



# BEAR RIVER COMMISSION

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

## MINUTES

### BEAR RIVER COMMISSION ANNUAL MEETING

Utah Department of Natural Resources  
Salt Lake City, Utah  
April 21, 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 annual meeting of the Bear River Commission was called to order by Chair Denice Wheeler at 1:05 p.m. on April 21, 1998 at the Utah Department of Natural Resources Building in Salt Lake City, Utah. Chair Wheeler welcomed everyone to the Commission meeting. A sign-up roster was passed and a list of those in attendance is attached as Appendix A. All Commission members were in attendance.

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 Regular Meeting held on November 18, 1997 in Salt Lake City. Larry Anderson indicated that there were a few corrections to be made on page two, second paragraph regarding the estimated depletion factor for Utah. The depletion factors were incorrectly identified as cfs amounts. It was moved that the minutes be approved with those corrections to be made. The motion was seconded and carried. The Commission then considered the proposed minutes from the Conference Call/Commission meeting that was held on January 26, 1998. It was moved that the January 26, 1998 proposed minutes be approved without change. The motion was seconded and carried.

Chair Wheeler then moved to agenda item III, the election of officers. Commissioner Fassett nominated James Crompton to continue as the Vice Chairman of the Commission. The nomination was moved, seconded and carried. Karl Dreher then nominated Larry Anderson to continue as the Secretary-Treasurer. The nomination was moved, seconded and carried.

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Chair Wheeler moved to agenda item IV, the report of the Secretary-Treasurer. Larry Anderson asked Randy Staker to present the expenditures report. Staker distributed copies of two handouts. A copy of these handouts is included as Appendix C. Appendix C, Page One shows the Commission's Statement of Income and Expenditures for the period of July 1, 1997 to April 4, 1998. Staker briefly reviewed the income and expenses. The state assessments were received, as well as the payment from the U.S. Fish & Wildlife Service for their portion of the stream gaging program. A total of \$46,900 has been paid to the USGS for stream gaging, and there has been a total of \$47,398.32 for in-house Commission expenses. As of April 4, 1998, there was a cash balance of \$94,731.08. The details of the expenditures are shown on Page Two of Appendix C. Staker pointed out that there was a bank service charge of \$40. The bank deposited funds into the wrong account and will be making a reversal transaction. Staker further indicated that too much money had been transferred into the checking account, thus check #460 was to place \$14,000 back into the savings account. There were no questions for Staker.

Larry Anderson then explained the second handout, included in these minutes as Appendix C, pages three and four. This handout shows the FY 98 approved budget and the estimated expenditures and income for FY 98, as well as the proposed budgets for FY 99 and FY 2000. Anderson pointed out that the estimated total expenditures shown for FY 98 exceed the approved budget amount. This is due to the many extra hours Engineer-Manager Barnett has spent in behalf of the Commission on the Lower Division Procedures. Barnett has been paid for the extra hours spent through March, 1998. The second column indicates that the Secretary-Treasurer estimates the total expenditures for FY 98 to be \$109,210. This will put the Commission over budget by about \$15,600. The over-expenditures result largely from the Lower Division Procedure meetings, hearings and the required time and expenses needed to make those meetings and hearings happen. Anderson presented the modified FY 98 budget and requested that the Commission approve that modified budget of \$109,210. It was then moved that the amended FY 98 budget be approved. The motion was seconded and carried.

Secretary-Treasurer Anderson then presented the proposed budget for FY 99 and indicated that the "Personal Services" line-item included a 3% increase in the contract with Barnett. He further indicated that the "Contingency" line-item was raised by \$1,000. The Commission has averaged over the past four years an over-expenditure in the Personal Services line-item of about \$4500 each year. This year the amount will be substantially more. Anderson requested that the Commission approve the proposed FY 99 budget of \$97,525. It was moved that the Commission approve the proposed FY 99 budget as presented by Anderson. The motion was seconded and carried.

Anderson indicated that he needed authorization to enter into a contract with the USGS for stream gaging for FY 2000 for up to \$47,485 (the contract for FY 99 has already been signed). This assumes that the Commission will keep the same stream gages. If modifications are made by the Commission in the stream gaging program, such as dropping the Pescadero and Smith's Fork gages and restoring the Border gage to full-time, the costs would be about \$42,980 and Anderson will amend the contract with USGS to reflect those changes. It was moved that the Commission give Anderson the authorization to sign the USGS contract for FY 2000 for up to \$47,485. The motion was seconded and carried. Anderson indicated that there is not a need to consider increasing the state assessments at this time. There was a motion that the Commission approve the Secretary-Treasurer's report. The motion was seconded and carried.

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Chair Wheeler then moved to agenda item V and asked Jack Barnett to give an overview of the Lower Division Procedures. Barnett indicated that the adoption of Lower Division procedures has been discussed for five or six years, and the Commission has made significant progress. At the November 1997 Commission meeting, interim procedures were adopted which adopted the mainframe of the procedures and Appendix A, which is a petition form that could be used for consideration of a water emergency. Since the last Commission meeting, the Commission has been discussing and considering Appendices B & C. Appendix B describes processes as to how a petition would be considered and how accounting might occur. Appendix C is the Water Delivery Schedule No. 1 which lists diversions that the Commission would recognize in the event of a water emergency. There was a Commission meeting held, via a conference call, that authorized Appendices B & C to be presented at public hearings. Those hearings were held in Grace, Idaho and Logan, Utah in late March.

Since the public hearings, the three state leads have discussed, during two separate conference calls, the direction the Commission now should take with respect to Appendices B & C. There are two issues still in discussion. One issue is modifications to the delivery schedule which, to some degree, will probably occur forever as water rights are slightly modified. The interim procedures allow for the Operations Committee, in the long-term, to analyze and authorize minor changes in the delivery schedule. There are three or four comments from the public that can be addressed with some additional language in Appendix B. There is also the issue of ground-water depletions which remains about where it was when the Commission previously addressed the issue. There were no questions for Barnett.

Chair Wheeler then asked the three state leads to continue with the discussion on the Lower Division Procedures. Larry Anderson responded that he was pleased with the comments the Commission received. He has felt there could be strong opposition to the draft appendices, but it was his sense that the public seemed to be generally pleased with the document. The public wanted the Commission to be sure and address tributary flows and ground-water impacts and make those issues clearer. Anderson indicated that the Commission needs to keep the heat on itself and finalize the appendices as quickly as possible.

Karl Dreher indicated that he agreed with most of what Larry Anderson had said. He made reference to two comments that were heard, the first being from Marcus Gibbs of the Last Chance Canal Company. Mr. Gibbs expressed a concern regarding the issue of ground-water right administration and felt that the Commission should move at a pace that would allow for a well thought-out, comprehensive policy as to conjunctive use of surface and ground waters, and that there was not a need for the Commission to race ahead to administrative decisions at this point in time. A second comment from Gale Moser of the Bear River Water Users Association stated that the Association believed that the procedures must be completed with the adoption of Appendices B & C but that now, because of adequate water in the system, there is time to work on some of the issues, particularly the ground-water issues and how the tributary streams are to be regulated.

Dreher pointed out that when the three state leads have had internal discussions, there seems to be more of a sense of urgency to have something in place just in case. The Engineer-Manager has also expressed his belief that the Commission needs to have something in place. During a conference call held yesterday, April 20, the state leads indicated a willingness to

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consider potential language that might be proposed for adoption at this Commission meeting. The Commission staff prepared a draft resolution. Dreher indicated that he was troubled by some aspects of the draft resolution and had drafted an alternate resolution. He felt the alternative resolution was responsive to the comments that the Commission needs to take its responsibility in this area seriously and do it in a way that is responsive to the suggestions received. Dreher then read his draft resolution.

Commissioner Dreher stated that if a resolution such as this were adopted, it would indicate that the adopted interim procedures are adequate should the Commission receive a petition requesting that a water emergency be declared. By adopting a resolution such as this, the Commission will have adopted Appendices B & C in whatever form the Commission approves them and they would remain in effect only for the duration of that water emergency. A resolution such as this completes provision of the mechanism the Commission needs to deal with a filed petition.

Jeff Fassett indicated his concern that the resolution drafted by Commissioner Dreher does not have a meaningful target date. The initial resolution drafted following the Monday conference call included deadlines. Chair Wheeler pointed out the differences in the resolutions with regards to deadline dates. A lengthy discussion then followed concerning the need for deadlines being set forth in a proposed resolution, as well as discussion concerning ground-water impacts. Commissioner Fassett requested that the Commission break for state caucuses. There was consensus that the Commission meeting be adjourned. The meeting adjourned at 2:00 p.m. and reconvened at 2:15 p.m.

Chair Wheeler asked that the states report on their state caucuses. Larry Anderson presented Utah's edits to Commissioner Dreher's proposed resolution. Jeff Fassett presented Wyoming's edits to Dreher's proposed resolution. Karl Dreher reported that Idaho had not edited the resolution but had talked about ground-water problems in their caucus. There was then significant discussion concerning the proposed resolution and the suggested changes by Utah and Wyoming.

Chair Wheeler indicated that there had been a request that the agenda be changed to accommodate Don Ostler's schedule. It was moved that the agenda be changed. Chair Wheeler moved to agenda item X and asked for the Water Quality Committee report. Chairman Don Ostler indicated that the Water Quality Committee has met twice since the November Commission meeting, once on January 20 and again yesterday, April 20. The committee has reviewed the U.S. Geological Survey's (USGS) NAWQA study which includes the Bear River and spent most of the day on January 20 meeting with the USGS regarding their plan and the funding for this study. The Water Quality Committee will coordinate with the USGS and the three states and emphasize the need for sharing the collected data. The overall effort should be helpful to the states. The money for this part of the program will be spent on the Bear River studies and not on Bear Lake studies. The Bear Lake study will be a separate effort. The committee is proposing that a letter be sent to the USGS stating the Commission's general support for this study. The committee further proposed that a transmittal letter be sent to Senator Craig transmitting the comments that are sent to the USGS in order to bring closure to the issues raised by Senator Craig. It was suggested that the draft letters be sent to Commissioners first for a comment period and then, upon consensus, the letters would be sent.

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Chairman Ostler then reported on a Bear Lake symposium to be held at Bear Lake in May. The symposium will be a technical data exchange where data will be explained and results will be shared. The concept would be that specific participants would be invited to attend and explain the data that they have and share the results. The discussions will involve hydrology, water quantity, regulatory framework, water quality, aquatic biology of the lake, watersheds surrounding the lake and lake sediments. It is felt that this will be a very timely technical session. There has been a request for sponsors of this symposium. The Water Quality Committee is supportive of being co-sponsors and this would be done in the name of the Bear River Commission. Other co-sponsors will be PacifiCorp, the Bear Lake Regional Commission and the U.S. Geological Survey. There would not be a cost factor for the Commission unless the Bear Lake Regional Commission requested help with the room rental fee. The symposium is scheduled for Wednesday, May 6 at 9:00 a.m. and will be held at the Utah State Training Center on Bear Lake. There was a motion that the Commission be listed as a co-sponsor of this Bear Lake symposium. The motion was seconded and carried.

Chairman Ostler indicated that as a follow-up to the Water Quality Committee agenda, the Committee will focus on: 1) the coordinating of priorities for the critical watersheds involved in the Bear River; 2) the coordination of the development of TMDL's; 3) the coordination of resources; 4) the supporting and fostering of local watershed improvement groups; 5) the coordination and implementation of management practices; 6) the coordination between the three states of the beneficial use classification for the segments of the river and the water quality standards; and 7) further evaluating potential Bear Lake studies. There were no questions for Don Ostler. The Water Quality Committee was commended on their efforts.

Chair Wheeler then returned to agenda item V, the Lower Division Procedures and asked for further discussion of the proposed resolution regarding Appendices B & C. Karl Dreher indicated that he was still struggling with the changes to the proposed language of the resolution in that the language changes the burden from the Commission having to take affirmative action at some point and absent that affirmative action Appendices B & C would remain in effect. Dreher suggested an amendment to the resolution, adding an additional sentence indicating that at the November, 2000 Commission meeting the Commission must re-adopt Appendices B & C, with or without revision, in order for those appendices to be of any effect. There was significant discussion regarding the need for additional language and the use of the word "re-adoption." The point was made that the resolution needs to clearly state what the Commission will do regarding Appendices B & C. Nola Peterson was asked to read the resolution with the modifications. Following that reading, there was a motion that the Commission approve the resolution. Chair Wheeler noted that the motion had been amended and approved by the mover and the second. A vote was taken on the revised motion and the vote was in the affirmative. A copy of the approved resolution is attached as Appendix D. The passed resolution adopted Appendices B & C as currently drafted. A copy of the currently drafted Appendices B & C of the Lower Division Procedures is made a part of these minutes as Appendix E.

Jack Barnett clarified that in the original resolution prepared by the Commission staff, there was suggested a procedure whereby the TAC could meet this summer, review the comments, and then take the potential amendments to Appendices B & C back to the Operations Committee. If the Operations Committee concurred in amendments, then potentially they could provide to Commissioners a report of the Committee action at the November 1998 Commission

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meeting. Barnett asked if it was the sense of the Commission that this procedure is acceptable. Dreher questioned the role of the Operations Committee in this regard. Barnett pointed out that in the adopted Interim Procedures, the Operations Committee does have the responsibility of considering whether amendments to Appendices B & C should occur and can amend Appendices B & C in minor ways by a unanimous vote of the Operations Committee without Commission concurrence. Blair Francis indicated that the Operations Committee will probably need to have an interim meeting to review the comments and prepare the report for the Commission. Barnett felt that he would like the process over by September so that the full Commission would have documents in hand well in advance of the November Commission meeting. There was consensus on this effort.

Chair Wheeler asked if the Commission could move to agenda item VIII, the report of the Operations Committee, due to a scheduling problem and then return to agenda items VI and VII following the Operations Committee report. There was consensus and Blair Francis was asked to give this report. Francis indicated that the Operations Committee had met at 9:00 a.m. today. Last year there was not a call on the river due to the flows. It is felt that there will be a call this year in the Upper and Central Divisions. The snowpack in the Uintas is averaging around 85%. Idaho is a little less than that, and Cache County is okay. The reservoirs are in good shape. Francis reported that Kelly Holt of PacifiCorp had given a report to the Operations Committee on Bear Lake. Additional copies of the PacifiCorp handout given to the Operations Committee were distributed to the audience, and a copy of the handout is attached as Appendix F. Francis reviewed the PacifiCorp information found on the handout. The amount of flow at Rainbow Canal, as of April 21, was 1060 cfs but it is expected to pick up. The outflow so far this year is 327,000 acre-feet of water with about 800 cfs going out today. It is projected that there will be around 210,000 acre-feet inflow to the lake, or 73% of normal. The projected high this year for Bear Lake is 5922.19 and the highest or full lake level is 5924.14.

Francis indicated that another point of discussion during the Operations Committee meeting was the water bank, or the rental pool in Idaho's terminology. The Bear River Water Users Association, PacifiCorp and Idaho are working through this project. The contract users would allocate a part of their supply to the bank pool and would be sold at some future date. 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. The Bear River Water Users Association will be the broker. There is a meeting in Montpelier, Idaho on May 14 to explain the program. On May 15, the program will be presented to the Idaho Water Resources board. The push is to try and get something done at the May 15 meeting.

Francis concluded his report by indicating that the remaining issues on the Lower Division Procedures are: 1) the tributary rights handled in a water emergency; 2) the ground-water issue; 3) small changes that need to be made to Appendix C; and 4) PacifiCorp had asked in their comments that the Commission reconsider language in the proposed Interim Procedures so that the Commission would be looking to the contract holders to determine if they are, in fact, receiving storage water in the event of a water emergency. Francis asked Jack Barnett to discuss this final issue. Barnett indicated that, with the direction of the three state leads, he responded to PacifiCorp and indicated that the Commission has visited this issue previously. The Commission has no control over how PacifiCorp allocated its storage rights, the Commission was not a part of the Settlement Agreement, nor does the Commission have any control with respect

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to the PacifiCorp contracts and the contract holders. The Commission, in a water emergency, would have to look to PacifiCorp to tell it what waters were being pumped for whom out of Bear Lake in order for those numbers to be entered into the accounting model.

Francis pointed out that the Operations Committee is going to be more active due to the assignment with regards to the Lower Division Procedures. There were no questions for Commissioner Francis.

Chair Wheeler turned to agenda item VI, the 20-year review by Jack Barnett. Barnett indicated that on April 17, 1998, Memorandum 98-41 was sent to all Commission members. This memo concerned the 20-year review report. A limited number of copies were made so that each Commissioner would have a report. The report was revised following the November Commission meeting incorporating suggested editorial changes, particularly by Commissioner Dreher. The report now reads as a report by the Commission rather than a report from the Engineer-Manager to the Commission. It has been written in such a way that the report was effective November 18, 1997. Barnett requested that the Commission now instruct him to make sufficient copies at a cost of possibly \$4 per copy so that the report can be sent to those commenting on the 20-year review. Jeff Fassett asked Barnett whether he had fully considered all of the comments that were received and if he had incorporated all the input received. Barnett indicated that many changes were made, most of which were editorial in nature. There was one exception. Jack recalled that comments were received from Jade Henderson but a check had not been made to see whether all of Jade's comments were incorporated into the report. It was moved that there should be a review period of 10 days to allow Commissioners time to review the 20-year review report and that following the review period, Barnett has permission to finalize the report, potentially include Henderson's comments and print the necessary copies and distribute the report. The motion was seconded and carried.

Chair Wheeler then moved to agenda item VII, the report from Utah Power. Jody Williams gave a brief report on the petition regarding the Bonneville Cutthroat Trout. On February 5, 1998, BioDiversity Legal Foundation in Boulder, Colorado filed a petition with the U.S. Fish & Wildlife Service to list as threatened the Bonneville Cutthroat Trout. The petition was to list it in its known habitat in its historic range. Anywhere the fish had historically existed, the petition wants to list it as threatened. The procedure is that the Fish & Wildlife has 90 days to review the petition and determine if it is significant. Significant, under the Endangered Species Act, means that they review it on scientific, biological and technical grounds. That 90-day review period is up the first part of May. At that time, the Fish & Wildlife Service has a year to determine if the petition is substantial. If the listing is warranted, there is an additional year to list. The technical review teams for the four states of Idaho, Wyoming, Utah and Nevada met last week and are meeting with the Fish & Wildlife Service. The biologists are looking at the studies and the status of the fish. They are also looking at various conservation agreements.

Williams indicated that Utah has a conservation agreement for the Bonneville Cutthroat Trout. That conservation agreement was finally signed by all of the interested parties; the Fish & Wildlife Service, the Forest Service, Bureau of Land Management, several federal commissions, and the Utah Division of Wildlife Resources. The Utah conservation agreement is generally looked at as an alternative to listing. This is the preferred alternative to listing and policy of the Department of the Interior, according to Secretary Babbitt. The conservation

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agreement lists specific actions to be taken to protect and enhance existing populations. Idaho has a conservation agreement that is being worked on at this time. Utah's conservation agreement talks about specifically looking at disease, restoring some of the historic spawning areas, and genetic testing to determine the purity of the population. Copies of the Utah conservation agreement or the petition to list are available through Ms. Williams.

Jack Barnett pointed out that work was done last year on Big Springs Creek, a tributary to Bear Lake, to help facilitate this agreement. With respect to the habitat in the Bear River, it is considered to be upstream from Stewart Dam. Williams indicated that in the technical reports that were discussed in an April 6 meeting, there was anecdotal evidence of Bonneville Cutthroat in the Oneida Reservoir and in the Soda Reservoir. Jack Barnett reported that the Water Quality Committee briefly discussed this issue and indicated a willingness to continue to receive information on this issue if the Commission so desired. Following a brief discussion, it was determined that the Commission should track this issue closely, as well as other ESA issues. It was recommended that the TAC take the lead on this issue rather than the Water Quality Committee. Karl Dreher pointed out that the time for the Commission to get deeply involved in this issue is if the species is actually listed.

The time was then turned to Scott Johnson to report on the FERC relicensing efforts on the power plants on the Bear River. Mr. Johnson indicated that the relicensing effort has been under way for a few years. In April of 1996, first stage consultation documents were issued and sent out to agencies involved in the Basin, as well as to the general public. In May of 1996, there were a round of meetings held to present the first stage documentation and to receive initial comments. Additional meetings were held in September of 1996, and additional comments were received on studies that were proposed in the first stage consultation. At those September 1996 meetings, a Technical Advisory Committee was formed. Studies were begun in September of 1996. Some of the studies have concluded and some are still proceeding. In January of 1997, the Technical Advisory Committee approved the formation of an eight member team called the Delphi Team. This team is made up of representatives from PacifiCorp, Bear River Water Users Association, Idaho Fish & Game, Idaho DEQ, Idaho Parks and Recreation, the Shoshone Tribe, Bureau of Land Management and the U.S. Fish & Wildlife Service. The team has been meeting and reviewing the data collected. On May 28, 1998, the Delphi Team is presenting to the Technical Advisory Committee their findings and recommendations to date. The next target is the draft applications for these projects. The draft applications will be ready to submit in the fall of 1998. The final applications will be submitted to FERC on October 1, 1999.

With respect to Bear Lake, Mr. Johnson reported that late last year the FERC was asked to provide its opinion on whether or not Bear Lake is jurisdictional with respect to licensing. FERC conducted a study and early this year submitted information back to PacifiCorp indicating that it was its opinion and decision that Bear Lake was non-FERC jurisdictional. A few groups have asked FERC to re-evaluate that decision. Jody Williams reviewed FERC's process. FERC issues a decision. There is a time period for re-hearing or reconsideration to be requested. A request is deemed denied unless, within 30 days, FERC acts. FERC has acted and said the record would be held open while it makes a review. Jack Barnett asked whether a formal appeal was possible through the courts if FERC decided to stay with its original decision. Williams indicated that under the Administrator Procedures Act, an aggrieved party to a final agency decision could take an appeal to the court. Jeff Fassett asked who requested the re-consideration. Williams



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indicated that it was Bear Lake Watch and Idaho Rivers United. Jack Barnett further indicated that in the original decision, FERC referenced a study that FERC staff had done to look at whether Utah Power had been using the lake as a reservoir for power. The Bear River Commission previously suggested that Jack and Don Barnett put together a study to identify whether or not Utah Power had, in fact, over the last several decades used the lake for power purposes irregardless of the power reserve elevation. That study has not been done but the report by FERC engineers has now been obtained for the Commission and it indicates that Utah Power has not used the lake for power. There were no further questions for Jody Williams or Scott Johnson.

Chair Wheeler turned to agenda item IX, the Records & Public Involvement Committee report. Don Gilbert reported that the Records & Public Involvement Committee had convened at 10:00 a.m. and discussed the need of reprinting the Compact and bylaws. It is the committee's recommendation that the Commission reprint the Compact and bylaws in a manner similar to the current blue book, along with another small booklet that includes the procedures. It was moved that the Commission approve the printing costs for the Compact and bylaws booklet, with the revisions to the bylaws which were made at the November 1997 Commission meeting included. The number of books to be printed will be determined by the Engineer-Manager. The motion was seconded and carried.

Gilbert reported that the draft Ninth Biennial Report was discussed in the committee meeting. Comments and/or revisions are to be received in the Commission offices by May 15. A motion was not needed for the printing of the biennial report as it is a line-item in the Commission budget. Gilbert then asked Jack Barnett and Hal Anderson to report on the stream gaging program. Barnett indicated that there was an issue as to whether or not there should be changes in the stream gages that are supported by the Commission. The Records & Public Involvement Committee discussed three potential changes. The first change was to drop the Commission's support of the Bear River below Smith's Fork gage. Mitigating to this action is the knowledge that the USGS, through the NAWQA effort, will continue to collect water quantity data there as they are using it as a water quality station. The second change was to support a full-time record at the Border gage. The conclusion was that the Commission should continue to keep the Border gage as an eight-month operation criteria, believing that the winter months were of little value because of the icing problems. The third change involved the dropping of the Pescadero gage. There was not consensus on this change in the Records & Public Involvement Committee meeting. It was determined that the TAC needs to have further discussion on this issue before Larry Anderson might need to finally resolve the contract with the USGS.

Hal Anderson indicated that with regards to the Pescadero gage, Idaho had originally acquiesced on not supporting the Pescadero gage under the understanding that USGS was going to pick up the Pescadero gage in the NAWQA program. A letter was received indicating that the USGS will not pick up that gage, so the situation is a little different. Also, with the adoption of the Interim Procedures and appendices which provide for accounting, there is now a need to have the accounting procedures well functional. Chair Wheeler indicated that there was no action necessary for the Border gage as it is already an eight-month gage. The motion was then made that the Commission drop its support of the gage below Smith's Fork. The motion was seconded and carried.

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Barnett indicated that an additional action was necessary to instruct the Secretary-Treasurer to negotiate the contract with the USGS so that he has the option of moving to delete the Pescadero gage before the beginning of the next contract year. Larry Anderson indicated that the Commission will get a new contract from the USGS that will have the costs associated for the gaging without the Below Smith's Fork gage. He will request that the USGS identify and include the cost for the Pescadero gage, and the Commission will have to get back to the USGS before October 1 if it is determined to drop the Pescadero gage. Secretary-Treasurer Anderson was directed to negotiate the contract with the USGS.

Chair Wheeler turned to agenda item XI, the Engineer-Manager's report. Jack Barnett clarified the Bear Lake meeting on May 6 by indicating that there are investigative works going on around Bear Lake by various groups which people are not aware of due to lack of communication. The May 6 meeting will be an excellent opportunity to at least try and find out who some of those people are and bring them together at one table. Barnett identified a few examples of the intriguing work going on around Bear Lake. President Clinton is very supportive of efforts to try and determine climate changes. Kim Goddard of the USGS discovered that there are people in the USGS Geologic Division that are trying to look at ways that might be used to identify paleoenvironments and recent climates and see if one can determine changes. One of those groups is called the LAC's group. That group, composed of scientists within and outside of the USGS has sat down and contemplated where they wanted to start. It was determined that they would start with Bear Lake, as Bear Lake is a transition lake as far as glacial activities and climates are concerned. The group will be having a meeting on May 3-5 around Bear Lake to become acquainted with the lake and will set forth further investigative efforts. Some of the LAC's group will stay over for the May 6 meeting and describe their efforts.

A second example is a professor at Utah State who has been investigating pollens and is age dating certain lake deposits. He sees shorelines that are above Garden City that are 30 meters higher than the highest lake level. He sees shorelines above Montpelier and does not see any barrier downstream that could have impounded the lake back to that elevation. He is looking at tectonics to see if there could have been displacement or movement that would account for this. The May 6 meeting has the promise of being helpful. Senator Craig's aide will be invited to the May 6 meeting by the Bear Lake Regional Commission. There were no questions for Jack Barnett.

Chair Wheeler turned to agenda item XII and asked Karl Dreher to give the Management Committee report. Dreher indicated that there was nothing from the Management Committee.

Chair Wheeler then moved to agenda item XIII, the state reports. The time was turned to Jeff Fassett for the Wyoming report. Fassett indicated that Wyoming is continuing with its water planning efforts and feasibility study authorized by the legislature. Wyoming has looked at both Idaho's and Utah's water planning processes. Wyoming did select as a pilot study the Bear River drainage of Wyoming to take a look at how basin advisory groups would work. A group has been formed, and both John Teichert and Jim Crompton are a part of that group. The advisory group meets on a monthly basis to, in part, help flush out what a planning process would look like. Jade Henderson and Kevin Wilde have been active and successful during the past year in getting modest amounts of money to help with programs that increase the accuracy at which Wyoming makes water data measurements and to automate that information. Wyoming has

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installed 17 new automatic recording measuring devices throughout the upper and central areas of the Bear River to help electronically collect the data. It is hoped to continue to make investments in both stream flow and ditch measurement information to increase the real time measure of that information and the accuracy of that information.

The time was then turned to Karl Dreher for the Idaho report. Dreher indicated that the Idaho legislature appropriated a modest amount of money that will be available to the Idaho Department of Water Resources beginning in July to perform some analyses of the depletion caused by ground-water withdrawals in the Bear River Basin. Idaho is still hopeful that there is some information to be gained from Utah's study with the USGS. There is very little data that exists concerning actual ground-water withdrawals around Grace. This fall, the Idaho Department of Water Resources will take a serious look at creating what is called under Idaho law a "Water Measurement District" that would require all ground-water diverters, and those surface water diverters that are without measuring devices, to install measuring devices and begin reporting water use annually to the department. This requires the water users in the district to assess themselves to pay the cost of the hydrographer. The department relies on the hydrographer to prepare the report that is submitted. Dreher concluded by expressing his appreciation for the patience of Commission members as he wrestled with Appendices B & C, and also appreciation to Jeff Fassett for bringing the Commission to consensus on Appendices B & C.

The time was turned to Larry Anderson for the Utah report. Anderson indicated that Utah continues to investigate possible water development opportunities in Cache County and Box Elder County. Water quality data collection continues. Utah is doing some aerial photography this summer on the Barrens Dam site in Cache valley. The Salt Lake County Water Conservancy District and the Weber Basin Water Conservancy District are trying to acquire land for a water treatment plant and access for a pipeline to deliver water to the Salt Lake area from the Bear River. This pipeline will follow the proposed Legacy Highway as closely as possible through Davis County into Salt Lake County. Jeff Fassett asked about the status of the Honeyville Dam site. Anderson indicated that the Honeyville site is still the most cost effective. The Barrens site is substantially more costly but is more politically acceptable to some individuals. The option of trying to develop some of the water without a reservoir is still being looked at, and Willard Bay needs to be used more efficiently. There is the possibility of developing between 50,000 to 100,000 acre-feet of Bear River water without a reservoir on a direct flow basis into Willard Bay. This would require agreement with the Bureau of Reclamation and the Weber Basin Water Conservancy District. Anderson suggested that before the next Commission meeting, Jack Barnett contact Utah and Idaho to see if they would like to give a ground-water progress report.

Chair Wheeler called for additional items for the Commission. There being none, Chair Wheeler moved to agenda item XV and indicated that the next Commission meeting is scheduled for November 17, 1998, with the normal sequence of meetings. Larry Anderson pointed out that the Western States Water Council will be meeting in Reno, Nevada on November 18. It was moved that the meeting be adjourned. The meeting was adjourned at 4:20 p.m.

## ATTENDANCE ROSTER

### BEAR RIVER COMMISSION ANNUAL MEETING

Utah Department of Natural Resources Building  
Salt Lake City, Utah  
April 21, 1998

#### IDAHO COMMISSIONERS

Karl J. Dreher  
Don W. Gilbert  
Rodney Wallentine

#### UTAH COMMISSIONERS

D. Larry Anderson  
Blair R. Francis  
Charles Holmgren

#### WYOMING COMMISSIONERS

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

#### ENGINEER-MANAGER & STAFF

Jack A. Barnett  
Don A. Barnett  
Nola Peterson

#### FEDERAL CHAIR

Denice Wheeler

#### 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 Morgan, 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

Doug Bornemeier, PacifiCorp (Utah Power)  
Kim Goddard, U.S. Geological Survey  
Kelly Holt, PacifiCorp (Utah Power)  
Scott Johnson, PacifiCorp (Utah Power)  
Eulalie Langford, Love Bear Lake, Inc.

**APPENDIX A**  
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David Styer, Bear River Canal Co.  
Craig Thomas, Bear Lake Regional Commission  
Bill White, PacifiCorp (Utah Power)  
Jody Williams, PacifiCorp (Utah Power)

AGENDA

Bear River Commission Annual Meeting  
April 21, 1998

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

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COMMISSION AND ASSOCIATED MEETINGS

April 20

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

April 21

9:00 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

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ANNUAL COMMISSION MEETING

April 21, 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 two Commission Meetings<br>(January 26, 1998 and November 18, 1997) | Wheeler                 |
| III. | Election of Officers  | Wheeler                 |
|      | A. Vice Chairman  |                         |
|      | B. Secretary/Treasurer  |                         |
| IV.  | Report of Secretary/Treasurer   | Anderson                |
| V.   | Lower Division Procedures   | Anderson/Fassett/Dreher |
|      | A. Ground-water   |                         |
|      | B. Appendix B   |                         |
|      | C. Appendix C   |                         |
|      | D. Commission Action  |                         |
| VI.  | 20-Year Review Report   | Barnett                 |

**APPENDIX B**  
**PAGE TWO**

- |       |  |                 |
|-------|--|-----------------|
| VII.  | Report for Utah Power                                  | Burton/Williams |
|       | A. Bear River Bonneville Cutthroat Trout               |                 |
|       | B. Bear Lake and power relicensing                     |                 |
| VIII. | Report of the Operations Committee                     | Francis         |
|       | A. 1998 water supply outlook                           |                 |
|       | B. Bear Lake storage deliveries - allocations to users |                 |
|       | C. Bear Lake levels and water supply outlook           |                 |
|       | D. Other   |                 |
| IX.   | Report of the Records & Public Involvement Committee   | Gilbert         |
|       | A. Printing of the Compact and Bylaws                  |                 |
|       | B. Biennial report                                     |                 |
|       | C. Stream gaging records                               |                 |
|       | D. Other   |                 |
| X.    | Report of the Water Quality Committee                  | Ostler          |
|       | A. NAWQA data collection                               |                 |
|       | B. Bear Lake workshop                                  |                 |
|       | C. Future efforts of the Committee                     |                 |
|       | D. Response to Senator Craig                           |                 |
|       | E. Other   |                 |
| XI.   | Engineer-Manager Report                                | Barnett         |
| XII.  | Items from the Management Committee                    | Dreher          |
| XIII. | State Reports  |                 |
|       | A. Wyoming   | Fassett         |
|       | B. Idaho   | Dreher          |
|       | C. Utah  | Anderson        |
| XIV.  | Other Items  | Wheeler         |
| XV.   | Next Commission Meeting - November 17, 1998            | Wheeler         |

**Anticipated adjournment: 4:00 p.m.**

## BEAR RIVER COMMISSION

## STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1997 TO APRIL 4, 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		\$4,955.90		4,955.90
 TOTAL INCOME TO APRIL 4, 1998	 \$90,073.50	 \$8,955.90	 \$90,000.00	 \$189,029.40

## 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	(\$6,115.62)	\$42,835.62
Travel (Eng-Mgr)		1,000.00	255.70	744.30
Office Expenses		1,200.00	(838.59)	2,038.59
Printing Biennial Report		500.00	500.00	0.00
Treasurer Bond & Audit		1,200.00	1,060.00	140.00
Printing		1,300.00	(339.81)	1,639.81
Contingency		5,000.00	5,000.00	0.00
SUBTOTAL		\$46,920.00	(\$478.32)	\$47,398.32
TOTAL		\$93,820.00	(\$478.32)	\$94,298.32
CASH BALANCE AS OF 04-04-98				\$94,731.08



APPENDIX C  
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BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING APRIL 4, 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

*****	TRANSFER OF FUNDS DOES NOT ALTER EXPENSE TOTAL	
	TOTAL EXPENSES	\$94,298.32

BANK RECONCILIATION

Cash in Bank per Statement 04-04-98	\$24,352.52
Plus: Intransit Deposits	
Less: Outstanding Checks	14,208.02
Total Cash in Bank	\$10,144.50
Plus: Savings Account-Utah State Treasurer	\$84,586.58
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$94,731.08

NOTE. a. FOR CONTRACT PURPOSES, THE FY2000 STREAM GAGE BUDGET FOR \$47485.00 NEEDS TO BE APPROVED SO THE CONTRACT CAN BE SIGNED IN MAY 1998. THE CONTRACT RUNS FROM OCTOBER 1, 1998 TO SEPTEMBER 30, 1999. IF THE COMMISSION DROPS THE PASCADERO AND SMITH FORK GAGES AND RESTORES THE SUPPORT TO THE BORDER GAGE FOR FULL TIME, THE USGS COSTS WILL BE \$42985.00 IN FY 2000.

b. THE PERSONAL SERVICE CONTRACT FOR JACK BARNETT HAS BEEN INCREASED BY 3% IN FY99 & FY 2000.

**COMMISSION ACTION REQUIRED**

1. THE COMMISSION NEEDS TO APPROVE AN AMMENDED FY 98 BUDGET.
2. THE COMMISSION NEEDS TO APPROVE A TENTATIVE FY 99 BUDGET.

## RESOLUTION

**WHEREAS**, the Bear River Commission, at its regular meeting held on November 18, 1997, adopted "Interim Procedures for Lower Division Water Delivery" (the "Procedures") to be used in the event a "Petition Requesting Declaration of a Water Emergency in the Lower Division" (a "Petition") is filed with the Bear River Commission;

**WHEREAS**, the Bear River Commission has also drafted Appendix B for the Procedures describing the accounting and distribution methods, and Appendix C for the Procedures providing a water delivery schedule for the mainstem of the Bear River;

**WHEREAS**, the Bear River Commission conducted public information meetings and public hearings in Grace, Idaho, and Logan, Utah, respectively on March 25 and 26, 1998, to explain Appendices B & C and receive public comment and testimony on the Appendices;

**WHEREAS**, based on its own determination, as well as the oral and written comments received from the public hearings, the Bear River Commission needs to consider changes to Appendices B & C and incorporate accounting for the impact of groundwater withdrawals in the states of Idaho and Utah on flows in the mainstem of the Bear River; and

**WHEREAS**, the Bear River Commission desires to be in a position of appropriately considering and responding to a Petition, should one be filed, while changes to Appendices B & C are considered and the impacts of groundwater withdrawals are quantified and evaluated.

**NOW THEREFORE BE IT RESOLVED**, that the Bear River Commission will use the Procedures in the event a Petition is filed.

**BE IT FURTHER RESOLVED**, that the Bear River Commission hereby determines to adopt Appendices B & C as currently drafted or as subsequently revised by the Commission at one of its regular meetings, until the November, 2000, regular Commission meeting, at which time these appendices will be reviewed, reconsidered and/or revised by the Commission. At that time, Appendices B & C must be affirmatively adopted with or without revision to be of any effect.

**BE IT FURTHER RESOLVED**, that the Bear River Commission will follow the provisions of this resolution, unless modified by a subsequent resolution, until the Commission's November 2000 regular meeting or until the Procedures and Appendices B & C are adopted as final procedures.

## 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. Diversions of stored water will be allowed 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.<sup>1</sup>
- 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 20<sup>th</sup> to July 1<sup>st</sup>,
  - 35 cfs from July 1<sup>st</sup> to July 15<sup>th</sup>,
  - 25 cfs from July 15<sup>th</sup> to August 1<sup>st</sup>, and
  - 15 cfs from August 1<sup>st</sup> to September 15<sup>th</sup>.
- 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 between

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

Alexander and Grace Dam and an additional 1 percent transit loss for stored water remaining between each of the following points: Grace Dam and the diversions 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 amounts, as 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	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
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, Tom
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 PRESTON 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.
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	*	Sorensen, Gary
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	» WHITE, LOYAL W.
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	» PRESTON RIVERDALE IRRIGATION CO.

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

WATER RIGHT	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
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	PN	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	PN	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, Paul
13-00962	PN	1916	3	9	1500.0	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	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
25-6890		1917	07	05	4.9 *	» Spackman, Vaughan
25-6891		1917	07	05	*	» Buttars, Lloyd
25-6892		1917	07	05	*	» Spackman, LeRoy
25-6893		1917	07	05	*	» Spackman, Robert L.
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, Grant
25-6625		1918	05	01	*	» Pitcher, Larry
25-3517		1918	05	01	6.0 *	» Hoffman, A. Alton (etux)
25-6908		1918	05	01	*	» Cronquist, Heber Carl (Larry Falslev)
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	*	Sorensen, Gary
25-7441		1919	05	01	0.2	Pitcher, Larry
25-4523		1919	06	01	2.8	» 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, Coe R. (Trustee)
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	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
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	*	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, William F.
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, Norval
25-3462		1960	08	29	*	» Johnson, Norval

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

WATER RIGHT	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
25-3382		1960	09	27	3.1	» Bullen, Eva J. and Betty Bullen Knight
29-3609		1966	01	11	10.0	Bear River Silt Lands Company, et al.
25-4550	1	1966	04	04	3.0	Neeley, Lewis H.
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, Coe R.
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, LeRoy
25-8212		1976	03	16	*	Spackman, Robert L.
25-8213		1976	03	16	*	» Spackman, Vaughan
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, Paull
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	Hansen, Orris Mae
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	PN	1980	5	30	440.0	» LAST CHANCE CANAL CO. LTD.

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

WATER RIGHT	NOTE	PRIORITY YR	M	D	FLOW (CFS)	OWNER
25-8183		1980	07	22	1.6	» Rich & Rich
29-2549	3	1980	12	22	150.0	» Bear River Canal Company
13-07297	PN	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	PN	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
25-7323		1990	08	29	5.0	» Rasmussen Farms

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.

INGLET, ALEX P.  
» JOHNSON, B.  
» LAMONT, BRUCE  
» STEPHENS, LYLE 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.

KUNZ, CHARLES  
» KUNZ, D.  
» KUNZ, PARLEY  
» KUNZ, PAUL  
» KUNZ, S & R  
» PANTER, R  
» SODA GOLF  
» TWIN LAKES PUMPS  
» WHITNEY, C

**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, storage use only

SUMMARY OF BEAR LAKE/BEAR RIVER OPERATION  
1997 AND 1998 TO DATE

	<u>1997</u>	<u>1998 TO DATE (April 20)</u>
<u>BEAR LAKE</u>		
Low Elevation	15.22 (Oct 1, 1996)	18.73 (March 26, 1998)
High Elevation	22.54 (July 9, 1997 )	21.22 (Oct. 1, 1997)
End Year	21.27 (Sept. 30, 1997)	
Net Change	+6.05	-2.49
Current Elevation		5919.70
 Bear Lake Net Runoff	 745,000 AF	
% of Avg.	238%	
<u>RAINBOW CANAL</u>		
Total Flow (AF)	575,467	160,000
% of Avg.	219%	
Peak Flow	3,330 CFS (May 20)	1600 CFS (April 13)
<u>OUTLET CANAL</u>		
Total Flow (Ac. Ft.)	318,000	327,000
% of Avg.	109%	
Peak Flow	1200 CFS (Aug 3)	1232 CFS (Oct 29, 1997)
 NRCS Forecast - April 1		
(Bear River @ Stewart Dam)		(210,000) 73% (Normal) (302,000) 105% (High)
 UP&L Bear Lake Model Prediction		
		5922.19 (Normal) 5924.14 (High)