

BEAR RIVER COMMISSION

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MINUTES

BEAR RIVER COMMISSION ANNUAL MEETING

University Inn, Utah State University
Logan, Utah
April 18, 1995

COMMISSION MEMBERS

Chair

Denice Wheeler

Idaho Members

Karl J. Dreher
Rodney Wallentine
Don W. Gilbert

Utah Members

D. Larry Anderson
Blair Francis
Calvin Funk

Wyoming Members

Gordon W. Fassett
S. Reed Dayton
James Crompton

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 Vice Chairman Calvin Funk at 11:02 a.m. on April 18, 1995, at the University Inn on the Utah State University Campus in Logan, Utah. Vice Chairman Funk welcomed everyone to the Commission meeting and asked those in attendance to introduce themselves. A copy of the attendance roster is attached as Appendix A. Funk introduced the new Federal Chair for the Bear River Commission, Denice Wheeler, and turned the meeting over to her.

Chairperson Wheeler indicated how pleased she is to serve on the Commission and expressed her desire to be an active and knowledgeable member of the Commission. Wheeler continued by expressing the great loss the Commission feels at the passing of Wes Myers. There was a moment of silence in memory of Wes.

Chairperson Wheeler asked if there were any changes or additions to the proposed agenda. The agenda for the Commission meeting was approved without change and is attached as Appendix B.

The Commission then considered the proposed minutes from the Commission meeting held on November 29, 1994. The minutes were approved with minor editorial changes made by John Teichert.

Chairperson Wheeler indicated that according to the Bylaws, Article II, Section 3, it is mandated that the Commission have an election of officers at the Annual Meeting. It was moved and seconded that Cal Funk remain as Vice-Chair for an additional year and the motion passed unanimously. Larry Anderson was nominated to remain as Secretary-Treasurer. This appointment was moved, seconded, and passed unanimously.

Chairperson Wheeler asked Larry Anderson to present the Secretary-Treasurer's report. Anderson invited Bert Page to give a summary of the budget. Copies of Page's summary were distributed and are included in the minutes as Appendix C. Page One shows the Income and Expenditures for the period of July 1, 1994 to June 30, 1995. Bert Page indicated that the expenses for May and June of 1995 will be reported at the Regular Meeting of the Commission. The Commission started with a cash balance of \$70,099.28. The Interest on Savings (\$4,431.98) combined with the income from the gage at Evanston (\$1,725.00) totalled \$6,156.98. The three states each paid their assessment of \$30,000. Expenditures are as follows: Stream Gaging - \$44,840.00; Contract with Jack Barnett - \$25,443.50; Travel - \$340.66; Office Expenses - \$758.06; Treasurer Bond & Audit - \$1,096.59; and Printing - \$860.29. The Cash Balance as of April 15, 1995 was \$92,917.16. Page Two indicates the checks which were written and the Bank Reconciliation which shows Total Cash in Savings and in Checking as \$92,917.16. The Commission approved the report as presented.

Larry Anderson then presented the Expenditure Forecast Through FY 95 and the Proposed Budget for FY 96 and projections for the coming years, Appendix C, Page Three. Anderson pointed out that the Approved Budget for FY 95 was \$82,377.00, and he has projected that the Total Expenditures for FY 95 will be \$86,240. Part of the additional cost, as explained in the footnotes, is the extra time spent by the Engineer-Manager as he proceeds with assignments given by the Commission concerning the Lower Division Delivery Schedule and related issues. Barnett has estimated that he will exceed his contract by about \$4,000. The Management Committee has authorized him to continue with this work.

Anderson indicated that he, along with Jack Barnett and Bert Page, has estimated that expenditures for FY 96 will be \$86,400. Anderson stressed that Commission members need to remember that the contract with the USGS for FY 96 has already been signed. Anderson was authorized to do that at the last Commission Meeting. The USGS is reading those gages today and they bill in October of 1996 for past work. The Commission contracts in advance, and the stream gaging contract has been signed for \$47,370. This amount includes \$1,050 for the publishing of three gages which are maintained by Utah Power. Anderson indicated that it was his understanding that the Commission will take an action today not to pay for the publishing of those gages, so Anderson showed an estimated budget of \$46,320 for USGS Stream Gaging. Future estimates for the Stream Gaging reflect a 5% increase.

Concerning the contract for Jack Barnett, Anderson indicated that he took the base contract of \$32,957 and increased it by 4% for FY 96. He increased the contract by 4% each year, FY 97 and FY 98. The remaining budget items are based on past history. Anderson indicated that the Commission is gaining a small amount of money in reserve. However,

sometime around 1998, the Commission will be very close to having the same amount going out as is coming in. The Commission approved the FY 96 Budget and the State Assessments as presented. It was indicated that with the approval of the FY 96 budget, Anderson had the authorization to prepare a new contract with the Engineer-Manager.

The Commission then moved to Agenda Item V, the Records Committee Report by Floyd Jensen. Jensen asked Hal Anderson to give the Records Committee report. Anderson requested authorization to print 125 copies of the Eighth Biennial Report. There was some discussion in the Records Committee concerning the cover for the Biennial Report. The Committee agreed that an aerial photograph of Bear Lake would be appropriate. Concerning the records which have been scanned and are currently stored as an image on a computer hard drive, the next step in the process is to put those into a hard copy or paper format. Additionally, the records will be put on a CD Rom which will be available to the states at cost.

The Records Committee had a discussion concerning the updating and reprinting of the Compact. The Committee voted to reprint the Compact in a half-page format which is similar to the last printing that was done, and to also include the approved procedures which were developed at the time of printing. The printing of 200 copies of the Revised Compact was approved by the Records Committee.

Anderson indicated that there was one issue that needed to be approved by the Commission. That issue is the proposed language for Amendment to the Bylaws. Don Barnett distributed copies of the proposed language to the Records Committee and the Committee voted to accept the changes. The proposed language needed to be further approved by the Commission. The issue of dates concerning the updating of the Compact was put on hold by the Records Committee until the Attorneys General of the states reviewed the Compact. Larry Anderson indicated that Utah had taken the assignment to make the report concerning this issue at the Annual Meeting. The Utah Attorney General failed to follow through with the assignment, but Anderson indicated that the review will be forthcoming.

The motion was made that the Commission accept the proposed Amendment to the Bylaws Of The Bear River Commission. The proposed amendment was read into the record as follows:

At its regularly scheduled annual meeting on April 18, 1995, the Bear River Commission, upon proper notice of its intention to modify a portion of Article VI of its Bylaws, and upon unanimous vote of a quorum of Commissioners present, amended Article VI, paragraph 6, of its Bylaws as follows:

"6. All receipts and disbursements of the Commission shall be biennially audited by a certified public accountant to be selected by the Commission. The audit report shall be included in the official minutes of the Commission meeting to which the report was submitted."

The Amendment to the Bylaws was approved as presented. This signed Amendment is included as Appendix D. The Commission also approved the printing of 125 copies of the Eighth Biennial Report and 200 copies of the Compact. Additionally, the Commission approved the motion that the Bear River Commission will not pay for the publishing of three gages: Bear River at Collinston, West Side Canal near Collinston, and East Side Canal near Collinston.

Chairperson Wheeler then turned to Rodney Wallentine for the Operations Committee Report. Wallentine turned the time to Carly Burton for an overview of Utah Power's agreement. Burton reported on the results of the negotiations between PacifiCorp, the various irrigation interests on the Bear River, and the Bear Lake interests. On April 10, the group reached what was termed the "Bear Lake Settlement Agreement". This agreement sets the framework for the future of Bear Lake. There were five issues which were addressed in the agreement. Burton read the parties to the agreement for the record; Last Chance Canal Company, Cub River Canal Company, West Cache Canal Company, Bear River Canal Company, Idaho Pumpers Association; Utah Pumpers Association; Bear River Water Users Association; Bear Lake Watch, Inc; Emerald Beach, Inc.; Bear Lake East, Inc.; Jim Kimbal; and PacifiCorp.

Burton then discussed the issues which were agreed upon in the settlement. First, the Bear Lake group agreed to dismiss the lawsuit which was pending in U.S. District Court. Second, PacifiCorp agreed not to dredge during 1995. Third, the Bear Lake group's request for a contested case hearing was withdrawn. Fourth, and probably one of the most important aspects of the agreement, the Bear Lake Storage Allocation and Recovery proposal (a proposal of the irrigation interests in the system) was agreed to and attached as part of the agreement. This proposal allocates a quantity of water from Bear Lake based on various levels, beginning with the irrigation reserve and diminishing as lake levels drop. The fifth issue was the parties agreed to form a new group called the "Bear Lake Preservation Advisory Committee". The group would consist of representatives from the irrigation interests, the Bear Lake interests, PacifiCorp, a representative from the Bear River Commission, a representative from the Utah and Idaho Departments of Water Resources, and "such other interested parties who have an interest in promoting the goals" under this agreement.

Burton further indicated the goals of the Advisory Committee which include: promoting water conservation and efficient use practices; promote more reliable water supplies in Bear Lake and Bear River; promote soil and energy conservation and improved water quality; pursue means other than litigation to resolve conflicts; periodically review the Allocation Proposal and recommend changes as may be appropriate; and to promote the concept of a single allocation model for administration. Burton indicated that PacifiCorp is anxious to sit with this Advisory Committee and get started. A tentative meeting has been set for sometime in May. Burton distributed a handout on the conditions in the Basin in terms of Snow Water Equivalent, Precipitation, and Forecast for 1991-1995. Burton indicated that PacifiCorp expected Bear Lake to reach 5911 at some point in June, and it is expected that it will be a fairly good water year.

Keith Higginson commented about the Commission participation on the Advisory Committee and asked how that was to take place. Burton indicated that a letter would be forthcoming to the Commission regarding this Committee. Higginson made the comment that the Commission would not be meeting again until November and the Advisory Committee would be meeting in May. He felt that someone needs to be appointed by the Commission to represent them at this meeting. Chairperson Wheeler suggested that this be an item to discuss under Agenda item X.B.

Jeff Fassett commented that the State of Wyoming was very pleased to see this agreement occur. This was a good first step to bring everyone together. Fassett noted that Wyoming was a little concerned that it was relegated to the status of other interested parties and that Wyoming is the State that turns off a lot of people every year. Wyoming gives its full support to this effort.

Larry Anderson indicated that the State of Utah is also anxious to see that this agreement is successful. This type of operating plan is certainly needed on Bear Lake. Anderson offered Utah's support in this effort. Jack Barnett recommended that the handouts which Carly Burton prepared be included in the minutes as part of the record. These handouts are attached as Appendix E and Appendix F.

Rod Wallentine then continued with the Operations Committee Report, Item B. At the previous Commission meeting, the Mud Lake Capacity Table was discussed and given as an assignment to the Operations Committee. The updated information has been obtained and put into the table. Don Barnett was asked to give an overview of the Mud Lake Capacity Table. Copies of a document entitled "Amended Bear River Compact, Commission-Approved Procedure For Bear Lake/Mud Lake Elevation Equivalency Calculations" were distributed. Barnett indicated that at the November Commission meeting, the Commission reviewed and discussed a very similar table except that, at the time, the information which was used was preliminary. The information has now been finalized by Utah Power.

This table simply takes the volume of water for any gage height in Mud Lake Reservoir, adds it to the volume of water in Bear Lake for the gage height, and comes up with a total volume of water and converts that to an equivalent Bear Lake elevation. The table is restricted in the extent that it just represents the general operating range of Mud Lake Reservoir, and the equivalent Bear Lake elevation that would be important within that operating range can very easily be extended mathematically in either direction to facilitate other elevations.

There was a question asked as to whether the Mud Lake elevation is additive to Bear Lake any time Bear Lake is above Mud Lake. Barnett indicated that would not be expected to be the case. Even if Mud Lake gets down to near empty, Bear Lake, if it were higher than Mud Lake, would be above 5911 and there is no longer an issue of upstream storage. It is mentioned in the summary section of the Equivalency Table that if it becomes a circumstance where, for one reason or another, there is a need to calculate an equivalent elevation, both would be included. It was moved that the Bear Lake/Mud Lake Capacity Table be accepted as amended.

The motion was carried. The adopted table and associated explanation is included as Appendix G.

Mr. Wallentine then continued with the Operations Committee Report, Item C. Jack Barnett explained that there are procedures in the Compact with respect to the four sections in the Upper Division being able to transfer water among sections in the event that one of the sections is not fully utilizing their allocation in a water emergency. It gives preference to the other section in the same state. There was concern that if interpreted literally, there are conditions under which the primary allocation could be interfered with in the second state. Barnett has been operating, for a period of time, where he has not allowed that interference to occur if a transfer were to be requested. There has been no formality in the request from a State to have the transfer occur. This procedure now formally describes in writing how Barnett has been operating. Barnett wants the support of the Operations Committee to continue to operate this way. The Operation Committee has concurred in this procedure.

Wallentine then led a discussion concerning the task given to the Operations Committee to come up with some type of Lower Division regulation. He thanked those from each of the States who have worked on this regulation to this point. The Committee has met often and has come a long way. There is not an agreement at this point in time. At the most recent Operations Committee meeting, they identified three areas where there is still disagreement: 1) consideration of storage above Bear Lake on direct flow rights below Bear Lake; 2) consideration of total water supply and natural flow of storage water to determine whether a water right is being deprived; and 3) the work load requirements placed on the Utah State Engineers to certify documents and to coordinate with the Idaho water administrators. The Committee will move forward and try to come to a solution. It is the intent of the Operations Committee to work towards one river model. It is hoped that they will be able to meet in June. In September or October, they will push harder on the verbiage of this assignment.

Larry Anderson complimented the Operations Committee on their efforts and recognized the frustrations of the Committee. He expressed the desire of the State of Utah that this work move forward.

Chairperson Wheeler then turned the time to Jack Barnett for the Technical Advisory Committee Report. Barnett began by discussing the stream gaging program. The TAC received a gage by gage analysis from Jim Kolva with the USGS. The Commission has given to the TAC an ongoing assignment to review the need for stream gaging and to look for opportunities to economize the expenditures there if appropriate. The TAC, after analyzing all of the stream gaging activities, concurred in the Commission action that has just taken place with respect to the publication of the records of the three gages below Cutler Dam. The Committee identified 2 or 3 gages that they wanted to spend more time analyzing the significance of the record with respect to the Commission business. It is anticipated that there perhaps will be a report to the Commission in November regarding whether or not there should be any changes in the stream gaging program. It is recognized, however, the contract the Secretary-Treasurer may need to sign with respect to the out fiscal year will be reacting to gaging that would occur after October

1. In a preliminary way, if the TAC is proposing a change, it will need to be made known well to the Commission and to the USGS so appropriate decisions can be made at the end of the fiscal year and ratified by the Commission in November.

It was suggested that Jack Barnett send an official letter to the USGS concerning not charging the Commission for publication of the information on the three gages. It was further suggested that in the review of gaging station needs some consideration be given to the need for DCP platform and remote sensing at the Pescadero gage. Pete Peterson, River Commissioner, has pointed out the need for this information in the model that the Commission is looking to create. This measures the outflow of the entire upper Bear Lake basin.

Jack Barnett felt that no further discussion was needed with regards to the Bear Lake/Mud Lake rating table. Barnett anticipates that there is a probability that he will use the new rating table this year in regulation.

Carly Burton reported that the elevation of Bear Lake is approximately 5908.8, which is up nearly 2.5 feet since last fall. The inflow is 550 cfs. The flows in March reached 1,500 cfs. The outlet canal was shut off on September 23 and it is still shut off. The only water getting through is leakage.

Barnett asked Carly Burton a question concerning the replacement of the control structure on the outlet canal. Burton indicated that the control structure is being replaced. The new structure will be downstream of the existing structure, and so the construction will not interfere with releases. The structure on Mud Lake which bypasses water into Bear Lake failed in 1993. Utah Power experienced some structural problems with the outlet canal structure that year as well. The last time the structure was replaced was in 1952 or 1953.

Additionally, Barnett indicated that when the Commission approved the minutes of the November Commission Meeting, there was an appendix that was not yet included. That appendix was a list of the contracts that Utah Power had on Bear Lake. Burton has provided the Engineer-Manager with that list which includes all of the irrigation contracts. The list did not include the contract with Fish and Wildlife Service, but that can be provided.

Chairperson Wheeler then turned to Jeff Fassett for the Management Committee report. Fassett indicated that the Management Committee met briefly on Monday, April 17 and discussed budget and personnel matters. The general sense of the dialogue from the Management Committee was that they were pleased to see the Operations Committee continue with their focused work with regards to the Lower Division delivery discussions. It is clear that there will be some policy matter issues that will be taken to the Management Committee. There will need to be further discussions with the TAC concerning the 20-year review. Larry Anderson indicated that he felt the updated water site supply report provided at the public meeting by NRCS should be included in the minutes. Those handouts are attached as Appendix H.

Chairperson Wheeler turned to the individual State Reports. Jeff Fassett indicated that there were no items from Wyoming. The time was turned to Keith Higginson for the Idaho report. Higginson reported that at the 1995 Idaho legislative session, \$55,000 was appropriated for an updated study and possible construction of a dam near Soda Springs (Caribou Dam). The purpose of the updated study is to determine if a feasible project can be developed to make a water supply available on the mainstem of the Bear River for the benefit of Soda Springs and Grace agricultural and municipal users. There is also the possibility of finding a replacement water supply for possible Bear River mainstem depletions resulting from ground water pumping. Higginson indicated that the Idaho State Water Resource Board will meet on April 20-21 in Boise to authorize the proceeding with the investigation.

Higginson reported that he has offered his resignation from the Bear River Commission effective upon his last day of employment, May 5, 1995. Keith has recommended to the Governor that he appoint his replacement as Director of the Department of Water Resources to the position on the Commission. Higginson's replacement is Karl Dreher who is coming from the State of Colorado where he is currently the engineer for the Northern Colorado River Water Conservancy District. Mr. Dreher will report for duty on May 15, 1995. Higginson indicated his appreciation to all the members of the Commission and others in attendance for the opportunity of working with them for many years. Higginson has been involved with the Commission for nearly 28 years.

Chairperson Wheeler turned the time to Larry Anderson for the Utah report. Anderson indicated that the Utah Board of Water Resources will be holding a Board meeting on August 10-11 in the Bear Lake area. Anderson invited interested persons to attend. In the State of Utah, there is a lot of interest in development of water in the Bear River. One additional study has been completed in conjunction with the U.S. Fish and Wildlife Service. This study is called the "Honeyville Dam and Reservoir Environmental Evaluation Report". Copies of this report have been given to Wyoming and Idaho, as well as to Jack Barnett for the Bear River Commission files. Additional copies are available to those interested. The report basically talks about the environmental impact of construction of Honeyville Dam. About 1,300 acres of wetland would be impacted and the same amount of upland lands would be impacted and would have to be mitigated as part of the project if Honeyville Dam was to be built. U.S. Fish and Wildlife Service is interested in the project and the impact on the wetlands compared to the benefit to the Bear River Bird Refuge. This was the purpose of the study, and it was found that the benefits exceed the impacts.

Honeyville Dam is considered to be the most cost-effective site that has been looked at on the Bear River as far as cost per acre foot of water developed. There is a substantial opposition to the project in the Box Elder County area, and support in the county is divided. The main road goes through where the Dam is and that would need to be mitigated. A water supply for Tremonton and Garland would be inundated, several parks and historic trails which cross the Bear River at this point would need to be mitigated. Other options and alternatives are being looked at but, to date, the Honeyville Dam would be the most cost-effective.

Anderson continued with the Utah report by indicating that the Utah legislature was quite favorable to the Department of Water Resources this year in that new funding for water development was received. Nearly \$4 million in new funds was received. In addition, repayments reallocated to the department total about \$10 million. The legislature also approved legislation appropriating 1/8 of 1% of the sales tax to water development to take place in 1997. This amounts to about \$25 million to \$30 million per year to be divided between Water Resources and two agencies of Environmental Quality. Anderson's agency spends much of their time dealing with the Bear River Basin. It was suggested that people give their name and address to Larry Anderson if they want to be informed of the board meeting in August.

Chairperson Wheeler continued with the agenda, moving to item X. Other items from Commission members. Jeff Fassett read to the Commission a resolution of appreciation prepared by the State of Wyoming for J. Wes Myers. That resolution is attached as Appendix I. The resolution was approved as presented. Fassett asked if this resolution, along with a picture of Wes Myers, could be included in the Eighth Biennial Report. This was put in the form of a motion and was approved.

Larry Anderson expressed appreciation on behalf of the Bear River Commission for Keith Higginson and recognized that Higginson is still a member of the Commission, so a resolution of appreciation has not yet been prepared. Anderson indicated that Higginson should be proud of his many accomplishments, not only the Bear River Commission and the many other services he has been involved, but on being the Commissioner of the Bureau of Reclamation for 4 years. Rodney Wallentine also expressed appreciation for the great service Keith has given.

Keith Higginson then acknowledged the public meeting which was held on Monday, April 17 and indicated that we have come a long way. When the Compact was first written, people were not concerned with the issues facing us today. The Compact addressed a somewhat limited subject matter. Higginson read from the Compact Article I.A.:

"The major purposes of this Compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; to promote interstate comity; and to accomplish an equitable apportionment of the waters of the Bear River among the compacting States."

Higginson indicated that water laws were basically written by irrigators and water users for their benefit. This does not mean that times have not changed, but it does mean that the charter for this Commission is somewhat limited by the purpose for which it was originally drafted. The concerns of today are very legitimate concerns. The Commission can assume the responsibilities and functions to address the new issues, but it will take an amendment to the Compact in order to do so. The interest groups need to have the patience that it is going to take to get to where they want to get. The Commission has indicated that they will consider amendments to the Compact, and they are required by the Compact at intervals not exceeding

20 years to review its provisions and decide whether it is timely to make amendments to the Compact. Perhaps now is the time to make amendments.

Higginson expressed appreciation for those who worked on the agreement with Utah Power and entered into that agreement. This is something that is long overdue. Utah Power has, for years, been able to fill the river with water. For a time, no one was paying them for their operation. Then contracts were entered into. Everything has been a progression towards what is needed on the system, a management plan for the Lower Bear River including the operation of Bear Lake. It is not possible for the Commission to undertake this responsibility under the charter. If this is what the interest groups want, then the charter needs to be changed.

Reed Dayton indicated that as long as we are able to communicate, there can be progression. There will always be water problems through the years. Things will become better through communication.

Keith Higginson suggested that the Engineer-Manager be delegated to represent the Commission on the newly created Bear Lake Preservation Advisory Council. This was presented as a motion and was approved.

Chairperson Wheeler indicated that she was approached at the Public Meeting by a presenter, Ron Law, to introduce into the minutes a letter which he wrote on behalf of the Bear Lake Regional Commission. This letter was basically regarding his presentation at the Public Meeting in which he asked the Commission to become more involved. Wheeler read the letter from Ron Law. This issue was then opened for discussion.

Larry Anderson expressed some confusion when reading the proposed organization which Commissioner Law was proposing. The question was raised as to why there was a need for two task forces. He felt that there would be a great duplication of effort.

Keith Higginson indicated that there was a letter attached to Commissioner Law's letter indicating that if the Commission refuses the above request, the aforementioned parties would create a new organization. It is not a matter of the Commission refusing the request but limitations of the Charter. Higginson suggested putting this request on hold and following the efforts by the parties of the agreement.

Eulalie Langford indicated that the agreement which Commissioner Law was referring to was reached on February 27. Many who were present at the meeting were not parties to the agreement which was reached on April 10. The letter comes to the Commission as an outcome of the February 27 meeting. This is not an attempt to duplicate in any way. There are several parallels and there are some differences. If members of the Commission would like to discuss the differences, this could be done. It was the recommendation of Chair Wheeler that the groups get together.

Carly Burton indicated that Utah Power feels that what the Advisory Committee proposed in the settlement agreement accomplishes the same things that Commissioner Law proposes in his letter. Additionally, Burton indicated that Mr. Higginson pointed out that certain things are beyond the scope of authority of the Compact Commission under present day conditions. Burton also indicated that he was not sure anyone had signed the February 22 document. He further indicated that representatives from Love Bear Lake are welcome as participants in the Advisory Committee meeting.

Jeff Fassett indicated that he agreed with Keith Higginson in that there are a number of issues out there and many groups are involved. The Commission encourages groups to communicate with them and appreciates the input they are receiving. Calvin Funk moved that the Commission not accept the letter from Mr. Law as an assignment or include it in the minutes of the meeting. This motion was approved.

Rodney Wallentine asked Jim Kimbal his views concerning the language of the several documents which have been presented by the various groups. Kimbal indicated that the language of each is very similar and that the only problem he could see would be the possibility that the Advisory Committee could not reach or consult with one group regarding something that is proposed. Then there would be an unsettled issue and perhaps the Commission should be the court of appeals. Wallentine asked Carly Burton if the agreement that PacifiCorp entered into with the various groups excluded anyone. Burton stated that if there is a request made to amend the allocation amount in a particular year for whatever reason, the Advisory Committee would meet and make recommendations. However, in regards to storage water releases from Bear Lake, PacifiCorp will have the final say in what that amount will be. Other issues would have to be worked out with the Advisory Committee.

Eulalie Langford raised the issue of funding for the Advisory Committee. How would technical advisors be paid? If the Advisory Committee is under the umbrella of the Compact Commission, the states will provide the funding for the technical committee. If this is outside of the umbrella of the Commission, where will the funds come from? It was indicated by Keith Higginson that putting the Advisory Committee under the Commission does not guarantee state funding. There is a budget which is approved by each state which is very limited, and it has nothing to do with funding an outside committee. Funk indicated that his state just passed their budget and are dependent on the legislature. Commitments can't be made which will involve funding on their part which was not approved and granted from the legislature. It is premature to determine the way that this funding will be accomplished.

Jim Kimbal indicated that he agreed that this is an evolutionary process. This issue started with a lawsuit and ended up with an agreement that involved people who were not involved with the lawsuit in the first place. This agreement allows communication with one another in trying to resolve issues on the river.

Chairperson Wheeler moved to agenda item XI. Next Commission meeting. Jack Barnett indicated that the rules adopted by the Commission prescribe that the meetings will be set on

specific dates unless decided otherwise by the Commission. The date in the bylaws for November would be November 27, 1995. This is the Monday following Thanksgiving. In recent years, the Commission has moved to the Tuesday following Thanksgiving in order to allow for travel on Monday. It was moved that the next Commission meeting be held on Tuesday, November 28 in Salt Lake City, Utah. This motion was seconded and approved. There were no further items to discuss.

The Bear River Commission meeting adjourned at 12:55 p.m.

ATTENDANCE ROSTER

**BEAR RIVER COMMISSION
ANNUAL MEETING**

University Inn, Utah State University Campus
Logan, Utah
April 18, 1995

IDAHO COMMISSIONERS

R. Keith Higginson
Rodney Wallentine
Floyd Jensen

WYOMING COMMISSIONERS

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

FEDERAL CHAIR

Denice Wheeler

UTAH COMMISSIONERS

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

ENGINEER-MANAGER & STAFF

Jack A. Barnett
Don A. Barnett
Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

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

UTAH

Robert M. Fotheringham, Division of Water Rights
Norman Stauffer, Division of Water Resources
Bert Page, Division of Water Resources
Lee Sim, Division of Water Rights
William Atkin, Division of Water Rights
Terry Gnehm, River Commissioner

WYOMING

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

OTHERS

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

APPENDIX A
PAGE TWO

Craig Thomas, Bear Lake Regional Commission
J. Kent Hortin, Bear River Water Users
David Styer, Bear River Canal Co.
Jim Kimbal, Bear Lake Watch/Love Bear Lake, Inc.
Eulalie Langford, Love Bear Lake, Inc.
Nelden Barker, Bear Canal Ditch Co./Hilliard West Side Ditch Co.
Richard Capener, Bear River Canal Co.
Lee Case, USGS
Robert Green, Individual

AGENDA

Bear River Commission Annual and Associated Meetings
April 17 and 18, 1995

University Inn
Utah State University Campus
Logan, Utah

COMMISSION AND ASSOCIATED MEETINGS

April 17

12:00 p.m. (noon)	Technical Advisory Committee meeting University Inn, Room 510	Barnett
4:00 p.m.	Operations Committee University Inn, Room 510	Wallentine
7:00 p.m.	Public Meeting Eccles Conference Center Auditorium	Wheeler

April 18

8:00 a.m.	Records Committee Meeting University Inn, Room 510	Jensen
9:30 a.m.	Informal Commission Meeting University Inn, Room 507	Barnett
9:45 a.m.	State Caucuses	Higginson/Fassett/Anderson
11:00 a.m.	Commission Meeting University Inn, Room 507	Wheeler

ANNUAL COMMISSION MEETING

April 18, 1995

Convene Meeting: 11:00 a.m., Vice Chairman Funk

I.	Call to order	Funk
	A. Welcome and overview of meeting	
	B. Introductions	

- C. Introduction of new Federal Chair Wheeler
- II. Approval of minutes of last Commission meeting (November 29, 1994) Wheeler
- III. Election of officers Wheeler
- IV. Report of Secretary-Treasurer Anderson
 - A. Budget
 - B. Assessments
 - C. Contract with Barnett
- V. Report of the Records Committee Jensen
 - A. Biennial Report
 - B. Assemblage of Committee Record
 - C. Bylaw Changes
 - D. Printing of Bylaws and Compact
 - E. Other
- VI. Report of the Operations Committee Wallentine
 - A. 1995 River Operations and Bear Lake Operations
 - B. Mud Lake Capacity Table
 - C. Procedures - Water Emergencies
 - D. Other
- VII. Report of the Technical Advisory Committee Barnett
 - A. Stream Gaging
 - B. Bear Lake/Mud Lake
 - C. Other
- VIII. Items from the Management Committee Fassett
- IX. State Reports
 - A. Wyoming Fassett
 - B. Idaho Higginson
 - C. Utah Anderson
- X. Other items from Commission members
 - A. Recognitions Fassett/Anderson
 - B. Other Wheeler
- XI. Next Commission meeting - November ____, 1995 Wheeler
(Regular Meeting, fourth Monday of November, as set forth in Bylaws, is Nov. 27, 1995)

Anticipated adjournment: 3:00 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

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

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-1-94	\$70,099.28			\$70,099.28
State of Idaho			\$30,000.00	30,000.00
State of Utah			30,000.00	30,000.00
State of Wyoming			30,000.00	30,000.00
City of Evanston		\$1,725.00		1,725.00
Interest on Savings		\$4,431.98		4,431.98
 TOTAL INCOME TO April 15, 1995	 \$70,099.28	 \$6,156.98	 \$90,000.00	 \$166,256.26

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$44,420.00	-420.00	\$44,840.00
SUBTOTAL	\$44,420.00	-420.00	\$44,840.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$32,957.00	\$7,513.50	\$25,443.50
Travel (Eng-Mgr)		900.00	559.34	340.66
Office Expenses		1,400.00	641.94	758.06
Printing Biennial Report		900.00	900.00	0.00
Treasurer Bond & Audit		1,100.00	3.41	1,096.59
Printing		700.00	-160.29	860.29
SUBTOTAL		\$37,957.00	\$9,457.90	\$28,499.10

TOTAL		\$82,377.00	\$9,037.90	\$73,339.10
CASH BALANCE AS OF 4-15-95				\$92,917.16

BEAR RIVER COMMISSION
 DETAILS OF EXPENDITURES

FOR PERIOD ENDING APRIL 15, 1995

372	JACK BARNETT	2,449.00
373	ALPHAGRAPHS	53.27
375	JACK BARNETT	2,449.00
376	JACK BARNETT	2,581.45
377	ALPHAGRAPHS	30.12
BANKCHARGE	OVERDRAFT	4.00
378	JACK BARNETT	3,380.06
379	SCOTT SPENCER	420.00 *
380	JACK BARNETT	2,710.84
381	DALTON, GILCHRIST & HARDEN	996.59
382	USGS	44,420.00
383	JACK BARNETT	2,539.34
384	JACK BARNETT	2,810.97
BANKCHARGE	DEPOSIT SLIPS	5.00
385	JACK BARNETT	2,779.15
386	JACK BARNETT	2,726.67
387	UTAH STATE UNIVERSITY	70.00
388	JACK BARNETT	2,625.14
389	FIRST SECURITY INSURANCE INC	100.00
390	THE POSEY SHOPPE	42.00
391	UNIVERSITY INN	15.00
392	UTAH STATE UNIVERSITY	131.50
	TOTAL EXPENSE	\$73,339.10 *

BANK RECONCILIATION

Cash in Bank per Statement 4-02-95	\$2,957.76
Plus: Intransit Deposits	0.00
Less: Outstanding Checks	2,813.64
Total Cash in Bank	\$144.12
Plus: Savings Account-Utah State Treasurer	92,773.04
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	\$92,917.16

* Backhoe work at Pixley Dam--included as part of Stream Gaging

BEAR RIVER COMMISSION

EXPENDITURE FORECAST THRU FY 95 & PROPOSED FY 96, FY 97, AND FY 98 BUDGET

DESCRIPTION	FY 95 EST'D JUNE 30 MODIFIED	FY 96 BUDGET PROPOSED	FY 97 PROPOSED	FY 98 PROPOSED
INCOME				
BEGINNING BALANCE	\$70,099.28	\$80,584.28	\$91,094.28	\$98,708.28
IDAHO	30,000.00	30,000.00	30,000.00	30,000.00
UTAH	30,000.00	30,000.00	30,000.00	30,000.00
WYOMING	30,000.00	30,000.00	30,000.00	30,000.00
EVANSTON CITY	1,725.00	\$1,810.00	\$1,900.00	\$1,995.00
INTEREST ON SAVINGS	5,000.00	5,100.00	5,200.00	5,300.00
TOTAL INCOME	\$166,824.28	\$177,494.28	\$188,194.28	\$196,003.28
EXPENDITURES				
a STREAM GAGING-U.S.G.S.	\$44,840.00	b \$46,320.00	\$48,636.00	d \$51,068.00
a PERSONAL SERVICES CONTRACT-BARNETT	37,000.00	c 34,280.00	35,650.00	37,070.00
TRAVEL	700.00	900.00	1,200.00	1,200.00
OFFICE EXPENSES	1,000.00	1,100.00	1,300.00	1,400.00
PRINTING BIENNIAL REPORT	400.00	1,600.00	500.00	1,600.00
TREASURER'S BOND & AUDIT	1,100.00	1,100.00	1,200.00	1,200.00
PRINTING	1,200.00	1,100.00	1,000.00	1,100.00
TOTAL EXPENDITURES	\$86,240.00	\$86,400.00	\$89,486.00	\$94,638.00
UNEXPENDED CASH BALANCE	\$80,584.28	\$91,094.28	\$98,708.28	\$101,365.28

NOTE. a. FOR BUDGET PROJECTIONS ONLY, THE FY 97 AND FY 98 USGS GAGING CONTRACT HAS BEEN INCREASED BY 5% PER YEAR AND DOES NOT INCLUDE THE COST TO PUBLISH DATA FROM THE THREE GAGES MAINTAINED BY UTAH POWER.
THE BASE PERSONAL SERVICE CONTRAC FOR BARNETT HAS BEEN INCREASED BY 4% PER YEAR.

b. INCLUDES \$420 PAID SCOTT SPENCER FOR BACKHOE WORK AT PIXLEY DAM, CONTRACT WITH USGS PAID IN OCTOBER 1995.

c. THE PERSONAL SERVICES CONTRACT FOR BARNETT IN FY95 IS \$32,957.
MR. BARNETT HAS ESTIMATED HE MAY EXCEED THE CONTRACT AMOUNT BY ABOUT \$4,000.

d. THE FY 96 USGS STREAM GAGING CONTRACT HAS BEEN SIGNED FOR \$47,370.
THE PROPOSED BUDGET ASSUMES THE COMMISSION WILL DECIDE NOT TO PUBLISH THE INFORMATION FROM THE THREE GAGES MAINTAINED BY UTAH POWER AND THE USGS PAYMENT WILL BE REDUCED BY \$1050.

Amendment to the:

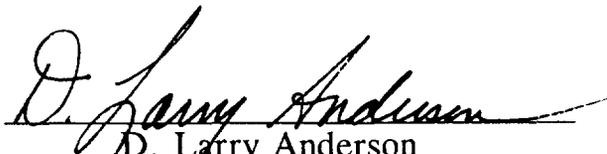
BYLAWS OF THE BEAR RIVER COMMISSION

At its regularly scheduled annual meeting on April 18, 1995, the Bear River Commission, upon proper notice of its intention to modify a portion of Article VI of its Bylaws, and upon unanimous vote of a quorum of Commissioners present, amended Article VI, paragraph 6, of its Bylaws as follows:

"6. All receipts and disbursements of the Commission shall be biennially audited by a certified public accountant to be selected by the Commission. The audit report shall be included in the ~~biennial report of the Commission official minutes of the Commission meeting to which the report was submitted.~~"

The purpose of this change is to reduce the volume of financial material reproduced in the biennial report while still giving public access to the information. The Commission still intends to print a financial summary for the biennial period in each biennial report.

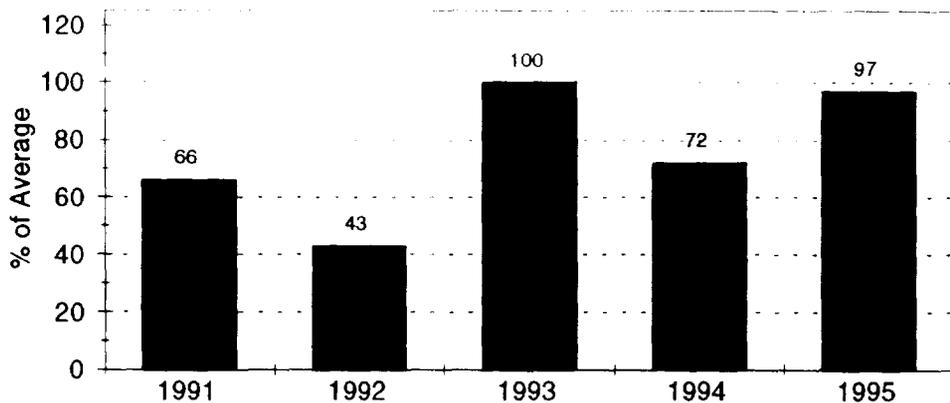
Attested to by:


D. Larry Anderson
BRC - Secretary/Treasurer

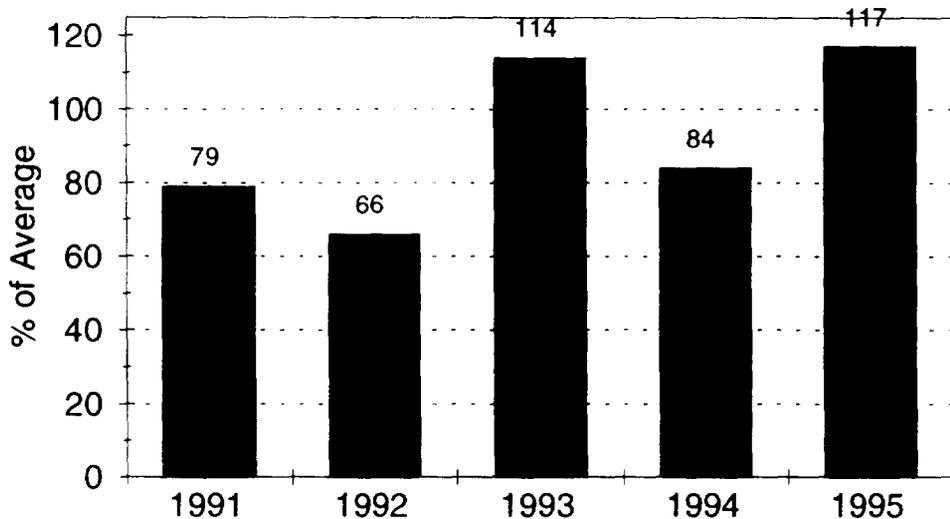
5-8-95
Date

Bear River Basin For April

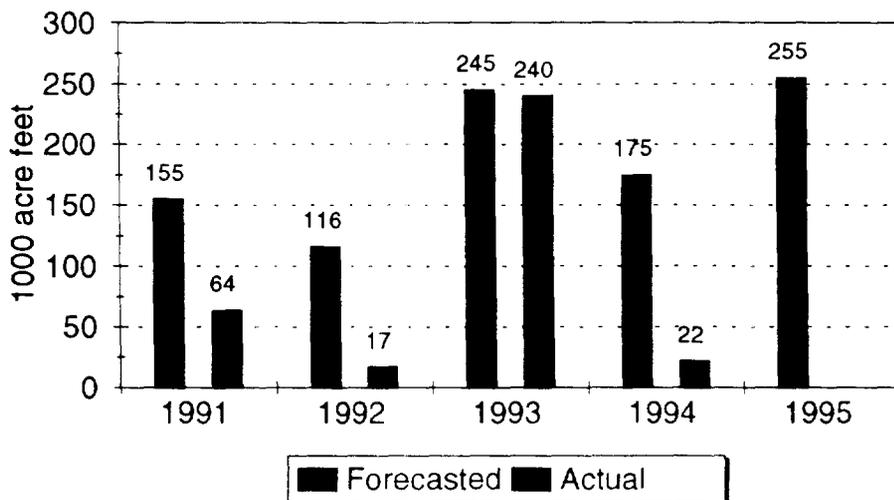
Snow Water Equivalent



Total Precipitation



Below Stewart Dam
Streamflow Forecast *



BEAR LAKE SETTLEMENT AGREEMENT

THIS AGREEMENT is made and entered into this 10th day of April, 1995, by and between LAST CHANCE CANAL COMPANY, CUB RIVER CANAL COMPANY, WEST CACHE CANAL COMPANY, BEAR RIVER CANAL COMPANY, IDAHO PUMPERS ASSOCIATION, UTAH PUMPERS ASSOCIATION, and THE BEAR RIVER WATER USERS ASSOCIATION, INC. (referred to collectively as the "Irrigators"), BEAR LAKE WATCH, INC., EMERALD BEACH, INC., BEAR LAKE EAST, INC., and JIM KIMBAL (hereinafter referred to collectively as the "Bear Lake Group"), and PACIFICORP.

RECITALS:

A. PacifiCorp has certain decreed rights under the Dietrich Decree in Idaho and the Kimball Decree in Utah to divert water from Bear River for storage in the top 21.65 feet of Bear Lake between elevations 5902 and 5923.65 and to operate, manage and release the same for irrigation in the Bear River Valley in Idaho and Utah, for power generation, and for other beneficial uses.

B. The Irrigators each hold contracts with PacifiCorp to receive Bear Lake storage water which has historically been applied to beneficial use for the irrigation of more than 150,000 acres in Idaho and Utah.

C. The Bear Lake Group represents the interests of their members who are homeowners around Bear Lake, recreationalists and other non-consumptive users of Bear Lake water.

D. The Bear Lake Group has filed a lawsuit against the U.S. Army Corps of Engineers and the Environmental Protection Agency in the U.S. District Court for the District of Utah, Civil Action No. 94-NC-157W, challenging certain permits previously issued to PacifiCorp which allow for dredging of Bear Lake.

E. PacifiCorp has submitted applications for dredging permits to the U.S. Army Corps of Engineers which is pending at U.S. No. 920302450 and also to the Idaho Department of Lands, which is pending at State No. L-11-S-131D (collectively referred to

as the "Dredging Permit Proceedings). In said proceedings, PacifiCorp is the Applicant; the Bear Lake Group and the Irrigators are interested and affected parties.

F. Upon the terms set forth below, the parties desire to compromise, settle and resolve the above described disputes and general disagreements that exist concerning the operation and management of Bear Lake by PacifiCorp and the use, release and distribution of Bear Lake storage water.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES WHOSE SIGNATURES ARE AFFIXED BELOW AS FOLLOWS:

1. Bear Lake Group will dismiss, without prejudice, their Complaint for Declaratory Judgment and Injunctive Relief pending in the U.S. District Court for the District of Utah, Civil Action No. 94-NC-157W. Such dismissal will occur as soon as practicable as will be arranged with other parties to that suit.

2. PacifiCorp agrees not to dredge Bear Lake prior to or during the 1995 irrigation season.

3. The Bear Lake Group's request for a contested case hearing before the Idaho Department of Lands in Case No. L-LE-95-002 will be withdrawn immediately. The Idaho Department of Lands and the U.S. Army Corps of Engineers will be provided with a copy of this Stipulated Settlement Agreement and are requested to act upon the pending Dredging Permit application and approve the Permit based upon the record established, without further notice and hearing. The parties hereby agree that this Stipulated Settlement Agreement shall be attached to and become a part of the Dredging Permit and that this Settlement Agreement shall be enforceable among the parties in conformance with the terms hereof without notice or hearing by Idaho Department of Lands or U.S. Corps of Engineers. All parties reserve their rights to appeal the decisions entered by the Idaho Department of Lands and/or U.S. Army Corps of Engineers in the pending Dredging Permit Proceedings and this Agreement will be without prejudice or effect upon such appeal rights.

4. The "Bear Lake Storage Allocation and Recovery Proposal," consisting of two pages, attached hereto and incorporated by reference is hereby approved by the

Irrigators and Bear Lake Group, and adopted by PacifiCorp as its established policy and guideline for the operation and management of Bear Lake. The parties acknowledge and agree that the authority to change the annual amount of Bear Lake storage water allocated pursuant to the proposal shall remain solely within PacifiCorp's discretion, upon reasonable cause and following consultation with the "Bear Lake Preservation Advisory Committee" as discussed below.

5. The parties agree to form a new "Bear Lake Preservation Advisory Committee." The task force will consist of a representative of Last Chance Canal Company, Cub River Canal Company, West Cache Canal Company, Bear River Canal Company, Idaho Pumpers Association, Utah Pumpers Association, Bear River Water User's Association, Inc., Bear Lake Watch, Inc., Emerald Beach, Inc., Bear Lake East, Inc., and PacifiCorp, a representative of the Bear River Commission, a representative from each of the Utah and Idaho Departments of Water Resources, and such other interested parties who have an interest in promoting the goals enumerated below. The purpose of the task force will be to address and attempt to resolve through compromise and negotiations disagreements between the parties and other multiple users concerning the use, operation and management of Bear Lake. Among other things, the goals of the Advisory Committee will include the following:

- a. To promote water conservation and efficient use practices;
- b. To promote more reliable water supplies in Bear Lake and Bear River for all users;
- c. To promote soil and energy conservation and improved water quality;
- d. To pursue means other than litigation to resolve conflicts;
- e. To periodically review the Allocation Proposal and recommend changes in that policy to PacifiCorp as may be appropriate; and
- f. To promote the concept of a single allocation model for administration of water on the Bear Lake/Bear River System.

The Advisory Committee will first meet in May, 1995, and at least annually thereafter prior to the annual spring meeting of the Bear River Compact Commission.

6. The parties hereby acknowledge and agree that the Bear Lake Storage Allocation and Recovery Plan is a voluntary plan for allocating water in times of shortage, when nature does not otherwise provide a full supply, and nothing in this Settlement Agreement shall be construed as an abandonment or forfeiture of any appropriated, contract or other rights belonging to the parties.

7. Copies of this Settlement Agreement shall be provided to the U.S. Army Corps of Engineers and Idaho Department of Lands and become a part of the record in the pending Dredging Permit Proceedings, and also will be provided to the Bear River Commission, Idaho Department of Water Resources, and Utah Division of Water Resources.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and the year first written above.

LAST CHANCE CANAL COMPANY

By: *W. Marcus J. Subbs*

CUB RIVER CANAL COMPANY

By: _____

WEST CACHE CANAL COMPANY

By: *Joseph G. Larsen*

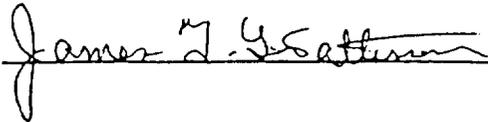
BEAR RIVER CANAL COMPANY

By: *Reid Ege*

IDAHO PUMPERS ASSOCIATION

By: 

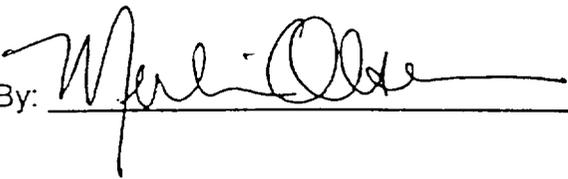
UTAH PUMPERS ASSOCIATION

By: 

BEAR RIVER WATER USERS ASSOCIATION

By: 

BEAR LAKE WATCH, INC.

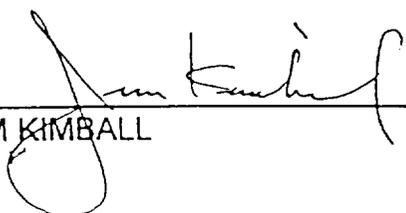
By: 

EMERALD BEACH, INC.

By: 

BEAR LAKE EAST, INC.

By: 



JIM KIMBALL

PACIFICORP

By: 

**IRRIGATION WATER ALLOCATION AND
LAKE RECOVERY PROPOSAL FOR BEAR LAKE**

<u>Calculated Elevation¹</u>	<u>Storage Content(A.F.)</u>	<u>Calculated Evaporation</u>	<u>Calculated Net Storage Avail.</u>	<u>Annual Allocation²</u>	<u>Balance Preserved For Lake Recovery</u>
Full 5923.85	1,414,000				
5914.7 (Irr. Reserve)	801,000	(125,000)	676,000	230,000 (100%)	446,000
5914	754,000	(125,000)	629,000	225,000 (98%)	404,000
5913	688,000	(125,000)	563,000	220,000 (96%)	343,000
5912	621,000	(125,000)	490,000	215,000 (93%)	275,000
5911	557,000	(125,000)	432,000	210,000 (91%)	222,000
5910	497,000	(125,000)	372,000	205,000 (89%)	167,000
5909	428,000	(125,000)	303,000	181,000 (79%)	122,000
5908	365,000	(125,000)	240,000	168,000 (73%)	72,000
5907	302,000	(125,000)	177,000	141,000 (61%)	36,000
5906	240,000	(125,000)	115,000	104,000 (45%)	11,000
5905	180,000	(125,000)	55,000	55,000 (24%)	0
5904	119,000	(125,000)	0	0 (0%)	119,000
5903	59,000	(125,000)	0	0 (0%)	59,000
5902	0		0	0 (0%)	0

* Footnotes are found on the following page.

(1) The "Calculated Elevation" represents the estimated, maximum lake level, in any given year, calculated by adding the forecasted amount of storable spring runoff to the actual quantity of water in storage on March 1 of said year. Full lake is 5923.65. The "irrigation Reserve" under the Bear River Compact is 5914.7' to 5902'.

(2) The "Annual Allocation" represents the total, estimated quantity of water available to be delivered to holders of contracts with PacifiCorp. The maximum historic delivery of 245,000 acre feet (1961) shall be available at all elevations above the "irrigation reserve". The reduced allocations available at each elevation below the "irrigation reserve" of 5914.7 shall be subject to the following conditions:

- (a) The stated allocation available at each elevation is subject to the maximum flow rates deliverable to PacifiCorp facilities and other operating and legal constraints.
- (b) The total Annual Allocation shall be allocated among the contract holders, subject to contract limitations, on a per-acre basis, based upon 151,000 total irrigated acres as set forth in the attached schedule entitled Contract Holders - Bear Lake Storage. By virtue of the fact that Bear River Canal Co. has the earliest contract with PacifiCorp and has no acre-footage limitation under its contract, any water allocated and available for use, which is in excess of the water to which the holders of contracts with PacifiCorp are entitled under their respective contracts, shall be available for use first by Bear River Canal Co., up to 48.6% of the total allocation, and then to other contract holders as may be agreed upon between the contract holders.
- (c) Unused water under the allocation may not be accrued or carried over by any contract holder to any future year and will remain in the lake for additional recovery.
- (d) PacifiCorp will not deliver storage water from Bear Lake to new contracts or

otherwise, over and above the existing contracts.

- (e) No allocation of water will be made to the contract holders on March 1 if the Calculated Elevation of the lake is 5904' or below. If, however, on March 1 of any year the Calculated Elevation is higher than 5904', PacifiCorp will pump, if necessary, and subject to legal and operating constraints, to deliver the Annual Allocation until such time as its operation, together with anticipated evaporation, is expected to result in a calculated lake elevation of 5902' after evaporation and deliveries.

**AMENDED BEAR RIVER COMPACT
COMMISSION-APPROVED PROCEDURES FOR
BEAR LAKE/MUD LAKE ELEVATION EQUIVALENCY CALCULATIONS**

April 1995

I. INTRODUCTION

The Amended Bear River Compact indicates that "'Bear Lake' means Bear Lake and Mud Lake." The current operation of Mud Lake by PacifiCorp is to generally hold waters in Mud Lake at an elevation higher than Bear Lake. This mode of operation reduces the amount of energy expended to pump waters via the Lifton pumps. However, this mode of operation also prevents the two water bodies from equalizing in elevation, which reduces the elevation to which Bear Lake would otherwise reach if the waters were not held back by PacifiCorp.

The Amended Bear River Compact in Article VI prevents storage under additional storage allocations in upstream reservoirs when the elevation of Bear Lake is below 5911 (UP&L Datum). It is important to upstream storage, in critical water years when the elevation of Bear Lake is below but approaching an elevation of 5911, to precisely determine the elevation of Bear Lake. Depending on a number of factors during the storage season, a determination of when Bear Lake exceeds the 5911 threshold could make a very dramatic difference in the allowable storage during that season. The Bear River Commission has determined that the waters held back in Mud Lake do make a meaningful impact to this determination.

II. DETERMINATION

The Commission has determined that because "'Bear Lake' means Bear Lake and Mud Lake," that in order to calculate the true elevation of Bear Lake, mathematically the contents of Bear Lake and Mud Lake should be allowed to equalize in elevation. Therefore, a procedure has been adopted by the Commission in the past and is formalized herein whereby the contents within Mud Lake are mathematically added to the contents of Bear Lake (as if they were allowed to flow into Bear Lake), and a determination is made as to what the new "equivalent" Bear Lake elevation would be (this simple method of adding Mud Lake to Bear Lake only applies when the equivalent elevation is below the bottom of Mud Lake, otherwise consideration needs to be given to waters which would naturally remain in Mud Lake should the two water bodies be allowed to equalize in elevation).

With the failure of the Mud Lake dike in May of 1993 (which allowed Mud Lake to flow into Bear Lake) and the subsequent refilling of Mud Lake in February of 1994, PacifiCorp was able to generate a new area capacity table for Mud Lake (attachment A). Using the existing area capacity table for Bear Lake (attachment B), it is a rather simple process to, for any combinations of elevations of the two lakes, add their respective contents together and determine the equivalent Bear Lake elevation. For ease of determination of the Bear Lake equivalent

elevation, a table has been generated (attachment C) for the normal operating range of Mud Lake during the spring storage season. The rows represent the elevation and contents in Mud Lake in increments of 0.10'. The columns indicate the elevation of Bear Lake as it approaches an elevation of 5911 in increments of 0.02'. A determination of the equivalent elevation is made by viewing the intersection of any given combination of Bear Lake and Mud Lake elevations. Combinations which make a Bear Lake equivalent elevation of 5911' or greater are shown below and to the right of the line which traverses the page. This table is adopted herein. It is recognized that at times the Bear Lake and/or Mud Lake elevations may fall outside of the limits shown on this table. In these instances, the same mathematical procedures will be applied. It is further recognized that greater precision could be obtain by reducing the size of the increments; but such is probably not warranted.

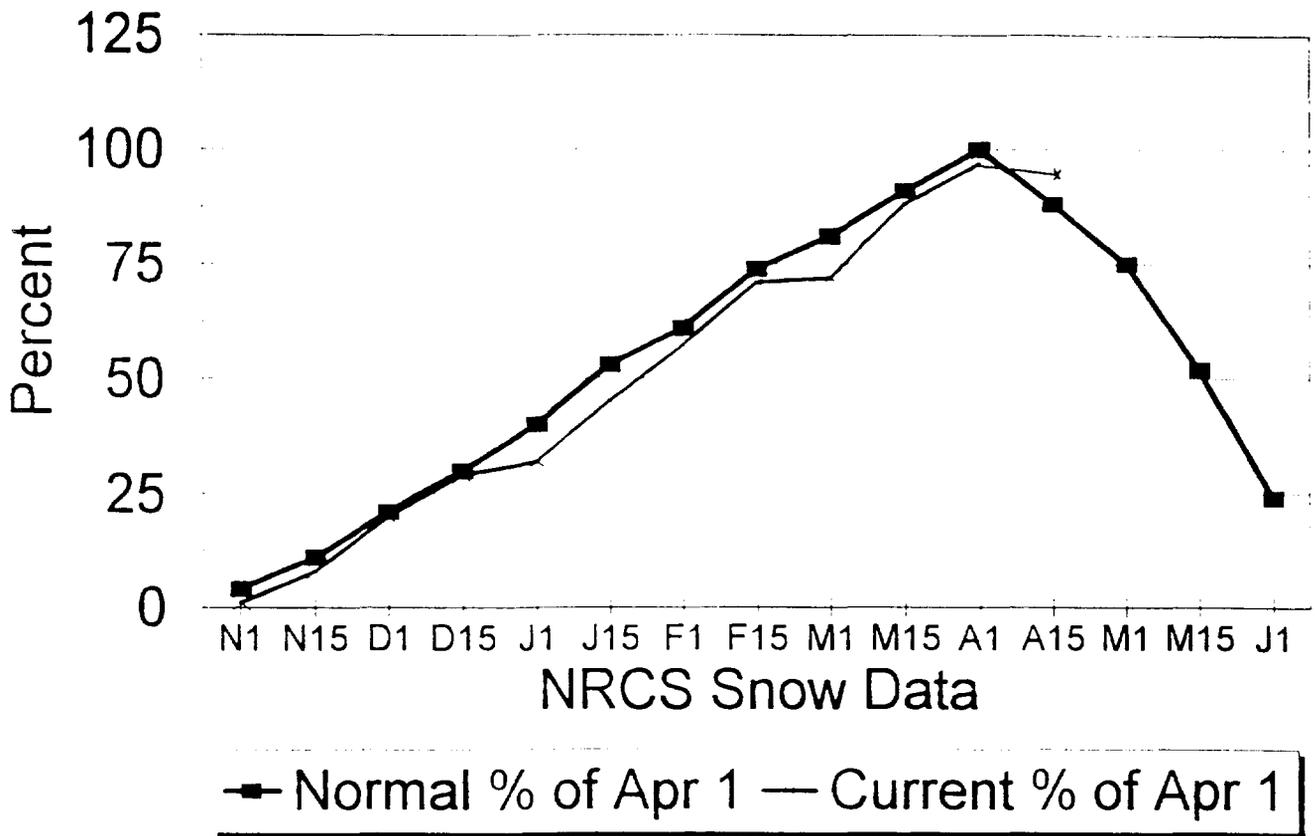
EQUIVALENT BEAR LAKE ELEVATION

(As per PacifiCorp's new Mud Lake rating)

		Bear Lake Elevation [+5900' (UP&L Datum)]																			
Elevation	Contents	10.64	10.66	10.68	10.70	10.72	10.74	10.76	10.78	10.80	10.82	10.84	10.86	10.88	10.90	10.92	10.94	10.96	10.98	11.00	
		533,510	534,801	536,092	537,384	538,675	539,967	541,259	542,551	543,844	545,136	546,429	547,722	549,016	550,309	551,603	552,897	554,191	555,485	556,780	
	18.70	536	5910.64	5910.66	5910.68	5910.70	5910.72	5910.74	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00
	18.80	930	5910.65	5910.67	5910.69	5910.71	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01
	18.90	1,368	5910.66	5910.68	5910.70	5910.72	5910.74	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02
	19.00	1,850	5910.66	5910.68	5910.70	5910.72	5910.74	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02
	19.10	2,288	5910.67	5910.69	5910.71	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03
	19.20	3,374	5910.69	5910.71	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05
	19.30	4,252	5910.70	5910.72	5910.74	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06
	19.40	5,131	5910.71	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07
	19.50	5,887	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09
	19.60	6,451	5910.74	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09
M	19.70	7,014	5910.74	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10
u	19.80	7,578	5910.75	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11
d	19.90	8,142	5910.76	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12
	20.00	8,706	5910.77	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13
	20.10	9,269	5910.78	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14
L	20.20	9,833	5910.79	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15
a	20.30	10,397	5910.80	5910.82	5910.84	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16
k	20.40	11,520	5910.81	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15	5911.17
e	20.50	12,598	5910.83	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15	5911.17	5911.19
	20.60	13,676	5910.85	5910.87	5910.89	5910.91	5910.93	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15	5911.17	5911.19	5911.21
	20.70	14,754	5910.86	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22
	20.80	15,832	5910.88	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24
	20.90	16,910	5910.90	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24	5911.26
	21.00	18,496	5910.92	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24	5911.26	5911.28
	21.10	19,515	5910.94	5910.96	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24	5911.26	5911.28	5911.30
	21.20	20,535	5910.95	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15	5911.17	5911.19	5911.21	5911.23	5911.25	5911.27	5911.29	5911.31
	21.30	21,554	5910.97	5910.99	5911.01	5911.03	5911.05	5911.07	5911.09	5911.11	5911.13	5911.15	5911.17	5911.19	5911.21	5911.23	5911.25	5911.27	5911.29	5911.31	5911.33
	21.40	22,574	5910.98	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24	5911.26	5911.28	5911.30	5911.32	5911.34
	21.50	23,594	5911.00	5911.02	5911.04	5911.06	5911.08	5911.10	5911.12	5911.14	5911.16	5911.18	5911.20	5911.22	5911.24	5911.26	5911.28	5911.30	5911.32	5911.34	5911.36

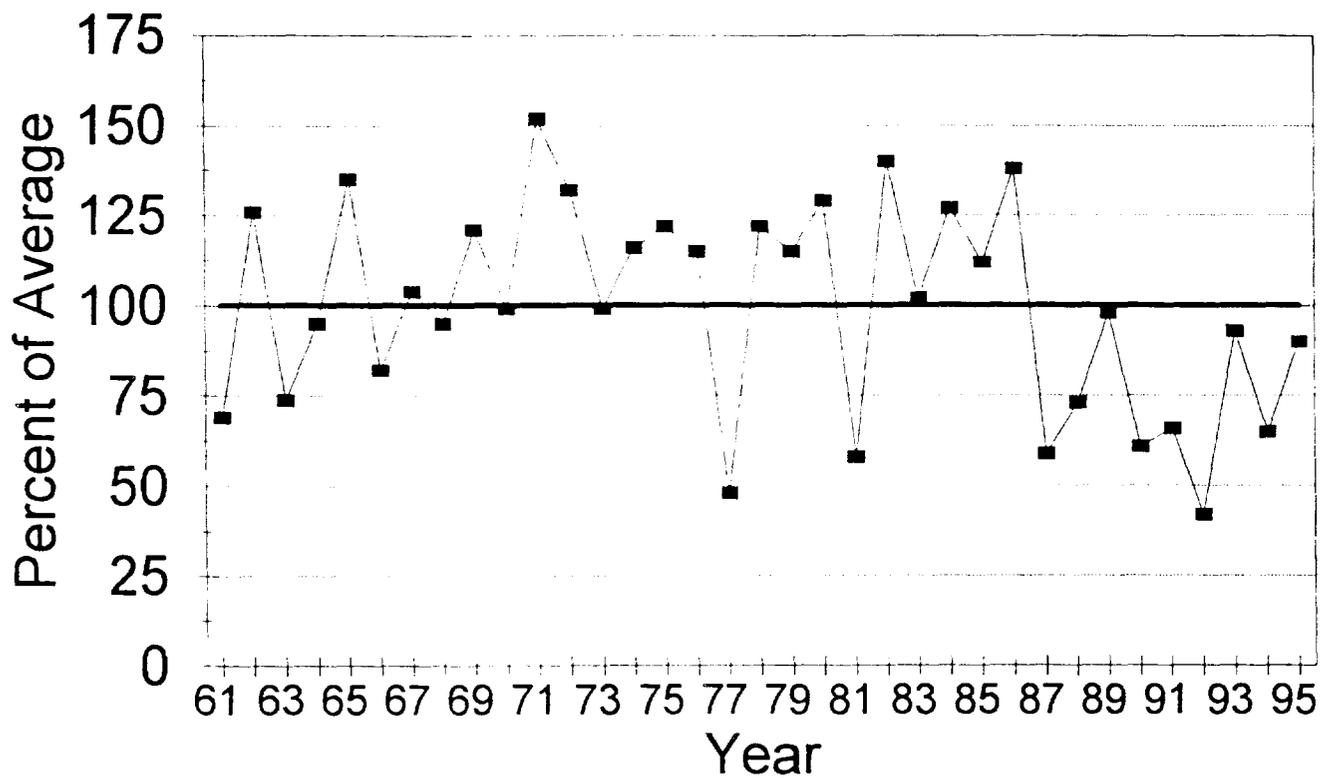
Bear River Basin Snowpack

Percent of Average April 1 vs Current

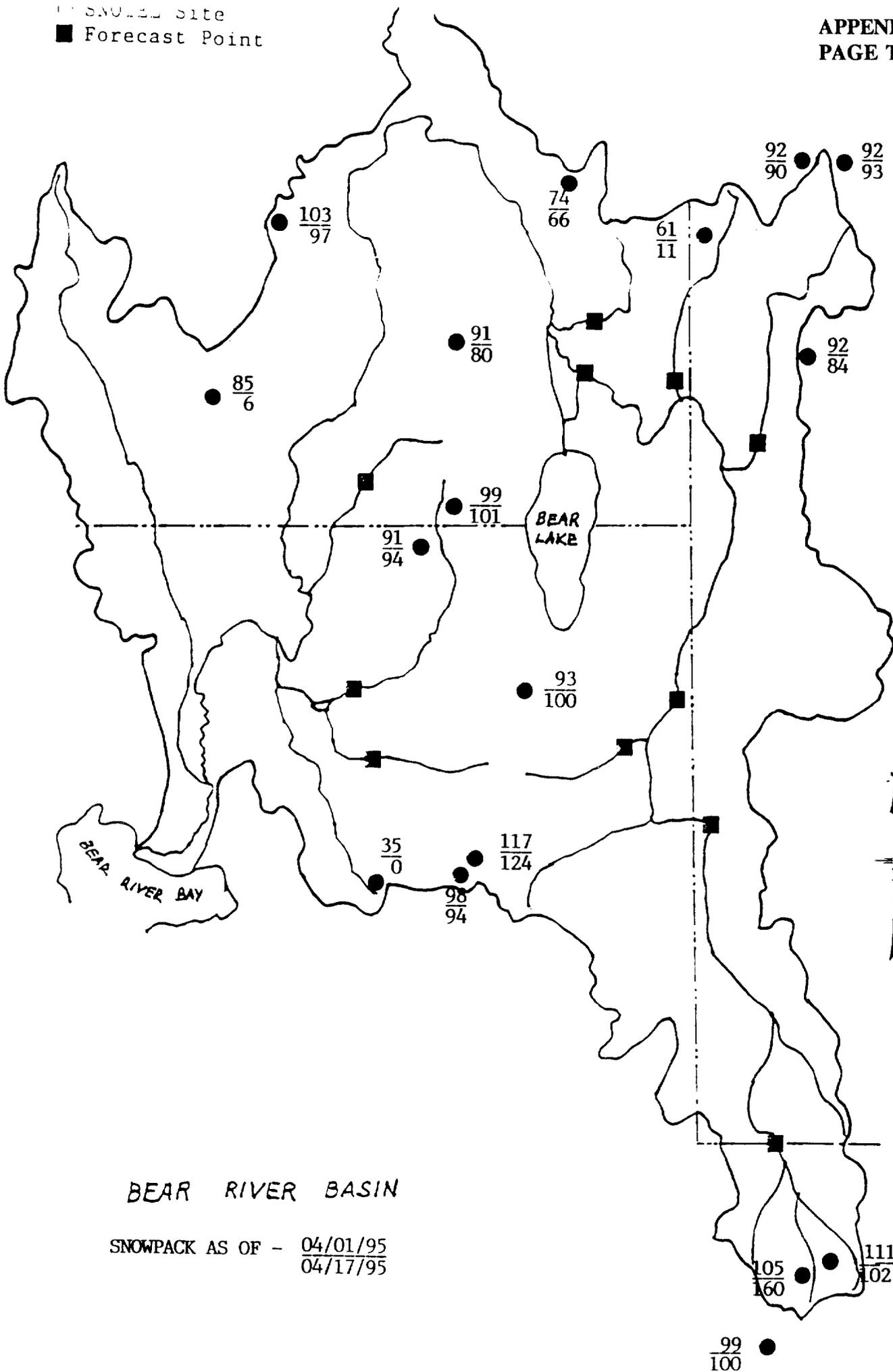


Bear River Snowpack

April 1 average, 1961 - 1995



● SNOWED Site
■ Forecast Point

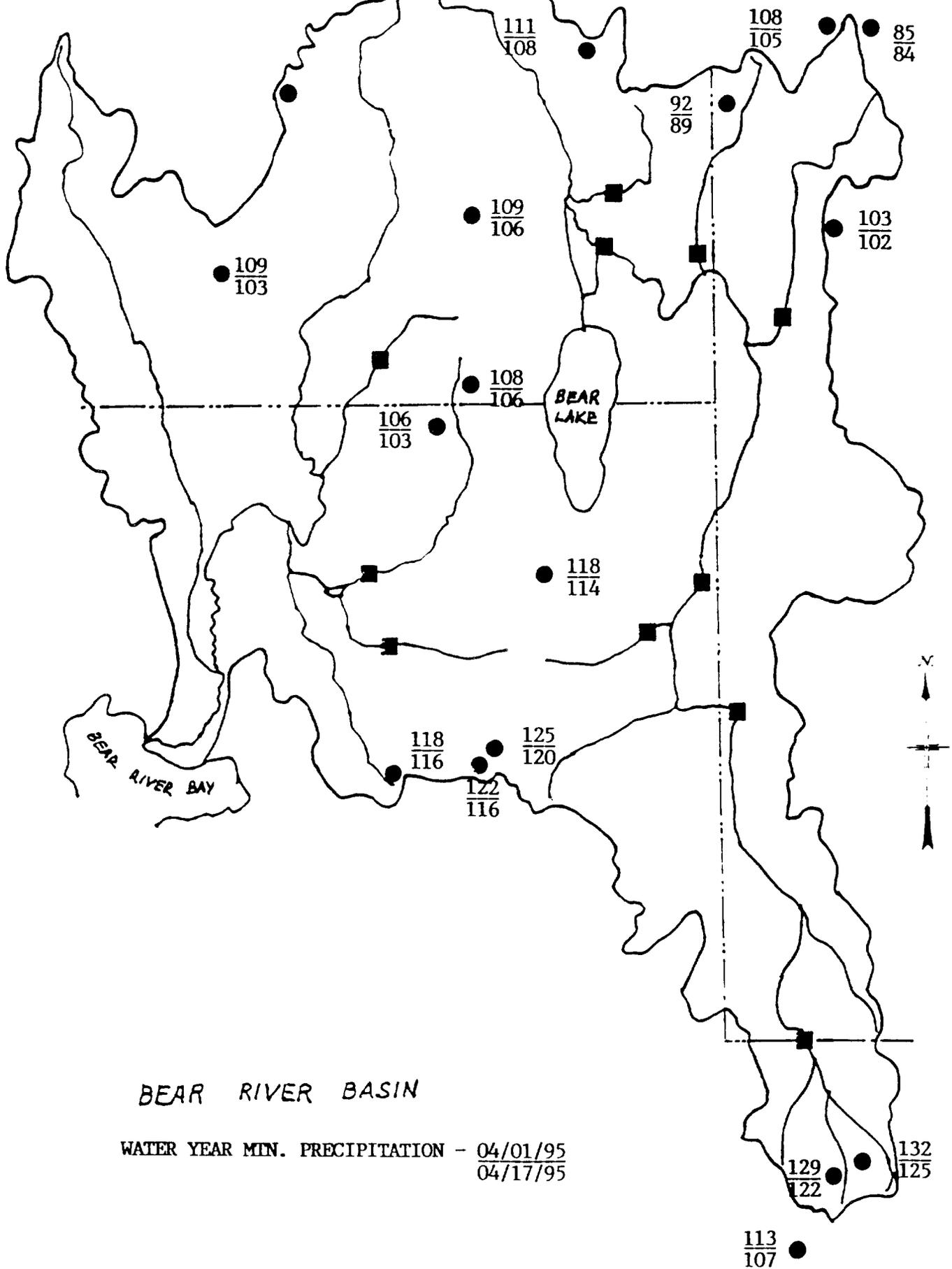


BEAR RIVER BASIN

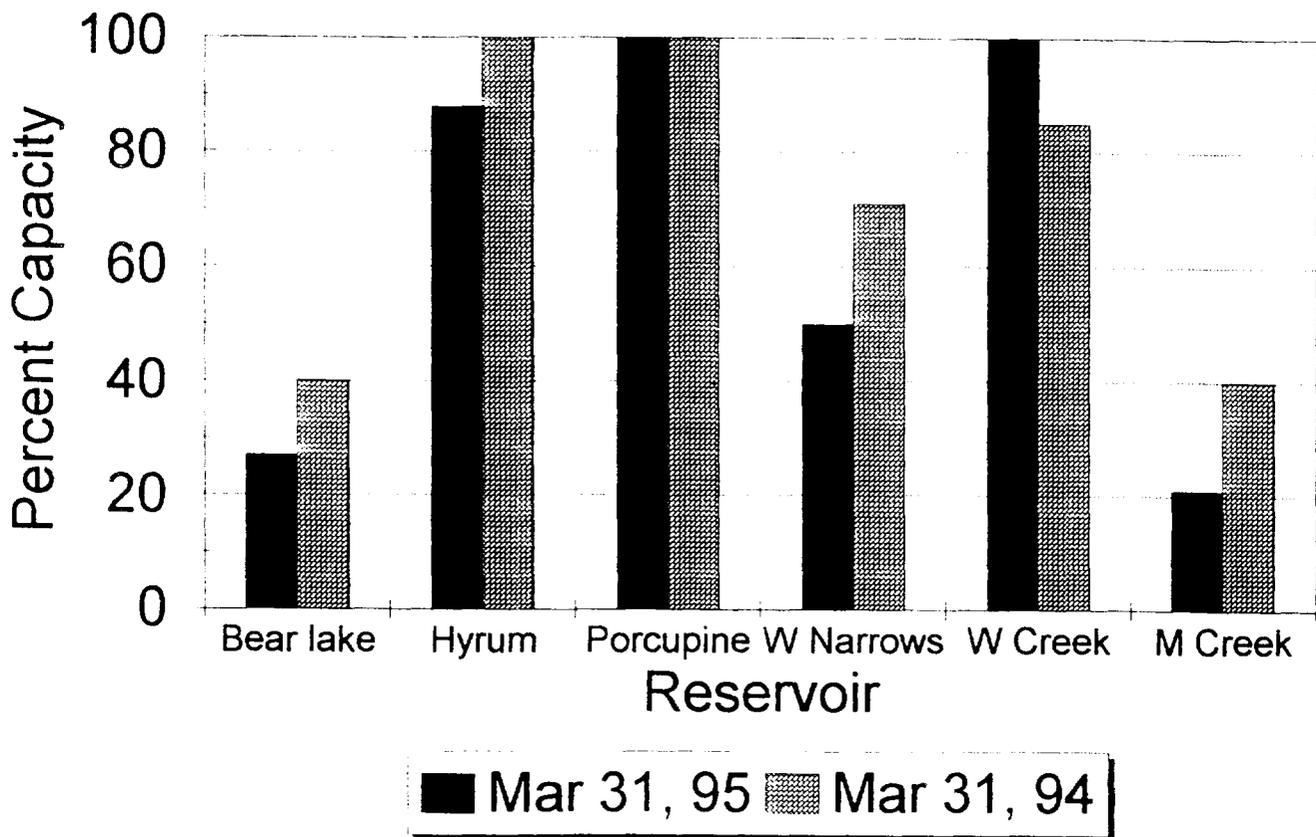
SNOWPACK AS OF - 04/01/95
04/17/95

- SNOTEL Site
- Forecast Point

APPENDIX H
PAGE FOUR

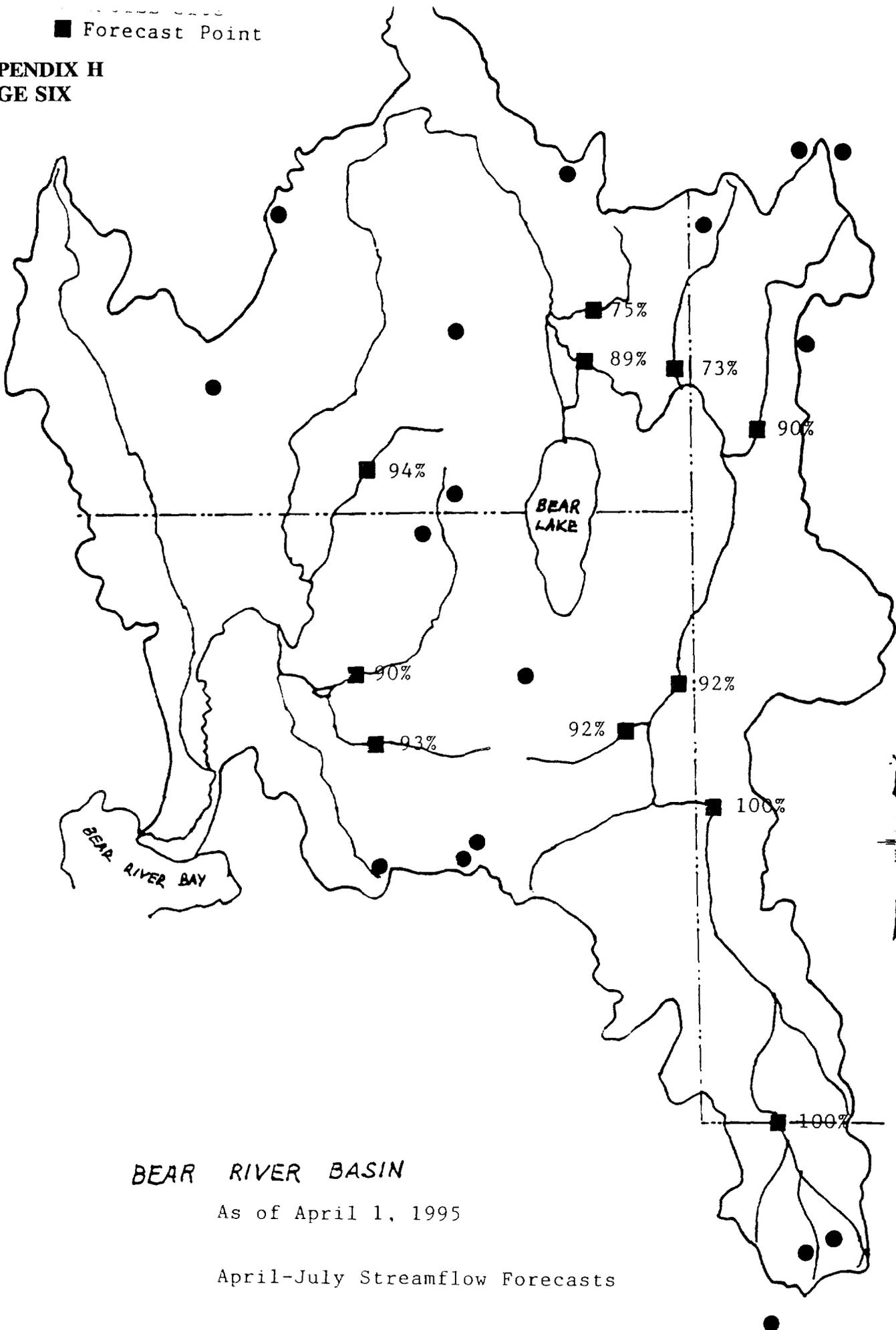


Bear River Reservoir Storage

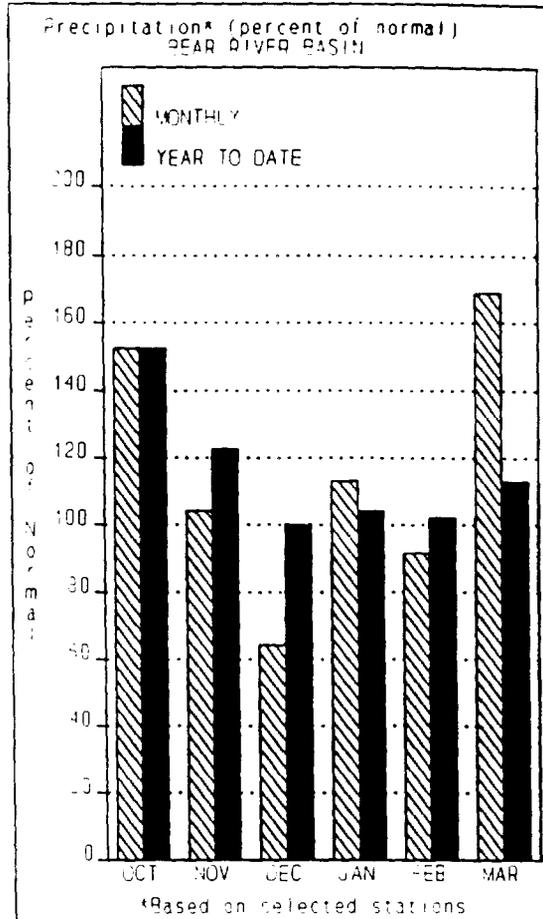
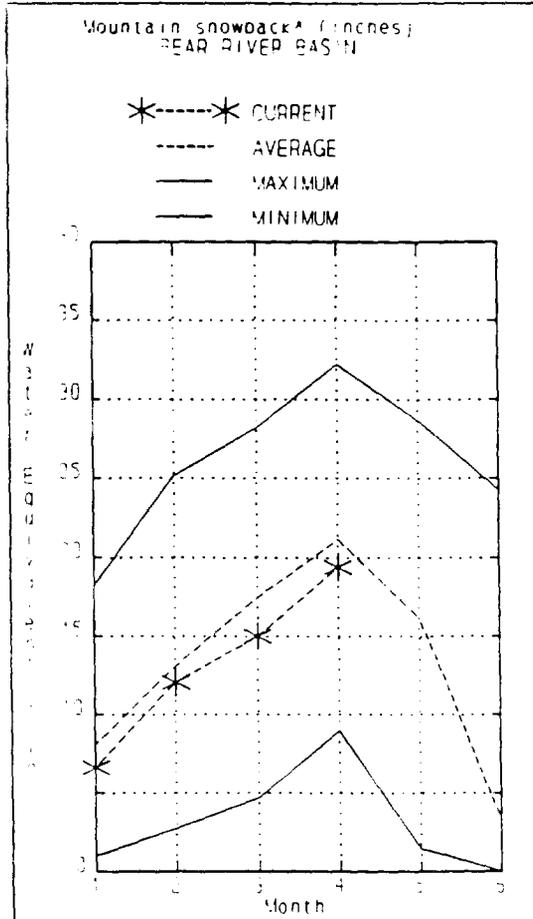


Forecast Point

APPENDIX H
PAGE SIX



BEAR RIVER BASIN
Apr 1, 1995



Snowpack in the Bear River Basin on April 1 is 92% of average, up 6% from last month. The Upper Bear River is finally above average at 104% which is offset by the lower basin area at 84% of normal. March was a tremendous snowpack accumulation month, the best since 1985, which also minimized the pack melt begun by extremely warm temperatures in February. Snowpack density is now near normal due to new snow and colder temperatures. Mountain precipitation during March was 169% of normal bringing the seasonal accumulation (Oct-Mar) to 113% of average. Reservoir storage in the Bear River Basin is near 28% of capacity.

BEAR RIVER BASIN
 Streamflow Forecasts - April 1, 1995

Forecast Point	Forecast Period	<<***** Drier ***** Future Conditions ***** Wetter *****>>						30-Yr Avg. (1000AF)		
		90% (1000AF)		70% (1000AF)		50% (Most Probable) (1000AF) (% AVG.)			30% (1000AF) 10% (1000AF)	
		Chance Of Exceeding *								
BEAR R nr UT-WY State Line	APR-JUL	89	104	115	100	127	148	115		
BEAR R nr Woodruff (2)	APR-JUL	54	109	149	100	190	250	149		
BIG CK nr Randolph	APR-JUL	0.1	2.0	3.5	92	5.0	7.1	3.8		
BEAR R nr Randolph, UT	APR-JUL	52	90	116	98	142	181	118		
THS FORK nr Border, WY	APR-JUL	69	83	92	90	101	115	102		
THOMAS FK nr WY-ID State Line	APR-JUL	15.0	20	24	73	29	39	33		
BEAR R blw Stewart Dam nr Montpelier	APR-JUL	163	220	255	89	290	345	288		
MONTPELIER CK nr Montpelier (2)	APR-JUL	6.3	7.9	9.2	75	10.7	13.5	12.2		
PRESTON R nr Preston	APR-JUL	35	40	44	94	48	53	47		
LOGAN R nr Logan	APR-JUL	66	84	96	90	108	126	107		
SLACKSMITH FORK nr Hyrum	APR-JUL	26	40	50	93	60	74	54		

BEAR RIVER BASIN
 Reservoir Storage (1000 AF) - End of March

BEAR RIVER BASIN
 Watershed Snowpack Analysis - April 1, 1995

Reservoir	Usable Capacity	*** Usable Storage ***			Watershed	Number of Data Sites	This Year as % of	
		This Year	Last Year	Avg			Last Yr	Average
		=====						
BEAR LAKE	1421.0	385.3	566.5	1002.1	BEAR RIVER, UPPER (abv Ha	6	141	104
HYRUM	15.3	13.4	15.3	12.2	BEAR RIVER, LOWER (blw Ha	7	135	86
CUPINE	11.3	11.3	12.0	5.0	LOGAN RIVER	4	126	87
WOODRUFF NARROWS	57.3	28.5	44.6	---	RAFT RIVER	2	167	97
WOODRUFF CREEK	4.0	4.0	3.4	---	BEAR RIVER BASIN	13	138	94

1) 90%, 70%, 30%, and 10% chances of exceeding are the probabilities that the actual flow will exceed the volumes in the table.

2) The average is computed for the 1961-1990 base period.

- 1) - The values listed under the 10% and 90% Chance of Exceeding are actually 5% and 95% exceedance levels.
- 2) - The value is natural flow - actual flow may be affected by upstream water management.



JIM GERINGER
GOVERNOR

GORDON W. FASSETT
STATE ENGINEER

State Engineer's Office

Herschler Building, 4-E
(307) 777-7354

Cheyenne, Wyoming 82002
FAX (307) 777-5451

April 26, 1995

Russell Myers
4000 Co. Road #157
Evanston, WY 82930

Dear Mr. Myers:

On behalf of the State of Wyoming and the Bear River Commission, please find the enclosed Resolution of Appreciation as a small token of recognition for all the years of dedication your father made to water management in Wyoming and the Bear River Basin. Please pass on our deepest condolences to the rest of the members of your family.

It was always a pleasure working with Wes on the Bear River Commission and the Water Development Commission. His knowledge of water rights and water administration, as well as his perception of the political climate and strategy will be greatly missed by all of us involved in water management in Wyoming.

Your father was a great statesman for the State and he will be long remembered for his contributions to the Bear River Commission. I am pleased I had the opportunity to serve with him on this Commission for several years. Again, please accept our heartfelt loss in Wes' passing.

With warmest regards,

Gordon W. Fassett
State Engineer

cc: Governor Jim Geringer



RESOLUTION OF APPRECIATION FOR J. W. (WES) MYERS
BEAR RIVER COMMISSION
APRIL, 1995

The Bear River Commission wishes to respectfully express its appreciation in the memory of J. W. (Wes) Myers for his many years of service and devotion to the Commission, having served as Wyoming's representative to the Commission since its inception, through the following Resolution:

Whereas, J. W. Myers passed away March 24, 1995 in Evanston while pursuing a lifelong interest in farming;

Whereas, Wes was a member of a major pioneer ranching family of the Evanston community. In addition to his commitment to the Bear River Commission, he also served on numerous State boards and commissions, including the Wyoming Water Development Commission, Game & Fish Commission, and the Wyoming Higher Education Commission. He served in the Wyoming Legislature for 28 years, one term as a representative and the other years in the State Senate, where he served as president his last term.

In Uinta County he served on the Airport Board, Fire Board, Planning Commission and as an advisor for the Bear River Information Center.

Wes was a member of the LDS Church and a 50-year member of Evanston Masonic Lodge No. 4 A7 & AM.

His reputation as a thinker and man of action is clear and recognized by his many honors and memberships for his contributions to the community and his family.

And now, therefore, be it resolved that the members of the Bear River Commission and Commission staff express their deep appreciation to Wes Myers for his praiseworthy service to cooperative water and natural resource management in the Bear River Basin in Utah, Idaho, and Wyoming.


Denise Wheeler
Federal Chairman
Bear River Commission

4/18/95
Date