.

Paragraph "D" Change Wheelon Dam to Cutler Dam.

Paragraph "Dd" Change Wheelon Dam to Cutler Dam.

Page 2.

Paragraph "Ff" Change entire paragraph "Ff" to read as follows:

The term "Smiths Fork Main Stem" means the channel or channels of Smiths Fork between the mouth of Hobble Creek and the confluence of Smiths Fork with Bear River; exclusive of all tributaries, except Bruner Creek and Pine Creek Springs, which rise in the West Half of Section 32, Township 25 North, Range 118 West, Sixth Principal Meridian both of which flow in a generally westerly direction into Smiths Fork, and Spring Creek which rises in the East Half of Section 2, Township 24 North, Range 119 West, Sixth Principal Meridian, and flows in a generally westerly direction into Smiths Fork.

Paragraph G. 2. Change capital C in common to lower case.

Page 3.

Paragraph P. Capitalize Canal following Dingle Irrigation Company.

Paragraph Q. Change "Wheelon Dam" to "Cutler Dam (Wheelon Dam)".

Page 4.

Paragraph R. Change paragraph to read:

The term "Upper Wyoming Section" means the area in Uinta County, Wyoming irrigated from Bear River, but excluding lands under the Bear River Canal and Francis Lee Canal, and including the area in Rich County, Utah irrigated from the Chapman Canal.

the Utah-Wyoming State Line above Evanston and serving lands in Wyoming shall be derived from the allocations of the upper Wyoming Section.

Further, all waters in the Francis Lee and Bear River canals, and any future interstate canal or canals crossing the Wyoming-Utah State Line near <sup>Woodruff</sup> ~~Randolph~~ and serving lands in Utah, shall be derived from the allocations of the Middle Utah Section.

Further, all waters in the Chapman Canal, part of which cross the Wyoming-Utah State Line shall be derived from the allocations of the upper Wyoming Section.

Page 17.

In first line on page immediately following "and Upper Idaho Section"

insert the following: "for beneficial use exclusive of diversions to storage".

In the first paragraph immediately following the table of allocations, strike out "irrigation" and insert "beneficial use exclusive of diversions to storage".

In last paragraph on page immediately following "for its beneficial use", insert the following: "exclusive of diversions to storage".

Page 18.

Delete first two paragraphs relative to storage.

Delete the third paragraph and substitute the following:

"Further, all waters in the Cook Canal, part of which cross the Wyoming-Idaho State Line shall be derived from the allocations to the Lower Wyoming Section.

Paragraphs 4 and 4a., substitute the following:

ARTICLE II

Page 1.

Paragraph "C" Change Wheelon Dam to Cutler Dam.

Paragraph "D" Change Wheelon Dam to Cutler Dam.

Paragraph "Dd" Change Wheelon Dam to Cutler Dam.

Page 2.

Paragraph "Ff" Change entire paragraph "Ff" to read as follows:

The term "Smiths Fork Main Stem" means the channel or channels of Smiths Fork between the mouth of Hobble Creek and the confluence of Smiths Fork with Bear River; exclusive of all tributaries, except Bruner Creek and Pine Creek Springs, which rise in the West Half of Section 32, Township 25 North, Range 118 West, Sixth Principal Meridian both of which flow in a generally westerly direction into Smiths Fork, and Spring Creek which rises in the East Half of Section 2, Township 24 North, Range 119 West, Sixth Principal Meridian, and flows in a generally westerly direction into Smiths Fork.

Paragraph G. 2. Change capital C in common to lower case.

Page 3.

Paragraph P. Capitalize Canal following Dingle Irrigation Company.

Paragraph Q. Change "Wheelon Dam" to "Cutler Dam (Wheelon Dam)".

Page 4.

Paragraph R. Change paragraph to read:

The term "Upper Wyoming Section" means the area in Uinta County, Wyoming irrigated from Bear River, but excluding lands under the Bear River Canal and Francis Lee Canal, and including the area in Rich County, Utah irrigated from the Chapman Canal.

Page 4.

Paragraph T. Immediately following "- - - irrigated from Smiths Fork"  
insert "Main Stem".

Paragraph V. Change paragraph to read:

The term "Middle Utah Section" means the area in Rich County, Utah irrigated from Bear River including areas under the Bear River Canal and Francis Lee Canal in Uinta County, Wyoming and including area in Lincoln County, Wyoming under the Beckwith Quinn West Side Canal, but excluding area under the Chapman Canal in Rich County, Utah.

Paragraph X. Insert "excluding" after - - "under the Cook Canal and"

Paragraph Y. Add to end of paragraph "and including Rainbow Canal and Dingle Inlet".

Page 5.

Paragraph DD. Insert quotation marks after Bear River Canal.

Page 7.

Insert following additional paragraphs after paragraph JJ.

Paragraph JJa. The "Wright Transmountain Canal" is that canal which diverts water from the left bank of Deer Creek, a tributary to West Fork Bear River, in Summit County, Utah in the Northwest Quarter Sec. 29, T. 2 N., R. 9 E., Salt Lake Base and Meridian, and runs in a northeasterly direction and empties into Yellow Creek in the Northwest Quarter Section 9, T. 2 N., R. 9 E., Salt Lake Base and Meridian.

Paragraph JJb. The "Hovarka East Fork Canal" is that irrigation canal which diverts water from the right bank of East Fork Bear River in Summit County, Utah in the Southeast Quarter Section 16, T. 2 N., R. 10 E., Salt Lake Base and Meridian and runs in a general northerly direction to lands bordering Mill Creek".

Paragraph LL. Insert the words - "natural" and "natural flow" to make the first paragraph read - - - The term "divertible natural flow" means the quantity of natural flow water that could be diverted from the stream above a designated point of measurement during a specified period of time. It is comprised of three elements; (a) the total net inflow to storage; (b) the total diversions; and (c) the remaining flow in the stream at the designated point of measurement for which the divertible natural flow is being determined. It is computed as follows:

#### ARTICLE III

Page 9.

Paragraph A. Change paragraph to designate two representatives from each signatory State.

#### ARTICLE V

Page 13.

Paragraph A 1 a. Change paragraph A 1 a. to read as follows:

1. Bear River and tributaries upstream from Utah-Wyoming State Line.
  - a. The State of Utah shall have the right to divert for beneficial use exclusive of diversions to storage during the irrigation season in the Upper Utah Section, in addition to water for domestic uses including watering stock and culinary purposes which uses shall be limited to reasonable amounts, not to exceed 4.00 cubic feet per second into the Wright Transmountain Canal; and in addition, not to exceed 6.5 cubic feet per second into the Hovarka East Fork Canal, from the beginning of the irrigation season until, following the high water period, the flow at the Bear River near Utah-Wyoming State Line gaging



station decreases to 650 cubic feet per second, at which time, the diversion shall be decreased to not to exceed 4.34 cubic feet per second, which flow may continue until the flow at the above named gaging station decreases below 400 cubic feet per second; at which time, the canal shall be shut dry for the balance of the irrigation season. All natural flow in excess of that specified above and that necessary for domestic purposes shall be allowed to flow from Utah to Wyoming through the natural water courses or through canals crossing the Utah-Wyoming State Line above Evanston and serving lands in Wyoming".

Paragraph A 2 a. Insert "for beneficial use exclusive of diversions to storage except as hereinafter provided", immediately following "shall be divided between Utah and Wyoming".

Page 14.

In paragraph immediately following table of allocations on first line, strike out "irrigation" and insert "for beneficial use exclusive of diversions to storage except as hereinafter provided". In fifth line of same paragraph, immediately following "for beneficial use" insert the following - "exclusive of diversions to storage except as hereinafter provided".

Page 15.

Delete all three paragraphs on Page 15.

Page 16.

Delete the first four paragraphs and substitute the following:

Further, all waters in Hilliard East Fork, Lannon, and Hilliard West Side canals, and any future interstate canal or canals crossing

the Utah-Wyoming State Line above Evanston and serving lands in Wyoming shall be derived from the allocations of the upper Wyoming Section.

Further, all waters in the Francis Lee and Bear River canals, and any future interstate canal or canals crossing the Wyoming-Utah State Line near <sup>Handuff</sup> ~~Randolph~~ and serving lands in Utah, shall be derived from the allocations of the Middle Utah Section.

Further, all waters in the Chapman Canal, part of which cross the Wyoming-Utah State Line shall be derived from the allocations of the upper Wyoming Section.

Page 17.

In first line on page immediately following "and Upper Idaho Section"

insert the following: "for beneficial use exclusive of diversions to storage".

In the first paragraph immediately following the table of allocations, strike out "irrigation" and insert "beneficial use exclusive of diversions to storage".

In last paragraph on page immediately following "for its beneficial use", insert the following: "exclusive of diversions to storage".

Page 18.

Delete first two paragraphs relative to storage.

Delete the third paragraph and substitute the following:

"Further, all waters in the Cook Canal, part of which cross the Wyoming-Idaho State Line shall be derived from the allocations to the Lower Wyoming Section.

Paragraphs 4 and 4a., substitute the following:

4. Bear River Main Stem from Stewart Dam and head gates of Rainbow Canal to <sup>Cutler</sup> ~~Wheeler~~ Dam.
  - a. The divertible natural flow of the Bear River Main Stem in the Lower Idaho Section and Lower Utah Section necessary to fill rights existing prior to the signing of <sup>This</sup> ~~the~~ Compact, shall be administered on the basis of an interstate priority schedule prepared by the Commission in conformity with priority dates and rights established by the laws of the respective states.

Page 19.

Paragraph 6 - immediately following "upstream from Stewart Dam" insert "excluding the Rainbow Canal" and also immediately following "in excess of that necessary for domestic uses" insert the following "and such storage rights granted the Chapman Canal".

Add the following two paragraphs - titled 7 and 8.

7. Waters in interstate canals except the Chapman Canal shall be administered without regard to state lines by the State from whose allocations said waters are derived. The priorities of said canals shall be determined by the Commission on the basis of actual priority of right of use. The amount of the right shall be determined by the administering State and approved by the Commission, in conformity with water requirements of similar lands in the same area.
8. Waters in the Chapman Canal shall be administered by Wyoming without regard to the State line. Said waters shall be derived from the allocations of the Upper Wyoming Section. The Commission shall determine the natural flow rights for irrigation and storage during the irrigation season and non-irrigation season on the basis of actual priority of right of use, past storage practice

and water requirements of lands irrigated.

Page 20.

Delete paragraphs 1. a to e - and substitute one of the following:

1.
  - a. The natural flow of the interstate tributaries during the irrigation season, shall be administered without regard to state lines on the basis of interstate priority schedules to be prepared by the states affected and approved by the Commission in conformity with the actual priority of right of use, the water requirements of the land irrigated and acreage irrigated in connection therewith.
  
1.
  - a. The natural flow of the interstate tributaries during the irrigation season, shall be administered on the basis of interstate priority schedules prepared by the Commission in conformity with priority dates established by the laws of the respective States.

Page 20a.

Additional Paragraph titled "D" in Article V.

- D. The Commission may adopt some other suitable method other than the divertible flow method for determining each States portion during periods of regulation. However, any method adopted shall, within reasonable limits, result in substantially the same apportionment as set forth in this Article.

#### ARTICLE VI

Page 20a.

Add the following:

- C. Water use projects in the Bear River Basin initiated after the

signing of this Compact, shall permit the maximum possible use in the most feasible manner of unappropriated waters existing at the time of the signing of this Compact and waters made available through change in use, without regard to state lines. Such projects must be approved by the Commission, and the Commission shall have the power to make findings and determine the equity of said projects.

#### ARTICLE VII

Page 20b.

Delete entire paragraph and substitute the following:

A lower signatory State shall have the right, by compliance with the laws of an upper signatory State, to construct or participate in the construction and use of any dam, storage reservoir, or diversion works in such upper State for the purpose of storing unappropriated water and or water made available through change in use, provided that such right is subject to the rights of the upper State; and, provided further, that should an upper State elect, it may share in the use of any such facilities constructed by a lower State to the extent of its reasonable needs upon assuming and guaranteeing payment of its proportionate share of the cost of construction, operation, and maintenance. Similarly, an upper State shall have the same right to construct or participate in the construction of facilities in a lower State in order to provide for exchange of storage waters for natural flow waters.

REVISED TENTATIVE DRAFT BEAR RIVER COMPACT  
Dated July 29, 1948

Suggested changes - Underlined parts are  
Additions

PAGE 13

A.

2. Bear River Main Stem upstream from mouth of Smiths Fork.
  - a. Each day during the irrigation season of each year, the mean daily divertible natural flow of the Bear River Main Stem, including canals crossing the Utah-Wyoming State Line above Evanston, determined at the first Bear River diversion above Sublette Creek near Cokeville gaging station, shall be divided between Utah and Wyoming for beneficial use exclusive of diversions to storage except as hereinafter provided, and apportioned among the Upper Wyoming, Middle Utah, and Middle Wyoming sections according to the following schedule, except that when the divertible flow determined at the Utah-Wyoming State Line above Evanston, is less than 50 cubic feet per second, each section may divert all divertible natural flows in its respective reach of the river.

PAGE 14

Further, the maximum total diversions of natural flow for beneficial use exclusive of storage, shall not exceed 2,060 acre-feet daily in the Upper Wyoming section, 2,060 acre-feet daily in the Middle Utah Section, and 480 acre-feet daily in the Middle Wyoming Section.

PAGE 16 - ARTICLE V - A. 3

- a. Each day during the irrigation season of each year, the mean daily divertible natural flow of Smiths Fork Main Stem and Bear

River Main Stem determined immediately below Stewart Dam and including flows into Rainbow Canal and Dingle Inlet, shall be divided between the Lower Wyoming Section and the Upper Idaho section for beneficial use exclusive of diversions to storage except as hereinafter provided according to the following schedule, except that the Lower Wyoming section may divert during the irrigation season, unused water, if any, up to 380 acre-feet daily provided such unused water otherwise would pass Stewart Dam or flow into the Rainbow Canal, either at head or through the Dingle Inlet.

PAGE 17

Further, the maximum total diversions or natural flow for beneficial use exclusive of storage shall not exceed 870 acre-feet daily in the Lower Wyoming section and 1,290 acre-feet daily in the Upper Idaho section.

PAGE 18 - ARTICLE V - A. 4

4. Bear River Main Stem from Stewart Dam and head gates of Rainbow Canal to Wheelon Dam.
  - a. The divertible natural flow of the Bear River Main Stem in the Lower Idaho Section and Lower Utah Section necessary to fill rights existing prior to the signing of the compact, shall be administered on the basis of an interstate priority schedule prepared by the Commission in conformity with priority dates and rights established by the laws of the respective states.
  - b. Water use projects initiated after the signing of the Compact shall permit the maximum possible use in the most feasible manner of unappropriated waters existing at the time of the signing of this Compact <sup>and</sup> waters made available through change in use, without regard to the state line, and shall so far as practicable result in a division of such waters of one-third to Idaho and two-thirds to Utah.

REVISED TENTATIVE DRAFT BEAR RIVER COMPACT  
Dated July 29, 1948

Suggested Additional Paragraph Number 7 - Page 19

7. Waters in interstate canals shall be administered without regard to state lines by the State from whose allocations said waters are derived. The priorities of said canals shall be determined by the Commission on the basis of actual priority of right of use. The amount of the right shall be determined by the administering State in conformity with water requirements of similar lands in the same area.



REVISED TENTATIVE DRAFT BEAR RIVER COMPACT  
Dated July 29, 1948

Suggested additional paragraph "G"  
Page 10, by W. V. Iorns

The Commission may by unanimous agreement adopt some other suitable method other than the divertible flow method for determining each States portion during periods of regulation. However, any method adopted shall, within reasonable limits, result in substantially the same apportionment as set forth in Article V.

REVISED TENTATIVE DRAFT BEAR RIVER COMPACT

Dated July 29, 1948

Suggested standard paragraphs for interstate  
tributaries on Page 20, by W. V. Iorns

1.

- a. The natural flow of Mill Creek, during the irrigation season, shall be administered without regard to the State line on the basis of an interstate priority schedule to be prepared by the states affected and approved by the Commission in conformity with the actual priority of right of use, the water requirements of the land irrigated and acreage irrigated in connection therewith.

2.

- a. The natural flow of Mill Creek, during the irrigation season, shall be administered on the basis of an interstate priority schedule prepared by the Commission in conformity with priority dates established by the laws of the respective States.

REVISED TENTATIVE DRAFT BEAR RIVER COMPACT  
Dated July 29, 1948

Suggested change in definition of "Smiths Fork Main"  
Page 2 paragraph Ff, by W. V. Iorns

The term "Smiths Fork Main Stem" means the channel or channels of Smiths Fork between the mouth of Hobble Creek and the confluence of Smiths Fork with Bear River; exclusive of all tributaries, except Bruner Creek and Pine Creek Springs, which rise in the West half of Section 32, Township 25 North, Range 118 West, Sixth Principal Meridian both of which flow in a generally westerly direction into Smiths Fork, and Spring Creek which rises in the East Half of Section 2, Township 24 North, Range 119 West, Sixth Principal Meridian, and flows in a generally westerly direction into Smiths Fork.

BEAR RIVER ACCUMULATIVE WATER RIGHTS														
Year of Priority	RIVER SECTIONS									RIVER DIVISIONS				
	TOTAL ACCUMULATIVE RIGHTS FOR IRRIGATION									Includ. Outlier Power	TOTAL ACCUMULATIVE RIGHTS FOR IRRIGATION			Includ. Outlier Power
	Upper Wyoming Section	Middle Utah Section	Middle Wyoming Section	Lower Wyoming Section	Upper Idaho Section	Idaho Rainbow to Gentile Canals	Idaho Below Gentile to Cub Pumps (b)	Lower Utah Section	Lower Utah Section	Upper Division	Middle Division	Lower Division	Lower Division	
(a)	(a)	(a)	(a)	(a)	(b)	(b)	(b)	(b)	(a)	(a)	(b)	(b)		
1362	6	6	0	0	0	0	0	0	12	0	0	0		
63	6	6	0	0	0	0	0	0	12	0	0	0		
64	6	6	0	0	0	0	0	0	12	0	0	0		
65	6	6	0	0	0	0	0	0	12	0	0	0		
66	6	6	0	0	0	0	0	0	12	0	0	0		
67	6	6	0	0	0	0	0	0	12	0	0	0		
68	6	6	0	0	0	0	0	0	12	0	0	0		
69	6	6	0	0	0	0	0	0	13	0	0	0		
1370	6	6	0	0	0	0	2	2	13	0	2	2		
71	12	6	0	0	0	0	2	2	18	0	2	2		
72	16	6	0	0	0	0	2	2	22	0	2	2		
73	16	6	0	0	0	0	2	2	22	0	2	2		
74	16	38	0	0	0	0	2	2	54	0	2	2		
75	41	151	0	0	0	0	2	2	192	0	2	2		
76	41	151	0	0	0	0	2	2	192	0	2	2		
77	41	151	0	2	295	0	2	2	192	297	2	2		
78	50	151	50	8	303	0	2	2	250	311	4	4		
79	50	164	51	8	303	2	2	2	268	311	4	4		
1880	87	184	96	8	345	2	6	8	348	353	16	16		
81	87	164	112	15	345	2	20	8	364	360	30	30		
82	95	164	119	15	345	2	25	8	378	360	35	35		
83	111	192	159	74	394	2	28	8	462	469	38	38		
84	114	192	159	88	429	2	33	8	464	517	43	43		
85	123	383	159	112	451	2	33	8	665	561	43	43		
86	292	400	159	175	451	2	33	8	843	576	43	43		
87	307	425	159	140	451	2	33	8	892	591	43	43		
88	336	542	159	149	451	2	33	8	1037	601	43	43		
89	358	542	159	154	451	48	33	340	1058	606	421	421		
1890	392	542	159	156	451	48	33	344	1092	607	425	425		
91	404	542	159	156	451	48	33	344	1104	607	425	425		
92	405	542	159	160	451	48	33	344	1106	611	425	425		
93	440	542	159	165	451	48	33	344	1110	617	425	425		
94	440	542	159	172	451	48	33	344	1110	623	425	425		
95	446	542	159	172	451	51	33	344	1117	623	428	428		
96	466	542	159	172	451	51	33	344	1167	623	428	428		
97	475	542	159	184	455	251	33	344	1176	639	628	628		
98	487	542	159	187	455	253	33	344	1187	641	630	630		
99	487	542	159	187	455	253	219	344	1187	641	816	816		
1900	501	542	159	189	455	253	215	344	1202	644	816	816		
01	526	729	166	192	455	528	219	477	344	1422	647	1224		
02	529	729	166	193	455	528	226	477	344	1421	647	1231		
03	532	729	166	208	455	528	226	477	747	1427	663	1231		
04	616	729	166	215	455	540	226	572	842	1511	669	1338		
05	620	729	166	218	455	540	226	572	842	1515	672	1338		
06	621	729	166	227	455	540	226	572	977	1516	682	1338		
07	624	729	166	231	455	540	226	572	977	1519	686	1338		
08	634	729	166	235	455	540	226	572	1112	1530	670	1338		
09	637	729	166	278	455	704	226	572	1112	1532	733	1502		
0910	646	729	166	284	455	758	226	572	1112	1541	739	1556		
11	646	729	166	295	455	3758	226	572	1112	1542	750	4556		
12	648	729	166	297	455	6258	226	572	1612	1544	752	7056		
13	650	729	166	300	455	6258	226	572	1612	1545	754	7056		
14	704	729	166	300	455	6258	326	615	1655	1600	754	7199		
15	727	729	166	301	455	6258	326	617	1657	1623	756	7201		
16	729	729	166	302	455	6258	326	618	1658	1625	757	7202		
17	736	729	166	302	455	6258	326	649	1689	1631	757	7233		
18	736	729	166	302	455	6258	326	658	1698	1631	757	7242		
19	736	738	166	302	455	6258	326	664	1705	1639	757	7248		
1920	739	738	166	302	455	6258	326	678	1718	1642	757	7262		
21	739	738	166	302	455	6258	326	678	1718	1643	757	7262		
22	740	738	166	302	455	6258	326	678	1718	1644	757	7262		
23	740	738	166	302	455	6258	326	678	4218	1644	757	7262		
24	740	738	166	302	455	6258	326	678	4218	1644	757	7262		
25	740	738	166	302	455	6258	326	678	4218	1644	757	7262		
26	742	738	166	302	455	6258	326	678	4218	1645	757	7262		
27	742	738	166	304	455	6258	326	678	4218	1645	758	7262		
28	742	738	166	304	455	6258	326	678	4218	1645	758	7262		
29	742	738	166	304	455	6258	326	678	4218	1645	758	7262		
1930	759	738	169	304	455	6258	326	678	4218	1666	758	7262		
31	761	738	169	304	455	6258	326	678	4218	1668	758	7262		
32	761	738	169	304	455	6258	326	678	4218	1668	758	7262		
33	762	738	169	304	455	6258	326	678	4218	1668	758	7262		
34	762	738	169	304	455	6258	326	678	4218	1668	758	7262		
35	762	738	169	304	455	6258	326	678	4218	1668	758	7262		
36	762	738	169	304	455	6258	326	678	4218	1668	758	7262		
37	762	738	169	305	455	6258	326	678	4218	1668	760	7262		
38	762	738	169	305	455	6258	326	678	4218	1668	760	7262		
39	762	738	169	305	455	6258	326	678	4218	1669	760	7262		

(a) Flow delivery in cubic feet per second on basis of one cubic foot per second for each 50 acres of irrigated lands.  
 (b) Flow delivery in cubic feet per second as decreed.