

BEAR RIVER COMMISSION

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MINUTES

BEAR RIVER COMMISSION ANNUAL MEETING ONE-HUNDRED FOURTH COMMISSION MEETING

April 20, 2004

COMMISSION MEMBERS

Chair

Dee C. Hansen

Idaho Members

Karl J. Dreher
Rodney Wallentine
Dean M. Mathews

Utah Members

D. Larry Anderson
Blair Francis
Charles W. Holmgren

Wyoming Members

Patrick T. Tyrrell
Sam Lowham
Gordon Thornock

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 Dee Hansen at 1:00 p.m. on Tuesday, April 20, 2004 at the Utah Department of Natural Resources Building in Salt Lake City, Utah. This was the one-hundred and fourth meeting of the Commission. Hansen welcomed everyone to the meeting and asked all in the room to introduce themselves. An attendance roster is attached as Appendix A.

Chairman Hansen presented the proposed agenda for the meeting. There were no changes to the agenda. A copy of the approved agenda is attached as Appendix B. The Commission then moved to agenda item II and considered the draft minutes of the November 18, 2003 Commission meeting. There were no changes to the minutes and there was a motion to approve the minutes as proposed. The motion was seconded and carried.

The time was then turned to Commissioner Larry Anderson for the Secretary-Treasurer's report under agenda item III. Anderson asked Randy Staker to review the financial status of the Commission. Staker distributed two handouts and reviewed the information with the Commission. A copy of the handouts is attached as Appendix C. Anderson stated that he had spoken with Engineer-Manager Jack Barnett regarding the budget. If Barnett goes over on his time, the contingency line-item is available. Anderson reviewed the approved budget for 2004 and the proposed budgets for 2005 and 2006. The state dues will remain the same. Stream gaging goes up slightly each year. The stream gaging contract for 2005 has already been signed. It was noted that the contract with Barnett was increased 2%. There was a motion to approve the budget for 2005 and give tentative approval for the 2006 proposed budget. The motion was seconded and carried. There was a question regarding the treasurer's bond and audit line-item (\$1,400). Staker pointed out that \$100 is for the bond and \$1,300 is for the audit. A typographical error was noted on the proposed budget sheet and it has been corrected on the sheet attached to the minutes.

The Commission moved to agenda item IV, the election of officers. There was a motion that the Commission retain its present officers. The motion was seconded and carried.

The Commission then moved to agenda item V, amendments to the Interim Lower Division Procedures. Commissioner Dean Mathews reported that public hearings were held in Idaho and Utah and there was no interest from the public in the changes to the procedures. Individuals were more interested in a dam and in water. The Records & Public Involvement Committee voted in its meeting held during the morning to recommend the Commission accept the proposed changes. There was a motion to accept the changes as prepared. The motion was seconded. Barnett briefly explained the two changes. The first change follows the position the Commission took at its last meeting that if there is a water emergency declared in the Lower Division the Commission will not regulate ground water. The second change has to do with the process the Commission must go through to amend the procedures. The change allows a way in which the Commission and the Operations Committee can consider potential changes in the future at a Commission meeting (and in some cases at an Operations Committee meeting) without the need to hold public hearings if the changes are not significant. Commissioner Karl Dreher clarified that the ground water will not be included in the administration of a water emergency in the Lower Division for the time being but it may be appropriate to include ground water in the future. The motion was then carried. It was pointed out that the procedures are still considered "interim" procedures. A copy of the revised interim procedures is attached as Appendix G.

The time was then turned to Al Trout for his report on the Bird Refuge under agenda item VI. Trout acknowledged the presence of Bridget Olson, who also works at the Bird Refuge. He presented the history of the Bird Refuge, its functions and its mission statement. A copy of a few of the slides used by Trout is included with these minutes as Appendix D. The focused mission of the refuge concerns the resting, feeding and breeding of migratory birds. The heart of the refuge lies in its wetlands. Trout emphasized the importance of managing and perpetuating these wetlands. The refuge water plan and strategies were outlined. There are 26 management units, nearly 100 miles of dikes and nearly 100 water control structures. Each unit has a schematic which gives an exact water level and there is a sequence for filling and draining. Trout then answered questions from the audience.

Chair Hansen asked Ray Wilson to present an overview of the water supply under agenda item VII. Wilson showed slides of several locations and information. A copy of those slides is attached as Appendix E. On March 1, the water content was above average. On April 1, the sample points were completely bare. The snow pack on March 1 was about average at 92%. Because of the warm temperatures and lack of precipitation, much of the water was lost in the snow pack. The snow pack dropped to 61% on April 1. As of April 19, the snow pack was down to 46% of average. Wilson then reported on the stream flow forecasts. As of April 1, they range from 7% on Stewart Dam to 58% on Smith's Fork. We are in the seventh consecutive year with below normal snow pack. Reservoir storage is at a record low and the streamflow forecast is at a record low. The drought is expected to persist or intensify. There were no questions for Wilson. Several Commissioners requested an electronic copy of Wilson's presentation. It was determined that Todd Adams will distribute this to interested Commissioners.

The time was then turned to Connely Baldwin for the PacifiCorp report. Baldwin distributed two pages to the Commission and the audience and reviewed this information. It was noted there was an error in the change in contents over the winter period. This amount was changed and a copy of the revised handouts is attached as Appendix F. Jack Barnett pursued an issue regarding Wilson's presentation and a conversation with Randy Julander. The NRCS Snow Survey specialists are puzzled over how they should present, in the future, the reservoir content on the Bear River. They have come to realize that between 5904 feet and 5902 feet there is no water allocated to contract holders. One needs to be very careful when reading the NRCS forecasts and the percent of normal and the volume that is available in storage to know whether or not they have concluded they were going to give a report from 5902 feet up or from 5904 feet up. Baldwin then continued his review of the handout. He pointed out that this year seems to be a good mirror of 1935. PacifiCorp dredged last year down to 5902 feet out 3,000 feet into the lake. The channel performed very well. They will not dredge this spring. Baldwin reviewed the operating plan. The conference calls with storage water users will continue this season. It is hoped that the model runs will be made automatically so the information will be readily available. Irrigators will know on a daily basis where they are at with regard to their storage water. The major irrigators have a headgate where they can meter out the water as delivered but the small pumpers do not have a centralized control for their water. There is a possibility of these small irrigators pumping and using up their water quickly and being cut off mid-season when they need the water the most. PacifiCorp has drafted a letter that will be sent to warn the small pumpers of this situation and to let them know that they need to reduce the rate at which they take water.

Baldwin reported that with regard to the Settlement Agreement, the amended agreement has been signed by all the irrigators and is waiting for signatures of the board. The key difference in this agreement is that it takes care of the details of conveyance losses. Commissioner Tyrrell asked about PacifiCorp's objection to some new license conditions that it felt were inconsistent with the Settlement Agreement. Baldwin stated that there were a few issues, one being that the license itself had some contradictions which need to be resolved. The main point is that in the license FERC didn't honor the limited amount of money that was going to be provided for restoration. PacifiCorp is waiting for clarification on some points. A hearing has not yet been scheduled. PacifiCorp doesn't anticipate any drastic changes to the license, there will simply be clarifications. It was pointed out that there are two separate issues, the Settlement Agreement and the relicensing. Jack Barnett discussed the three-party Settlement Agreement. This is the agreement that is close to being signed. Everyone has signed except the management level of PacifiCorp. There was a time in the past when the Commission felt it would be well to preserve in the Commission records the original Settlement Agreement and so the Commission moved to have it made a part of the minutes of the meeting where it was described. PacifiCorp may want to consider making the Amended Settlement Agreement, as signed, a part of these minutes or the next meeting minutes so the Commission records will show an update for historical purposes. It was felt that it would be presented at the next Commission meeting. There were no further questions for Baldwin.

The Commission then took a short break. When the Commission reconvened, Chairman Hansen asked for the Water Quality Committee report under agenda item IX. Don Ostler reported that the committee met on Monday, April 19. The committee discussed the completion of the Cirrus contract. The Cirrus report is a three-state integration of all the water quality data and standards.

The report also provided a data management model (GIS) that can be used. The grant provided some money to meet with a number of watershed groups to bring them information about the Bear River. The committee discussed the EQIP funding concern. It is hoped that the Natural Resources Conservation Service (NRCS) will put money into the Bear River Basin so that the Basin can receive its share of money. The committee is planning to track the money that does go to the Basin so it can be monitored. The committee is working toward a plan where the three State Conservationists would meet periodically so that this issue will be on their minds.

The Water Quality Committee discussed the EPA grant proposal for \$800,000 which the Commission authorized the committee to submit under the Watershed Initiative. Two proposals from Region 8 will be forwarded to Washington. Washington is hoping to fund one proposal in each region. If the Commission's proposal is funded, it will be a significant work effort. The committee also discussed the status of completing TMDLs, the water quality restoration plans on the areas of the Bear River that are impaired. Idaho is essentially complete for the entire river within Idaho and is now holding hearings. Utah is 80% complete and will be finished by 2006. Wyoming has identified the areas and progress has been made in getting a plan for reducing the pollution in the Bear River.

Ostler reported that the Water Quality Committee has two new members, Toni Hardesty from Idaho and John Wagner from Wyoming. The committee discussed the desirability to have a tour for the individuals on the committee. The committee received a report from the Bear River Basin Water Quality Task Force and it was reported that there may be a \$150,000 grant proposal submitted by the Task Force to the EPA to develop a water quality model for Bear Lake using the years of data that have been generated. There was a request that the Commission send a letter of support for this grant proposal. As the committee discussed this, they learned that the proposal has not yet been prepared. The committee determined that the three water quality leads could review this proposal and decide if they could provide a letter of support. If all three states are unanimous in agreeing to letters of support, a letter of support by the Water Quality Committee could be prepared through Jack Barnett. Commissioner Anderson asked if the Commissioners could get a copy of the proposal or at least a summary of the proposal. Ostler suggested that each state Water Quality Committee member could get to his/her commissioners this proposal. After some discussion and a clarification that the proposal is from the Bear Lake Regional Commission and that it is not in competition with the Commission's proposal for a grant, a motion was made that the Water Quality Committee members will review the Bear Lake Regional Commission proposal and if they are comfortable with it they will get a copy to each of their respective Bear River Commissioners. If the proposal meets the approval of the three states' Bear River Commissioners, the Water Quality Committee will prepare a letter of support through Jack Barnett and the letter will be sent under the signature of the Bear River Commission. The motion was seconded and carried. There were no further questions for Ostler.

The time was then turned to Dean Mathews for the Records & Public Involvement Committee report. Mathews reported that the Idaho watermaster, Pete Peterson, found some old Bear River documents. Pete Peterson indicated that he found and looked through old watermaster reports. Jack Barnett is going to make a copy of these old documents for the Commission records. In 1934, there was a run on the river. They used 229,273 acre-feet of storage. Bear Lake bottomed

out at an elevation of 5903.99 in 1934. During the summer of 1934, because everyone was using so much water, a subcommittee was created by the governors of Idaho and Utah. George D. Clyde was the chairman of the subcommittee. Two reports were prepared, a preliminary report and a final report. The preliminary report was made on September 15, 1934. They came up with acre-feet per acre used from Bear Lake storage water. They eliminated the state line flows after looking at the records they had, starting at Stewart Dam and going down to the Bear River Canal. The subcommittee came up with a plan for the irrigation season of 1935. The high elevation of Bear Lake for 1935 was reached on June 30 and the elevation was at 5905.67. The subcommittee had to come up with an operation report for the year. They came up with 77,000 acre-feet of storage. They estimated there would be 65,000 acre-feet of natural flow. On October 11, 1935, the low elevation was 5902.32. The lake started an almost miraculous recovery in 1936, attributed to cool weather and summer rains. The high elevation in 1936 was at 5908.04.

Mathews then reported that the committee received a presentation on the USGS studies on Bear Lake by Bear Lake Watch. The USGS reported on its website with regard to reporting and mapping. Don Barnett reported on the biennial report for 2001-2002. The 2003 chapter will be discussed at the next meeting. The committee discussed the future public involvement events and reviewed publications of interest. During this drought year, the public is very concerned. Commissioner Holmgren pointed out that during the committee meeting there were comments made by Bob Fotheringham and Jack Barnett regarding work that the water users are trying to accomplish with regard to automation of gages on the Bear River and on canal diversions so that real time data can be obtained for modeling the river. There were no questions for Mathews.

The Commission then moved to the report of the Operations Committee. Commissioner Blair Francis reported that with regard to the storage regulation in the Upper Division, the only storage that will be allowed is that which is pre-Compact or original Compact. Sulphur Creek is full. Woodruff Narrows has a little more than 24,000 acre-feet in it now, with a limitation of 30,057 acre-feet for this year. Whitney has what was in carry-over. The Central Division started some diversion last Saturday. The committee discussed a proposal by Wyoming for an exchange of water between Whitney Reservoir and Woodruff Narrows Reservoir. This is something that needs to be resolved between the Utah and Wyoming State Engineer's offices. The committee received a report from PacifiCorp. With regard to the modification to the delivery schedule, there was one change with "Budge water" and this change has already been made. There were two modifications before the committee, the first Francis captioned as Soda Creek. The committee voted to allow the delivery schedule to be changed. The second modification was presented by PacifiCorp and it was to take the asterisk off of David Skabeland. This was approved by the committee. Francis then reported that everyone is going to try and get along without a call in the Lower Division. There were no questions for Francis.

Chairman Hansen then asked Jack Barnett to give the Engineer-Manager's report under agenda item XII. Barnett indicated that there is a possibility that the Commission will be involved in determining if there is a water emergency in the Lower Division. He is most encouraged by the discussions which led to the conclusion that by cooperation among the water users there is a possibility there will not be a need to turn to the Commission. The procedures are in place and two

states have spent the time necessary to get their respective models in agreement. There were no questions for Barnett.

The time was turned to Commissioner Dreher for the report of the Management Committee. Dreher reported that the Commission may be approaching a point in time when the state dues might need to be increased. This issue will be considered next spring. With regard to the automation of measuring devices, the Management Committee assigned the TAC to pursue automation of measuring devices on diversions but not to spend any Commission money. At some point, it may be appropriate for the Commission to consider spending some money but for now it needs to see what can be done without taking on a financial obligation. Automation would provide more timely information to the states, to the Commission and to individual canal companies and water users. It was asked if Utah was already going ahead with automation. It was pointed out that this is happening in the Upper Division. Dreher indicated that there are grants available from the Bureau of Reclamation through the Water 2025 Initiative. However, the deadline for submitting grant proposals was April 9. This opportunity will be available next year. There is also an NRCS water conservation grant program with grant proposals due on May 15. There were no questions regarding the Management Committee report.

Dreher then gave the Idaho state report. The drought has affected not only the Bear River Basin but the Eastern Snake Plain, which is in its fourth year of drought. There are significant declines in ground water levels, not just because of ground water use but when surface supplies are short the amount of incidental recharge to the aquifer is greatly reduced. There have been declines of 30 feet or more in some areas in one year. One problem this has created is that water users who are dependent on discharge from Thousand Springs have been seriously affected. The Eastern Snake Plain is 10,000 square miles and has a saturated ground water aquifer thickness of 2,000 feet or more. On an average annual basis, it takes in and discharges eight million acre-feet a year. Just like the Bear River Basin has been affected by development, so has the Eastern Snake Plain Aquifer and Thousand Springs. From the late 1800's up through the 1960's, irrigation on the Snake River Plain was done with flood irrigation and with very large amounts of water. In some areas, the community standard for irrigation was to apply enough surface water so that one raised ground water levels up to the root zone of the crops. This is no longer done but was done for many years. Over the 10,000 square mile area, ground water levels were raised by as much as 60 feet according to the USGS. This raised ground water level was accompanied by nearly a doubling in the spring discharge in the Thousand Springs area. The average flow from the springs in that reach went from about 4,200 cfs up to nearly 7,000 cfs. This gave rise to a new industry in Idaho, commercial trout production. Idaho is North America's largest commercial producer of trout. With the ground water levels receding, the spring flows are reducing. This year 15 to 20 priority calls were made for administration from the holders of water rights that are dependent upon spring sources.

Dreher reported that one of the priority calls was determined to be injured by ground water depletions that are superimposed upon the effects of the drought. In February and March, orders were sent out to the holders of 1,350 ground water rights that beginning April 1 they would be turned off. The economic dislocation that would have occurred from this was significant. The University of Idaho Agricultural Extension estimated that this curtailment would cost the economy of Idaho \$750 million in direct and indirect costs this year. Idaho is a prior appropriation state, just

like Wyoming and Utah. When there are water shortages, the prior appropriation laws that have been implemented provide an orderly way of allocating the diminished resource. The issue rose through the Idaho legislature. The Speaker of the House of Representatives stepped in and began meeting with the various interests affected. A three-way agreement was put together between the State of Idaho, the spring water users and the ground water users. The agreement stated that in exchange for payments for out of priority diversions by the ground water users, the holders of the senior priority spring water rights agreed to suspend their calls for priority administration and agreed for the time period of one year not to make any further demands for administration. The payment was \$1 million which the ground water users have to pay (small in the context of \$750 million in lost economic activity). The State of Idaho agreed to do a number of things, including rent some replacement water through Idaho's water bank and energize an existing interim legislative committee on natural resources. That committee, for the next year, will meet at least monthly, with working groups meeting at least monthly, to look at the ground water problems. The prior appropriation laws are based on the premise that during times like this there will not be enough water to go around and that is the purpose of the priority. The legislative committee will look at the policies that need to be examined in terms of how to deal with a reduced water supply that is not sufficient to meet all the demands. These working groups are looking at ground water issues in various parts of the state. The working group looking at ground water issues in the Bear River Basin is chaired by Senate pro tem Bob Geddes.

Dreher then reported that the Idaho Water Resource Board is a separate political entity. The staff that works for the board is made up of his employees. The Board was approached by the Twin Lakes Canal Company to make a loan for \$100,000 to investigate the feasibility of the Bear River Narrows Project. The project is to construct a dam downstream of the existing Oneida Dam and provide a reservoir of 20,000 af and a small hydropower plant. Part of the policy of the Water Resource Board is aimed at promoting storage and they have a history of making successful loans. They have agreed to lend the \$100,000 for the feasibility study to the Bear River Narrows Project. This does not necessarily mean that the State thinks the project is feasible. There are no water rights that have been issued for the project. A similar application, filed in 1990, was denied by Keith Higginson, Dreher's predecessor, based on public interest concerns. Since that time, Idaho's public interest laws have changed and currently Karl is restricted to consider only the factors of public interest that directly affect the water resource. The application, when filed, will be advertised and there will be a period of time during which formal protests can be filed against granting the application and public hearings will be held as necessary.

As a final item, Dreher reported that the Idaho Water Center in Boise is nearing completion. It is a collaborative arrangement that will jointly house the graduate water resource programs for the University of Idaho, the staff for the Idaho Water Resources Research Institute, the Department of Water Resources, and the Rocky Mountain experiment station for the Forest Service. Dreher issued an invitation for the Commission to hold its meeting in the new building in November. Larry Anderson asked a few questions about the Oneida Narrows Dam and requested a copy of the Oneida Narrows Dam proposal. Dreher indicated he would provide this to Anderson.

The time was then turned to Commissioner Anderson for the Utah state report. Anderson reported that a drought meeting was held last week and meetings will be held every six weeks in

order to monitor what is happening. The biggest concern is whether any communities in the state will run short of water. Some agricultural users in Utah will not get any water again this year. Anderson personally congratulated the Bear River water users for their efforts to work together. The Utah legislature finished in early March and ended up with a study task force to deal with water issues. Most of these issues were water right issues that were of concern to the State Engineer. Over-appropriation of ground water is a big issue in the State Engineer's office. The task force is charged with seeing if anything can be done. There are four State Senators and eight members of the House of Representatives on the task force. Anderson reported that Utah has completed its water plan entitled "Bear River Basin, Planning for the Future," which is an update of an earlier state water plan for the Bear River Basin. The land use inventory held up the finalization of the report for six months. It has been twelve years since the original Bear River water plan was prepared. Dreher asked what the agricultural producers who have not had water for three years are doing and Anderson indicated that most have simply gone out of business. There were no further questions for Anderson.

Commissioner Tyrrell then gave the Wyoming state report. The North Platte River is in a severe drought situation. A new settlement was entered into in 2001 between the states of Nebraska, Wyoming, Colorado and the federal government under the Bureau of Reclamation. The North Platte River has been in an allocation year as defined by the 2001 decree for three years. On the good side, the State of Wyoming continues to benefit financially from mineral production in terms of coal bed methane in the northeastern part of the state. This causes some interesting water issues in that Wyoming is having to watch the effect on the aquifers. Several agencies are monitoring this and the development of the uses of the water that ends up on the surface. Industry is looking at treatment measures and injection in some isolated areas but that has not yet turned out to be a promising technology. Water is being stored in surface impoundments, stock ponds, new ponds and off channel pits primarily in areas where they have either stringent discharge criteria or the inability to get a discharge permit at all. Wyoming had a black number budget this year and there was some extra money to spend. Tyrrell's agency received some money to fund some staff positions in Cheyenne and in the coal bed methane area. Most important, the agency was given \$1.4 million to embark on what is called within the agency the Information Technology Initiative. This is a cultural change to get out from underneath a longstanding paper process in the office. This will minimize paper handling and maximize what people can do electronically. Tyrrell concluded by acknowledging Karl and his staff for hosting Wyoming as it looked at the Idaho system. There were no questions for Tyrrell.

Chair Hansen asked for other items of business under agenda item XV. There being no additional items, Chair Hansen indicated the next Bear River Commission meeting would be held in Boise, Idaho on Tuesday, November 16, 2004. There was a motion to adjourn the meeting and the motion was seconded and carried. The meeting was adjourned at 3:50 p.m.

ATTENDANCE ROSTER

BEAR RIVER COMMISSION ANNUAL MEETING

Utah Department of Natural Resources Building
Salt Lake City, Utah
April 20, 2004

IDAHO COMMISSIONERS

Karl J. Dreher
Rodney Wallentine
Dean M. Mathews

WYOMING COMMISSIONERS

Patrick T. Tyrrell
Sam Lowham
Gordon Thornock
Sue Lowry (Alternate)
Erick Esterholdt (Alternate)
Jade Henderson (Alternate)

FEDERAL CHAIR

Dee C. Hansen

UTAH COMMISSIONERS

D. Larry Anderson
Blair R. Francis
Charles Holmgren
Norman Weston (Alternate)

ENGINEER-MANAGER & STAFF

Jack A. Barnett
Don A. Barnett
Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Department of Water Resources
Pete Peterson, Water Master

UTAH

Todd Adams, Division of Water Resources
Will Atkin, Division of Water Rights
Boyd Clayton, Division of Water Rights
Bob Fotheringham, Division of Water Rights
Ron Hoffman, Water Commissioner
Don Ostler, Division of Water Quality
Randy Staker, Division of Water Resources

WYOMING

Kevin Payne, State Engineer's Office
Kevin Wilde, State Engineer's Office

OTHERS

Connely Baldwin, PacifiCorp
Gary Burgener, Bear Lake Watch
Carly Burton, PacifiCorp
Claudia Cottle, Bear Lake Watch
David Cottle, Bear Lake Watch

APPENDIX B
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Dan Davidson, Bear River Canal Company
Allen Harrison, Bear Lake Regional Commission
Steve Hicks, Bear River Migratory Bird Refuge
Voneene Jorgensen, Bear River Water Conservancy District
Patrick Lambert, U.S. Geological Survey
Bridget Olson, USFWS Bear River Bird Refuge
Jeff Phillips, U.S. Geological Survey
Mitch Poulsen, Bear Lake Regional Commission
George Ream, Idaho Water Users Association
Don Riches, Emerald Beach HOA
Roger Rigby, PacifiCorp
Brent Rose, Bear River Water Users Association
Al Trout, Bear River Migratory Bird Refuge
Chris Wilkowske, U.S. Geological Survey
Jody Williams, PacifiCorp
Ray Wilson, USDA NRCS - Snow Survey

PROPOSED
AGENDA

Bear River Commission Annual Meeting
April 20, 2004

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

COMMISSION AND ASSOCIATED MEETINGS

April 19

10:00 a.m. Water Quality Committee Meeting, Room 314

April 20

9:00 a.m. Records & Public Involvement Committee Mtg, Room 314 Mathews

10:00 a.m. Operations Committee Meeting, Room 314 Francis

11:30 a.m. Informal Meeting of Commission, Room 314 Barnett

11:45 a.m. State Caucuses and Lunch Dreher/Tyrrell/Anderson

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

ANNUAL COMMISSION MEETING

April 20, 2004

Convene Meeting: 1:00 p.m., Chair Dee Hansen

- | | | |
|------|---|----------------|
| I. | Call to order | Hansen |
| | A. Welcome of guests and overview of meeting | |
| | B. Approval of agenda | |
| II. | Approval of minutes of last Commission meeting
(November 18, 2003) | Hansen |
| III. | Report of Secretary/Treasurer | Anderson |
| IV. | Election of officers | Hansen |
| V. | Amendments to the Lower Division Procedures | Mathews/Hansen |

APPENDIX B
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|-------|---------------------------------|---------|
| VI. | Bear River Bird Refuge issues | Trout |
| VII. | Overview of water supply | Wilson |
| VIII. | PacifiCorp issues | Baldwin |
| | A. Amended Settlement Agreement | |
| | B. Dredging | |
| | C. Water deliveries in 2004 | |

BREAK

- | | | |
|-------|--|----------|
| IX. | Report of the Water Quality Committee | Ostler |
| X. | Report of the Records & Public Involvement Committee | Mathews |
| XI. | Report of the Operations Committee | Francis |
| XII. | Engineer-Manager and TAC report | Barnett |
| XIII. | Items from the Management Committee | Dreher |
| XIV. | State Reports | |
| | A. Idaho | Dreher |
| | B. Utah | Anderson |
| | C. Wyoming | Tyrrell |
| XV. | Other Items | Hansen |
| XVI. | Next Commission Meeting | Hansen |

Anticipated adjournment: 3:30 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 2003 THRU APR 7, 2004

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-01-03	78,527.91			78,527.91
State of Idaho			35,000.00	35,000.00
State of Utah			35,000.00	35,000.00
State of Wyoming			35,000.00	35,000.00
US Fish & Wildlife*				
Interest on Savings		1,432.37		1,432.37
 TOTAL INCOME TO APRIL 7, 2004	 78,527.91	 1,432.37	 105,000.00	 184,960.28

* The Commission should receive \$6200.00 from the USF&WS for payment on the Corrine stream gage.

DEDUCT OPERATING EXPENSES

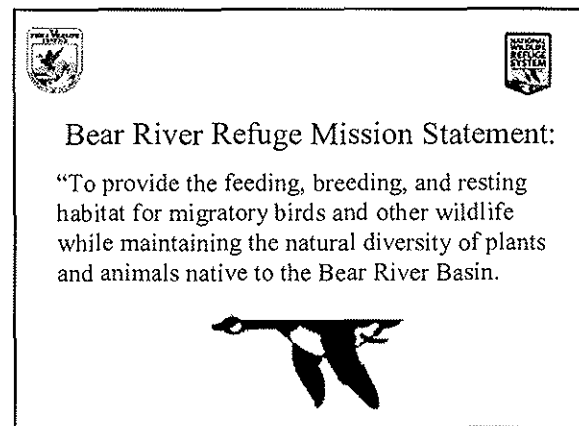
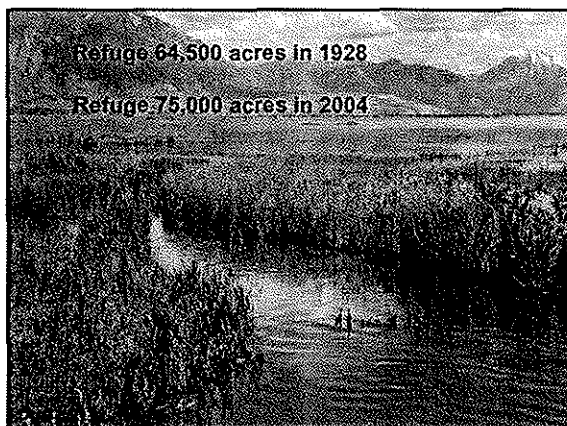
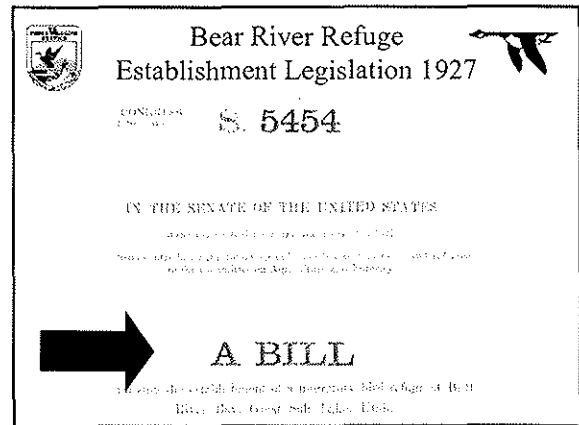
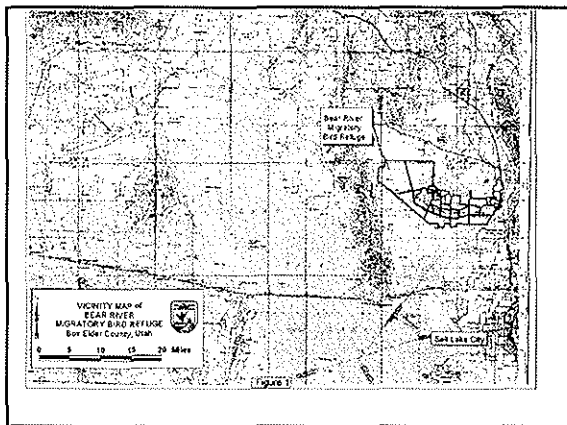
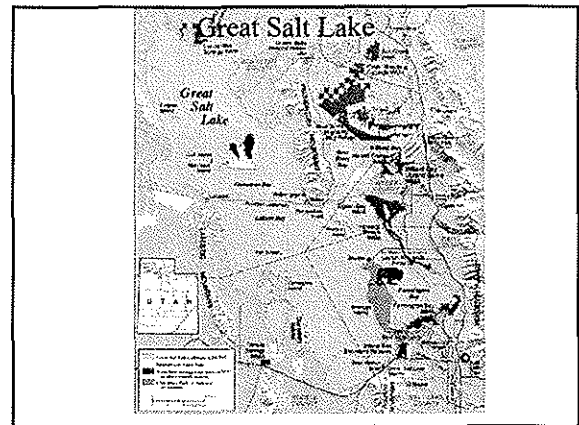
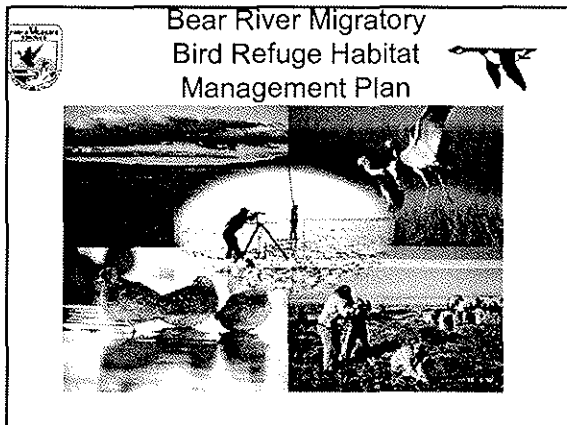
	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract	50,300.00	0.00	50,300.00
 SUBTOTAL	 50,300.00	 0.00	 50,300.00
 EXPENDED THROUGH COMMISSION			
Personal Services Jack	49,585.00	8,264.20	41,320.80
Travel (Eng-Mgr)	1,200.00	243.09	956.91
Office Expenses	1,600.00	168.25	1,431.75
Printing Biennial Report	2,000.00	2,000.00	0.00
Treasurer Bond & Audit	1,400.00	1,300.00	100.00
Printing	1,600.00	728.95	871.05
Contingency	5,000.00	5,000.00	0.00
 SUBTOTAL	 62,385.00	 17,704.49	 44,680.51
 EPA WATER QUALITY GRANT	 724.65	 0.00	 724.65
 TOTAL EXPENSES	 113,409.65	 17,704.49	 95,705.16
 CASH BALANCE AS OF 04-07-04			 89,255.12

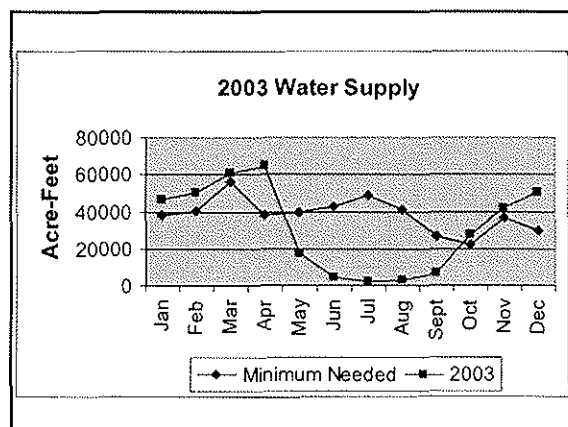
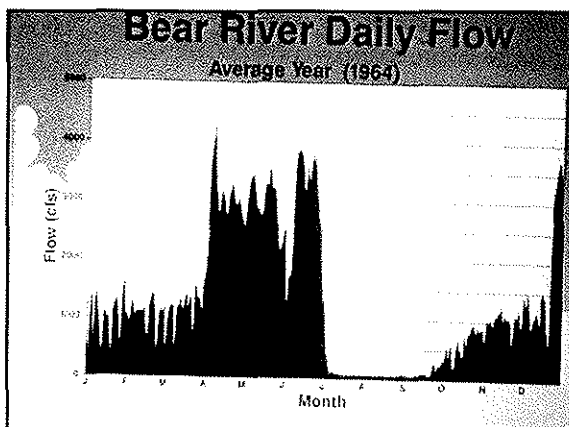
BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY 2004, AND PROPOSED BUDGETS FOR FY2005 AND FY2006

	FY 2004 APPROVED BUDGET	FY 2005 PROPOSED BUDGET	FY 2006 PROPOSED BUDGET
		-INCOME-	
BEGINNING BALANCE	78,527.91	79,042.91	77,465.91
IDAHO	35,000.00	35,000.00	35,000.00
UTAH	35,000.00	35,000.00	35,000.00
WYOMING	35,000.00	35,000.00	35,000.00
USF&WS	6,200.00	6,300.00	6,400.00
INTEREST ON SAVINGS	2,000.00	2,000.00	2,000.00
TOTAL INCOME	191,727.91	192,342.91	190,865.91
		-EXPENDITURES-	
STREAM GAGING-U.S.G.S. (a)	50,300.00	51,100.00	51,925.00
PERSONAL SERVICES CONTRACT-BARNET	49,585.00	50,577.00	51,589.00
TRAVEL	1,200.00	1,600.00	1,200.00
OFFICE EXPENSES	1,600.00	1,600.00	1,600.00
BIENNIAL REPORT	2,000.00	2,000.00	1,000.00
TREASURER'S BOND & AUDIT	1,400.00	1,400.00	1,400.00
PRINTING	1,600.00	1,600.00	1,600.00
CONTINGENCY	5,000.00	5,000.00	5,000.00
TOTAL EXPENDITURES	112,685.00	114,877.00	115,314.00
UNEXPENDED CASH BALANCE	79,042.91	77,465.91	75,551.91

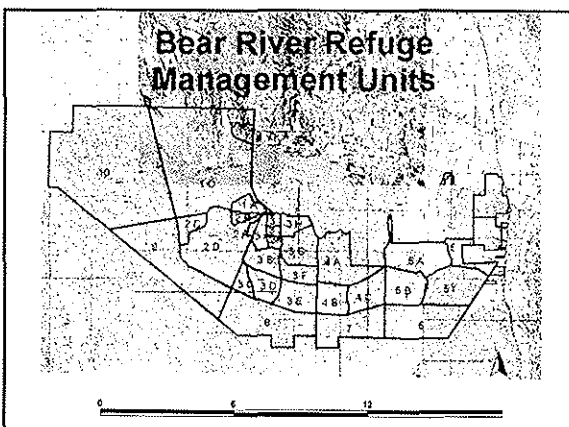
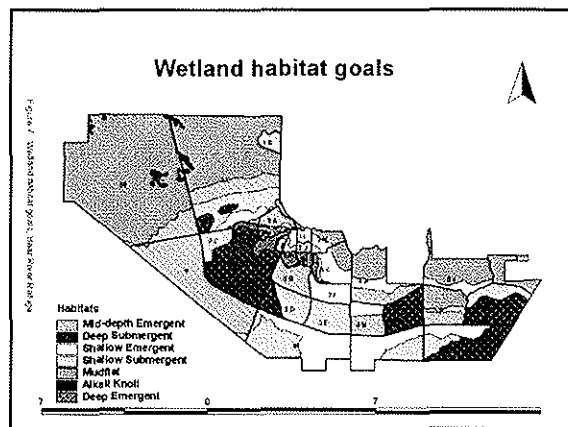
NOTES: a) We have already signed the USGS contract for FY2005





Bear River Refuge Wetland Habitats	Acreage Goals
WETLAND	29,259
* Deep submergent Marsh	2,500
* Shallow submergent Marsh	8,700
* Deep Emergent Marsh	2,800
* Mid-depth Emergent	6,600
* Shallow Emergent Marsh	8,659
Mudflat	16,000
TOTAL	73,019

7/27/2001



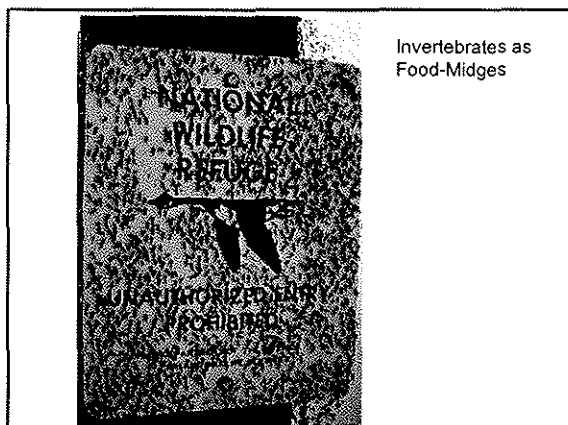


Table 1. Order of fill and water level maintenance of wetland management units under "very low water" condition forecast, Bear River MBR, 2003.

Unit	Very Low Forecast (<50%)				July-August	
	Sage Pondweed	Alkal Buckbrush	Cumulative Acreage	Target Elevation	Maintenance Water Need (cfs) Unit Cumulative	
5B		789	789	4204.5	13.6	13.6
2B		237	1,026	4206.0	4.1	17.7
1A		565	1,591	4205.0	9.7	27.4

***BEAR RIVER COMMISSION
WATER SUPPLY OUTLOOK
REPORT***

April 20, 2004

**Ray Wilson
USDA-NRCS-SNOW SURVEY**

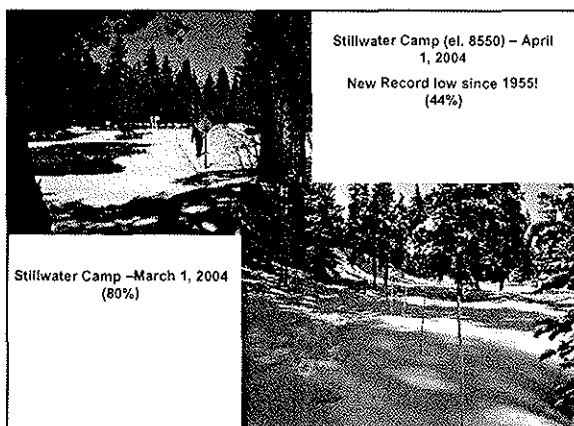
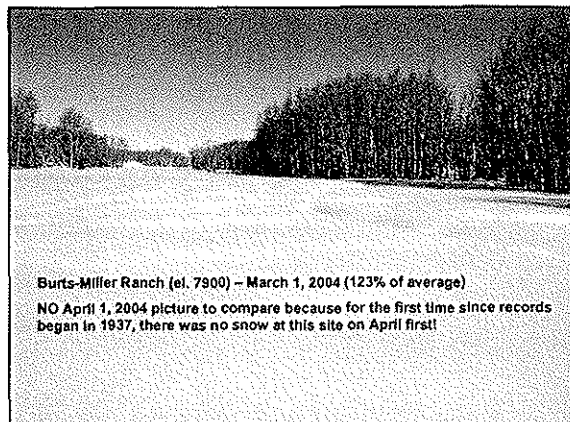
General Water Supply Conditions

- The snowpack on the Bear River Watershed is much below normal again this year.
- Streamflow this spring and summer is expected to be in the much below normal range if precipitation doesn't improve.

**SOME PRETTY
PICTURES**

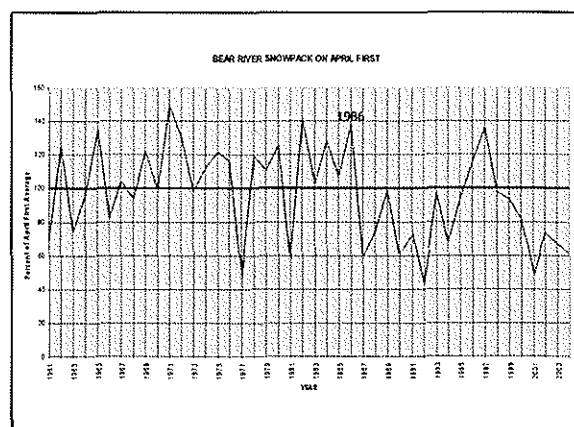
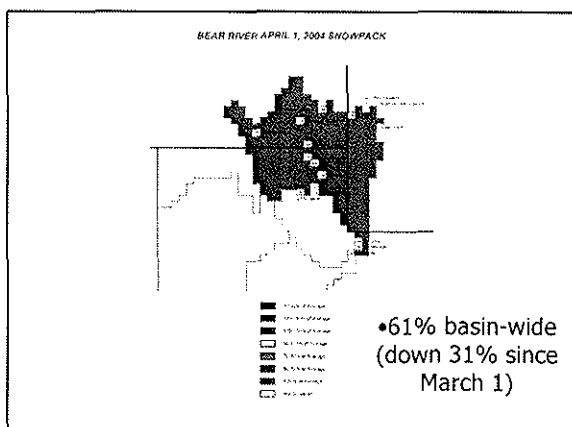
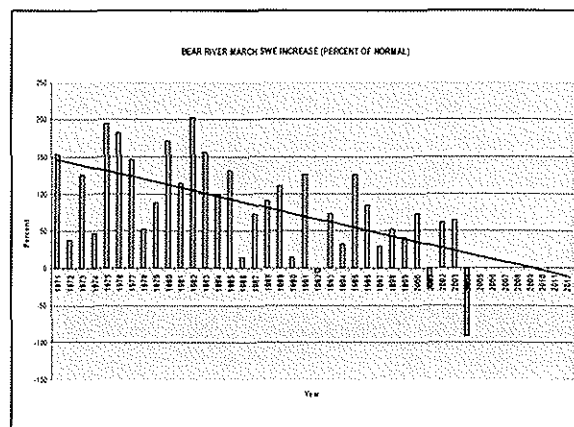
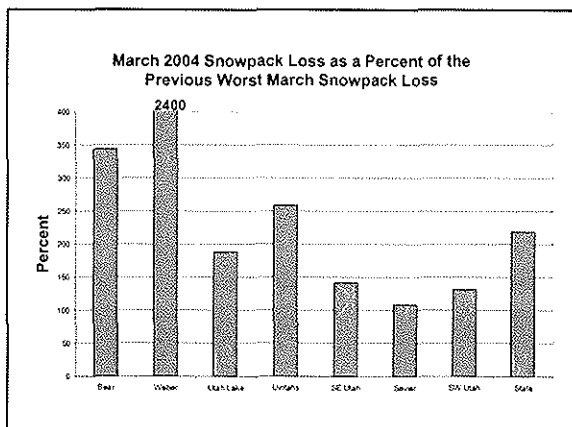
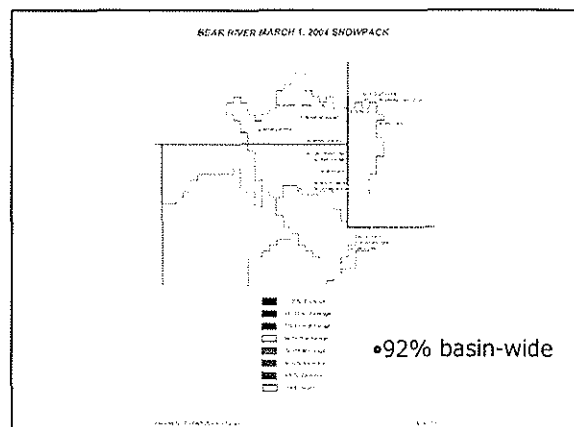
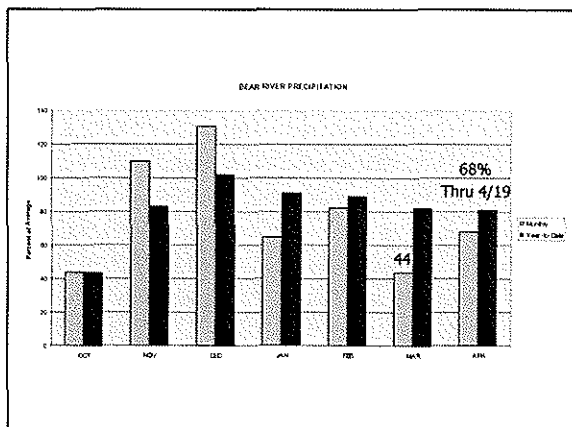
BUT

UGLY NUMBERS

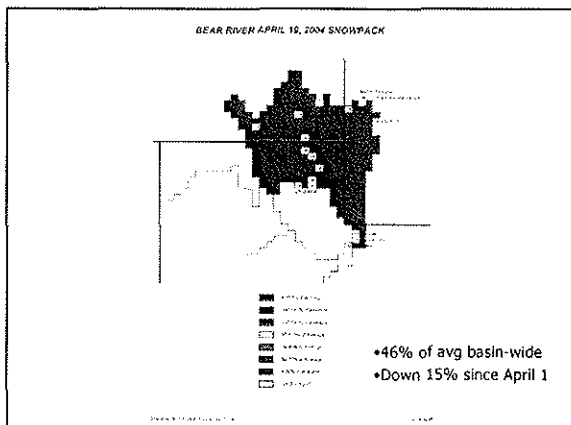


WHAT HAPPENED IN MARCH?

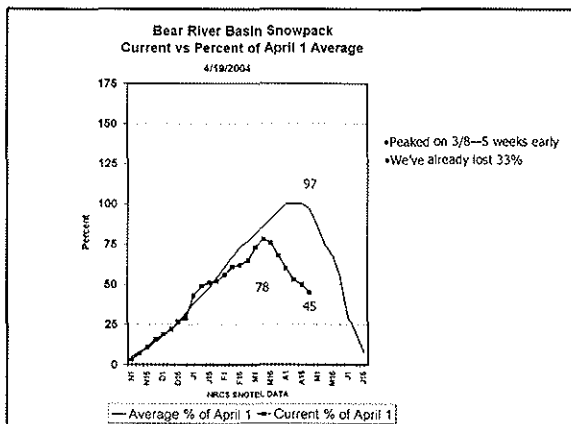
**From near average to
record low**



Ray Wilson

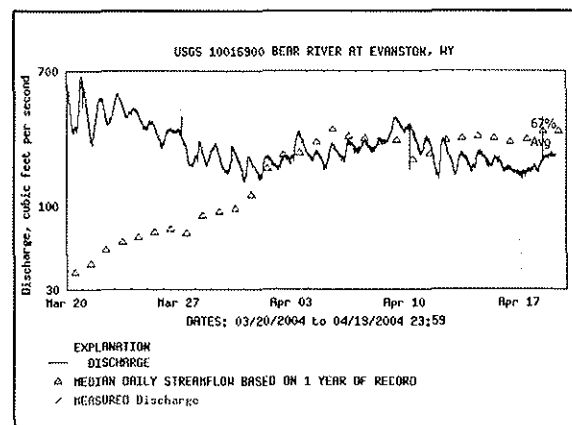
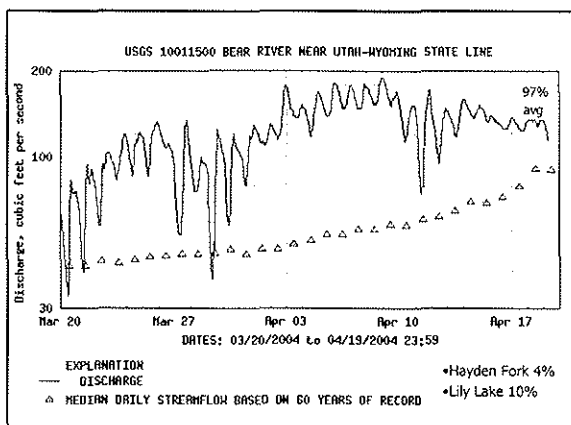


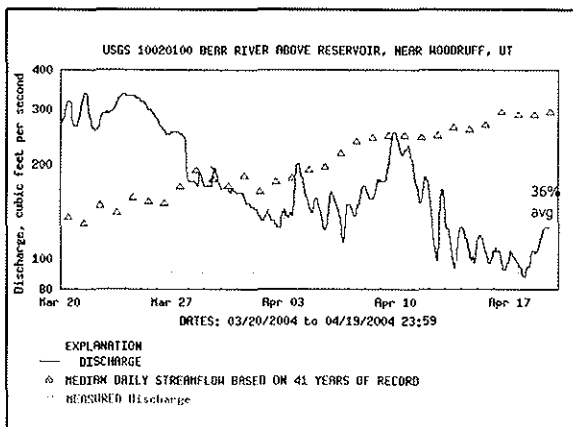
HOW DOES THIS SNOW
SEASON COMPARE TO
NORMAL?



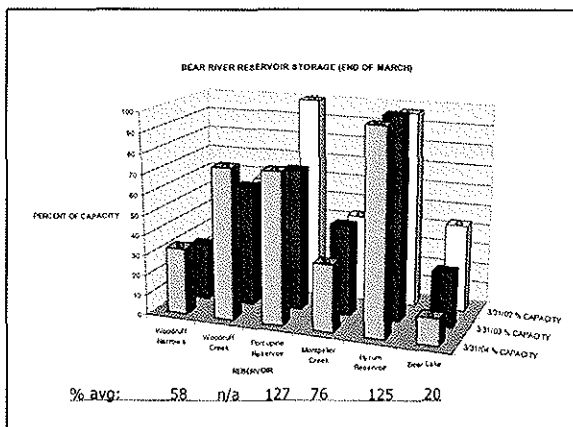
DID WE GET A LOT OF
EARLY RUNOFF?

Yes & no.

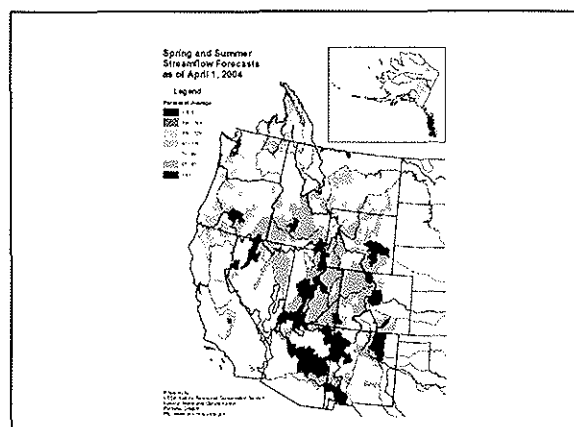
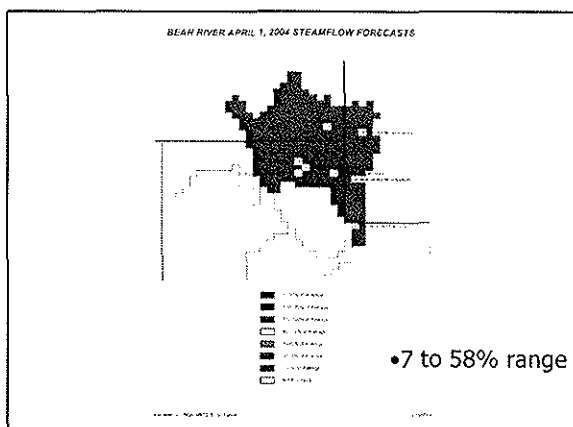




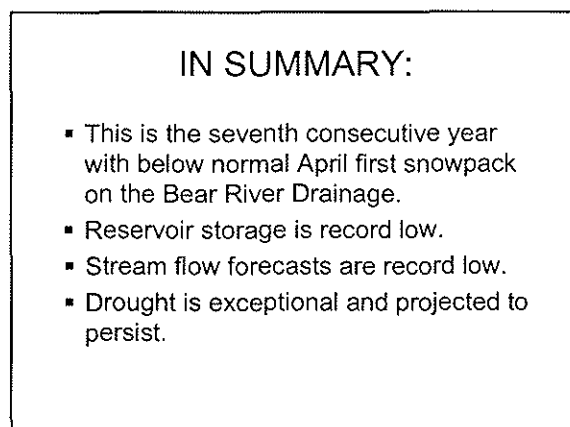
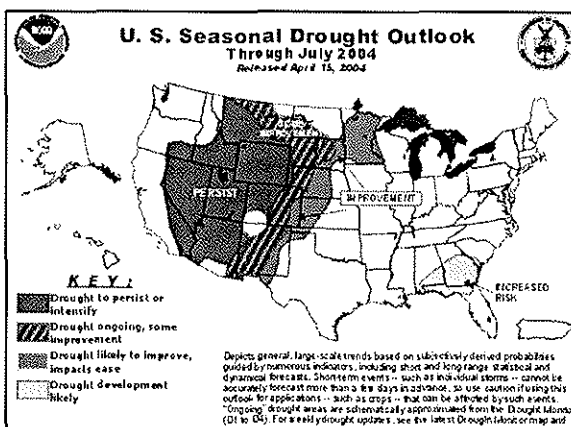
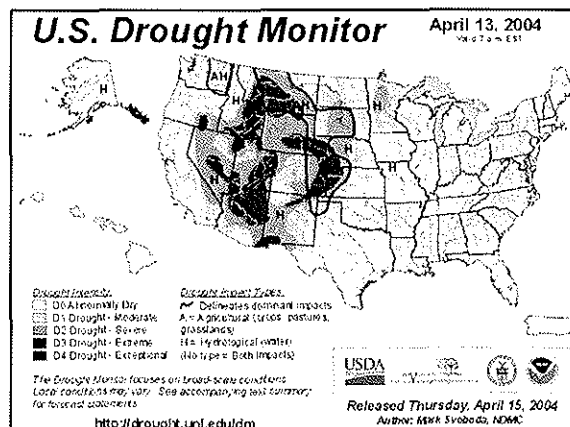
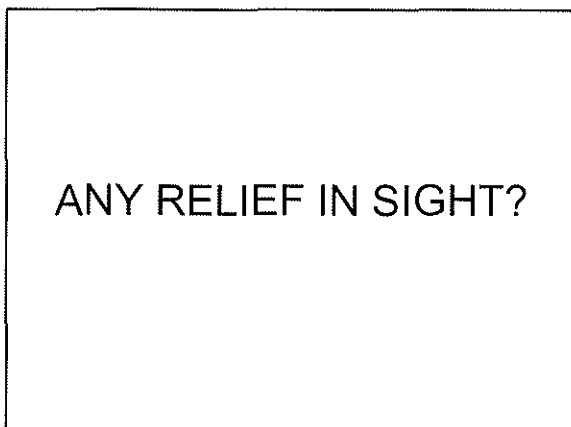
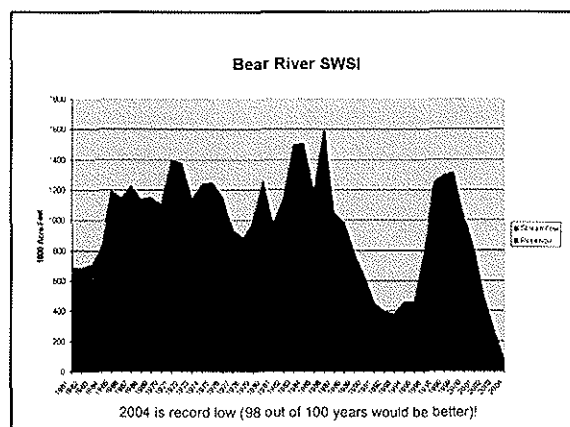
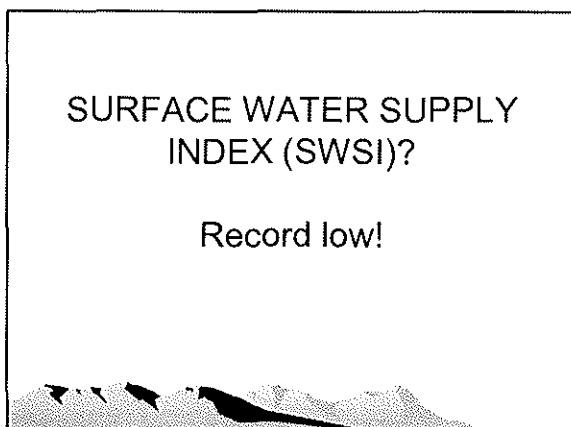
WHAT ABOUT RESERVOIR
STORAGE?



STREAMFLOW
FORECASTS?



Ray Wilson



BEAR RIVER/BEAR LAKE OPERATION FOR 2004 SUMMARY OF WATER SUPPLY, LAKE LEVELS AND DELIVERIES

Bear Lake Data

Low elevation, fall of 2003 (Dec. 10, 2003)	5904.10 (6,000 Ac. Ft.)*
Elevation on April 18, 2004	5905.53 (93,000 Ac. Ft.)
Change in Contents over winter period	87,000 Ac. Ft.
2004 Allocation for Irrigation	85,000 Ac. Ft
Net Headgate Delivery (Less 3.6% Conveyance losses)	81,940 Ac. Ft.
System Losses (below Cutler)	17,000 Ac. Ft.
Estimated Net Lake Evaporation	104,000 Ac. Ft.
Projected Low Lake Level, fall of 2004	5902 .00 + or -

*Based on Settlement Agreement –allocations made above 5904

Status of Dredging

2003 Dredging completed (Dredged to 5902 -3000 ft.)

No dredging anticipated for 2004

Dredged channel to be inspected to ensure deliveries

2004 Critical Issues

85,000 Ac. Ft. allocation is 35% of full amount

Based on 2003 operation, storage water delivery could be finished by July 13 without conservation

Maximum Outlet delivery restricted to 1200 CFS at 5905.5 due to pump restrictions

At 5904.0 Outlet delivery may be restricted to about 800 CFS

Delivery of late season storage water may be difficult due to low lake levels

BEAR LAKE/BEAR RIVER OPERATION FOR 2004

DRAFT OPERATING PLAN FOR DISCUSSION

Introduction

Several members of the Bear River Water Users Association have indicated that they would prefer to postpone delivery of Bear Lake storage water until later this spring, depending on the weather. Normally as inflows to Cutler diminish and as irrigation demands increase, PacifiCorp begins releases from the Outlet Canal, first by bypassing inflows in the Rainbow Canal then by pumping storage water from Bear Lake. In view of the very limited lake storage allocation of 85,000 acre feet and the request to postpone delivery of Bear Lake storage releases, the following criteria for operating the Bear River system this year is listed for discussion.

- In the next 10 days, PacifiCorp will regulate the system to ensure that Soda, Oneida and Cutler Reservoirs are full prior to commencement of Bear Lake releases.
- Initial releases from the Outlet Canal will begin at about the time that inflows to Cutler are approximately equal to Bear River Canal Company diversions.
- Initially, the Outlet Canal release will consist only of Rainbow bypass and Mud Lake tributary inflow (natural flows) to fill irrigation rights downstream.
- In response to the irrigator's request, PacifiCorp will begin Storage water releases only when a call is made for storage water by one or more of the irrigation interests, including Last Chance Canal Company, West Cache Canal, Cub River Irrigation Company, Bear River Canal Company, Idaho Small Irrigators or Utah Small Irrigators.
- PacifiCorp will not provide initial storage water releases to individuals or if the request from one of the major groups is less than 50 CFS.
- The request for storage releases must be made in such a manner as to allow for travel time from the Outlet Canal to the respective points of diversion.
- Because of the delayed request for and subsequent release of storage water, state water right regulators and the Compact Commission along with irrigators and PacifiCorp should establish close lines of communication to allocate and distribute natural flows initially, and then the storage water once releases commence.
- A list of contact representatives from the irrigation interests, PacifiCorp, state agencies and the Compact Commission should be established with e-mail addresses and phone numbers.
- Every user should remember that the 85,000 acre foot allocation does not include delivery losses so the amount actually delivered to the respective headgates will be will be 81,940 assuming a 3.6% decreed delivery & conveyance loss.
- PacifiCorp will operate the system as carefully as physically possible to minimize the amount of system loss which occurs below Cutler.
- Weekly or more frequent conference calls as needed should be established now in order to allow for ongoing accounting of natural flows and storage water throughout the season.
- Even with careful regulation, there is a high likelihood that the storage water will be totally used up by August, barring unforeseen weather events. So all users, regulators and operators should expect very difficult conditions this year.

BEAR RIVER COMMISSION

INTERIM PROCEDURES FOR LOWER DIVISION WATER DELIVERY

Adopted November 18, 1997

I. INTRODUCTION

The Amended Bear River Compact makes provision in Article IV for the administration of the waters in the Lower Division of the Bear River at times when the Commission finds that a water emergency exists. More specifically, the Compact provides in Article IV.A.3. as follows:

When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, covering water applied to beneficial use prior to January 1, 1976, any water user in Utah may file a petition with the Commission alleging that by reason of diversions in Idaho he is being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by the Commission without regard to the boundary line for all or any part of the Division, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

These Procedures for Lower Division Water Delivery govern Commission action upon petitions filed pursuant to Article IV.A.3 of the Compact; provide the process to be followed in the declaration of a water emergency in the Lower Division; and describe how the waters in the Lower Division will be administered once a water emergency has been declared. The Procedures also provide direction necessary for the Commission to be prepared to declare a water emergency in dry years, and direction on how water delivery schedules are proposed, adopted and modified.

Prior to adopting these Procedures, the Commission received comment from representatives of the signatory States, and provided public notice and held public hearings in the affected areas within Idaho and Utah.

II. AUTHORITY

These Procedures are adopted pursuant to Article III.C.1 and Article IV.A.3 of the Amended Bear River Compact approved December 22, 1978, by the Commissioners from Idaho, Utah and Wyoming, and subsequently ratified by the legislatures of the three States and consented to by the U.S. Congress.

DEFINITIONS

The following definitions apply only to the application of these Procedures and are not to be interpreted as definitions for other administration of the Bear River Compact or other procedures adopted by the Bear River Commission.

A. "Commission" means the Bear River Commission organized pursuant to Article III of the Amended Bear River Compact.

B. "Compact" means the Bear River Compact, as amended on December 22, 1978.

C. The term "accounting method" means an interstate river diversion accounting procedure together with appropriate criteria, both approved by the Commission, which when used by either Idaho or Utah will yield similar results for each diversion on the Bear River below Bear Lake.

D. "Direct flow" means all water flowing in a natural water course except water released from storage or imported from a source other than the Bear River watershed.

E. "Engineer-Manager" means an employee or contract employee of the Commission designated to act in accordance with these Procedures.

F. "Groundwater" means any water withdrawn from wells at a rate in excess of 0.10 cfs within the Lower Division.

G. "Lower Division" means the portion of the Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage.

H. "River Commissioner" (not to be confused with members of the Bear River Commission itself) means the duly appointed State official authorized to distribute both direct flow and storage water in accordance with valid rights and storage allocations from Bear River or its tributaries. The term "river commissioner" includes the officials called "watermasters" in the State of Idaho.

I. "State official" means the director of the Idaho Department of Water Resources or a designee, the Utah State Engineer or a designee, and the Wyoming State Engineer or a designee.

J. "Stored water" means water stored in a reservoir in the Lower Division for release for beneficial use at a later time or water that has been released from storage into a natural channel for conveyance to a point of rediversion under the supervision of a river commissioner.

K. "Water delivery schedule" means a list adopted by the Commission of water rights, ordered by priority, and established in accordance with the laws of the respective States without regard to state boundaries and deliverable against junior priority rights.

L. "Water emergency" means any period of time that the Commission has determined in accordance with these Procedures that a water user in Utah, by reason of diversions in Idaho, is being deprived of water to which the water user is justly entitled.

M. "Water user" means a person, corporation or other entity having a right to divert water from the Bear River in the Lower Division for beneficial use.

IV. PREPARATION

A. General Preparation

The Commission recognizes that if adequate preparation is not made prior to receiving a petition requesting the declaration of a water emergency, then the Commission may not be prepared to respond to the petition in a timely and appropriate manner. In particular, water availability data are required to determine if the declaration of a water emergency is justified. Because storage water is an important component to the river flows in the Lower Division, the proper allocation and accounting of storage water usage is vital to Lower Division water administration.

An accounting method pursuant to approved delivery schedule(s) will be used to account for the delivery of direct flow and stored water in Idaho and Utah. This method will also account for depletions resulting from the diversion of groundwater. The method has been approved by the Commission (see *Appendix B*).

The accounting method must be operational in advance of the declaration of a water emergency for the potential administration by the Commission to be effective. Therefore, Idaho and Utah State officials will maintain computer models in each state consistent with the accounting method so that the method can be utilized by either state and the results submitted to the Commission or its Engineer-Manager within three calendar days after receiving the necessary water availability data in any year that the Commission has determined that a declaration of a water emergency could occur.

B. Preparation Procedures

Preparation for potential Lower Division administration requires cooperation by State water resource personnel, river commissioners, PacifiCorp (dba Utah Power) and the water users in gathering necessary water availability data. In any year that the Commission determines that water supply conditions are such that a declaration of a water emergency could occur, the Commission, through its Engineer-Manager, will do the following:

1. The Engineer-Manager will notify the State officials that an emergency declaration could occur. The State officials will in turn immediately notify appropriate river commissioners or other persons or entities responsible for water distribution of the possibility that such a declaration could occur, and such commissioners or persons or entities shall collect and assemble and distribute to the State officials and the Engineer-Manager the water availability data necessary for the accounting method.
2. The Engineer-Manager will request the Idaho and Utah State officials to confirm to the Engineer-Manager that deliveries from the Bear River will be administered and all tributaries will be administered to the extent appropriate in Idaho and Utah during the upcoming irrigation season. Data on the impact of

groundwater depletions on direct flow will be requested by the Engineer-Manager from each state. Any changes to the Procedures or to the delivery schedules based on these data will be made according to Section IX.

3. The Engineer-Manager will request Utah Power to notify the State officials of stored water allocations for the water users holding contracts with Utah Power for use of stored water.

4. The Engineer-Manager will monitor river flow and diversion data to ensure the water availability data necessary for the accounting method is readily accessible in the event a petition requesting the declaration of a water emergency is properly filed with the Commission.

V. RECEIPT OF PETITIONS

A. General Filing Provisions

The Commission recognizes that the filing of a petition and any subsequent administration will require considerable effort and have significant impact upon water users. In order to safeguard against the taking of action upon petitions that lack merit, the Commission shall employ the following process for reviewing and acting upon filed petitions. The Commission recognizes its responsibility to act expeditiously on meritorious petitions in order to provide timely administration. The following criteria for filing and reviewing a petition are established to meet these varied objectives.

B. Minimum Filing Requirements

In order for a petition to be accepted by the Commission the petition must:

1. be filed on a form provided by the Commission (see *Appendix A* appended to these Procedures);
2. be filed with the Commission at the Commission's office by mail, electronic facsimile or in person, during regular office hours;
3. provide evidence that the water user filing the petition is entitled to the use of water from the Bear River main stem in the State of Utah and stating that he is not receiving water to which he is justly entitled; and
4. provide evidence the petitioner has contacted the State official in Utah, the State official in Utah has contacted the State official in Idaho, and the petitioner has been advised of the administration that is occurring.

C. Engineer-Manager's Initial Review

1. Upon receipt of a proper petition, the Engineer-Manager shall review the petition to determine that the criteria and information required by the Commission

has been set forth satisfactorily in the petition, and the Engineer-Manager will attempt to verify the information contained therein.

2. Upon determination by the Engineer-Manager that the petition satisfies all of the criteria set forth in this Section V, he shall immediately notify the members of the Commission that the criteria for filing a petition requesting the declaration of a water emergency have been met. If the Engineer-Manager determines that the petition does not satisfy all of the required criteria, the petitioner shall be immediately notified so that corrections or additional information can be supplied. The Engineer-Manager shall make a written recommendation to the Commission regarding Commission action for any properly-filed petition. Within three calendar days of the receipt of a petition, the Engineer-Manager will notify the members of the Commission, State officials and the petitioner of the receipt of the petition and the recommendations made upon the petition.

3. Nothing herein shall be deemed to prevent the Commission, upon its own motion, from declaring a water emergency pursuant to Article IV.B of the Compact. Nevertheless, the Commission shall not declare such an emergency without first notifying State officials and receiving appropriate input from them.

4. Multiple petitions will, to the extent possible, be consolidated and considered together by the Commission.

VI. COMMISSION ACTION ON PETITIONS

A. Convening of Special Commission Meeting

Upon notice from the Engineer-Manager that a proper petition has been filed with the Commission requesting that a water emergency in the Lower Division be declared, the following procedures shall apply:

1. Within seven calendar days of the initial receipt of the petition from the Engineer-Manager, the Chairman of the Commission will convene a special meeting of the Commission to consider the petition.

2. In the event that the Chairman is unavailable, the Vice-Chairman will have full authority to convene and chair the meeting.

3. The ordinary ten-day notice requirement for Commission meetings provided for in the Commission bylaws is hereby deemed waived by the Commission members, in accordance with the bylaw provisions, for the purpose of acting upon petitions regarding water emergency declarations.

4. The required quorum to take action on a petition will be as set forth in Article III.A of the Compact. In order to expedite the consideration of a petition, the Commission meeting may be conducted via telephone conference.

5. At least a two-thirds majority vote by Commission members present is required for the Commission to take action on a petition.

6. If feasible under the circumstances, the petitioner and State officials may be invited to be at the meeting on the petition and present any additional appropriate information.

B. Actions of the Commission on Petitions to Declare a Water Emergency

The following actions may be taken by the Commission, once convened, to review a petition requesting the declaration of a water emergency:

1. The Commission may declare the existence of a water emergency in the Lower Division pursuant to Article IV.A.3 of the Compact upon a determination that the petitioner is being deprived of water to which the water user is justly entitled because of diversions in Idaho. If a water emergency is declared, the Commission will direct the Engineer-Manager to monitor water administration by the State officials in the Lower Division under the adopted delivery schedules, as well as provide any appropriate instructions to the Engineer-Manager specific to the administration under the declared water emergency.

2. The Commission may determine the petitioner has provided insufficient evidence to support the request for declaration of a water emergency and, therefore, notify the petitioner that the Commission will not take action without further documentation.

3. The Commission may determine that, through no fault of the petitioner, insufficient information is available to the Commission to make a full determination on the petition. The Commission may direct the Commission staff, or request State officials, to gather the additional information required. The Commission shall set a time to reconvene its consideration of the petition.

4. The Commission may deny the petition upon a determination a water emergency in the Lower Division, as provided for in the Compact, does not exist because it has not been established to the satisfaction of the Commission that the petitioner is being deprived of water to which the petitioner is justly entitled because of diversions in Idaho.

5. The petitioner will be notified in writing of action relating to the petition within three calendar days of the Commission's action. Notification will be by certified mail to the address of record on the petition. The Commission will also provide public notice of the Commission's action.

6. Action of the Commission on a petition for declaration of a water emergency may be subject to a request for reconsideration by the Commission from a State official or an aggrieved water user. Requests for reconsideration must be received in the Commission office within seven calendar days of the Commission's actions. Following the receipt of a request for reconsideration, the Engineer-Manager will advise the Chairman and the Chairman will schedule a meeting within seven calendar days of the date of the request for reconsideration. At the meeting, the Commission may hear from the petitioner, State officials, or affected water users present and then will expeditiously render its opinion with

respect to the request for reconsideration. Within three calendar days, all participating parties will be notified in writing of the Commission's decision.

C. Termination or Modification of Water Emergency Declaration

An affected water user or State official may provide information to the Commission to support termination or modification of the water emergency declaration. Based on such information, an affected water user may file a written request with the Commission to terminate or modify the water emergency declaration and the Commission will act in substantial accordance with the time lines and procedures set forth under Section A and B above. The Commission can also terminate or modify the declaration of a water emergency on its own volition. Unless terminated sooner or extended by the Commission, water emergencies shall terminate on September 30th of each year.

VII. RIVER ADMINISTRATION

Upon the declaration of a water emergency, the Idaho and Utah State officials through the river commissioners will share, on at least a weekly basis, all available stream flow and diversion measurements necessary for administration of river flows by the Commission pursuant to approved delivery schedule(s). The accounting and administration will be performed as often as reasonably feasible and necessary throughout the irrigation season given the availability of the necessary stream flow and diversion measurement data, as well as information about impacts from diverted groundwater. The river commissioners will, under the supervision of the responsible State officials, adjust diversions in their respective States to deliver all direct flow rights on the Commission adopted delivery schedule according to priority of right, without regard to state line, and also deliver all stored water in accordance with the allocations certified by Utah Power, with accounting made for depletions in the flow of the Bear River resulting from groundwater use. A report showing water delivery without regard to state line in accordance with approved water delivery schedule(s) shall be sent each week by State officials from both Idaho and Utah to the Engineer-Manager for review. If the review suggests that delivery is not occurring correctly, the Engineer-Manager shall promptly notify the appropriate State official who shall direct the river commissioner to deliver in accordance with the adopted water delivery schedule.

VIII. WATER DELIVERY SCHEDULES

A. General Provisions

The Commission will adopt one or more water delivery schedules as provided in Article IV.D of the Compact. Water delivery schedule(s) are appended to these Procedures as included in *Appendix C*.

B. Modifications to Accounting Method or Water Delivery Schedules

Modifications to the accounting method, the existing water delivery schedules, or the adoption of additional new water delivery schedules, will occur as follows:

1. The addition of water delivery schedules or the modification of adopted schedules or of the accounting method will be in accordance with the provisions of Section IX of these Procedures.
2. The accounting method and adopted delivery schedules will remain valid and in force until formally amended by the Commission.
3. An exception shall exist for minor modifications to the accounting method or a water delivery schedule which will not materially affect the accounting method or the water delivery schedule and may occur as follows:
 - a. all minor modifications to the accounting method or a water delivery schedule must be reviewed by the Operations Committee at a special or regular meeting;
 - b. the notice and hearing requirements for amending the accounting method or a water delivery schedule as provided under Section IX of these Procedures shall not apply;
 - c. if the Operations Committee finds the proposed modifications are minor and will not alter the intent of the accounting method or delivery schedule, and will not materially affect water users, then by unanimous vote of the Operations Committee the accounting method or delivery schedule will be modified; and
 - d. if there is not a unanimous vote of the Operations Committee, then the modifications shall not be approved until they have been formally adopted by the Commission as provided for in Section IX of these Procedures.

IX. AMENDMENTS TO THESE PROCEDURES OR TO THE DELIVERY SCHEDULES

A. General

Upon adoption, these Procedures will remain in force until modified or rescinded by the Commission. Copies of the Procedures, then in effect, will be kept on file with the Commission, and with the signatory States, for public inspection.

B. Amendment Procedure

It is anticipated that amendments and additions to these Procedures, and to the delivery schedules, will be required as experience is gained in administering the Lower Division diversions. The following procedures apply when making such amendments:

1. The Commission will cause one of its standing committees to review proposed changes to these Procedures, or the delivery schedules, and to present recommendations thereon to the Commission. Upon presentation of the

recommendations, the Commission may, after any necessary review, discussion, investigation and notice, vote:

- a. to adopt the changes as "final amendments" by unanimous vote of the Commission in accordance with the Commission's Bylaws if the Commission determines that the modifications are minor and will not materially affect water users; or
 - b. to adopt the changes as "proposed amendments" in accordance with the Commission's Bylaws.
2. If the Commission adopts the changes as "proposed amendments," the Commission will provide public notice as follows:
 - a. Notice of the "proposed amendments" will be posted in the courthouses for each county in Idaho (Franklin, Caribou, Oneida and Bear Lake), Utah (Box Elder, Rich, and Cache), and Wyoming (Lincoln and Uinta).
 - b. The Commission will advertise in papers of general circulation, for two consecutive weeks, its intention to hold public hearings on the proposed amendments.
 - c. The Commission will notify the State officials, and the river commissioners in Idaho, Utah, and Wyoming, of the Commission's intent to amend these Procedures or the water delivery schedules.
 - d. Additional public notice may be given as the Commission deems appropriate.
 - e. The public notice, in general, will describe the "proposed amendments," the time and place for public hearing, and invite public input.
3. At least two public hearings in the Lower Division, one in Idaho and one in Utah, will be conducted as follows:
 - a. The hearings will be held by the Commission and conducted by the Chairman, Vice Chairman or designee as directed by the Commission.
 - b. The hearings will allow an opportunity for all present to comment on the "proposed amendments."
 - c. The record will remain open for fourteen calendar days following the last hearing to provide additional time for written comment.
 - d. A summary of the written comments and testimony received will be made under the direction of the Commission.

4. Subsequent to the hearings and receipt of public comment and after a ten-day notice to its members, as provided for under the Bylaws, the Commission will reconvene to act in whole or in part upon the "proposed amendments." Action of the Commission will be in accordance with the Commission's Bylaws.

BEFORE THE BEAR RIVER COMMISSION

PETITION REQUESTING
DECLARATION OF A WATER EMERGENCY
IN THE LOWER DIVISION

Adopted November 18, 1997

1. Name of Petitioner _____ Date _____
Address _____
Home Phone _____ Work Phone _____
2. Water Right Information:
By Owner _____
By State Water Right Number _____
3. If owner of the claimed water right is different than in the Water Delivery Schedule(s), describe your interest in the water right; and, if necessary, provide documentation attached to this petition confirming your interest.

4. Describe the amount of water you believe you are entitled to and are now being deprived of its use.

5. State the beneficial use(s) to which you would place the water.

6. Describe the amount of water you are currently receiving and the beneficial use(s) to which you are currently using the water.

7. If you can, indicate what portion of your current water supply is natural flow and what portion is storage water.
8. If you are a contract holder for storage water in Bear Lake, identify the contract and its status including amount of water received this year and last year.
9. If your use or supply has been restricted, describe what you have done to determine that such restriction has not been due to junior diversions in Utah.
10. State the reasons which bring you to the conclusion that you are being deprived of water to which you are entitled because of diversion in Idaho.
11. Identify, if you can, the diversions in Idaho you believe are depriving you of water.
12. Give any additional information you have that you believe will assist the Commission in evaluating this petition and your allegations.

I represent that the above information is true and correct to the best of my knowledge and belief.

Signature and Title of Petitioner

**IF SIGNED BY PERSON OTHER THAN PETITIONER, THIS PETITION MUST
BE ACCOMPANIED BY A SIGNED AND NOTARIZED POWER OF ATTORNEY**

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 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

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

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. Based upon studies performed by the States of Idaho and Utah, it has been determined that depletions to the mainstem Bear River from existing groundwater development (as of April 2003) are approximately 4.9 c.f.s. in Idaho and 4.1 c.f.s. in Utah. These depletions, relative to the total flows in the Bear River, are small and cannot be accurately measured and accounted for using the mainstem gages on the Bear River. Therefore, under these Interim Procedures during a Lower Basin water emergency, groundwater depletions will not be accounted for or administered in the distribution of water according to the integrated water delivery schedule set forth herein. Both states shall continue to monitor and study the impact of groundwater diversions on the flows of the Bear River, and the effects of groundwater depletions will be included as required by each state under the water distribution and accounting laws and administrative rules of that state. To prevent or mitigate depletions to the mainstem Bear River from future groundwater appropriations, the Director of the Department of Water Resources in Idaho shall act

pursuant to and in conformance with the groundwater management plan for the Bear River Ground Water Management Area promulgated by the Idaho Department of Water Resources, and the State Engineer in Utah shall act pursuant to and in conformance with the provisions of the Interim Cache Valley Ground-water Management Plan promulgated by the Utah Division of Water Rights.

WATER RIGHT	NOTES	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	» Bert D. Reese & Sons, Inc.
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
11-07474		1889	5	1	11.5	EIGHT MILE RANCH LLC
11-07475		1889	5	1	12.5	EIGHT MILE RANCH LLC (leased to LAST CHANCE)
11-00255		1889	5	1	2.0	PANTER, RANDY AND TRINA (leased to LAST CHANCE)
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	» Bert D. Reese & Sons, Inc.
29-1912	2	1890			30.0	Bear River Silt Lands Company
11-00531C		1892	5	01	1.8	P4 PRODUCTION LLC (Soda Creek - leased to LAST CHANCE)
25-6467		1894	05	01	0.5 *	» Elner Goodwin Trust/Warren Hughes
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.
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	1	1905	10	5	0.8	DREWERY, HARRY
13-00957	P	1905	12	28	500.0	UTAH POWER & LIGHT CO. (Grace)

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

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
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	» LAST CHANCE CANAL CO. (BENCH B)
13-00956		1909	12	31	25.6	» LAST CHANCE CANAL CO. (BENCH B)
11-00449		1910	5	01	0.2	P4 Production LLC (Soda Creek - leased to LAST CH
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	1	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	*	» W. D. Johnson & Sons
EX 802		1917	05	01	*	» W. D. Johnson
EX 1194		1917	05	01	*	» Jim Watterson
25-8346		1917	05	01	*	» Benson-Bear Lake Irrigation Company
25-5087		1917	06	15	5.0	» King Irrigation Co.
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	» Elner Goodwin Trust
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

WATER RIGHT	NOTES	PRIORITY YR M D			FLOW (CFS)	OWNER
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 *	» Elner Goodwin Trust/Warren Hughes
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./Ronald & Linda Larsor
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)
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, Neil C. & Cynthia

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

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
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	» Utah State University
25-3260		1955	11	10	3.0	» Utah State University
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, Jay Golden & Helen
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
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, et al
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.)

WATER RIGHT	NOTES	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
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., Ronald & Linda Larso
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
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, Joseph D. & Debra
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	» Utah State University
25-9014		1989	10	20	6.0	» Stewart, Paul

Notes: The following text and listings of storage water users are for informational purposes and assist in distribution in modeling efforts. 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 PacifiCorp

* 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

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

WATER RIGHT	NOTES	PRIORITY YR M D	FLOW (CFS)	OWNER
Idaho adjudicated claimed rights which only receive natural flow when the river is not in regulation, but which thereafter receive stored water under contracts with PacifiCorp.				
				» 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 PacifiCorp 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
				» PHELPS, GROVE
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
Idaho adjudicated claimed rights owned by PacifiCorp which only receive natural flow when the river is not in regulation, but which thereafter receive stored water from Bear Lake.				
				PACIFICORP - LIFTON STATION DOMESTIC/IRRIGATION
				PACIFICORP - SODA HYDRO PLANT IRRIGATION
				PACIFICORP - SODA HYDRO PLANT POWER
				PACIFICORP - SODA HYDRO PLANT DOMESTIC
				PACIFICORP - GRACE DAM DOMESTIC
				PACIFICORP - GRACE DAM IRRIGATION
				PACIFICORP - GRACE HYDRO PLANT LAWN
				PACIFICORP - GRACE HYDRO PLANT DAM/IRRIGATION/STOCK
				PACIFICORP - ONEIDA HYDRO PLANT DOMESTIC
				PACIFICORP - ONEIDA HYDRO PLANT IRRIGATION