

BEAR RIVER COMMISSION

106 West 500 South, Suite 101
Bountiful, UT 84010-6232
(801) 292-4662
(801) 524-6320 (fax)

MINUTES

BEAR RIVER COMMISSION REGULAR MEETING NINETY-FIRST COMMISSION MEETING

Utah Department of Natural Resources
Salt Lake City, Utah
November 17, 1998

COMMISSION MEMBERS

Chair

Denice Wheeler

Idaho Members

Karl J. Dreher
Rodney Wallentine
Don W. Gilbert

Utah Members

D. Larry Anderson
Blair Francis
Charles W. Holmgren

Wyoming Members

Gordon W. Fassett
James Crompton
John A. Teichert

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 Chair Denice Wheeler at 1:00 p.m. on Tuesday, November 17, 1998 at the Utah Department of Natural Resources Building in Salt Lake City, Utah. This was the ninety-first meeting of the Commission. Chair Wheeler welcomed everyone to the Commission meeting. It was requested that all in attendance introduce themselves. An attendance list is attached as Appendix A.

Chair Wheeler presented the agenda for the meeting. It was moved that the agenda be approved without change. The motion was seconded and carried. A copy of the agenda is attached as Appendix B. The Commission then considered the proposed minutes from the Annual Meeting held on April 21, 1998 in Salt Lake City. Karl Dreher indicated that he felt three sentences in the second full paragraph on page six concerning the depletion issue should be deleted. Dreher felt that the sentences did not accurately reflect the full discussion of the Operations Committee. The sentences were as follows: "The main key is that there is no more depletion. The pool has to be neutral to depletion. This is just a better usage of water." After further discussion, it was determined that the sentences should remain in the minutes as they were a reflection of a report by the Operations Committee which was tape recorded. Charles Holmgren then suggested three minor editorial changes. There was a motion to accept the minutes with the three editorial changes to be made. The motion was seconded and carried.

Bear River Commission Meeting
November 17, 1998

The time was then turned to Larry Anderson for the Secretary-Treasurer report. Anderson invited Randy Staker to report on the financial status of the Commission. Staker had previously distributed two Statements of Income and Expenditures. A copy of these statements is attached as Appendix C. Page one reflects the income and expenses of the Commission for the period of July 1, 1997 to June 30, 1998. The total income through June 30, 1998 was \$190,109.34. The total expenses for this same period were \$108,642.53. The cash balance as of June 30, 1998 was \$81,466.81. Page Two shows a detailing of the expenditures during the period. Page three shows the income and expenditures for the period of July 1, 1998 to October 31, 1998. Page four shows the detailed expenditures during the period. Staker clarified that the last payment made to Engineer-Manager Jack Barnett in FY 98 was \$561.08 too much. Since the payment was made in FY 98, it has to show as an expense in FY 98. The Commission carried the credit forward into FY 99. This affected three areas of Barnett's expenses; travel, printing and office expenses. FY 99 began with credit balances in those three areas. Staker indicated that assessments have been received from all three states. The interest earned during the period of July 1, 1998 to October 31, 1998 totals \$1,411.01. The U.S. Fish & Wildlife Service has been invoiced \$5,300 for the Corrine Gage. Payment has not been received to date. There were no questions for Staker. Larry Anderson moved that the financial report be accepted. The motion was seconded and carried.

Chair Wheeler then asked if Pat O'Toole was in the audience. Mr. O'Toole was not present and Wheeler moved to agenda item V, a presentation by Merlin Olsen with Bear Lake Watch. Mr. Olsen expressed his appreciation for being allowed to be on the Commission agenda, as well as his appreciation for recent changes in the Commission bylaws that allow for greater public involvement in the Commission meetings. These changes bring recognition to changing public perception of the definition of beneficial use of water rights and water resources. Mr. Olsen indicated that after reading "Water in the West: The Challenge for the Next Century," he is aware of how fortunate we are to have a single entity not only empowered by the federal government but by the states of Wyoming, Idaho and Utah which are charged with the responsibility of regulating and controlling the Bear River system. Bear Lake Watch comprises a diverse group of homeowners, business owners, recreationists, environmentalists, naturalists and others. They share one feeling which is that Bear Lake is the jewel of the Bear River system. Because it is such a unique and precious resource, it must be preserved and protected.

Olsen indicated that out of the negotiations with Utah Power have come some conclusions. First, any kind of meaningful conversation or negotiation regarding the Bear River or Bear Lake must begin with a respect for and an understanding of established water rights. Secondly, the decisions that are being made about the future of Bear Lake and the Bear River should include all stakeholders at the table. Olsen expressed some of the concerns of Bear Lake Watch about recent negotiations taking place between Utah Power and the Bear River Water Users Association which, as they understand it, will find all water rights and facilities currently operated by Utah Power leased to the Bear River Water Users Association and a management contract placing the Bear River Water Users in the role of managers of the Bear River system. Bear Lake Watch's specific concerns are first that with Utah Power as a manager there was a check and balance for water being pumped from

the lake which will no longer exist. The irrigators basically will be pumping water to themselves. Bear Lake Watch is wondering what kind of system will be put into place to balance this.

Bear Lake Watch is also concerned that the conditions of the Bear Lake Settlement Agreement which are essential to the future health and stability of Bear Lake and the Bear River systems continue to remain in force. There is a concern about changes being made in contracts, especially in Idaho and that the contracts will not require further depletions of Bear Lake. There is a concern about the maintenance of facilities around Bear Lake and on the Bear River. A final concern as to how and by whom the flood control decisions are going to be made and if that information is going to be available.

Bear Lake Watch is pleased at the progress that is being made in developing a single model for the Lower Division with the understanding that there will be a much more realistic way of evaluating water use in both Utah and Idaho. Because of this, the problems that have existed in the past where there was always an argument over who was using the water and which were solved by putting more water in the river hopefully will not be solved this way in the future. Ultimately it is hoped that it would allow less water to be pumped from Bear Lake. Bear Lake Watch shares the concerns of Utah Power and the irrigators with new ground water applications and will continue to challenge those applications. Bear Lake Watch has supported the concept of a water bank. The group is actively pursuing a challenge to Utah Power's decision to eliminate Bear Lake from the FERC relicensing hearings. This appeal has been filed and is in process.

Bear Lake Watch actively endorses the continued search for best practices and delivery and use of water and the continued efforts in the area of water conservation. The group is still very concerned about water quality issues. Bear Lake Watch recently commissioned a study from Dr. Wayne Wurtsbaugh which compiled all of the data available on Bear Lake. The study was mailed to all Commissioners and many in the audience. There are real concerns about sediments and chemicals coming from Bear River into Bear Lake. Along with the study were comments and added information from Dr. Vince Lamarra who has long-term concerns about the future of the lake. Both Lamarra and Wurtsbaugh agreed on a great many issues, including a need for additional studies on the lake. Hopefully some answers to some of the questions that couldn't be answered will be provided when the study on global warming is completed by the U.S. Geological Survey.

Bear Lake Watch recognizes that additional storage along the Bear River is not economically feasible at this time but is concerned about what is being done to protect the sites that have been identified. Olsen concluded by thanking the Commission for allowing him time on the agenda. Karl Dreher asked Mr. Olsen what Bear Lake Watch's perspective is of the contract negotiations that primarily involve Idaho irrigators. Olsen responded that it was his understanding that some of those contracts had to be rewritten because of the single model. He was concerned that the amount of water allocated is not changing. Dreher indicated that under the contracts that the Idaho irrigators had, their allocation of storage was based upon accounting for use as if all of the natural flow was used in Idaho first. That is not a realistic accounting of what actually transpired. Under the hypothetical scenario, those contracts understate the actual usage of storage water by the Idaho

irrigators. The question could be asked why an unrealistic accounting scheme was used. Dreher indicated that he believed that at that point in time when the contracts were negotiated, an equivalent level of accounting had not been developed for Utah. Now that the two states have worked to reach a unified integrated accounting scheme that takes into effect diversions on both sides of the state line, the states are able to more accurately calculate how much storage and how much natural flow diverters in Idaho and Utah are using. The result of that shows that Idaho diverters use more storage than had been previously accounted. If one compared the amount of storage that is currently being calculated versus what was in the contract, they do not fit. What Idaho is attempting to do is use the unified accounting scheme to portray historic, not future, water use under various hydrologic scenarios and provide back to the Idaho irrigators an estimate of the amount of storage they would have actually used, based upon this unified accounting scheme. This would put the irrigators in the position of renegotiating their contracts to reflect that actual storage use versus the hypothetical use that existed before. Mr. Olsen asked if Dreher could tell him of the status of the single model. Dreher indicated that the model is workable but when you talk about a single model it is important to keep in mind that it is a single accounting approach. At this point in time, the two states intend to run their own versions of the single approach as a check on one another. The differences in calculations that come out of Idaho versus the calculations out of Utah are very small. The two models represent a single approach to accounting and, in essence, produce identical results. There will be more accurate accountability with this system. There were no further questions for Mr. Olsen.

Chair Wheeler moved to agenda item VI, a presentation by Eulalie Langford. Ms. Langford thanked the Commission for the opportunity to participate on the agenda and read a November 17, 1998 letter addressed to the Commission from LOVE Bear Lake. A copy of the LOVE Bear Lake letter is attached as Appendix D. The letter concerns the Commission's report entitled "Findings Concerning the Need for Compact Revision." Following Ms. Langford's reading of the letter, Chair Wheeler asked if there were questions from the Commissioners. Larry Anderson indicated that if he understood LOVE Bear Lake's point on Rocky Point Dam, a better term by the Commission would have been that the project is not "economically feasible" rather than "feasible." Ms. Langford indicated that this was correct. Karl Dreher responded that normally when we talk about project feasibility we talk about it in the whole and not just in one aspect. He did not recall if there were qualifiers in the report in terms of timely feasibility. There is economic feasibility, structural feasibility, environmental feasibility, political feasibility, etc. All of these have to come together to form a "feasible" project. The Commission's comment was meant to reflect that at the current time all of those factors don't fit into a feasible project. The Commission was not intending to comment or disagree with the Corps of Engineers' finding that technically you could construct a dam at that point. Dreher indicated that from his perspective he did not believe that there was any intent to mislead people by making the statement but rather it was a reflection.

Ms. Langford indicated that she thought the Commission was saying in the report that it was not feasible structurally because the Commission quoted the Corps of Engineers. Usually we think of the Corps as coming up with the ground being too porous or something of that sort, which was not what they said. It needs to be clarified. Ms. Langford asked if the report was sent to Washington, D.C. Jack Barnett indicated that there is no requirement that the report be sent to

Bear River Commission Meeting
November 17, 1998

Washington. Ms. Langford asked if it had been sent to the President or the Governors. Barnett indicated that it has not. Langford asked if the report will be sent to these individuals. Barnett indicated that the report would not be sent unless the Commission so directs him. Ms. Langford indicated that LOVE Bear Lake would be grateful if some clarifying language could be inserted in the report.

Larry Anderson pointed out that Commissioner Dreher had explained that the project is not feasible to date because it fails to meet one of the criteria. So when we say that it is not feasible, that is what was meant. It does not meet one of the criteria to have to build something it is not economically feasible. Structurally, if you have enough money you can probably build a dam in almost any place. It is just a matter of how much money do you want to put into a project. If it is not economically feasible, maybe something will happen where there will be enough benefits generated in the future but as it has been looked at over time, there are water quality benefits but they don't seem to be great enough to offset the cost of building the project. If one part is not feasible, then the project is not feasible.

Ms. Langford then referred to an early report on dams by the Bear River Task Force and that reference raised some confusion and some wondering if the Task Force was the Bear River Basin Water Quality Task Force (BRBWQTF). Chair Wheeler asked for someone to give a history of the Task Force in order to address the issue brought up by Ms. Langford. Jack Barnett gave a short history of the BRBWQTF. There was a symposium held in Logan in 1993. That is about when the BRBWQTF was started. Craig Thomas indicated that the BRBWQTF recognizes the Spring 1993 date as when the BRBWQTF, as we know it today, was formally organized. Ms. Langford indicated that she had a letter from the Idaho Department of Water Resources which was signed by Keith Higginson and dated 1990. The letter stated that the Bear River Task Force had done studies. It was pointed out to Ms. Langford that this was not the same group. The group Higginson referred to was created earlier by the State of Idaho. The Compact review report referred to the BRBWQTF that was organized in 1993.

Chair Wheeler turned to agenda item VII and asked that Joe Rosenbaum give his report. Mr. Rosenbaum thanked the Commission for the opportunity to discuss the scientific endeavors at Bear Lake. He indicated that he was a geologist with the U.S. Geological Survey (USGS) in Denver. His discussion would focus on part of the global change and climate history program in the Geologic Division of the USGS. The name of the project is the Western Lake Catchment Systems (LACS). Mr. Rosenbaum first gave an overview of the project using many overheads. Bear Lake is the main focus of the project at the present time. The three main goals of the project are: 1) understand the response of the environment to change; 2) understand how the geologic record records the changes; and 3) to document past environmental changes. Rosenbaum used many overheads in reviewing the project and a copy of his overheads are attached as Appendix E.

Following Mr. Rosenbaum's presentation, Jack Barnett pointed out that the LACS group brought together a number of scientists last spring at Bear Lake and spent three days there. There was a meeting held in conjunction with this meeting which was led by the Bear Lake Regional

Bear River Commission Meeting
November 17, 1998

Commission. The Bear River Commission was a cosponsor of this meeting where the LACS group talked about their plans and discussed potential future meetings. This study might be a continuing item on the Commission's agenda.

Chair Wheeler then adjourned the meeting for a short break. Following the break, the time was turned to Kelly Holt of Utah Power for a report, agenda item VIII. Holt distributed handouts which are attached as Appendix F. Mr. Holt read from page one of Appendix F, "Summary of 1998 Bear Lake-Bear River Operation." The question was asked as to whether PacifiCorp planned to continue dropping the lake level all winter. Holt indicated that PacifiCorp was planning to get out as much water as possible with a target elevation of 5918. Mr. Holt then discussed the relicensing issue. The second stage consultation documents have been completed, printed and sent out. Public meetings should be held in February or March of 1999. Barnett indicated that the Commission has received a set of the consultation documents and anyone wishing to review them could contact him

Jody Williams then reported on the future operations of PacifiCorp. She referred to Merlin Olsen's comments regarding the proposed PacifiCorp lease of its operations to the Bear River Water Users Association. Negotiations are ongoing and no agreement has been reached. The principle that has guided PacifiCorp's negotiation strategy was to honor the Bear Lake Settlement Agreement, to honor the downstream water rights, as well as the interests of the people at Bear Lake. At least until the end of 1998, Carly Burton is under contract with PacifiCorp to operate Bear Lake and Bear River. PacifiCorp and the Bear River Water Users Association appreciate the comments made by Mr. Olsen. The reason that PacifiCorp and the irrigators have not solicited comments is that they agreed to confidentiality.

Ms. Williams continued by indicating that with regards to PacifiCorp's intention to revise the Idaho storage water contracts, PacifiCorp has offered to revise the contracts by the end of this year if the information is received. The guiding principle of those negotiations is that no net increase in water use, either of the natural flow or of Bear Lake storage water. Jody indicated that PacifiCorp is almost finished revising the small irrigators contracts on the Bear River. These contracts have been revised under the guiding principle of no net increase of storage water use. The contracts need to be updated and clarified. When the revised contracts are completed, PacifiCorp has agreed with the Small Irrigators Association to assign all of those contracts to the Small Irrigators Association. PacifiCorp will then allocate water as a block to the Small Irrigators Association.

Jeff Fassett asked if PacifiCorp has a self-imposed deadline with regards to the negotiations. Jody indicated that there is some concern over what happens to the operation at the end of the year when Carly Burton's contract expires. Larry Anderson asked if a meeting is scheduled by PacifiCorp to decide what to do about Carly's contract or someone else's contract to operate Bear Lake next year. Jody indicated that a meeting was scheduled for later in November and this issue should be on the agenda of that meeting. Anderson indicated that following this scheduled meeting Jody should inform Jack Barnett of who is going to operate Bear Lake and Bear River. Someone with experience needs to be responsible for this operation. Anderson expressed the concern of the Commission with regards to this issue and Williams indicated that she would pass the Commission's

Bear River Commission Meeting
November 17, 1998

concern on at the Portland meeting. Blair Francis indicated that it is critical that there be a good transition on this operation. From his point of view, PacifiCorp was very consistent and very good at the operation.

Chair Wheeler asked if Ms. Williams would address Merlin Olsen's concern of the water users deciding to take over these contracts. Mr. Olsen indicated that he was just worried about the checks and balances. Ms. Williams indicated that it was an awkward situation because there is no agreement and final document. There are concerns that have been the subject of much negotiation. The guiding principle, from PacifiCorp's perspective, is to preserve consistent operation as it has occurred with Carly taking the primary lead. There will be an open communication between PacifiCorp and the Commission as decisions are made. There were no further questions for Ms. Williams.

The time was then turned to Don Ostler for the report of the Water Quality Committee, agenda item IX. Mr. Ostler indicated that the Water Quality Committee met yesterday and held its second meeting since it was created by the Commission. The meeting was well attended and all three states were represented. Members of the Bear River Water Quality Task Force were in attendance, as well as other members of the public and some Commission members. There is energy on the Committee and the Committee feels that there are important and weighty issues that are before them that need to be addressed. The Committee considered a few items in its meeting. There was a discussion with the U.S. Geological Survey on the NAWQA survey being done by the federal government. The Committee established a communication mechanism with the USGS where early feedback can be received regarding sampling results. The most important thing that the Committee discussed was the water quality standards, the management framework from a water quality standpoint, for the river among the three states.

The Committee had previously requested a work group to develop information which would identify differences in water quality standards between the three states and would identify differences in stream classification. The stream will be classified for its beneficial uses in each state, such as drinking water, irrigation, cold water fishery, warm water fisheries. The Committee identified the differences in the classifications simply because of crossing state lines. The Committee also identified, with the numeric water quality standards that go along with the beneficial uses, where there were differences. The Committee determined that there are some places where, because of the differences, it can have a negative impact on the downstream state. This is a major issue that needs to be looked at and thought about. It is hoped that the Committee does not need to evolve into a Bear River water quality compact to share the pollution load. It is hoped that this can be resolved with administrative and management approaches. The Water Quality Committee has formed a work committee, working with the Bear River Water Quality Task Force, to identify these differences that make a difference and consider options.

Ostler further indicated that the three states are sharing information on the water quality sampling efforts. Efforts have been made such that water quality sampling done near the border will be used by both states. The Committee discussed the status of the TMDL efforts, the process of

Bear River Commission Meeting
November 17, 1998

arriving at load reduction allocations where the river is impaired. The Committee discussed funding that affects the Bear River, such as the Natural Resources Conservation Service EQIP funding. The Committee is beginning to develop a strategy where the three states can compete in seeking funds for the Bear River. There were no questions for Mr. Ostler. The Committee was commended for its efforts. The question was asked if minutes are being kept of the meetings. Ostler indicated that notes are taken at each meeting. It was determined that it would be helpful for the notes to be sent to the Commissioners for their review and information.

Chair Wheeler moved to agenda item X, a report by the Records & Public Involvement Committee. Commissioner Charles Holmgren reported that the Committee discussed the stream gages operated by the USGS along the river. In the past there was some talk of dropping the Pescadero gage. It was determined that the Pescadero gage will remain. The Fish & Wildlife Service is funding the gage at Corrine. There was a question regarding the number of visits by the USGS to calibrate gages. Wyoming requested more frequent visits. At the Committee meeting Carly Burton described PacifiCorp's gages along the river. Jim Kolva described to the Committee the NAWQA program and how some of the gages are incorporated in the NAWQA tests. Those gages are at Smith's Fork, Pescadero, a new gage at Cub River, and the gage at Corrine. The Committee also discussed the compilation of materials for the Tenth Biennial Report.

Holmgren also indicated that the Committee discussed the new role for the Records & Public Involvement Committee. The Committee will try to use the state agencies within the three states to deliver messages concerning when Commission meetings are held and inviting the public to attend. The meeting notices will be given to local newspapers within the area of the Bear River Basin. As a last item, the Committee discussed the access of documents of the Commission. The Committee is attempting to set up a web site through the Utah Department of Natural Resources to make documents accessible to the public. There were no questions for Commissioner Holmgren.

Chair Wheeler asked for the report from the Operations Committee, agenda item XI. Commissioner Blair Francis reported that the Operations Committee met earlier in the morning and spent most of the time discussing some amendments dealing with the area of a declaration of a water emergency and the administration of water deliveries. There were some minor verbal changes to Appendix B of the Interim Procedures for Lower Division Water Delivery. Francis read three proposed minor changes. The changes were intended to clear up some ambiguity. The Operations Committee determined to adopt the changes up-front and a copy of the adopted Appendix B is attached as Appendix G. The Operations Committee further discussed Appendix C of the Interim Procedures, Water Delivery Schedule No. 1 and some changes proposed by Utah and Idaho. The Operations Committee and Jack Barnett reviewed a revised copy of Appendix C dated October 30, 1998. During the review, the Committee took some exceptions to the way the document was printed. Karl Dreher felt that footnote #2 should be brought back into the document. The three boxes concerning types of water rights found on the last page of Appendix C were discussed. The Operations Committee moved and passed the amendments. PacifiCorp brought to Barnett's attention some further changes but due to a lack of time to evaluate the changes, it was determined that PacifiCorp would continue to review Appendix C and get back to the Commission further

Bear River Commission Meeting
November 17, 1998

changes. It was decided that at the April Commission meeting all the changes would be incorporated into a final list. A copy of Appendix C, Water Delivery Schedule No. 1 is attached as Appendix H.

Another item discussed by the Operations Committee was the water bank and Randy Budge reported to the Committee on this issue. The three states have met and discussed the issues but there is no final determination on this issue. The final issue discussed by the Committee was the ramifications on the contracts with the new model. Jody Williams discussed this issue with the Committee. Jack Barnett reported to the Committee that there was no regulation this irrigation season. Francis reported to the Committee that Woodruff Narrows was at 43,000 af and the reservoir had been full. No storage water was released in 1998 by the company to satisfy calls from irrigators. There were no questions for Francis.

Chair Wheeler turned to agenda item XII, a report by the Engineer-Manager and items from the Technical Advisory Committee (TAC). Jack Barnett reported that the TAC did not meet in connection with this Commission meeting. There are a number of items that the TAC is charged with looking at and it is anticipated that the TAC will meet before and then in connection with the next Commission meeting. There was one item to bring before the Commission and that is the petition to list, under the Endangered Species Act, the Bonneville Cutthroat Trout. Thus far, all the Commission has done is express an interest and asked that the TAC keep abreast of events. Sue Lowry was assigned to keep the TAC appraised of this issue. Ms. Lowry was not able to be in attendance at the Commission meeting but sent to Barnett a memo on November 4. The memo was quickly read by Barnett, and a copy of the memo is attached as Appendix I. The TAC will keep abreast of this issue.

The time was then turned to Hal Anderson and Norm Stauffer for the ground water depletions reports. Hal Anderson indicated that the issue that is being dealt with is how to deal with ground water depletions in the accounting models that exist in case of an interstate water emergency. Idaho and Utah have very different numbers at this point in time and two very different approaches as to how to calculate depletions. In the past, Idaho has prepared a summary of the existing water right information from the computer files. The water rights themselves may or may not reflect what was actually being withdrawn under the water rights. The Idaho legislature provided a \$50,000 budget amount to the Department of Water Resources to do a study of ground water depletions in the Bear River Basin. The contract monies became available in July. The Department would contract with an entity to provide the Department with the information. Idaho is now getting RFP's and questions from potential contractors. The contract response date is the end of November. Idaho will then go through the selection process, looking at all the criteria that were established. It is hoped that the contract would be awarded around the first of the year. There were no questions for Hal Anderson.

Larry Anderson reported on Utah's ground water depletions. Nothing has been done in the last six months in Utah on this issue. Utah has completed a procedure and presented to the Commission a year ago the procedure that Utah intends to follow in determining the ground water impacts and uses on the Bear River. Utah will present, at the April Commission meeting, the

procedure and will quantify the impacts of ground water depletions in Utah on the Bear River. There were no questions for Larry Anderson.

Chair Wheeler turned to agenda item XIII, items from the Management Committee. Larry Anderson reported that the Management Committee met early in the morning. There are no assignments to make at this time.

The Chair then moved to agenda item XIV, the state reports. Karl Dreher indicated that the primary issue Idaho is working through relates to the fact that Idaho has a new governor-elect, Senator Kempthorne. Dreher reported that he has had no contact with Kempthorne since before the election so has not had an opportunity to brief him or any of his transition team on Bear River issues. Karl indicated that the Idaho Department of Water Resources is undergoing a fairly extensive upgrade to the portion of its computer systems that deal with water rights and water right administration. The most important reason for doing this is to integrate the water right data base with geographic data that is increasingly becoming available. For example, when Idaho is involved in adjudicating a water right for irrigation, Idaho actually develops a "shape file" which is an aerial photograph of the irrigated land and it is included as part of the description of the water right. Idaho is moving more of the data into a realm where it can be readily accessed via the Internet by individuals. Another reason for doing this upgrade is to make the computer system 2000 compliant. Dreher asked if PacifiCorp has checked any computer system that runs the Bear River/Bear Lake facilities to see if they are 2000 compliant. Jody Williams responded that she will forward this issue on to PacifiCorp management. There were no questions for Commissioner Dreher.

The time was turned to Larry Anderson for Utah's report. Anderson indicated that Utah continues to collect a great deal of water quality data in the Lower Bear River as different options are looked at in developing the Bear River. Utah is not doing any engineering/design work on reservoirs or pipelines or anything of that nature at this time. Utah is still looking at a dam site at Honeyville and a dam site on the Barren site in Cache Valley. A project in Utah is called "Envision Utah." This is a large planning effort along the Wasatch Front (from Brigham City to Nephi). By the year 2020, the population in this area will double from 1.6 million to 3.2 million. An effort is being made by state and private interests to try and decide what the state wants this area to look like. There are about 100 influential citizens who represent church groups, businesses and government who have developed four scenarios or alternatives. The group will take the scenarios to the public in January through massive newspaper publications and television presentations. The scenarios go from current building practices to more urban sprawl to areas where the building is limited and leaving much more open space and farmland, building up and not out. Anderson indicated that, in his opinion, the group leans toward smaller building lots and more agricultural lands staying in production in Weber, Davis and Utah Counties. Mass transit issues are being looked at by the group. The implementation of this concept is being discussed. Growth is a given and the group is not looking at controlling growth. Anderson indicated that if the Commission would like to have a presentation on this issue, someone could be invited to a Commission meeting.

**Bear River Commission Meeting
November 17, 1998**

Chair Wheeler asked Anderson what effect the building of dams would have on various water users, as well as the wildlife refuge. Is it an assumption that a dam will definitely be built at Honeyville? Is the dam at Honeyville needed to supply the water for the growth predicted? Anderson indicated that in looking at meeting the future water needs, depending on the scenario, one may postpone for 5 or 10 years a decision as to when you need to bring more water into the Wasatch Front. The Bear River is certainly an option being looked at and another option is treating the Jordan River water.

The time was turned to Jeff Fassett for the Wyoming report. Fassett indicated that the ongoing study in Wyoming to develop and put in place a new water planning process is continuing. The Bear River Basin within Wyoming was chosen as a pilot study. The pilot study has been operating about a year. The pilot study is finished and the feasibility studies are done. There will be a recommendation to the next legislative session in January. Hopefully the legislature will adopt a recommended planning process to basically get through Wyoming on a river basin by river basin basis about once every five years. The process will cost about \$1 million per year. If the process is authorized, Wyoming will go back and work in the Bear River area during 1999 and also begin work in the Green River area. There were no questions for Fassett.

Chair Wheeler moved to agenda item XV, other items. It was indicated that Carly Burton had called a Bear Lake Preservation Advisory Committee meeting immediately following the adjournment of the Commission meeting. Chair Wheeler indicated that the next regularly scheduled Commission meetings should be on April 19 and 20, with the Commission meeting being held on Tuesday, April 20. It was determined that this date was acceptable. It was moved to adjourn the meeting. The motion was seconded and carried. The Commission meeting adjourned at 3:55 p.m.

ATTENDANCE ROSTER

BEAR RIVER COMMISSION REGULAR MEETING

Utah Department of Natural Resources Building
Salt Lake City, Utah
November 17, 1998

IDAHO COMMISSIONERS

Karl J. Dreher
Don W. Gilbert
Rodney Wallentine

WYOMING COMMISSIONERS

Gordon W. Fassett
James L. Crompton
John Teichert
Gordon Thornock (Alternate)
Jade Henderson (Alternate)

FEDERAL CHAIR

Denice Wheeler

UTAH COMMISSIONERS

D. Larry Anderson
Blair R. Francis
Charles Holmgren
Joseph Larsen (Alternate)

ENGINEER-MANAGER & STAFF

Jack A. Barnett
Don A. Barnett
Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Division of Water Resources
Dave Hull, Department of Environmental Quality
Pete Peterson, River Commissioner

UTAH

Will Atkin, Division of Water Rights
Bob Fotheringham, Division of Water Rights
Don Ostler, Department of Environmental Quality
Randy Staker, Division of Water Resources
Norman Stauffer, Division of Water Resources

WYOMING

Kevin Wilde, State Engineer's Office

OTHERS

Randy Budge, Bear River Water Users Association
Gary Burgener, Bear Lake Watch
Carly Burton, PacifiCorp (Utah Power)
Charles Fisher, Public
Marc Gibbs, Bear River Water Users Association/Last Chance Canal
Kim Goddard, U.S. Geological Survey
Allen Harrison, Bear Lake Regional Commission
Kelly Holt, PacifiCorp (Utah Power)

APPENDIX A
PAGE TWO

Jim Kimbal, Bear Lake Preservation Advisory Committee
Jim Kolva, U.S. Geological Survey
Eulalie Langford, Love Bear Lake, Inc.
Merlin Olsen, Bear Lake Watch
Bruce Passey, Bear Lake Sands
Brent Rose, Bear River Water Users Association/Bear River Canal Company
Joe Rosenbaum, U.S. Geological Survey
Jerry Simmonds, Bear River Water Users Association
Dave Styer, Bear River Canal Company
Craig Thomas, Bear Lake Regional Commission
Al Trout, Bear River Refuge
Jim Waterson, Small Irrigators Association
Jody Williams, PacifiCorp (Utah Power)
Cheryl Williss, U.S. Fish & Wildlife Service

PROPOSED
AGENDA

Bear River Commission Regular Meeting
November 17, 1998

Utah Department of Natural Resources
Auditorium
1594 West North Temple
Salt Lake City, Utah

COMMISSION AND ASSOCIATED MEETINGS

November 16

1:00 p.m. Water Quality Committee Meeting, Room 314 Ostler

November 17

8:30 a.m. Operations Committee Meeting, Room 314 Francis

10:00 a.m. Records & Public Involvement Committee Meeting, Room 314 Gilbert

11:00 a.m. Informal Meeting of Commission, Room 314 Barnett

11:15 a.m. State Caucuses and Lunch Dreher/Fassett/Anderson

1:00 p.m. Commission Meeting, Auditorium Wheeler

4:00 p.m. Potential adjournment

REGULAR COMMISSION MEETING

November 17, 1998

Convene Meeting: 1:00 p.m., Chair Denice Wheeler

- | | | |
|-------|--|-----------------------|
| I. | Call to order | Wheeler |
| | A. Welcome of guests and overview of meeting | |
| | B. Approval of agenda | |
| II. | Approval of minutes of last Commission Meeting
(April 21, 1998) | Wheeler |
| III. | Report of Secretary/Treasurer | Anderson |
| IV. | Western Water Policy Review Advisory Commission | Pat O'Toole |
| V. | Bear Lake Watch | Merlin Olsen |
| VI. | LOVE Bear Lake, Inc. | Eulalie Langford |
| VII. | Bear Lake investigative efforts | Joe Rosenbaum |
| VIII. | Utah Power | Holt/Williams/Johnson |
| | A. Bear Lake levels | |
| | B. Deliveries in 1998 | |
| | C. Future operations | |
| | D. Update of FERC relicensing efforts | |

APPENDIX B
PAGE TWO

- | | | |
|-------|--|----------------------|
| IX. | Report of the Water Quality Committee | Ostler |
| X. | Report of the Records & Public Involvement Committee | Gilbert |
| | A. Printing of the Compact and Bylaws | |
| | B. Biennial reports | |
| | C. Stream gaging records | |
| | D. Other | |
| XI. | Report of the Operations Committee | Francis |
| | A. Amendments to the Lower Division Procedures | |
| | 1. Appendix B | |
| | 2. Appendix C | |
| | B. Other | |
| XII. | Engineer-Manager report and items from the TAC | |
| | A. Bonneville Cutthroat Trout | Barnett |
| | B. Ground-water depletions | H. Anderson/Stauffer |
| | C. Other | Barnett |
| XIII. | Items from the Management Committee | Anderson |
| XIV. | State Reports | |
| | A. Idaho | Dreher |
| | B. Utah | Anderson |
| | C. Wyoming | Fassett |
| XV. | Other Items | |
| XVI. | Next Commission Meeting | |

Anticipated adjournment: 4:00 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1997 TO JUNE 30, 1998

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-1-97	\$90,073.50			\$90,073.50
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
US F&W		\$4,000.00		4,000.00
Interest on Savings		\$6,035.84		6,035.84
 TOTAL INCOME TO JUNE 30, 1998	 \$90,073.50	 \$10,035.84	 \$90,000.00	 \$190,109.34

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$46,900.00	\$0.00	\$46,900.00
 SUBTOTAL	 \$46,900.00	 \$0.00	 \$46,900.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$36,720.00	(\$17,209.48)	\$53,929.48
Travel (Eng-Mgr)		1,000.00	(481.00)	1,481.00
Office Expenses		1,200.00	(1,624.38)	2,824.38
Printing Biennial Report		500.00	500.00	0.00
Treasurer Bond & Audit		1,200.00	1,060.00	140.00
Printing		1,300.00	(2,067.67)	3,367.67
Contingency		5,000.00	5,000.00	0.00
 SUBTOTAL		 \$46,920.00	 (\$14,822.53)	 \$61,742.53
 TOTAL		 \$93,820.00	 (\$14,822.53)	 \$108,642.53
 CASH BALANCE AS OF 06-30-98				 \$81,466.81

APPENDIX C
PAGE TWO

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING JUNE 30, 1998

447	JACK BARNETT	6,120.12
448	JACK BARNETT	3,399.74
449	JACK BARNETT	3,211.19
451	JACK BARNETT	3,242.42
452	JACK BARNETT	3,779.81
453	JACK BARNETT	3,818.76
454	CANCELLED	0.00
455	JACK BARNETT	3,373.13
456	JACK BARNETT	3,534.41
457	FIRST SECURITY INSURANCE	100.00
458	USGS	46,900.00
459	JACK BARNETT	16,570.72
	BANK SERVICE CHARGE	40.00
460	BRC-CHECKING TO SAVINGS *****	14,000.00
461	BOX ELDER NEWS JOURNAL	58.80
462	THE PRESTON CITIZEN	80.07
463	THE HERALD JOURNAL	69.16
464	CARIBOU COUNTY SUN	84.20
465	THE NEWS-EXAMINER	82.22
466	JACK BARNETT	3,769.37
467	JACK BARNETT	4,044.18
468	UINTA COUNTY HERALD	105.36
469	IDAHO ENTERPRISE	120.92
470	CANCELLED	0.00
471	JACK BARNETT	6,137.95

TRANSFER OF FUNDS DOES NOT
ALTER EXPENSE TOTAL

TOTAL EXPENSES

\$108,642.53

BANK RECONCILIATION

Cash in Bank per Statement 06-30-98	\$1,938.24
Plus: Intransit Deposits	15,000.00
Less: Outstanding Checks	6,137.95
Total Cash in Bank	\$10,800.29
Plus: Savings Account-Utah State Treasurer	\$70,666.52
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$81,466.81

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1998 TO OCTOBER 31, 1998

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 10-31-9	\$81,466.81			\$81,466.81
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
US Fish & Wildlife		\$0.00		0.00
Interest on Savings		\$1,411.01		1,411.01
 TOTAL INCOME TO OCTOBER 31, 1998	 \$81,466.81	 \$1,411.01	 \$90,000.00	 \$172,877.82

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$46,295.00	46,295.00	\$0.00
 SUBTOTAL	 \$46,295.00	 46,295.00	 \$0.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$37,830.00	\$22,067.50	\$15,762.50
Travel (Eng-Mgr)		1,200.00	1,304.19	(104.19)
Office Expenses		1,400.00	1,043.98	356.02
Printing Biennial Report		2,200.00	899.29	1,300.71
Treasurer Bond & Audit		1,200.00	1200.00	0.00
Printing		1,400.00	412.24	987.76
Contingency		6,000.00	6,000.00	0.00
 SUBTOTAL		 \$51,230.00	 \$32,927.20	 \$18,302.80

TOTAL EXPENSES	\$97,525.00	\$79,222.20	\$18,302.80
----------------	-------------	-------------	-------------

CASH BALANCE AS OF 6-30-95	\$154,575.02
----------------------------	--------------

APPENDIX C
PAGE FOUR

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING OCTOBER 31, 1998

472	JACK BARNETT	9,457.50
473	JACK BARNETT	3,335.96
474	JACK BARNETT	5,509.34

TOTAL EXPENSE	\$18,302.80	\$0.00
---------------	-------------	--------

BANK RECONCILIATION

Cash in Bank per Statement 10-31-98	\$8,006.83
Plus: Intransit Deposits	0.00
Less: Outstanding Checks	5,509.34
Total Cash in Bank	\$2,497.49
Plus: Savings Account-Utah State Treasurer	152,077.53
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$154,575.02

Olean W. Parker,
President;
Mary Ann Evans,
Recording Secretary;
Eulalie Langford,
Corresponding Secretary;

LOVE Bear Lake, Inc.

P. O. Box 386
Montpelier, Idaho 83254
Telephone 208-847-1732
November 17, 1998

William R. Waite,
Vice President;
Kevin Jacobson,
Treasurer;
Blaine Kunz,
Finance Chairman;
Marion Parker,
Historian.
Directors:
Barbara Grandy,
Hazel Peterson,
Vernal Peterson,
Zina Waite.

Bear River Commission
c/o Jack Barnett, Engineer Manager
106 West 500 South, Suite 101
Bountiful, Utah 84010-6232

Dear Bear River Commission Members,

On behalf of LOVE Bear Lake, Inc., I want to thank you for giving us time to speak to you today. We thank you for sending us a copy of your "Findings Concerning the Need for Compact Revision." We have studied it carefully and find that it contains a great deal of information regarding Bear River, Bear Lake, and the history of the Bear River Compact. We know that conducting several public hearings, reviewing the written testimony, and condensing that material into a concise written document was a time-consuming project, and we commend each of you for that effort.

We want to thank and congratulate you for having amended your by-laws to form a water quality committee. Future generations will praise this Commission for having taken this forward-looking step.

We also want to offer some constructive criticism as follows: Page 15: "Only one individual who commented brought to the Commission a specific request with amendatory language concerning amendments to the Compact."

The document that Love Bear Lake, Inc., submitted to you at the time of the 20-year review was prepared by Jim Jones, a former attorney-general for the State of Idaho. It contained amendatory language concerning amendments to the Compact and was accompanied by a cover letter, signed by our corresponding secretary, on LOVE Bear Lake, Inc. stationery, which includes the names of all of our executive officers. Under separate cover, you received a letter from Bear Lake Watch stating their support of the comments submitted by LOVE Bear Lake. The Lake Watch letter began by pointing out that they represent "a large and diverse group of homeowners, business people, recreationalists, sports enthusiasts, and others, who are interested in and concerned about the future of Bear Lake" and was signed by their president. In other words, the document submitted represented the opinion of the two largest and most active citizen groups, and their hundreds of members, concerned with protecting Bear Lake. It certainly cannot be considered as coming from "only one individual."

Page 18: "The Rocky Point dam site was most recently investigated by the U. S. Army Corp of Engineers and found to not be feasible."

LOVE Bear Lake/Bear River Commission

2

A 1989 Corps of Engineers report regarding "a 300,000 acre-foot multiple purpose reservoir on the Bear River at the Rocky Point site near Bear Lake" states, "As a result of a recent field trip, we believe that a rolled earth or rock-filled dam could be constructed at this site."

Page 21: Paragraph 2 implies that the Bear River Water Quality Task Force came into being in 1993. Actually, the Task Force had been hard at work on water quality issues long before that date. In 1990, in cooperation with the Idaho Department of Water Resources, they printed a report that stated, "The construction of a major storage reservoir on the Bear River at the Rocky Point site south of Montpelier has received considerable support in the upper Bear River Basin." The report continues, "Studies by the Bear Lake Regional Commission on water quality in Bear Lake indicate the need for control of pollutants to the lake." Further, referring again to a Rocky Point reservoir, the report mentions "flood control benefits."

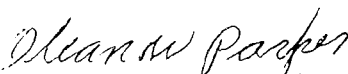
It is not befitting a scholarly document prepared at tax-payer expense by professionals in water management to mislead its readers by inferring that the Rocky Point site is not feasible when the most serious drawback forthcoming thus far in regard to that site is economic, not structural.


A 1989 study of Bear Lake by the U. S. Army Corp of Engineers states that Bear Lake should not be used for flood control and suggests upstream storage as an alternative.

Page 21: Paragraph 1 states, "The EPA and the U. S. Bureau of Reclamation have recently provided grant money to assist with water quality programs." Until a thorough assessment of the possibilities of multiple-funding of the Rocky Point reservoir from the standpoint of water quality and flood control, rather than water quantity, has been made, it is premature to dismiss the possibility of a dam at Rocky Point on Bear River.

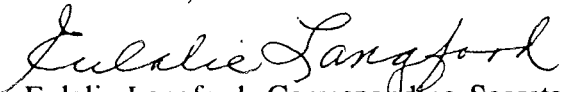
Thank you again for your report and for your willingness to hear our response to it.

Sincerely,

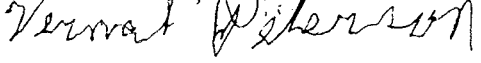

Olean W. Parker, President

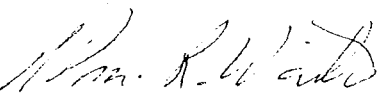

Mary Ann Evans, Secretary



Blaine Kunz, Finance Chairman

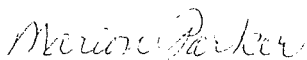

Eulalie Langford, Corresponding Secretary

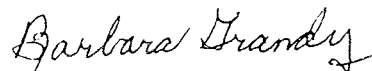
Vernal Peterson, Director

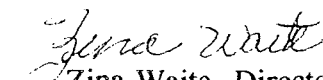

Hazel Peterson, Director


Wm R. Waite, Vice President


Kevin Jacobson, Treasurer


Marion Parker, Historian


Barbara Grandy, Director


Zina Waite, Director

Western lake Catchment/Systems (LACS)

Overview of LACS

Bear Lake Activities

Overview

Studies of surficial deposits

1996 – three “long” cores
stratigraphy, ^{14}C ages

1997 – Seismic survey

1998 – sediment traps

1998 – three sets of short cores
 ^{210}Pb age profile
chemistry

Possible future coring

Western Lake/Catchment Systems (LACS)

Responses to environmental change

- Lakes

- Vegetation

- Land Surface

Recording of environmental change

- Biological

- Mineralogical

- Geochemical

Document past environmental changes

- Climatic – precipitation, temperature, seasonality

- Tectonic

- Anthropogenic – land use, water diversion, pollution

Why Lakes?

Lacustrine sediments provide a nearly continuous record of environmental conditions

- In the lake

- On the surrounding land surface

Lake conditions – Temperature, Productivity, Salinity

- Paleontology

 - Diatoms

 - Ostracodes

- Geochemistry and mineralogy of authigenic minerals and fossil remains

 - Carbonate mineralogy

 - Organic content

 - Biogenic silica

 - Isotopes

Catchment conditions – Vegetation, Glaciation, Hydrology, Seismicity, Erosion, Pollution

- Paleontology

 - Pollen

 - Macrofossils

- Geochemistry and mineralogy of lithic component

 - Major, minor and trace elements

 - Pollutants

 - XRD

 - Environmental magnetism

 - $\delta^{13}\text{C}$ (source of organic material)

- Bulk grain size

Study Area

From Great Salt Lake on the SW to Yellowstone area on the NE

- Spans climatic gradients

- Contains a wide variety of lakes

- Much of the land is administered by federal agencies

Time interval of interest – not rigidly set

- Last \approx 50,000 years

 - High resolution records

 - Low tech. coring

- Holocene

 - Records of comparable age from all sites

 - Yellowstone area lakes will have only Holocene sediments

- Last few hundred to few thousand years

 - Most relevant to assessing anthropogenic impacts

 - Natural variability

Bear Lake – Activities

Three main components

- Monitoring present day conditions and processes
- Study of lake sediment cores
- Catchment studies

Monitoring

- Reflection seismology
- Sediment traps
- Water chemistry
- Sr isotopes
- Meteorology, dust, hydrology,
- Diatoms and ostracodes

Bear Lake – Activities (cont.)

Lake sediment cores

Chronology – ^{14}C , ^{210}Pb , ^{137}Ce , amino acids, tephra

Paleolimnology

Geochemistry

Mineralogy

Diatoms

Catchment

Pollen

Elemental analyses

Mineralogy/Petrography

Grain size

Environmental magnetism

Sr isotopes

Catchment Study

Paleoshore lines

Quaternary surficial deposits

GIS

SURFICIAL DEPOSITS IN UPPER BEAR RIVER BASIN

By Marith Rehels
Map Series Two

APPENDIX E
PAGE SEVEN

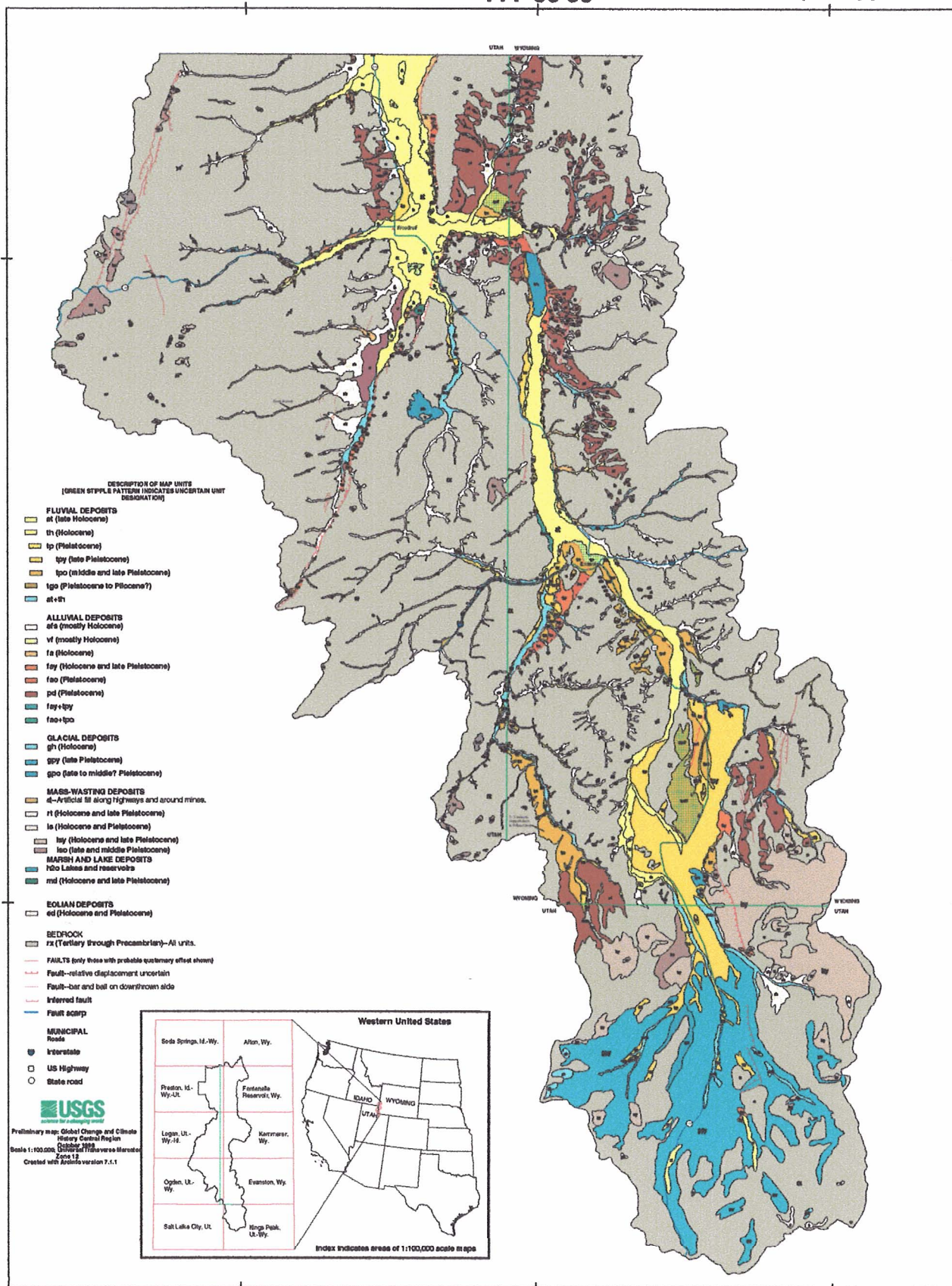
111°18'00"

111°00'00"

110°42'00"

41°30'00"

41°30'00"

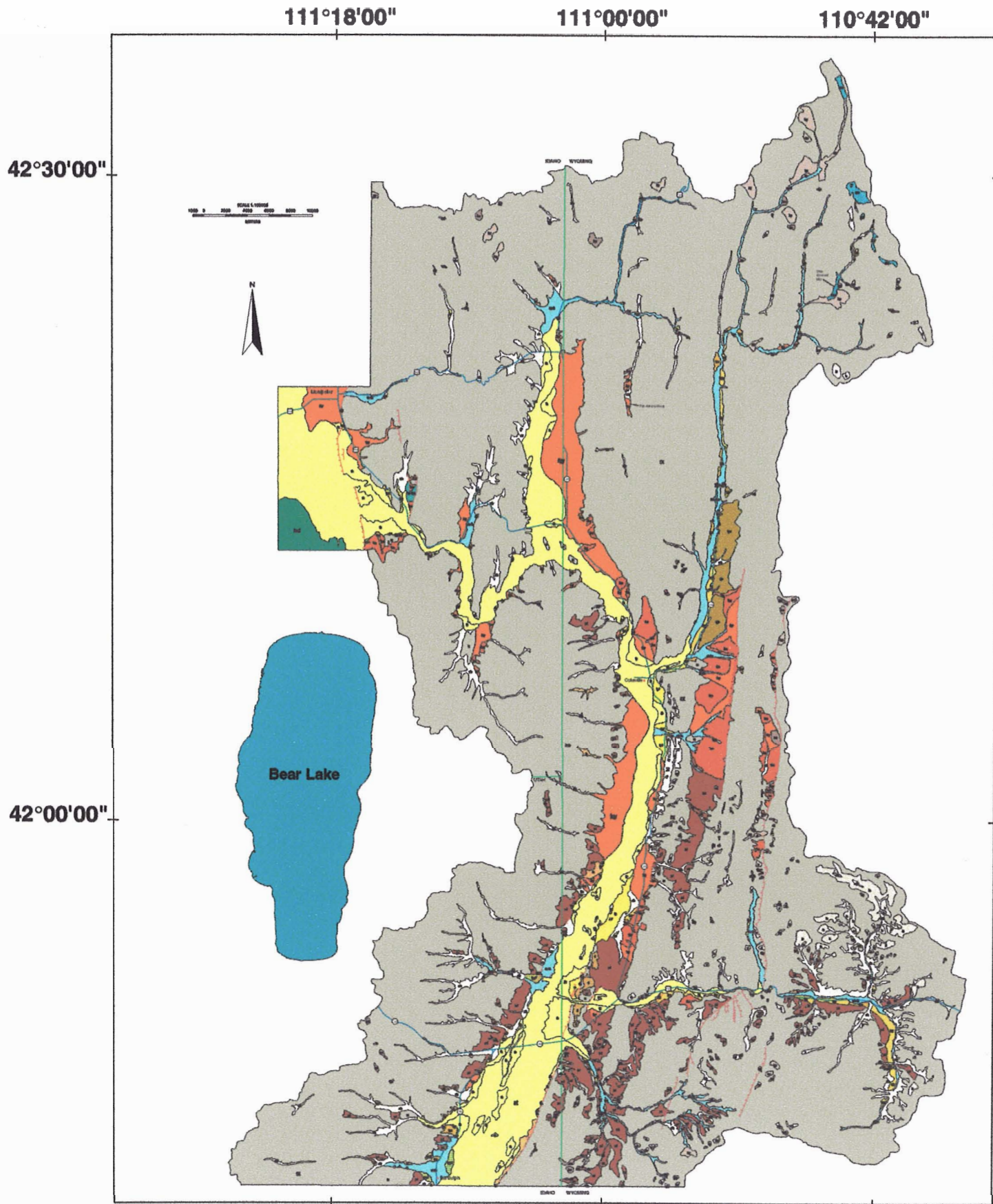


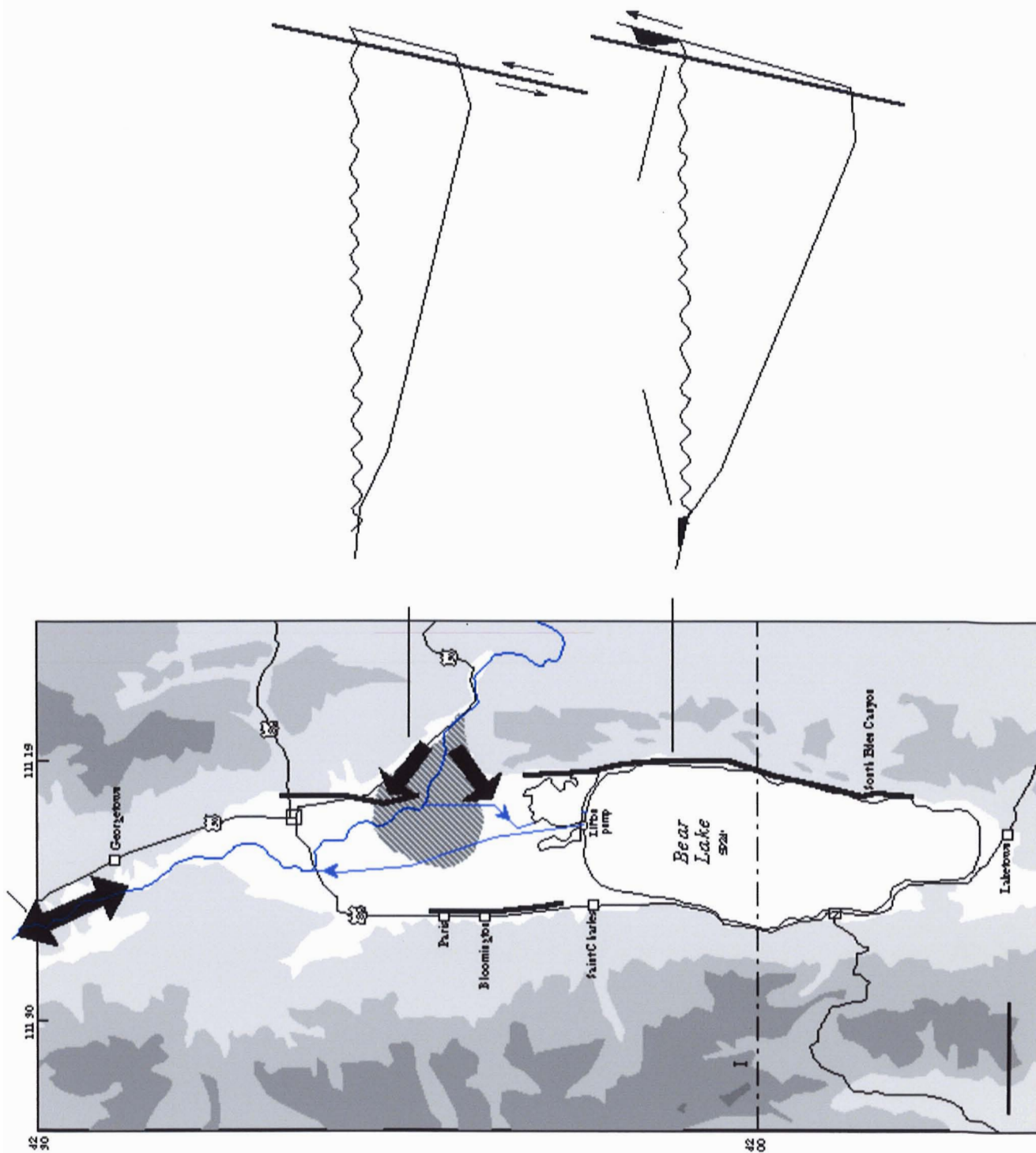
SURFICIAL DEPOSITS IN UPPER BEAR RIVER BASIN

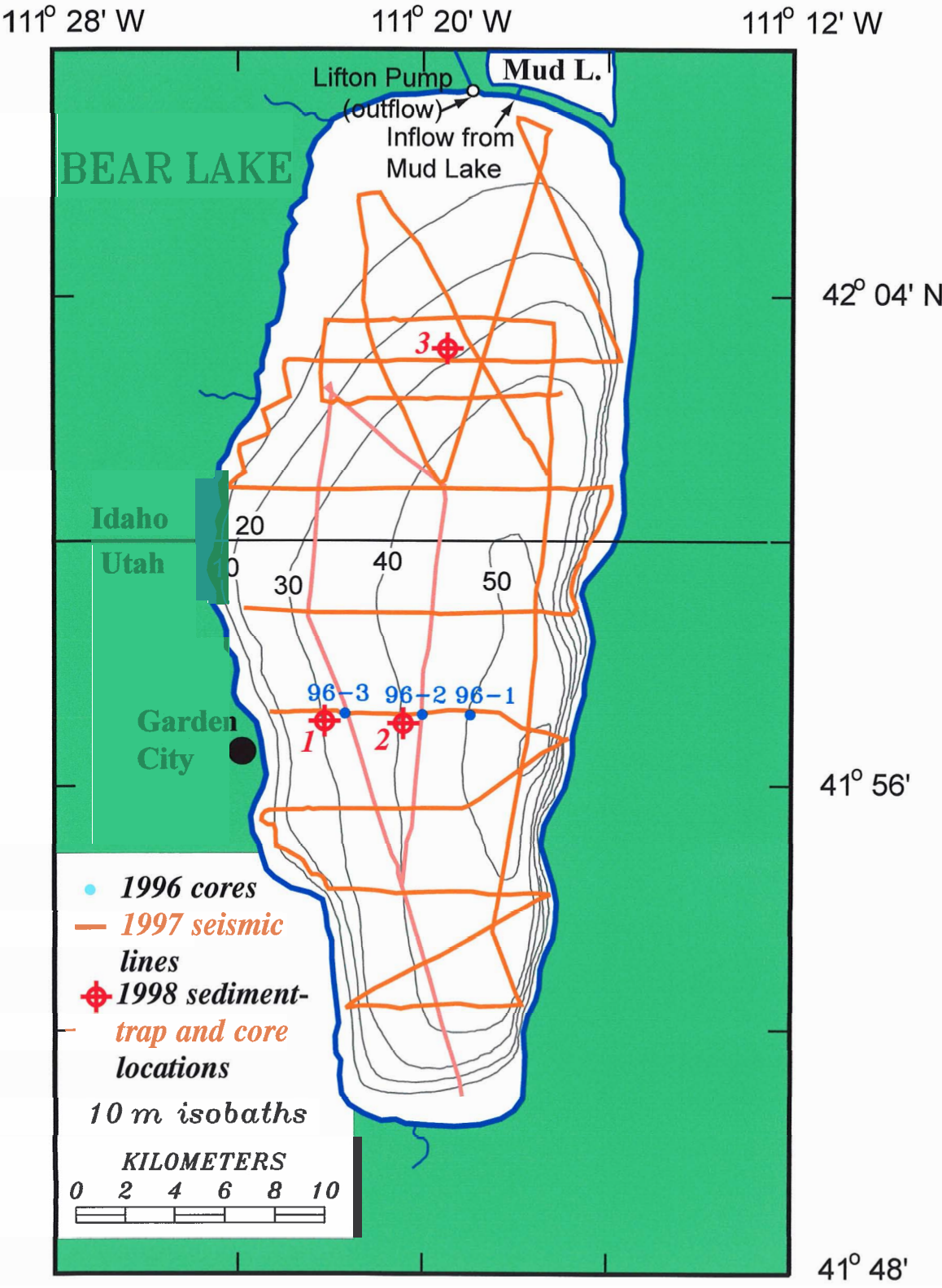
By Marith Rehels

Map Series One

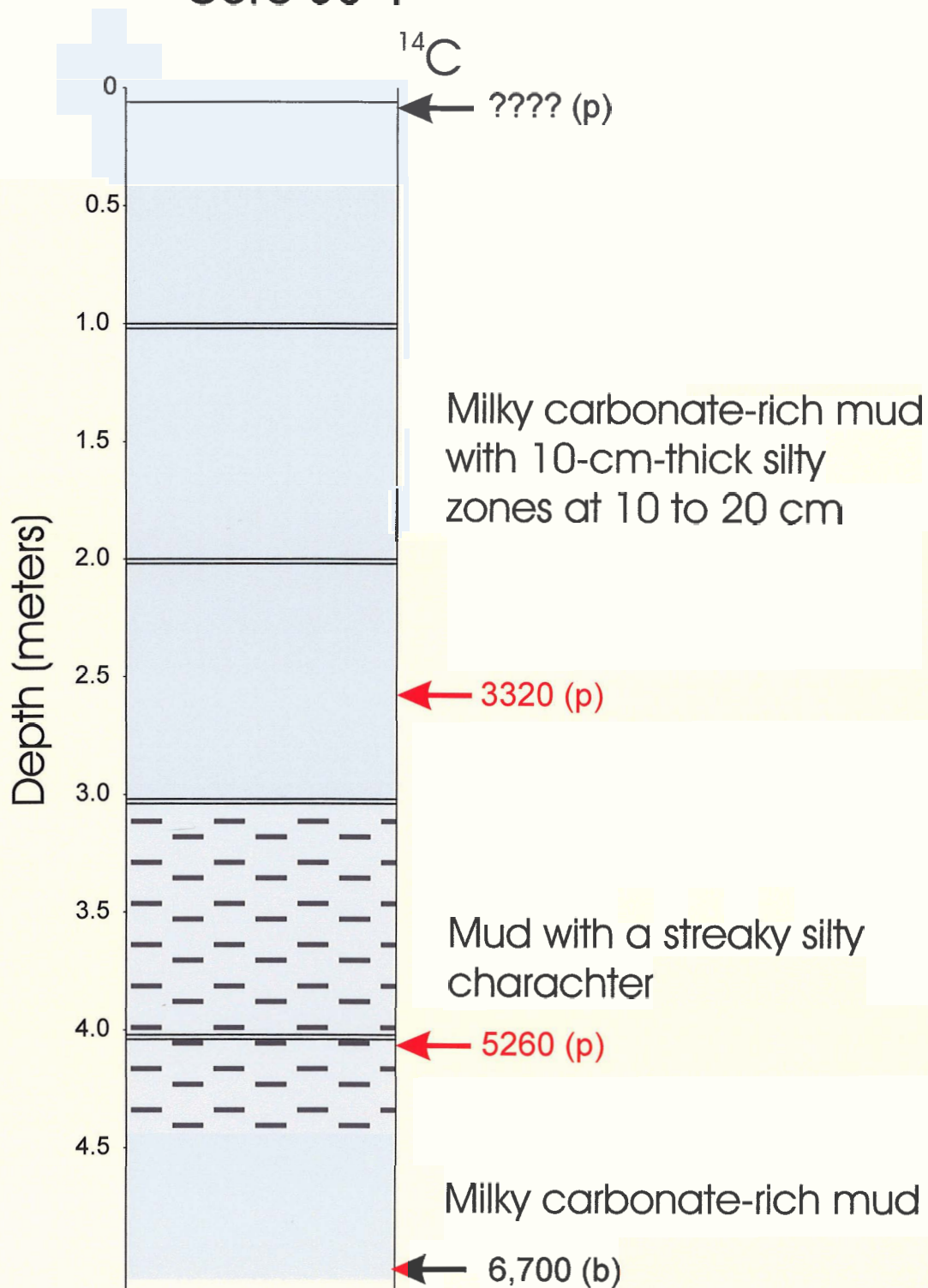
APPENDIX E
PAGE EIGHT



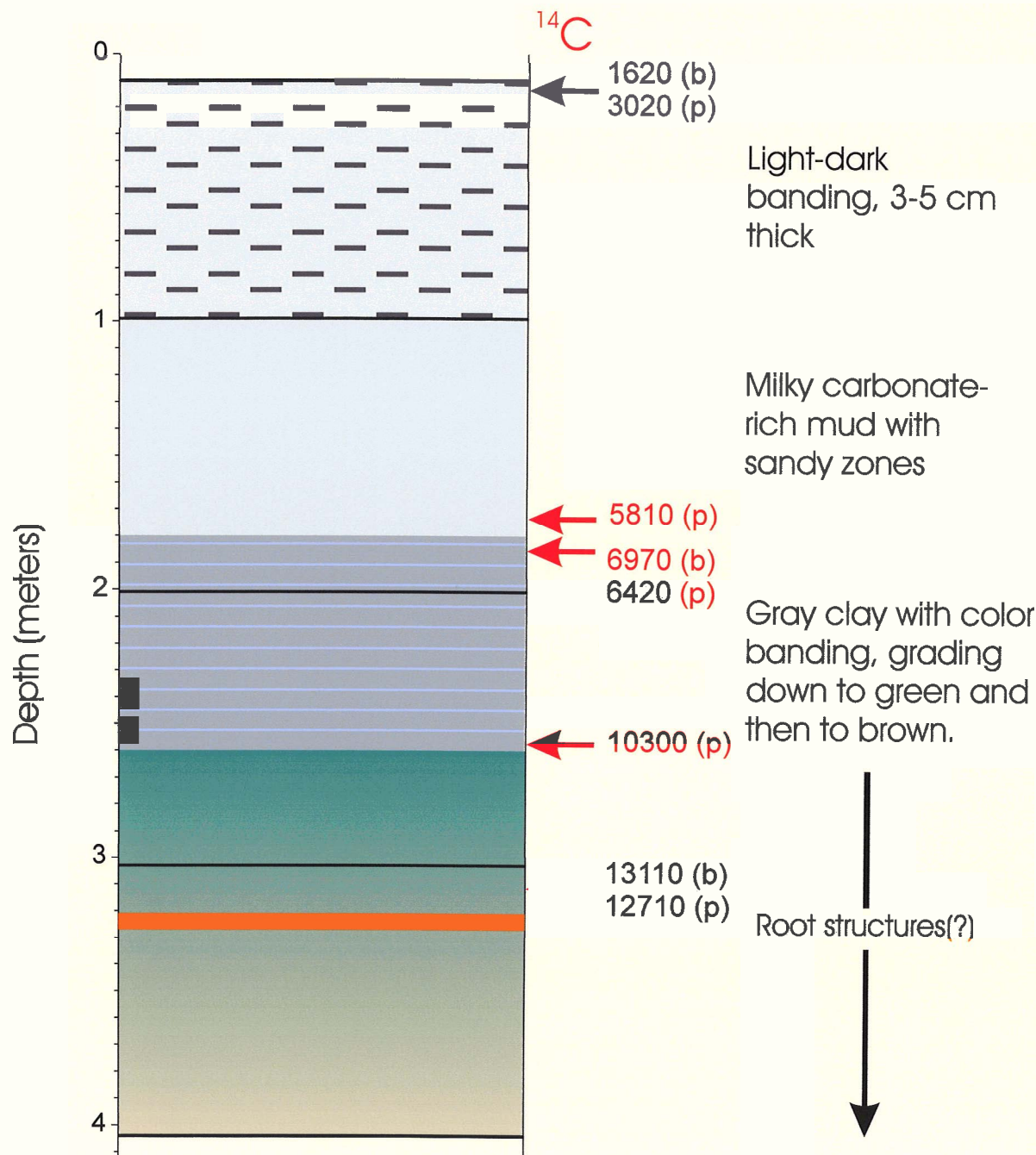


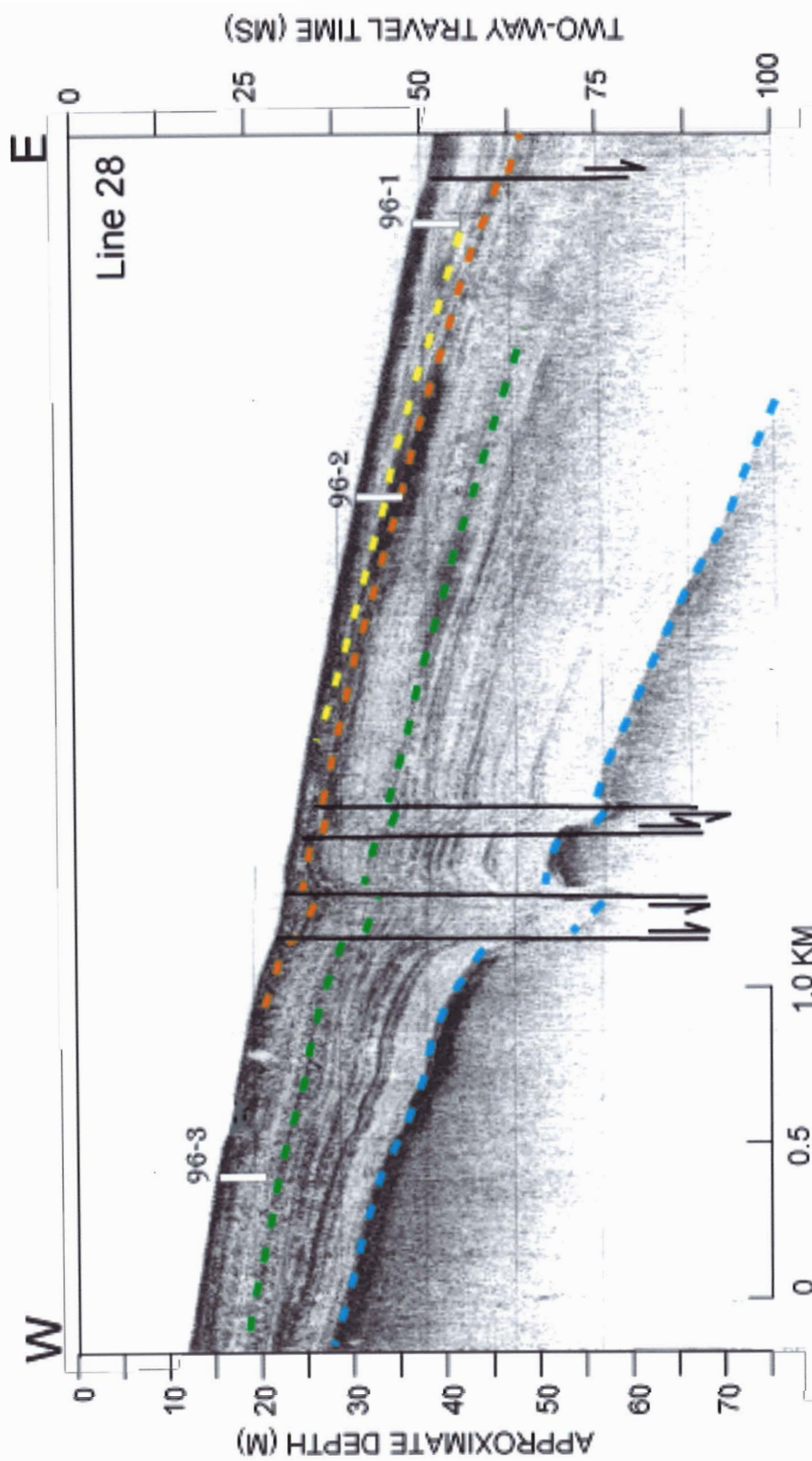


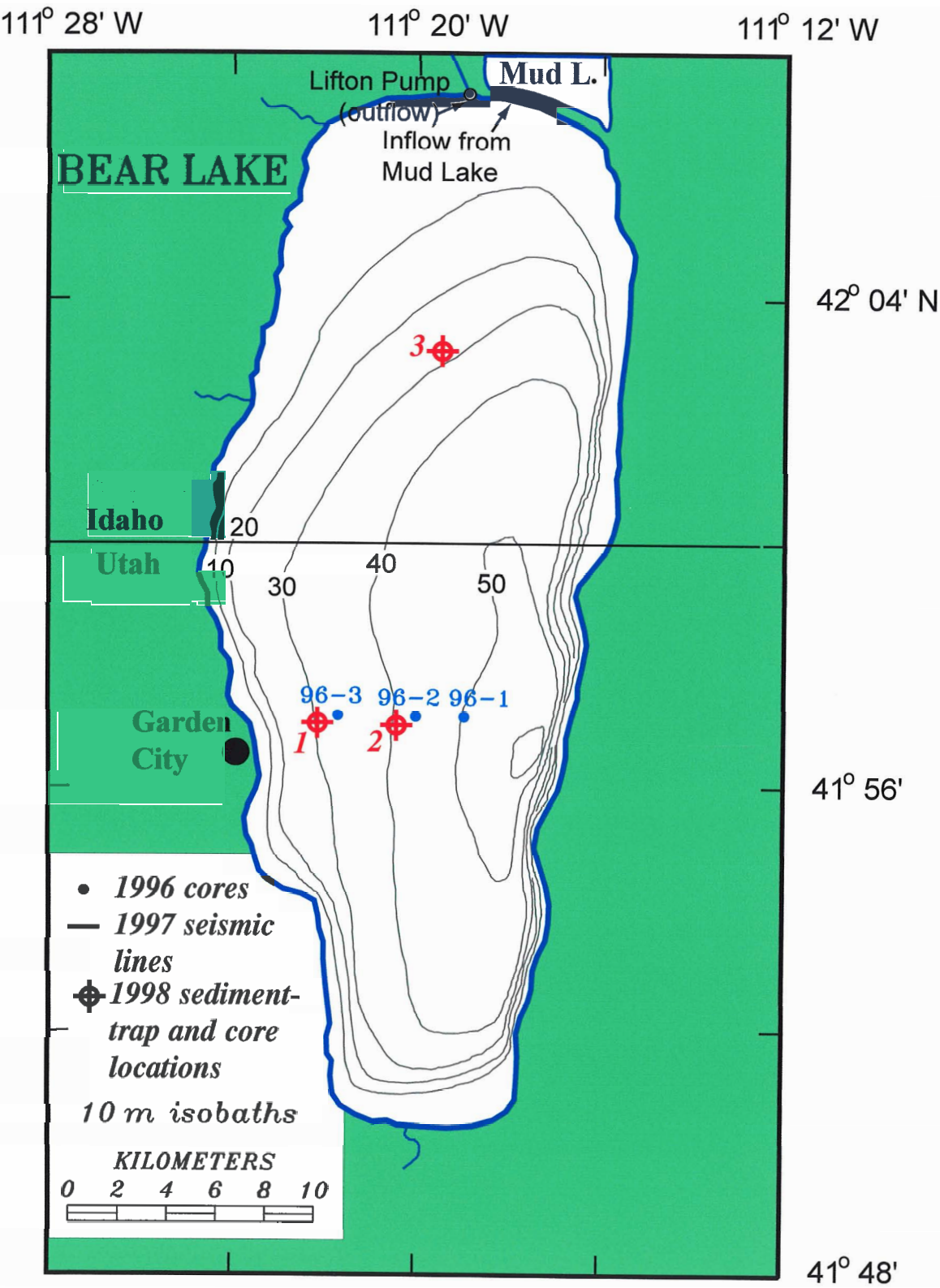
Bear Lake, UT Core 96-1

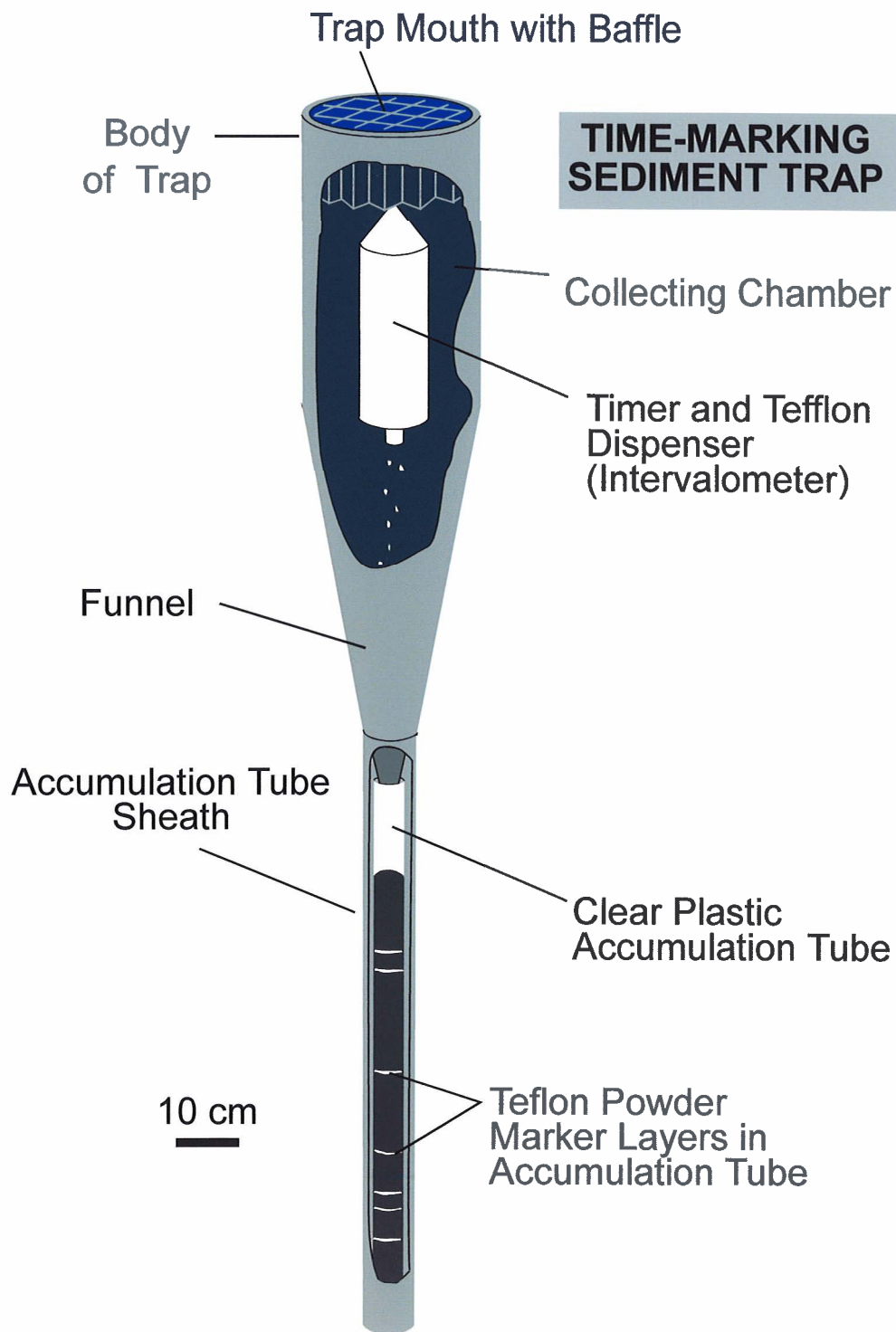


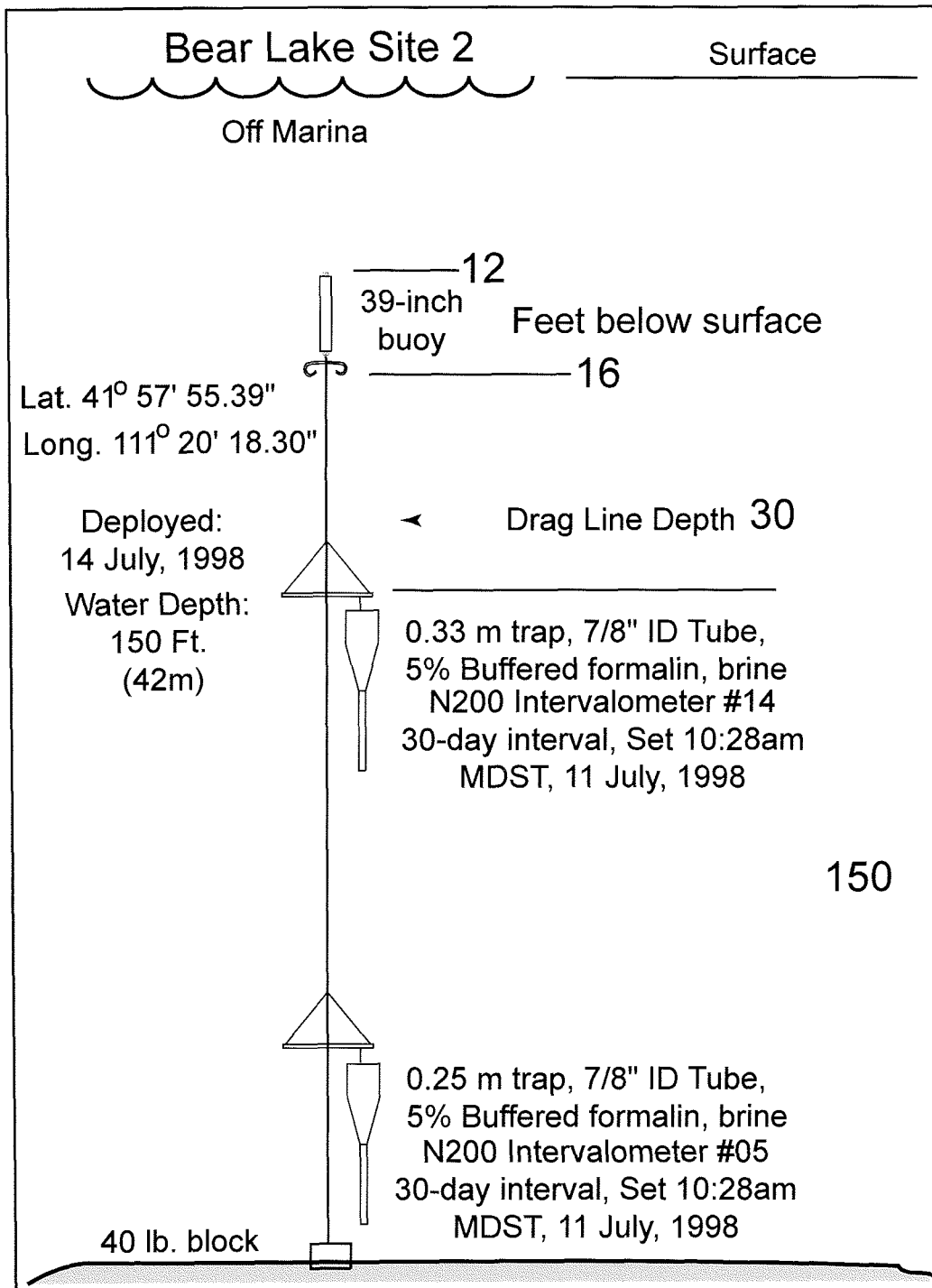
BEAR LAKE, UT
Core 96-2



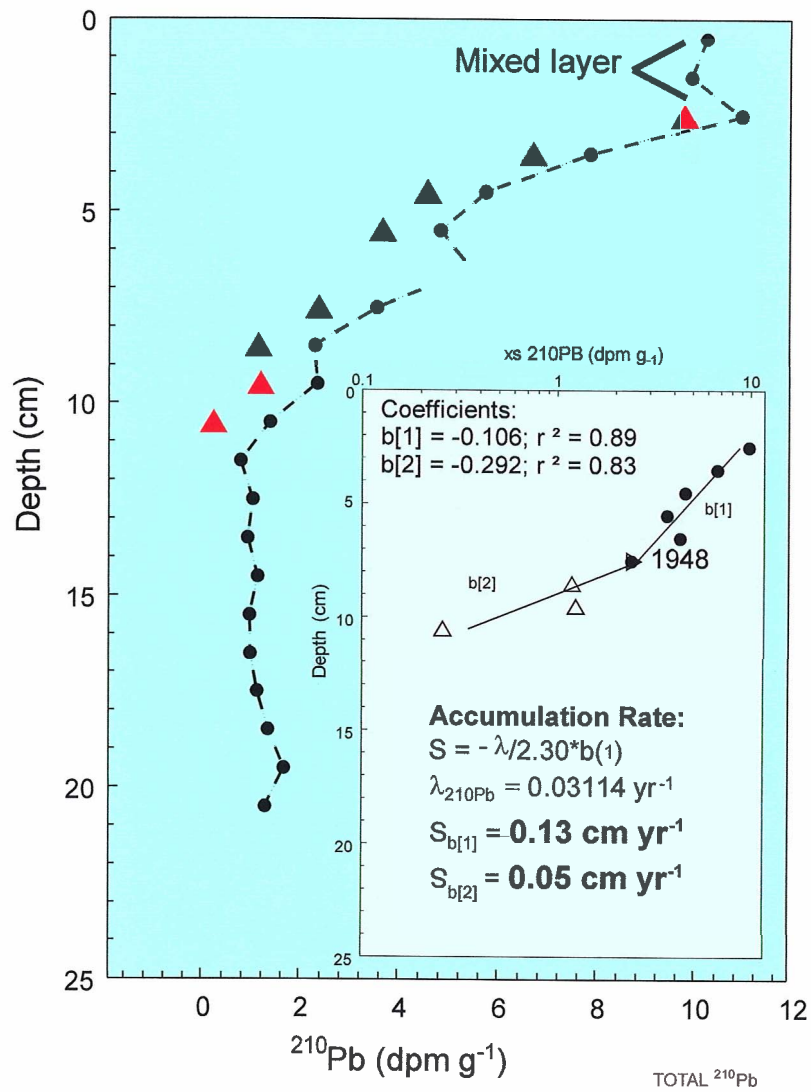






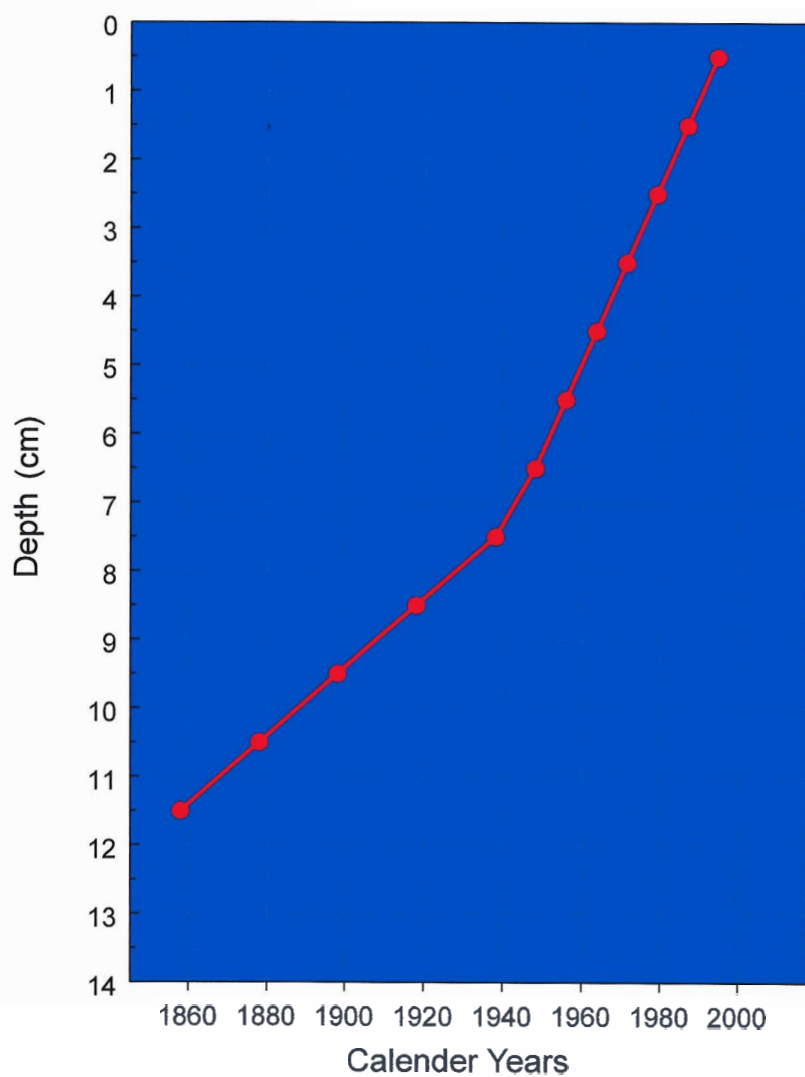


BEAR LAKE, UT CORE 98-06



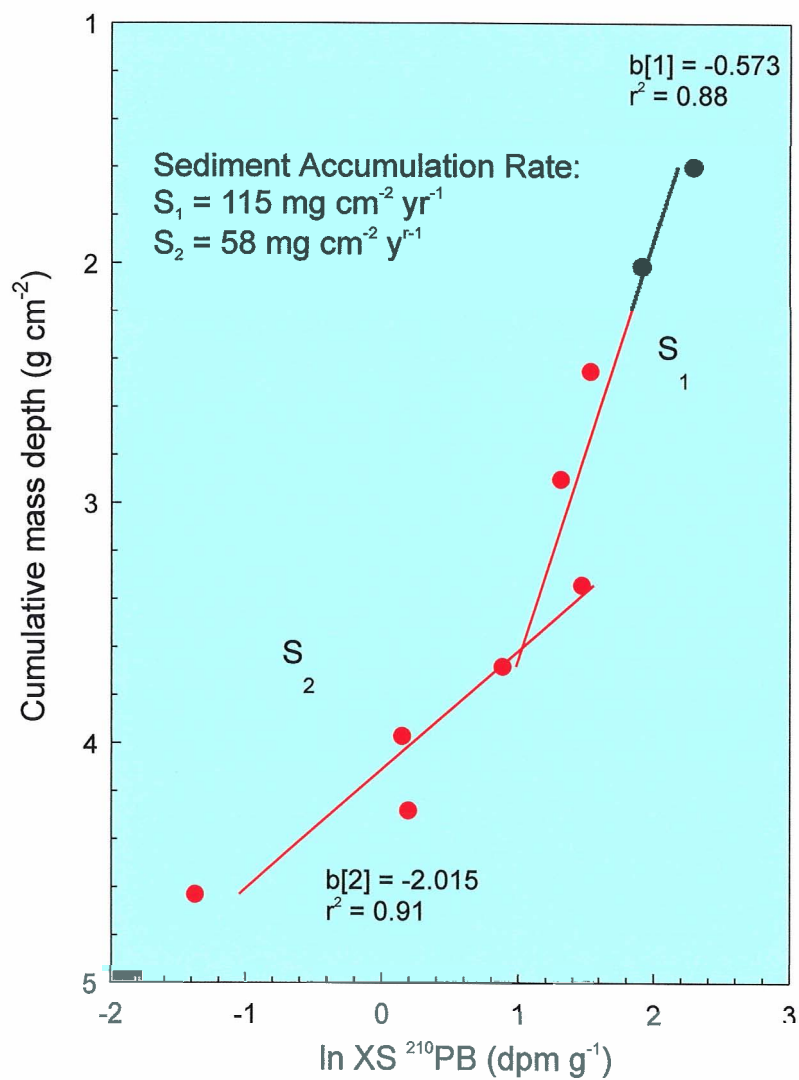
By Swarzenski, 11/98

BEAR LAKE, UT
CORE 98-06



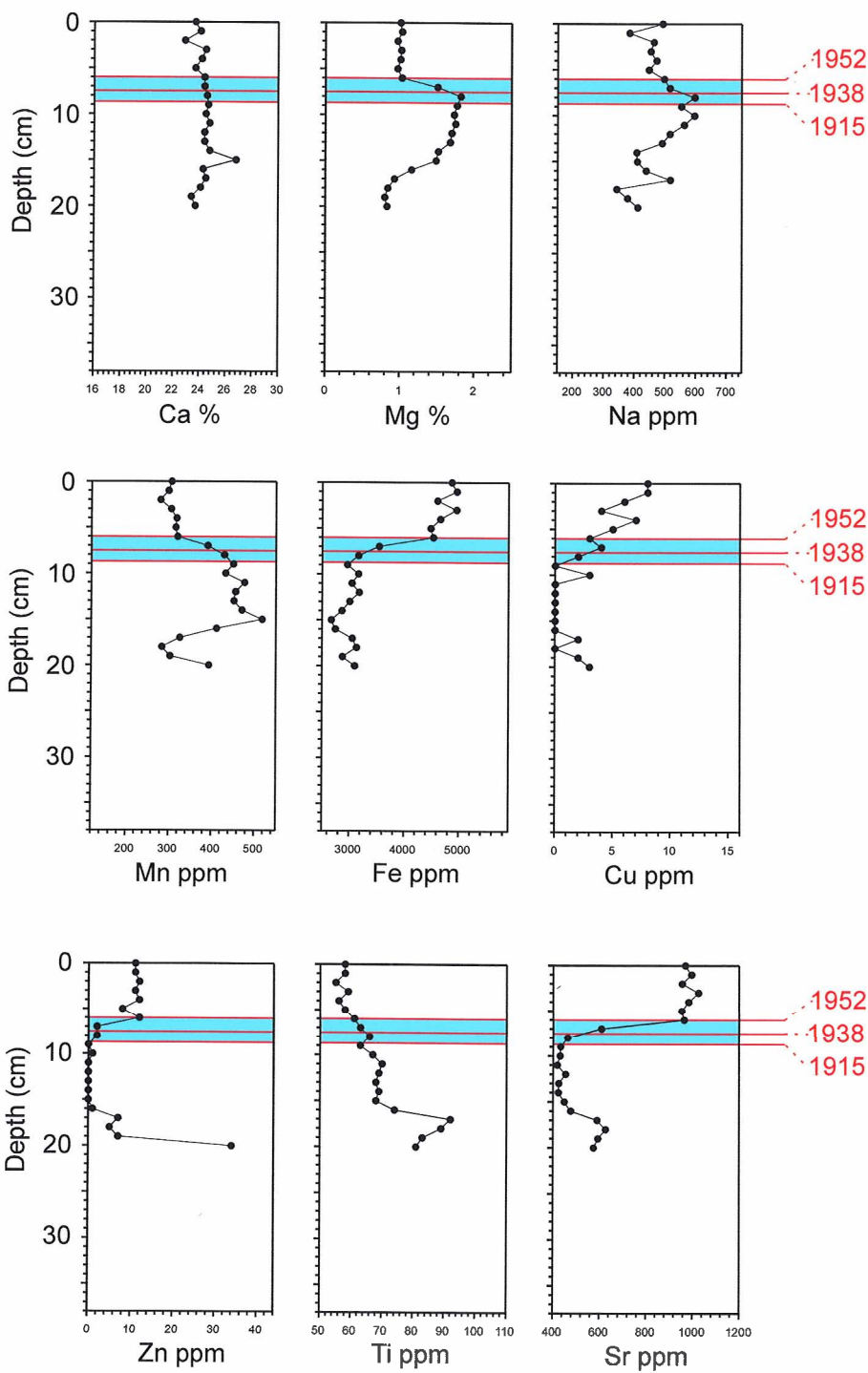
By Swarzenski, 11/98

Bear Lake, UT
Core 98-06



By Swarzenski, 11/98

Bear Lake, UT Core 98-06



by Bischoff, 10/98

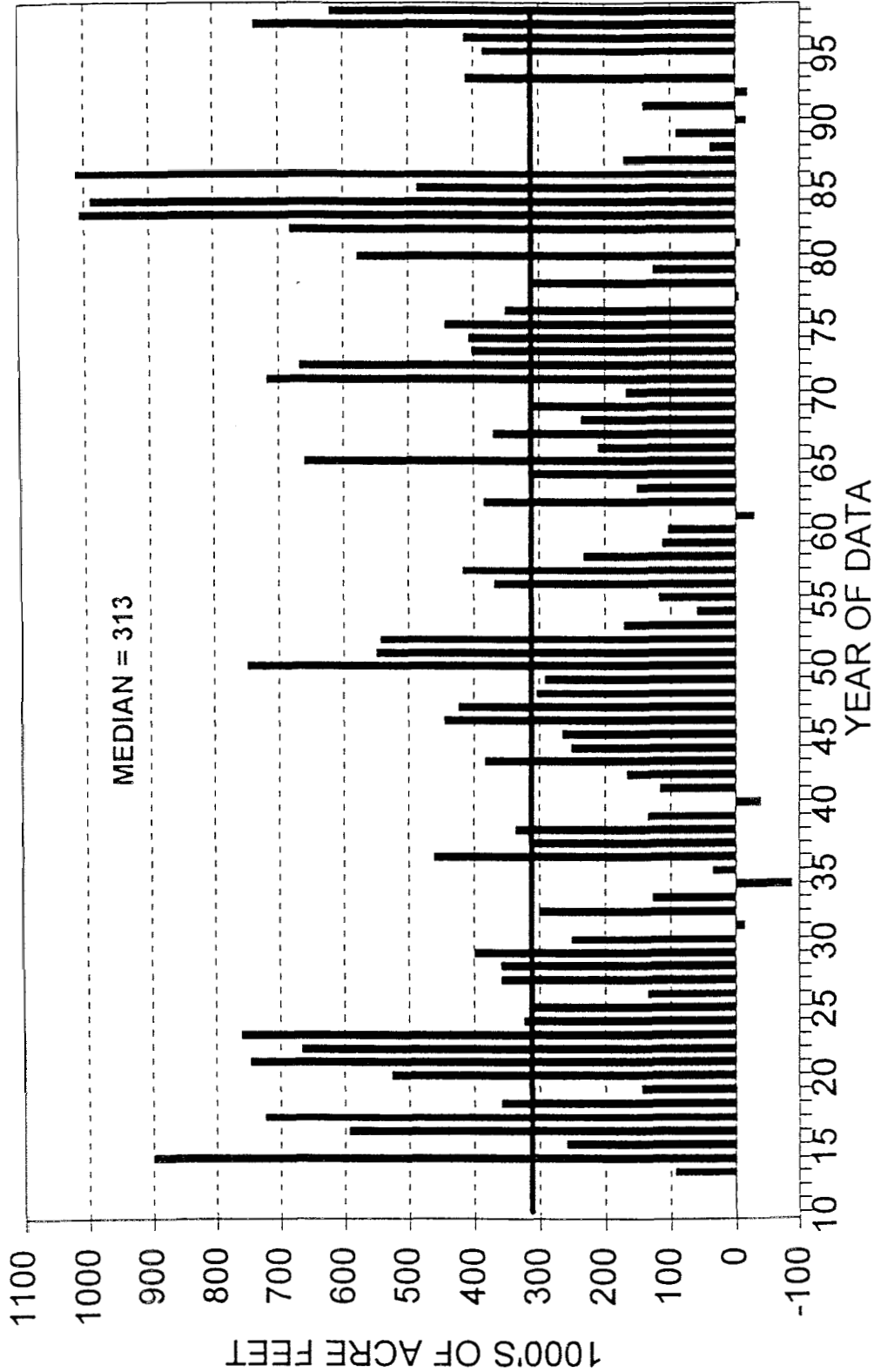
SUMMARY OF 1998 BEAR LAKE-BEAR RIVER OPERATION

The Bear River basin experienced another excellent water supply during 1998. Bear Lake elevation rose to 5922.85 feet in July, only 0.8 feet below the historic high. Since January 1995 Bear Lake elevation has increased an astounding 16.5 feet, making this period the fastest lake recovery in history. The 1998 inflow from the Bear River measured at the Rainbow Inlet Canal gage totaled 465,000 acre feet or 188% of average. The Outlet Canal release for the year amounted to over 609,000 acre feet or 208% of average. Net runoff to Bear Lake which includes all inflows from the Bear River and lake tributaries, less evaporation was equal to 619,000 acre feet or 198% of average. PacifiCorp's operation during the entire year was geared toward flood control. Outlet Canal releases continued for the entire year except for a short period in May when high flows in the Bear River below Bear Lake required curtailment of releases in order to minimize downstream flooding impacts. The flow in the Bear River below Cutler during 1998 was equal to 1.8 million acre feet, 180% of average. Normally, during the irrigation season the flow below the Cutler Project consists only of leakage. This year the flow for the five month period (May through September) was 726,000 acre feet or an average flow of 2400 CFS which was surplus to irrigation demands below Bear Lake.

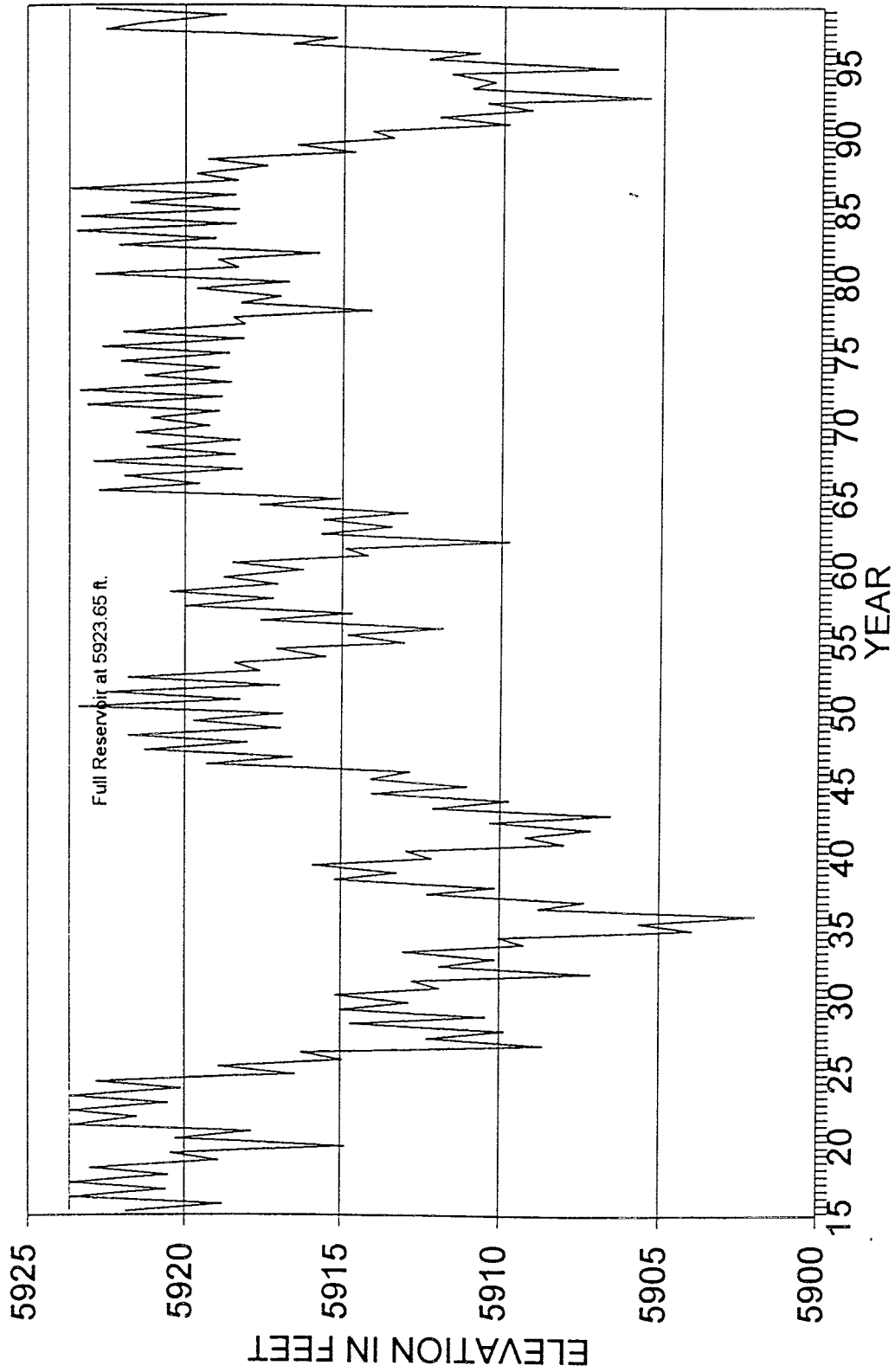
As of November 16, 1998, Bear Lake elevation is 5920.54 feet, about 2-1/2 feet above the elevation required before spring runoff begins and about 0.6 feet higher than at the same time last year. Releases will continue throughout the winter in an effort to lower the lake to a safe level by next spring. PacifiCorp is projecting a full water supply for irrigation during 1999 and our efforts will be directed toward flood control in the months ahead.

BEAR LAKE NET RUNOFF

FROM 1913 - 1998



BEAR LAKE ELEVATION FROM 1916 TO 1998



Bear Lake Net Runoff

APPENDIX F
PAGE FOUR

... 000 Thousands of
Acres ft.

Yr	Runoff	Yr	Runoff
1913	93	1956	368
1914	899	1957	417
1915	259	1958	232
1916	593	1959	112
1917	724	1960	104
1918	359	1961	-29
1919	145	1962	385
1920	526	1963	151
1921	747	1964	311
1922	667	1965	660
1923	760	1966	209
1924	324	1967	370
1925	311	1968	235
1926	135	1969	313
1927	359	1970	167
1928	359	1971	719
1929	399	1972	668
1930	251	1973	402
1931	-14	1974	407
1932	301	1975	443
1933	127	1976	351
1934	-87	1977	-5
1935	35	1978	312
1936	461	1979	126
1937	313	1980	578
1938	336	1981	-7
1939	134	1982	682
1940	-39	1983	1007
1941	115	1984	990
1942	166	1985	486
1943	383	1986	1012
1944	252	1987	170
1945	265	1988	39
1946	444	1989	91
1947	423	1990	-17
1948	304	1991	141
1949	291	1992	-19
1950	749	1993	411
1951	548	1994	3
1952	542	1995	386
1953	171	1996	414
1954	60	1997	737
1955	117	1998	619

Water Year Starts Oct 1 st	YR	ELEV	YR	ELEV	YR	ELEV	YR	ELEV
	15	5921.88	36	5908.80	57	5917.16	79	5919.64
Ends Sept 30 th	16	5918.77	36	5907.34	58	5920.48	79	5916.70
	16	5923.65	37	5912.28	58	5917.03	80	5922.86
	17	5920.57	37	5910.12	59	5918.78	81	5918.30
	17	5923.65	38	5915.22	59	5916.23	81	5918.96
	18	5920.50	38	5913.21	60	5918.51	81	5915.75
	18	5923.02	39	5915.90	60	5914.17	82	5922.13
	19	5918.89	39	5912.12	61	5914.90	83	5919.01
	19	5920.46	40	5912.96	61	5909.74	83	5923.46
	20	5914.82	40	5907.97	62	5915.70	84	5918.40
	20	5920.29	41	5909.20	62	5913.41	84	5923.32
	21	5917.83	41	5907.15	63	5915.63	85	5918.29
	21	5923.65	42	5910.32	63	5912.91	85	5921.75
	22	5921.48	42	5906.54	64	5917.67	86	5918.39
	22	5923.65	43	5912.12	64	5915.06	86	5923.61
	23	5920.50	44	5909.69	65	5922.74	87	5918.33
	23	5923.65	44	5914.04	66	5919.52	87	5919.65
	24	5920.10	44	5911.00	66	5921.92	87	5917.40
	24	5922.82	45	5914.08	66	5918.15	88	5919.30
	25	5916.45	45	5912.83	67	5922.92	88	5914.62
	25	5918.90	46	5919.33	68	5918.40	89	5916.50
	26	5914.92	47	5916.55	68	5921.23	89	5913.41
	26	5916.27	47	5921.28	69	5918.25	90	5914.10
	27	5908.60	48	5917.98	69	5921.58	90	5909.80
	27	5912.29	48	5921.79	70	5919.21	91	5912.02
	28	5909.82	49	5916.92	70	5921.08	91	5909.10
	28	5914.71	49	5919.73	71	5918.89	92	5910.50
	29	5910.40	50	5916.86	71	5923.12	92	5905.42
	29	5915.03	50	5923.38	72	5918.79	93	5911.00
	29	5912.83	51	5918.22	72	5923.34	93	5910.25
	30	5915.17	51	5922.51	73	5918.52	94	5911.62
	31	5911.86	52	5916.97	73	5921.28	94	5906.44
	31	5912.74	52	5921.80	74	5918.88	95	5912.37
	31	5907.14	53	5917.59	74	5922.05	95	5910.75
	32	5911.92	53	5918.41	75	5918.60	96	5916.66
	32	5910.12	53	5915.51	75	5922.64	96	5915.22
	33	5913.02	54	5917.11	76	5918.13	97	5922.54
	33	5909.23	54	5913.00	76	5921.97	97	5921.15
	34	5910.05	55	5914.82	77	5918.08	98	5918.73
	34	5903.99	55	5911.79	77	5918.47	98	5922.85
	35	5905.67	56	5917.61	77	5914.09		
	35	5902.00	56	5914.65	78	5918.25		
	36	5908.80	57	5920.05	78	5916.97		

Appendix B

Accounting & Distribution Method

Bear River Commission Approved Procedures for Lower Division Water Delivery

I. INTRODUCTION

The Bear River Commission's *Procedures for Lower Division Water Delivery*, to which this document is appended, provide for the description of an accounting method which can be used to account for the distribution of Lower Division main stem Bear River flows, including accounting of stored water, without regard to state line, pursuant to the water delivery schedule(s) set forth in Appendix C (see definitions found in III.C. of these Procedures). The purpose for describing the accounting method is to document the necessary logic and approach for water distribution and delivery calculations. The method described below is based upon appropriate hydrologic and water right accounting and distribution principles and upon provisions found within both the Dietrich and Kimball Decrees.

Upon the declaration of a water emergency, the administration of water deliveries will proceed as needed between the Commission and the States of Idaho and Utah and their respective river commissioners or watermasters. Both the States of Idaho and Utah will use their respective computer accounting models which implement the same methodologies as described below. In order to protect water users, the states will provide timely diversion measurements and regulation with weekly reporting to the Engineer-Manager as described in Section VII of the Procedures for Lower Division Water Delivery.

II. ACCOUNTING

During a Commission declared water emergency, the distribution and delivery of natural flows will be made to users within Idaho and Utah by priority and without regard to the state line. It is recognized that during much of the irrigation season, stored water releases from Bear Lake have a dramatic impact to the main stem Bear River flows in the Lower Division. It is further recognized that Utah Power controls these releases within restraints provided for by the Compact and under state water law to deliver stored water to contract users. The recognition of these contract holders and the segregation of stored water from the natural flow is vital to water accounting and delivery. Therefore, in a water emergency, the following will apply:

- A. In order to properly account for water travel times and stored water delivery losses, the river will be divided into a series of reaches. Reaches are defined based upon available stream flow information and/or between points on the river where there are changes in hydrology, including at major points of diversion or tributary confluences. Once the reaches are defined, the natural flow gain (or loss as a negative gain) within the reach is calculated. The natural flow gain within a given

reach is defined as the discharge from the reach, plus any diversions within the reach, minus the inflow to the reach, plus or minus changes in reservoir contents within the reach. Reach gains and natural flows available for diversion within each reach will be calculated and distributions will be made to users diverting under water rights for non-hydropower purposes set forth in Appendix C (Water Delivery Schedule No. 1) within that reach and downstream reaches, by priority.

- B. Once all of the natural flow has been distributed, all junior rights will be distributed zero natural flow. If in the distribution process there is only sufficient natural flow to meet a portion of the rights with identical priorities, then distribution will be made on an equal percentage of the available natural flow to each right holder with the identical priority.
- C. Main stem water users will be allowed diversions of stored water upon receipt by the Commission from Utah Power of storage allocations for that year in acre-feet by storage contract holder. The storage allocations provided by Utah Power may reflect the total storage limitations agreed to in the Bear Lake Settlement Agreement.¹
- D. To properly account for use of all stored water from Bear Lake, a calculation of natural flow diversions and use of stored water released from Bear Lake will be made beginning on the date during the irrigation season when stored water was first released from Bear Lake.
- E. Individual stored water use accounts will be tracked during the remainder of the water emergency and once the stored water allocated to an individual water user is fully used, the water user will not be allowed additional diversions of stored water unless the Commission receives notice from Utah Power that supplemental storage allocations have been made.
- F. As provided for in the Dietrich Decree, "in order to compensate for the natural yield of the Bear Lake area," water released from Bear Lake shall include an amount of water to be "regarded as 'natural flow'" in the following amounts during the year:
 - 50 cfs from April 20th to July 1st,
 - 35 cfs from July 1st to July 15th,
 - 25 cfs from July 15th to August 1st, and
 - 15 cfs from August 1st to September 15th.
- G. Stored water released from Bear Lake will be subject to transit losses as provided for in the Dietrich and Kimball Decrees so as to protect natural-flow water rights. The decreed transit losses are as follows: 1½ percent of the stored water flowing from the Bear Lake outlet works to above Grace Dam and an additional 1 percent transit

¹ The Bear Lake Settlement Agreement is an agreement entered into on April 10, 1995 between PacifiCorp, the "Bear Lake Group," and the "Irrigators."

loss for stored water remaining between each of the following points: Grace Dam and the diversion for West Cache Canal; between the diversion for West Cache Canal and the Idaho-Utah State Line; and between the Idaho-Utah State Line and Cutler Reservoir.

- H. The movement of natural flow and stored water within the system will be subject to travel time as provided for generally in the Dietrich and Kimball Decrees. It has been determined that the travel time from Outlet Canal to Corinne is approximately 5 days. Therefore, the travel time used in the accounting models will be different from the travel time identified in the decrees.
- I. A summation of total natural flow and stored water available for diversion by reach will be made and the appropriate division and regulation of such flows within the reaches will be the responsibilities of the states and their respective river commissioners or watermasters.

III. DISTRIBUTION

An integrated water delivery schedule of all Bear River Lower Division main stem water rights deliverable in both Idaho and Utah has been created and incorporated into the states' computer accounting models. During a water emergency, the states will provide timely diversion measurements and regulation with weekly reporting to the Engineer-Manager as described in Section VII of the Procedures for Lower Division Water Delivery. The following will apply:

- A. Natural flow will be distributed according to priority of rights on the main stem Bear River in the Lower Division, based on Water Delivery Schedule No. 1 set forth in Appendix C.
- B. Stored water from Bear Lake will be accounted for and distributed to storage water contract holders up to their contracted amount provided by Utah Power.
- C. Tributary streams will be administered by state officials having jurisdiction in Idaho and Utah.
- D. It is recognized that groundwater diversions have an effect on the flows of the Bear River. The States of Idaho and Utah are evaluating this impact, and a list of all groundwater rights with flow rates greater than 0.10 cfs has been prepared by the two states. Additional studies have been and are being performed by the states. Both states are committed to include appropriate groundwater effects in their water accounting and administration.

Water Delivery Schedule No. 1 Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
11-01012		1869	6	1	1.6	ALLEMAN, L.
13-00966		1879	5	1	2.2	GENTILE VALLEY (HARRIS, A. W.)
25-6299		1880	05	01	3.0	» Reese, Lee
25-6300		1880	05	01	1.5	» Reese, Lee
25-7522		1880	05	01	0.5	» Reese, Jennie P.
13-00970		1880	5	1	6.5	» NELSON DITCH CO.
13-00969A		1882	5	1	3.5	SMITH-BOSEN
13-00969B		1882	5	1	2.0	W. SMITH PUMP
13-00973		1882	5	1	13.0	» RIVERDALE IRRIGATION CO.
13-00621		1883	5	7	0.8	» HOGAN, DEAN S.
13-00971		1883	6	10	3.0	» RIVERDALE PRESTON IRRIGATION CO.
13-00975		1883	7	10	5.0	» WEST CACHE IRR. CO. (BATTLE CREEK)
13-00681B		1884	5	2	1.0	» HOGAN, DEAN S.
13-00682B		1884	5	2	0.5	» HOGAN, DEAN S.
13-00683		1884	5	2	0.5	» HOGAN, DEAN S.
29-2856		1889	03	01	333.0	» Bear River Canal Company
11-00254		1889	5	1	24.0	BUDGE LAND & LIVESTOCK CO.
11-00255		1889	5	1	2.0	BUDGE LAND & LIVESTOCK CO.
11-00256		1889	5	1	2.5	BUDGE LAND & LIVESTOCK CO.
13-00959		1889	6	1	33.0	» GENTILE VALLEY IRRIGATION CO. LTD.
13-00953	1	1889	7	30	4.0	JOHNSON, E. P.
25-7523		1889			0.5	» Reese, Jennie
29-1912	2	1890			30.0	Bear River Silt Lands Company
25-6467		1894	05	01	0.5 *	» Goodwin, Robert W.
25-6881		1894	05	01	*	Samuelson, Valoran A. & Colleen L.
13-00954	1	1895	3	21	2.4	WISER PUMP
29-3481		1895	08	12	4.5	Gilbert, Robert
13-00991C		1897	3	1	200.0	» LAST CHANCE CANAL CO. LTD.
13-00964		1898	8	31	1.0	GENTILE VALLEY (ELLSMORE)
13-00965		1898	8	31	0.9	GENTILE VALLEY (HARRIS)
25-3505		1899	09	12	1.5	» Munk Jorgensen Pump Company
13-00974		1899	9	12	186.0	» WEST CACHE IRRIGATION CO.
11-00253		1900	5	1	1.5	ALLEMAN, L.
13-00960B		1901	2	23	2.6	» SKABELAND, DAVID
13-00960D		1901	2	23	2.0	» WANLASS PUMP
13-00960E		1901	2	23	26.2	» GENTILE VALLEY (THATCHER IRR. CO.)
13-00960F		1901	2	23	4.2	» SKABELAND, DAVID
29-2857		1901	5	14	133.0	» Bear River Canal Company
13-00992C		1901	5	14	240.0	» LAST CHANCE CANAL CO. LTD.
29-3698	2	1902			(2000 AF)	US Fish & Wildlife Service
29-3739	2	1902			75.2	Bear River Club
13-00972		1902	6	10	6.5	» RIVERDALE PRESTON IRRIGATION CO.

Water Delivery Schedule No. 1 Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
29-1855	P	1903	12	01	270.0	Pacificorp dba Utah Power (Cutler)
13-00961		1904	4	18	12.0	» GENTILE VALLEY (BARTLOME)
29-2633		1904	06	01	95.0	» Bear River Canal Company
11-02006	I	1905	10	5	0.8	DREWERY, HARRY
13-00957	P	1905	12	28	500.0	UTAH POWER & LIGHT CO. (Grace)
29-2146	P	1906	12	01	135.0	Pacificorp dba Utah Power (Cutler)
13-00958	P	1908	7	6	500.0	UTAH POWER & LIGHT CO. (Grace)
29-2147	P	1908	12	01	135.0	Pacificorp dba Utah Power (Cutler)
13-00955		1909	8	9	138.2	BENCH B CANAL
13-00956		1909	12	31	25.6	BENCH B CANAL
13-00967	P	1910	6	17	1000.0	UTAH POWER & LIGHT CO. (Oneida)
11-00262		1910	7	29	54.0	» LAST CHANCE CANAL CO.
13-00968	P	1911	1	18	1500.0	UTAH POWER & LIGHT CO. (Oneida)
11-00248		1911	3	1	3000.0	UTAH POWER & LIGHT CO. (Stewart)
11-00249		1912	9	11	2500.0	UTAH POWER & LIGHT CO. (Stewart)
29-2148	P	1912	12	02	500.0	Pacificorp dba Utah Power (Cutler)
29-2858		1914	05	01	43.0	» Bear River Canal Company
13-02310	I	1914	5	6	0.3	OREGON SHORT LINE RAILROAD CO.
13-02066		1914	12	11	100.0	» CUB RIVER IRRIGATION CO.
25-3031		1915	05	04	2.0	» Larson, Leland U. & Joanne R.
25-5132		1916			6.0	» West Cache Irrigation Company
25-7045		1916			4.0 *	» Hoffman, A. Alton (etux)
25-7046		1916			*	» Thain Dairy, Inc.
13-00962	P	1916	3	9	1500.0	UTAH POWER & LIGHT CO. (Cove)
13-00963	P	1916	3	9	(4000 AF)	UTAH POWER & LIGHT CO. (Cove)
25-6236		1916	05	15	3.0	» Munk Jorgenson Pump Company
25-6322		1917	05	01	3.0 *	» Munk, Robert A.
25-6323		1917	05	01	*	» Tarbet, George
25-6324		1917	05	01	*	» Fisher, John Lee
25-6915		1917	05	01	2.0 *	» Reese, Lowell S.
25-6939		1917	05	01	*	» Ballard, R. Mel Roy
25-6914		1917	05	01	2.0	» Allen, John E.
25-6910		1917	05	01	2.0 *	» Ballard, R. Mel Roy
25-6911		1917	05	01	*	» Ballard, M. Landell
25-6912		1917	05	01	*	» Ballard, Nolan R.
25-6913		1917	05	01	*	» Ballard, Kenneth R.
25-6318		1917	05	01	7.0 *	» Benson-Bear Lake Irrigation Company
EX 581		1917	05	01	*	» Lee Johnson
EX 802		1917	05	01	*	» W. D. Johnson
EX 1194		1917	05	01	*	» Jim Watterson
25-8346		1917	05	01	*	» Sam Hilton
25-5087		1917	06	15	5.0	» King Irrigation Co.

Water Delivery Schedule No. 1

Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
25-6890		1917	07	05	4.9 *	» Spackman, Perry, et al.
25-6891		1917	07	05	*	» Buttars, Lloyd
25-6892		1917	07	05	*	» Spackman, Robert L. & Buttars, Lloyd
25-6893		1917	07	05	*	» Spackman, Robert L. and Linda T.
29-995		1917	08	02	2.0	Lazy "B" Cattle & Land Company
29-1589		1917	08	02	3.5	Anderson, Verl H.
25-6624		1918			3.0	» Goodwin, Robert W.
25-6626		1918	05	01	3.0 *	Utah Power & Light (Irr.)
25-6627		1918	05	01	*	» Simmonds, Jerry
25-6628		1918	05	01	*	» Simmonds, Jerry
25-9944		1918	05	01	*	» Brough, Laura
25-6625		1918	05	01	*	» Pitcher, Larry
25-3517		1918	05	01	6.0 *	» Hoffman, A. Alton (etux)
25-6908		1918	05	01	*	» Falslev, Larry
25-6909		1918	05	01	*	» Falslev, Rulon
29-993	1	1918	09	04	0.2	Whitaker, Lloyd N.
25-6925		1919			4.0	» Hill Irrigation Company
25-3040		1919	05	01	1.5 *	» Goodwin, Robert W.
25-6882		1919	05	01	*	Samuelson, Valoran A. & Colleen L.
25-7441		1919	05	01	0.2	Pitcher, Larry
25-4523		1919	06	01	1.2	» Smithfield West Bench Irrigation Company
25-8332		1919	06	01	0.7	» Hansen, W. A. & Lucinda (Jr.)
25-8178		1919	06	01	1.7	» Larkin, Clair & LaRon
25-8167		1919	06	01	0.8	» Marchant, A. George, et ux
25-8723		1919	06	01	0.6	» Wheeler, Allen
25-6319		1919	06	01	0.9	» Falslev, Larry
25-6320		1919	06	01	1.6	» Falslev, LaRon
29-996		1919	12	09	3.0	Worwood, Garry and Barbara, J.T.
29-1539		1920	01	07	1.1	Petersen, Earl Lewis
29-1001		1920	02	17	3.5	Holmgren & Anderson
25-3041		1920	03	03	3.0	» Larson, Leland U. & Joanne R.
25-6301		1920	05	01	2.0	» Griffiths, Robert
25-3518		1920	06	01	2.2	» Wood, Walter L. (etux)
29-1003		1920	06	08	1.9	Thompson, Robert Neil & Gayla S.
29-1789		1920	06	08	1.9	Fridal, Keith R.
29-2649		1920	06	08	1.9	Thompson, Lindon
25-6917		1920	06	12	2.0	» Wood Irrigation Company
25-6923		1920	06	17	2.5	Wheeler, Ray H. (etux)
25-5977		1922			2.5	» Falslev, Harold N.
11-02081	P	1922	6	12	1500.0	UTAH POWER & LIGHT CO. (Soda)
29-1506	P	1923	12	19	2500.0	Pacificorp dba Utah Power (Cutler)
29-991		1924	09	13	1.2	Ferry, Miles Y. (Todd Yeates)

Water Delivery Schedule No. 1 Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
29-1010		1925	06	22	3.5	Hansen, Wesley R. (Royal Norman)
29-2149		1925	07	22	1.5	Hatch, Amos E.
29-2451		1925	07	22	2.5 *	Canadian Goose Club
29-2452		1925	07	22	*	Thompson, Grant L.
29-2453		1925	07	22	3.5	Barker, DeVerl
13-02111	1	1926	3	29	0.2	NELSON, TAYLOR
25-7047		1927			2.0 *	» Ballard, R. Mel Roy
25-7049		1927			*	» Reese, Lowell
25-7048		1927			2.0	» Allen, John
29-1014		1928	11	11	1000.0	USA Fish & Wildlife Service
29-238		1928	12	14	3.0	Barfus, Phil
25-3058		1929	06	10	1.0	» Munk, A. Robert
25-7813		1930			2.5	» Wheeler, Regan
25-6023		1932	03	00	2.3	» Watterson, Joseph L.
13-02148		1943	03	09	0.3	» JENSEN, FLOYD
11-01102	1	1945	6	1	3.0	LOVELAND, RICHARD
25-3264		1955	10	08	1.9	» Allen, John E.
25-3266		1955	10	11	(72 AF)	» Spackman, LeRoy
25-9827	1	1955	10	11	2.0	Utah Power & Light (Irr.)
29-1169		1955	10	25	1.9	Cutler, Newell B.
25-3259		1955	11	10	3.0	» Rigby, J. Murray & Arlene T
25-3260		1955	11	10	3.0	» Rigby, J. Murray
29-1177		1955	12	21	1.5	McMurdie, Clifford H.
11-01101		1956	6	1	1.6	WALLENTINE, CLOYD
29-1178		1956	01	14	3.0 *	Hammons, Sherie Rae
29-1180		1956	01	14	*	Hammons, Sherie Rae
29-1179		1956	01	14	*	Hammons, Sherie Rae
29-1183		1956	05	11	2.0	Lazy "B" Cattle & Land Company
25-3296		1956	07	23	3.0	» Falslev, Larry J.
29-1195		1957	03	29	2.0	Selman, Harold
25-3311		1957	09	04	2.0	» Falslev, Harold N.
29-1200		1957	09	18	1.5	Peterson, Earl Lewis
29-1215	1	1958	12	02	2.0	Adams, Golden V.
29-1187	1	1959	08	20	1.0	Haycock, Warren C. & Norma H.
29-2632	1	1959	08	20	1.0	Payne, DeVerl and Irene I., Trustees
25-3358		1960	01	06	2.0	» Rigby, Golden H.
29-1263		1960	03	10	1.8	Hansen, W. Eugene & Jeanine S.
11-01103		1960	6	1	1.5	HARDCASTLE, LEON
25-3379		1960	08	29	2.0 *	» Johnson, Norval
25-3461		1960	08	29	*	» Johnson, W.D.
25-3462		1960	08	29	*	» Johnson, Lee
25-3382		1960	09	27	3.1	» Bullen, Eva J. and Betty Bullen Knight

Water Delivery Schedule No. 1

Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
YR	M	D				
29-3609		1966	01	11	10.0	Bear River Silt Lands Company, et al.
25-4550	1	1966	04	04	3.0	Falslev, Larry
29-1483		1966	04	20	3.0	Richards, Lynn H. & Christy H.
25-4647		1966	07	12	2.0	» Reese Clark Pump & Irrigation Company
13-07129		1967	04	10	2.0	JENSEN, FLOYD
25-4911	1	1969	06	06	0.7	» Gossner, Edwin O.
29-1647		1971	07	06	2.0	J. Y. Ferry & Sons (Incorporated)
13-07048		1973	6	21	1.8	» PORTER, TERRY
25-6017		1973	07	26	2.0 *	» Jean S. Nelson Trust, etal
25-9828		1973	07	26	*	Utah Power & Light (Irr.)
25-6083		1973	12	07	0.5	» Pitcher, Larry
13-07069		1974	1	14	1.0	» PORTER, TERRY
25-6167		1974	03	19	1.5	» Larkin, Clair & LaRon
29-1898		1974	07	25	1.0	Fridal, Keith
13-07081		1974	07	31	0.6	» HODGES
25-6262		1974	09	17	2.5	» Cowley, Joseph E.
25-6274		1974	11	05	0.0	» Reese, Lee
25-6349	1	1975	03	07	0.8	» Hansen, Willard A. (Jr.)
25-6366	1	1975	04	17	2.8	» Western Dairymen Cooperative Inc.
25-6691		1975	11	03	3.8	» Bullen, Reed
25-6838		1976	03	16	1.8 *	Buttars, Lloyd etux
25-8211		1976	03	16	*	Spackman, Robert L., & Battars, Lloyd
25-8212		1976	03	16	*	Spackman, Perry, et al.
25-8213		1976	03	16	*	» Spackman, Robert L. and Linda T.
29-2034		1976	04	02	1.0	Selman, Harold (Inc.)
25-6852		1976	04	16	0.4	Utah Power & Light (Irr.)
25-6855		1976	04	21	2.0	» M. J. & H. W. Ballard Pump
25-6856		1976	04	21	0.2	» Ballard, Mel Roy
25-6861		1976	05	04	2.0	Hoffman, A. Alton
25-6874		1976	05	21	1.7	Thain Dairy Inc.
25-6975		1976	07	20	0.5	Larson, Leland U. & Joanne R.
25-6978		1976	07	23	2.0	» Marchant, Raymond V.
25-7162		1977	02	02	1.1	» Dorius, Weeks, and Taggart
25-7174		1977	02	15	0.7	» Griffin, Duane W.
25-7329		1977	03	31	0.5	» Benson, Dale V.
25-6688		1977	10	22	2.0	Robbins, Wilson Kalmar
25-8015	1	1979	06	13	(24 AF)	» Dorius, Floyd
25-8128		1980	02	04	3.4	» Rich & Rich (C/O Wayne R. Rich)
13-07279		1980	5	3	25.0	» CUB RIVER IRRIGATION CO.
13-07288	P	1980	5	30	440.0	» LAST CHANCE CANAL CO. LTD.
25-8183		1980	07	22	1.6	» Rich & Rich
29-2549	3	1980	12	22	150.0	» Bear River Canal Company

Water Delivery Schedule No. 1 Lower Division Main Stem Bear River

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
13-07297	P	1981	2	11	220.0	LAST CHANCE CANAL CO. LTD.
25-8263		1981	03	24	4.0	» Munk, A. Robert
25-8268		1981	04	09	1.5	» Seamons, Russell S.
25-8272		1981	04	14	1.5	» Lindley, William
29-2725		1981	04	22	50.0	» Bear River Canal Company
25-8297		1981	06	23	0.7	» Benson, Dale
25-8389		1982	06	10	2.0	» Rasmussen, Max J.
25-8397		1982	07	26	3.0	» Munk, Robert
29-2976	P	1983	10	28	900.0	» Bear River Canal Company
25-8724	1	1986	03	11	1.8	» Wheeler, Allan
29-3321		1987	06	11	300.0	» Bear River Canal Company
25-8949		1988	12	21	1.5	» Archibald, Cecil
25-8991		1989	05	24	2.0	» Rigby, Mark L.
25-9014		1989	10	20	6.0	» Stewart, Paul

Idaho unadjudicated claimed rights which only receive natural flow when the river is not in regulation, but which thereafter receive stored water under contracts with Utah Power.	» COOK, CLYDE » INGLET, ALEX P. » JOHNSON, B., estate » LAMONT, BRUCE » WHITNEY, C.
--	---

Water users who do not receive main stem Bear River natural flow but who do have contracts with Utah Power for stored water which is diverted from the main stem of the Bear River. Such use of stored water will be regulated pursuant to contracts and storage allocations to protect main stem Bear River natural flow water rights.	» FOSTER, RON » FOX, LAWRENCE
---	----------------------------------

Diversion and use of Bear Lake storage water by PacifiCorp or its leasees on lands owned by PacifiCorp which do not have a main stem Bear River natural flow water right	PACIFICORP - KUNZ, CHARLES PACIFICORP - KUNZ, PARLEY PACIFICORP - KUNZ, PAUL PACIFICORP - SODA GOLF
--	--

Notes: Owners appearing in upper case letters divert water in Idaho and those with lower case letters divert water in Utah.

» denotes holder of storage contract with Utah Power

* denotes diversion shared with other water right(s)

1 water rights not included in accounting models

2 water rights which can only divert when the river stage is high, not included in the accounting models

3 water right for winter use only

P power right

Memorandum

TO: Jack Barnett

FROM: Sue Lowry

RE: Bonneville Cutthroats

DATE: November 4, 1998

I just spoke with our Game and Fish Dept. and they are anticipating the official acceptance of the Bonneville cutthroat trout petition to list be published in the Federal Register any day now by the US Fish and Wildlife Service. Under the ESA, that publishing in the Federal Register then begins a 12 month review by the US Fish and Wildlife Service to determine if listing is warranted. During that time, FWS will review existing conservation plans, state and private programs to enhance habitat and other information about the population trends of the species. At the end of the 12 month review, FWS will make a determination whether to list the species as threatened or endangered, or not list at all. A conclave of all the state game and fish agencies with an interest in the various petitions for all the trout species is going to be held in Salt Lake City later in the week of the Commission meeting, November 19 and 20.

FYI - A petition for Yellowstone Cutthroats has also been sent to the Fish and Wildlife Service. The Service is saying that they are too busy to review that petition now and are likely not going to make the review deadlines specified in ESA. Our game and fish dept. are splitters and think that Snake River Cuts should be separate from Yellowstones, ut the petition included Snake River cuts in with Yellowstones. Although fine spotted Snake River cuts look a lot different than Yellowstones, the DNA and other genetic analyses show they are indistinguishable.

Give me a call if you need more info. Sorry I won't be seeing you at the Commission meeting. This is the first one I've missed in a long time!

Sue