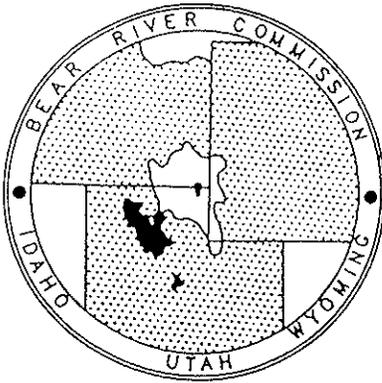


BEAR RIVER COMMISSION

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

BEAR RIVER COMMISSION ANNUAL MEETING NINETY-FOURTH COMMISSION MEETING

Utah Department of Natural Resources
Salt Lake City, Utah
April 18, 2000

COMMISSION MEMBERS

Chair

Denice Wheeler

Idaho Members

Karl J. Dreher
Rodney Wallentine
Don W. Gilbert

Utah Members

D. Larry Anderson
Blair Francis
Charles W. Holmgren

Wyoming Members

Richard G. Stockdale
James Crompton
John A. Teichert

ENGINEER-MANAGER

Jack A. Barnett
Suite 101
106 West 500 South
Bountiful, UT 84010

The annual meeting of the Bear River Commission was called to order by Chair Denice Wheeler at 1:00 p.m. on Tuesday, April 18, 2000 at the Utah Department of Natural Resources Building in Salt Lake City, Utah. This was the ninety-fourth meeting of the Commission. Chair Wheeler welcomed everyone to the Commission meeting. It was requested that all in attendance introduce themselves. A list of those in attendance at the meeting is attached as Appendix A.

Chair Wheeler presented the agenda for the meeting. It was moved that the agenda be approved. The motion was seconded and carried. A copy of the approved agenda is attached as Appendix B. The Commission then considered the proposed minutes from the Regular Meeting of the Commission held on November 16, 1999 in Salt Lake City. Karl Dreher indicated that he had given to the Engineer-Manager some minor editorial changes. There was a motion to accept the minutes with the minor editorial changes to be made. The motion was seconded and carried.

The time was then turned to Larry Anderson to cover agenda item III, the Secretary/Treasurer report. Anderson asked Randy Staker to give a report on the financial status of the Commission. Staker distributed two handouts and a copy of these handouts is included as Appendix C. Staker reviewed the first page of Appendix C indicating that there are two more months in fiscal year 2000. The interest on the Commission's saving account was \$4,596.57. The total expenses to date total \$87,423.98 and as of this date the cash balance (checking and savings combined) is \$106,630.16. There were no questions for Staker. Anderson indicated that Jack Barnett was over a number of hours on his contract this year. It is calculated that the Commission will spend the entire approved budget, including the contingency line-item. It is believed that the Commission will not exceed the approved budget. It was moved that the Secretary-Treasurer was authorized to spend up to the budgeted amount of \$52,610 for expenditures. The motion was seconded and carried.

Bear River Commission Meeting
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Anderson then turned to Page Three of Appendix C and reviewed the FY 2000 approved budget and the proposed budgets for FY 2001 and FY 2002. The FY 2001 budget needs to be approved at this time. Anderson pointed out that with regards to the personal services contract with Barnett, historically the contract amount has been exceeded. The Management Committee determined that the Commission should budget what is being spent and recommends that the contract with Barnett be modified in the future to bring the contract more in line with the amount of time that he has actually spent. Barnett understands that he is not to spend all the time if it isn't necessary. It is recommended that the contracted time be increased from the current rate of 404 hours to 480 hours in the future. This change would increase the contract line-item to \$48,141 for FY 2001. This amount also includes a 4% increase in his salary rate based on this year's increase that employees in the State of Utah will receive. The proposed contract line-item for FY 2002 shows a 23.5% increase. It was moved that the total FY 2001 budget in the amount of \$109,526.00 be approved. The motion was seconded and carried.

Anderson indicated that the Commission needs to authorize him to enter into a contract with the U.S. Geological Survey (USGS) for \$50,870. The Commission will sign a contract with the USGS in September of 2000 for this amount and the USGS will bill the Commission in October of 2001, which is the Commission's 2002 fiscal year. It was moved that the Commission approve the line-item budget of \$50,870 for the 2002 proposed budget for stream gaging. The motion was seconded and carried. There were no questions for Anderson.

Barnett pointed out that under the designation of symposium income, it is possible that the Commission will have symposium income in the fiscal year, along with symposium expenses. It is the intent to have the offsetting income and expenses handled through the Commission books.

Chair Wheeler moved to agenda item IV, the election of officers. Nominations were opened and it was moved that the Commission retain Charles Holmgren as the Vice Chair and Larry Anderson as the Secretary-Treasurer. The motion was seconded and carried.

The Commission then received a report from David Dinter, a geology professor from the University of Utah, on the core drilling in Bear Lake. A funded coring program will commence in August in the Great Salt Lake and in Bear Lake. The coring was funded by the National Science Foundation. There are two main objectives. The first objective is to obtain information on global climatic fluctuations, specifically the regional effect of climatic fluctuations in the Great Basin, during the last million years. During the last million years, there have been approximately six glacial ages with relatively cold or wet conditions in the Great Basin, alternating with times such as the present with warm and drier conditions. The sediments in the lake, in their fossil record and chemical record, contain proxy records for these past climatic changes. Cores are collected down through the sediment and are analyzed. The second objective is to look at the paleoseismicity of the faults that have created Bear Lake and the Great Salt Lake. The records in the deposits in the lakes bear information on when the sediments were last disrupted by major earthquakes.

The work is sponsored by the National Science Foundation through the Earth Systems History Program and is supported by \$850,000. It is largely supported for the Bear Lake component of the project by the USGS. The Earth Systems History Program is primarily interested in the past global

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changes and the National Earthquakes Hazard Reduction Program of the USGS is funding more of the tectonic studies. The drilling rig that is being created from scratch will study climatic records in many other large lakes throughout the world after it has been tested on this pilot program. As previously summarized, the global climate change aspect of the program is to find the range and cause of regional variations in climate as a result of global climate changes. Dinter then explained the process for collecting the data from the lake sediments and the way that the drill rig will be transported from lake to lake.

Larry Anderson indicated that he had been informed of this drilling and requested that Jack Barnett have Mr. Dinter report on the drilling at the Commission meeting. Permits will be required and that process is beginning. Anderson pointed out that he thought it important for the Commission to be informed of the drilling because Bear Lake is an interstate lake. Mr. Dinter indicated that the start date for the Great Salt Lake is August 1 and the work on that lake should be completed by August 30. They will then move to Bear Lake the first part of September. It will be known by mid-September if the actual drilling was a success. The first reports will be presented in the first part of December. There were no questions for Mr. Dinter.

Chair Wheeler then moved to agenda item VI concerning a report on PacifiCorp's Operation Agreement. Larry Anderson reported that the three states, as opposed to the Commission, have been meeting off and on for the past seven to eight months. Karl Dreher raised a concern during discussions with the Idaho Public Service Commission on the proposed merger between PacifiCorp and Scottish Power. Questions were raised about the impacts of the merger on the future operation of Bear Lake and the water rights in the Bear River system. This led to the adoption of an agreement between the three states and PacifiCorp/Scottish Power on October 5, 1999. In the October agreement, PacifiCorp/Scottish Power agreed that if they were to merge that they would continue to follow their historic operation of Bear Lake. They would honor all agreements that PacifiCorp has with the water users in the three states. The three states wanted to protect the rights of the water users. It was agreed in October that the states and PacifiCorp would attempt to finalize a more detailed operating agreement within 60 days. That deadline of 60 days was not met, but the states and PacifiCorp continued to meet. On January 24, 2000, the states and PacifiCorp did agree to a final draft of the operating agreement between the three states and PacifiCorp and agreed to hold a public meeting on March 2 in Logan, Utah. The public meeting was held on March 2 and the document had been made available to water user groups, special interest groups. The meeting was advertised in local newspapers. There were 30 people in attendance at the public meeting. The meeting was opened to comments from the public. Everyone seemed to be pleased that the states and PacifiCorp had come to the agreement. There were no negative comments made concerning the agreement. Three statements were received. Engineer-Manager Jack Barnett had been asked to be a facilitator for the public meeting and for written statements to be received. The statements were directed to and addressed to the Commission and Anderson indicated he felt this was not in error. Anderson further stated that the Commission will address these statements under another agenda item. The three states are now prepared to sign the Operations Agreement. Chair Wheeler then recessed the Commission meeting to allow the three states to sign the Operations Agreement. Anderson pointed out that it was important to understand that this is not a Commission issue and that is why the Commission was taking a recess.

Following the recess, Anderson indicated that he appreciated the efforts of all involved, especially the attorneys. He pointed out that he was reminded that one change had been suggested and that was that there be added a reference to the Bear Lake Settlement Agreement in the Operation Agreement. No changes were made and a decision was made that there should not be a reference to the Bear Lake Settlement Agreement because the three states were not parties to that agreement. There was a motion made that the document be made a part of these minutes. The motion was seconded and carried. A copy of the Operations Agreement is attached as Appendix D.

Chair Wheeler moved to agenda item VII, PacifiCorp's planned 2000 operations. Due to recent back surgery, Kelly Holt was not able to attend and Carly Burton gave the PacifiCorp report. A handout was distributed and a copy of the handout is attached as Appendix E. Burton reviewed the handout and then pointed out that the record low precipitation for October and November set the stage for where we are at today. Based on the conditions in January, on January 18 a decision was made to curtail all storage releases from Bear Lake. Burton asked that individuals keep in mind that Bear Lake was significantly above the target elevation of 5918. On March 31, a decision was made to shut the Outlet Canal off entirely. From January 18 through the end of March, there still were releases occurring in the Outlet Canal but they were just bypasses from the Bear River routed through the Rainbow Canal and Mud Lake and back out. The April 1 forecast for Bear River at Stewart Dam is 70% of average. Based on the forecast and all other conditions, it is expected that the lake will peak out at 5921.6. The peak runoff will probably occur in May and the natural flow is expected to subside in early June. PacifiCorp will continue to store water in Bear Lake. In early June, PacifiCorp will start bypasses of natural flow above Bear Lake downstream below Bear Lake to supplement the diminishing natural flow for irrigation. It is expected that PacifiCorp will release storage water from Bear Lake by mid-June for irrigation. PacifiCorp will now go into a total conservation program and regulation for irrigation. By mid-June, depending on the weather, PacifiCorp anticipates the Cutler project to be shut off from mid-June until mid-September. There will be a full supply for irrigation (230,000 acre feet) under the terms of the Settlement Agreement.

Burton indicated that Bear Lake is in excellent shape and is significantly above the target elevation. There was one question for Burton. One individual indicated that he noticed that PacifiCorp was pumping on March 8 and he concluded that what PacifiCorp was doing was filling up Mud Lake to meet the commitment to the Fish & Wildlife Service. There wasn't any water going out the Outlet Canal. Burton indicated that the Fish & Wildlife Service made a request to raise Mud Lake per the agreement for waterfowl nesting. March 10 through March 23 water was pumped from Bear Lake to raise the Mud Lake level. There wasn't enough inflow coming in from the Bear River to accommodate their request in the time that they wanted. There were no further questions for Burton. Jack Barnett pointed out that PacifiCorp has increased the volume of their written report. In the past the full report has been included in the minutes and Barnett asked if the Commission wanted the full report included with the minutes. Some of the material included in this report will be included in the biennial report. It was determined that the first page of PacifiCorp's handout would be included, as well as any other significant material that Barnett felt should be included.

Burton further noted some points of interest not included in the written report. On April 1, the lake elevation was at 5919.34 and with the exception of 1986, which was about the highest year during

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that high runoff cycle, the April 1 elevation this year is the highest elevation since 1972. The releases in 1999 were more than 300,000 acre feet. Burton also indicated that there will be a meeting of the Bear Lake Preservation Advisory Committee following the Commission meeting.

Chair Wheeler moved to agenda item IX, a report from the Records & Public Involvement Committee, holding the report by the Water Quality Committee until a later time. Charles Holmgren reported that the Records & Public Involvement Committee met at 10:30 a.m. this morning. The committee received a report from Kimball Goddard that Jim Kolva is going to the Washington, D.C. office. The committee discussed the costs of the stream gaging program and the costs were not to exceed \$50,000. Part of the costs will be reimbursed by the Fish & Wildlife Service and so the Commission will be closer to a \$44,000 actual cost for the stream gaging program. There was a request made in the committee meeting that the USGS be a little more fervent in their inspection of the gaging stations. There is a problem occurring generally around the third week of August when moss is built up in the streams which affects the accurate measurement of water. It was requested that in the nine visits per year that the USGS target more of those visits in mid to late summer for more accurate record keeping. There was some discussion about gages and the necessary operation of the gages. The TAC recommends that the Commission retain the gages it currently supports. The Bear River Below Smith's Fork Gage which has been funded by the NAWQA program will now be an inactive gage at the end of September. There was no recommendation from the TAC regarding this gage because of the lateness of the information regarding the status of the gage.

Holmgren reported that the committee discussed the summer field tour and symposium. Jack Barnett will discuss this item during his report. There are a few questions still to be answered regarding this tour. It is scheduled for August 9 and 10 and the tour will start at Lifton and go to Willard Bay. There was a report that in the Upper and Central Divisions there are people from that area interested in touring and seeing what is going on with the Lower Division operations. The Commission is looking at sending out invitations. There will be a cost involved to help firm up actual participation.

Holmgren indicated that the Tenth Biennial Report (1997-1998) has been given to Commissioners. There were 65 copies made of the report and the cost per report is between \$17 and \$18. It is the intention of the Commission that the report be placed in each courthouse in the Basin and several copies of the report are given to each of the three states. The Commission is trying to hold the cost down and does not want to print more than are absolutely necessary. The report will be posted on the Internet. This morning the committee received a draft 1999 chapter for the Eleventh Biennial Report. The committee also reviewed comments received from Jade Henderson regarding the records of the Woodruff Narrows Reservoir. There is a concern with the accuracy of the information regarding the elevation of Woodruff Narrows Reservoir. The automatic gage was discontinued years ago and so visual observations are used. This information will be recorded by Don Shoemaker and reported in his annual report. Jade Henderson indicated that there will be occasional spot check elevation readings. It is anticipated that a chart will be placed in the house at the reservoir so that people can add their reading to the data. As a final item, the committee received a report from Todd Adams regarding the efforts to further put information regarding the Bear River Commission on the Internet. There were no questions for Holmgren. It was noted that John Teichert was not able to attend the meetings and Jade Henderson, an alternate, was representing Teichert.

Chair Wheeler moved to agenda item X, a report by the Operations Committee. Jim Crompton reported that the Operations Committee met at 9:30 a.m. this morning. The PacifiCorp Operation Agreement was discussed. PacifiCorp's water in storage and operation plans for the year were presented by Carly Burton. Crompton asked that Jack Barnett present the outlook for the water supply this year and potential regulation. Barnett indicated that the snowpack is only at about three-fourth's the amount of normal. If this pattern continues, it is anticipated that if you are not below significant reservoir storage you could be short of water. Hence, in the Upper and Central Divisions we could anticipate a water emergency and the Commission could be involved in regulation.

Holmgren asked Barnett if he would discuss the letters the Commission received concerning PacifiCorp's Operation Agreement. Barnett reported that the letters received were addressed to him as Engineer-Manager. As Commissioner Anderson indicated, he felt that this was not in error but what was intended. Because one request in a letter was for the Commission to become more actively involved annually in reviewing the proposed operation of Bear Lake by PacifiCorp, the Management Committee and the Operations Committee discussed this request. The consensus of both committees was that the Commission could play a very appropriate role in allowing for exchange of data or public expression but that the Commission really wasn't the body that ought to be, in any way, approving or regulating how PacifiCorp operates its system. Barnett indicated that he believed he needed some instruction as to how to respond to the letters. This is an action item for the Commission to address. Karl Dreher indicated that the Management Committee talked this morning and the committee has instructed Jack to draft a response from the Commission dealing with the issue of the Commission taking a more active role in developing the annual operating plan. The response would enumerate the reasons why this would not be appropriate. It was his understanding that the Management Committee would review the draft letter, finalize it and Barnett would send it to the three commentators. There were no objections to this direction. The Engineer-Manager was requested to proceed with the draft letter. There were no questions for Commissioner Crompton.

Chair Wheeler turned to agenda item XI, the report by the Engineer-Manager. Barnett reported that there is a lot of detailed work yet to be done concerning the tour/symposium scheduled for this summer. The basic plan is to travel through the Lower Division, starting officially at Stewart Dam, travel to Lifton as well, and travel down the river to near its terminus at the Bear River Bird Refuge or perhaps a vantage point at Willard Bay. It is anticipated that this would take the better part of a day and three-fourth's. The travel would be by bus. Barnett indicated that he has arranged for housing at Utah State University and for a room where there will be an evening meal and presentations. The Commission will be looking for recommendations as to what should be seen on the tour. There are some important items with respect to the Commission's business that we want to make sure is discussed and seen as the group travels, such as stream gages, river regulation and ground water use. Some observation of water quality issued should be included. The Water Quality Committee and the Bear River Water Quality Task Force are anxious to facilitate some stops. Barnett will be trying to bring together some support from water user groups, from the Bear Lake Regional Commission and from other entities as the final touches are put on the tour. It will be important to know who is going to participate. A special effort will be made to ensure that water users above Stewart Dam are represented. As a reciprocal, next year, if the Commission tours the Upper and Central Divisions, we should make sure that the Lower Division water users were represented on the tour. Barnett then reported that it is uncertain whether the Commission

will be benefitted by a Burton Foundation grant. Both the Management Committee and the Records & Public Involvement Committee are supportive of pressing ahead with or without the Burton Foundation grant.

Barnett reported that the TAC met yesterday and discussed the ground water depletion study efforts. Important progress has been made as Utah has made several reports about its identification of ground water depletion in the Cache Valley and now has brought all of those reports into one document. Idaho now has an opportunity to analyze the Utah efforts and Idaho is moving ahead with its own analysis. This is an important issue and it can only be brought to fruition when it is timely. It is not necessarily a deadline that the Commission is racing toward, that is, the November meeting when the interim procedures need to be revisited. Rather, the ground water issue should be solved when it can be done in a wise way. It may well be that at the next Commission meeting the ground water depletion issue will not be finalized and brought to the Commission by the TAC. The Commission may be considering extending the interim procedures without resolving the ground water depletion issue. Lastly, Barnett wished Jim Kolva the best in his new assignment and thanked him for all his efforts. There were no questions for Barnett.

The Commission moved to agenda item XII, a report from the Management Committee. Karl Dreher reported that the Management Committee met earlier in the morning and reviewed many issues already discussed in the Commission meeting. A great deal of time was spent reviewing the budget and the work requests that the Commission has asked Jack Barnett to fulfill. The Commission has consistently asked him to do more work than could be done in the 404 hours in the previous contract. The committee specifically kept \$5,000 in the contingency effort so that there would be some basis for continuing with the summer tour/symposium. Previously the contingency has been used to provide a means for the Engineer-Manager to do work beyond the 404 hours. In essence the contingency amount is being moved up into the Engineer-Manager contract line-item and adding a new contingency that will be used for more general purposes. Dreher then indicated that Jack Barnett is going to pursue obtaining grants through the Western Governors' Association from the Environmental Protection Agency for water quality initiatives in the Basin. The intent is to try and bring some additional resource into the Basin to address water quality issues. There were no questions for the Management Committee. Chair Wheeler pointed out that there has been a significant increase in public participation and events sponsored by the Commission to get public input and the time spent by the Engineer-Manager is well spent.

Chair Wheeler turned to agenda item XIII and asked for the state reports. Jeff Fassett reported that Wyoming has been working on a water conservation program for a few years. One activity which has resulted from the program is that Wyoming will be hosting a west-wide water conservation symposium in Casper, Wyoming this summer. The date of the symposium is July 12-14 at the Holiday Inn. Anyone interested is invited to participate and should contact the State Engineer's office. The event is cosponsored by the Western States Water Council and the Bureau of Reclamation. Another opportunity coming from the program is that Wyoming is looking at changing Wyoming's water laws to help address and provide incentives to greater opportunities for water conservation, water leasing and water marketing which currently are not provided for in the laws. Information will be sent out through the Western States Water Council.

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April 18, 2000**

Fassett then reported that Wyoming has adopted a statewide water planning effort. The Bear River Basin was the first basin receiving attention. The work is progressing. There is a basin advisory group and the group meets on a bimonthly basis. The technical information is beginning to come into focus and the consultants which were retained are bringing closure on a number of the technical studies, water use determinations and computer modeling. The work is scheduled to be finalized in the fall. Wyoming has now moved the effort to the Green River Basin but continues to systematically review the entire state. Members of the advisory group will be encouraged to participate in the Commission's summer tour/symposium.

Fassett concluded his report by indicating that he is resigning from his position as the Wyoming State Engineer. His status as a Commission member is unclear and so this may be the last Commission meeting he will attend. Fassett expressed his appreciation for the association he has enjoyed with Commission members. Chair Wheeler spoke on behalf of the Commission and expressed appreciation for Commissioner Fassett's long and dedicated work.

Chair Wheeler then asked for the Idaho report from Karl Dreher. Dreher expressed his appreciation to Larry Anderson for scheduling the drilling presentation. The Idaho legislature recently passed legislation establishing an office of Endangered Species in the governor's office. This Idaho governor has dramatically increased his level of staffing which directly supports his policies. This has resulted in more of a reliance on those individuals (political appointments) and less of a reliance on agency heads. Part of the debate in Idaho is over salmon and Idaho was hurt in the listing of the salmon. The lesson which was learned the hard way is that if you don't shape or defer listing decisions, you pay a heavy price. Hopefully, with establishing the Endangered Species office, Idaho will be better prepared to deal with future listing decisions, some of which may involve species in the Bear River Basin. Some have wondered why the Endangered Species office was not a part of the Fish & Game office. Dreher pointed out that a few years ago the Fish & Game Department, from his perspective, prematurely put out a report indicating that breaching the lower four Snake River dams offered the highest probability of recovering the listed salmon. The Fish & Game Department's reason for doing that was that they were simply responding from a biologic viewpoint had no statutory authority to factor in cultural effects or economic effects or other factors that clearly had to be considered before a decision to breach the four Snake River dams could be made. It was determined that if Fish & Game isn't able to include these other issues someone should do it, and the decision was made that this will occur in the governor's office. The office will be staffed with seven FTE's, headed by a prominent biologist.

Jeff Fassett asked Dreher if Idaho was still working on creating a management area. Dreher indicated that Idaho clearly will create a management area within the Bear River Basin but Idaho is holding off until it resolves the ground water depletion issue.

Chair Wheeler then turned the time over to Larry Anderson for the Utah report. Anderson introduced Paul Riley, a member of the Utah Board of Water Resources, who represents the Bear River Basin on the board. He then reported that Utah has just completed a residential water use study in Utah. Utah is in the process of writing up the study. The amount of water used indoors and outdoors is being determined. Nearly 6,000 questionnaires were sent out to thirteen communities and about 35% have responded. If the Commission is interested, there could be a presentation regarding this study made at

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the evening meeting planned in connection with the summer tour/symposium. Anderson then reported that Utah has finished ten of the eleven basin plans. The Bear River Basin plan was the first completed. The last plan to be completed is one called the West Desert and it covers the largest area in the state. Most of the people who reside in the West Desert reside in Tooele County. Utah is in the process of preparing a State of Utah Water 2000 Plan. It is hoped to have this plan out by the end of this year, but there is debate as to whether to wait until the census data is back. Anderson concluded his report by expressing his appreciation for Jeff Fassett's service and friendship.

Chair Wheeler then noted that Don Ostler was present and asked Ostler to give the Water Quality Committee report, agenda item VIII. Ostler reported that the Water Quality Committee met on Monday, April 17 and there was representation from the three states, from Natural Resources Conservation Service (NRCS), from the USGS and several others were in attendance at the meeting. The committee reviewed the funding of water quality implementation projects through the use of EQIP monies through the NRCS in the three-state area. The funding totals \$1.7 million spent on animal waste control facilities. The committee discussed the potential of the three states having better coordination to target more of this money going into the Bear River area to improve water quality. When the TMDL work is completed, this will be a much more effective mechanism for directing these monies into the Bear River area.

The Water Quality Committee also discussed the potential of a grant from the Western Governors Association (WGA). The committee was informed verbally that the WGA has obtained some grant money from the Environmental Protection Agency to help states conduct TMDL work. Primarily the interest is in states that have interstate waters and which need to coordinate TMDL activities across state lines. The Bear River Basin seems to be a natural for this because of the state lines and in Idaho and Utah the river is listed as impaired and TMDL's are required. The committee seeks the concurrence of the Commission to investigate this possibility and if, in fact, funds are available to assist in the coordination and resolution of interstate issues, the committee would like to make a proposal for the funding on behalf of the Commission. There are a lot of unknowns and there may be a need to act before the next Commission meeting. The committee is requesting the authority to investigate this funding possibility and then if funding is available to get the concurrence of the Commissions through a conference call. It was moved that the Water Quality Committee be given the authority to pursue the funding from the WGA and to move ahead in the name of the Bear River Commission. The motion was seconded and carried.

Karl Dreher indicated that it was his understanding that Jack Barnett was going to pursue this issue. Barnett indicated that he and the Water Quality Committee have an understanding that he will take the lead in obtaining the facts and then he will come back to the committee and if it looks like there is a good opportunity to obtain a grant, three staff members, one from each state, will formulate a grant proposal and submit it to the Water Quality Committee. The committee would then get the grant proposal to Barnett. If the proposal needs to be acted upon before the next Commission meeting, Barnett will contact the Management Committee to see if a conference call/Commission meeting should be held.

Ostler concluded his report by indicating that there is a need for a three-state general water quality communication periodically. It was felt that when the states have to do their 305-B report every two years, the states could assign a staff member to consolidate the parts that relate to the Bear River and put

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it into one document that could be distributed as a newsletter under the Commission's direction. This item may be discussed at the November committee meeting. There were no questions for Ostler.

Chair Wheeler moved to agenda item XIV and asked for any other items to be discussed. There being none, the Commission discussed the date for the next Commission meeting. The Commission meeting is scheduled to be held the Tuesday of the week preceding the week of Thanksgiving. It was determined that the Commission will meet on Tuesday, November 14, with preliminary meetings being held on November 13. There was a motion to adjourn the meeting. The motion was seconded and carried and the meeting was adjourned at 3:00 p.m.

ATTENDANCE ROSTER

BEAR RIVER COMMISSION ANNUAL MEETING

Utah Department of Natural Resources Building
Salt Lake City, Utah
April 18, 2000

IDAHO COMMISSIONERS

Karl J. Dreher
Rodney Wallentine
Don W. Gilbert

WYOMING COMMISSIONERS

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

FEDERAL CHAIR

Denice Wheeler

UTAH COMMISSIONERS

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

ENGINEER-MANAGER & STAFF

Jack A. Barnett
Don A. Barnett
Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Department of Water Resources
Pete Peterson, Watermaster

UTAH

Todd Adams, Division of Water Resources
Bob Fotheringham, Division of Water Rights
Norm Johnson, Attorney General's Office
Ron King, Division of Water Resources
Bob Morgan, State Engineer
Don Ostler, Department of Environmental Quality
Boyd Phillips, Division of Water Resources
Paul Riley, Board of Utah Division of Water Resources
Norm Stauffer, Division of Water Resources
Randy Staker, Division of Water Resources

WYOMING

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

OTHERS

John Atkins, Senator Mike Crapo's Office
Carly Burton, PacifiCorp
Jim Christensen, Bear River Water Cons. District

APPENDIX A
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David Dinter, University of Utah
Kimball Goddard, U.S. Geological Survey
Kirk Heaton, USDA/NRCS
Steve Hicks, Bear River Migratory Bird Refuge
Scott Johnson, PacifiCorp
Jim Kimbal, Bear Lake Preservation Advisory Committee
Jim Kolva, U.S. Geological Survey
Don C. Riches, Bear Lake Watch
Roxanne R. Riches, Bear Lake Watch
Brent Rose, Bear River Water Users Association
Paul Shields, Emerald Beach, Inc.
David B. Styer, Bear River Canal Company
Craig Thomas, Bear Lake Regional Commission
Al Trout, Bear River Refuge
Jody Williams, PacifiCorp

AGENDA

Bear River Commission Annual Meeting
April 18, 2000

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

COMMISSION AND ASSOCIATED MEETINGS

April 17

10:00 a.m. Technical Advisory Committee Meeting, Room 314 Barnett
1:00 p.m. Water Quality Committee Meeting, Room 314 Ostler

April 18

9:30 a.m. Operations Committee Meeting, Room 314 Crompton
10:30 a.m. Records & Public Involvement Committee Mtg, Room 314 Holmgren
11:15 a.m. Informal Meeting of Commission, Room 314 Barnett
11:30 a.m. State Caucuses and Lunch Dreher/Fassett/Anderson
1:00 p.m. Commission Meeting, Auditorium Wheeler
3:00 p.m. Potential adjournment

ANNUAL COMMISSION MEETING

April 18, 2000

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

- I. Call to order Wheeler
 - A. Welcome of guests and overview of meeting
 - B. Approval of agenda
- II. Approval of minutes of last Commission Meeting (November 16, 1999) Wheeler
- III. Report of Secretary/Treasurer and Budget Action Anderson
- IV. Election of Officers Wheeler
 - A. Vice Chair
 - B. Secretary/Treasurer
- V. Core drilling in Bear Lake Dinter
- VI. Report from states concerning PacifiCorp's Operation Agreement Anderson

Recess of Commission Meeting

APPENDIX B
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VII.	PacifiCorp's planned 2000 operations	Holt
VIII.	Report of the Water Quality Committee	Ostler
IX.	Report of the Records & Public Involvement Committee	Holmgren
X.	Report of the Operations Committee	Crompton
XI.	Engineer-Manager report and items from the TAC	Barnett
	A. Bear River Symposium and tour	
	B. Status of grants from Burton Foundation	
	C. Ground-water depletions study effort	
	D. Other	
XII.	Items from the Management Committee	Dreher
XIII.	State Reports	
	A. Wyoming	Fassett
	B. Idaho	Dreher
	C. Utah	Anderson
XIV.	Other Items	Wheeler
XV.	Next Commission Meeting	Wheeler

Anticipated adjournment: 3:00 p.m.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 1999 TO APRIL 15, 2000

INCOME	CASH ON HAND	OTHER INCOME	FROM-- STATES	TOTAL REVENUE
Cash Balance 07-01-99	\$88,357.57			\$88,357.57
State of Idaho			\$30,000.00	30,000.00
State of Utah			30,000.00	30,000.00
State of Wyoming			30,000.00	30,000.00
US Fish & Wildlife		\$5,600.00		5,600.00
Symposium Income		\$5,500.00		5,500.00
Interest on Savings		\$4,596.57		4,596.57
 TOTAL INCOME TO APRIL 15,2000	 \$88,357.57	 \$15,696.57	 \$90,000.00	 \$194,054.14

DEDUCT OPERATING EXPENSES

EXPENDED THROUGH U. S. G. S.

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging	\$46,735.00	0.00	\$46,735.00
 SUBTOTAL	 \$46,735.00	 0.00	 \$46,735.00

EXPENDED THROUGH COMMISSION

Personal Services	Jack	\$38,960.00	6,493.30	\$32,466.70
Travel (Eng-Mgr)		1,200.00	419.43	780.57
Office Expenses		1,600.00	608.26	991.74
Printing Biennial Report		2,000.00	1,681.69	318.31
Treasurer Bond & Audit		1,250.00	1,150.00	100.00
Printing		1,600.00	629.81	970.19
Contingency		6,000.00	6,000.00	0.00
 SUBTOTAL		 \$52,610.00	 \$16,982.49	 \$35,627.51

SYMPOSIUM EXPENSES 5,061.47

TOTAL EXPENSES \$99,345.00 \$16,982.49 \$87,423.98

CASH BALANCE AS OF 04-15-00 \$106,630.16

BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY 2000, AND PROPOSED BUDGETS FOR FY2001 AND FY2002

DESCRIPTION	FY 2000 APPROVED BUDGET	FY 2001 PROPOSED BUDGET	FY 2002 PROPOSED BUDGET
a INCOME			
BEGINNING BALANCE	88,357.57	91,251.10	83,975.10
IDAHO	30,000.00	30,000.00	30,000.00
UTAH	30,000.00	30,000.00	30,000.00
WYOMING	30,000.00	30,000.00	30,000.00
U S F&W	5,300.00	5,750.00	6,000.00 *
SYMPOSIUM INCOME	5,500.00	0.00	0.00
INTEREST ON SAVINGS	6,500.00	6,500.00	6,500.00
TOTAL INCOME	<u>195,657.57</u>	<u>193,501.10</u>	<u>186,475.10</u>
EXPENDITURES			
b STREAM GAGING-U.S.G.S.	46,735.00	48,685.00	50,870.00 *
c PERSONAL SERVICES CONTRACT-BARN	38,960.00	48,141.00	49,585.00
TRAVEL	1,200.00	1,200.00	1,200.00
OFFICE EXPENSES	1,600.00	1,600.00	1,600.00
PRINTING BIENNIAL REPORT	2,000.00	2,000.00	2,000.00
TREASURER'S BOND & AUDIT	1,250.00	1,300.00	1,350.00
PRINTING	1,600.00	1,600.00	1,600.00
CONTINGENCY	6,000.00	5,000.00	5,000.00
SYMPOSIUM EXPENSES	5,061.47	0.00	0.00
TOTAL EXPENDITURES	<u>104,406.47</u>	<u>109,526.00</u>	<u>113,205.00</u>
UNEXPENDED CASH BALANCE	<u>91,251.10</u>	<u>83,975.10</u>	<u>73,270.10</u>

* ESTIMATED AMOUNTS

OPERATIONS AGREEMENT

FOR PACIFICORP'S BEAR RIVER SYSTEM

This Agreement is made this 18th day of April, 2000 by and among PacifiCorp, an Oregon Corporation, the Idaho Department of Water Resources, the Utah Division of Water Resources, and the Wyoming State Engineer's Office. Collectively, Idaho, Utah and Wyoming are referred to as the "States." PacifiCorp, Idaho, Utah, and Wyoming are collectively referred to as the "Parties."

WHEREAS, the States executed the Bear River Compact in 1957, and the Amended Bear River Compact in 1978, to "remove the causes of present and future controversy over the distribution and use of the waters of 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 Bear River among the compacting States;" and

WHEREAS, PacifiCorp owns water rights to divert and store water in Bear Lake and water rights in the Bear River as decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al.* in Equity No. 203, July 14, 1920 (the "Dietrich Decree"), and *Utah Power & Light Company v. Richmond Irrigation Company, et al.*, February 21, 1922 (the "Kimball Decree"), as well as other water rights in the Bear River. PacifiCorp's water rights include the exclusive right to divert and store water in and release water from Bear Lake between elevations 5923.65 ft and 5902.00 ft MSL (UP&L Datum) ("Bear Lake Storage Water"). The Idaho Water Resource Board holds a license issued by the State of Idaho establishing a minimum Bear Lake elevation of 5902.00 ft; and

WHEREAS, PacifiCorp has entered into various contracts for the use and allocation of its Bear Lake Storage Water under certain terms and conditions; and

WHEREAS, PacifiCorp owns and operates six hydroelectric plants with a total capacity of 116 MW on the Bear River downstream from Bear Lake. Five of the plants are licensed by the Federal Energy Regulatory Commission ("FERC"); and

WHEREAS, FERC determined on February 12, 1998 that Bear Lake "is operated primarily to supply irrigation water to downstream users in accordance to the Bear River Compact, [and] does not provide energy generation benefits to licensed projects downstream;" and

WHEREAS, by "AGREEMENT Regarding the Bear River System" between the States, PacifiCorp, and ScottishPower dated October 5, 1999 (the "October 5, 1999 Agreement") relating to PacifiCorp's operation of Bear Lake and its hydroelectric plants downstream from Bear Lake, the Parties agreed "PacifiCorp's water rights are constrained by the historic practice of not making a delivery call for hydropower

generation;" and "Bear Lake is operated, consistent with long-standing historic practice and applicable laws, primarily as a storage reservoir to satisfy contracts for existing irrigation uses and flood control needs in the three States, with the use of water for hydropower generation being incidental to the other purposes for which the water is being released;" and

WHEREAS, the October 5, 1999 Agreement anticipated the Parties would enter into a subsequent agreement further describing PacifiCorp's operations, and the Parties have negotiated this Agreement in satisfaction of the October 5, 1999 Agreement.

NOW THEREFORE, for the mutual promises of the Parties, and for other good and valuable consideration, the Parties agree as follows:

1. Purpose of this Agreement.

A. The purpose of this Agreement is to satisfy the requirements of Paragraph 2 of the October 5, 1999 Agreement committing the parties to negotiate an enforceable Bear River System Operations Agreement that shall confirm and continue PacifiCorp's historic practice of utilizing its water rights primarily for existing irrigation uses and contractual obligations.

B. The Parties agree that Paragraph 1.a. of the October 5, 1999 Agreement describes PacifiCorp's use of its water rights in Bear River for hydropower generation. Further agreement on PacifiCorp's use of its water rights for hydropower generation is not described herein, and the scope of this Bear River Systems Operations Agreement is limited to PacifiCorp's operations at Bear Lake.

C. The Parties recognize that PacifiCorp's operations at Bear Lake and at its downstream hydroelectric power plants on Bear River are separate operations and are not related, other than water released from Bear Lake is used for hydropower generation incidental to the other purposes for which water is released.

D. The Parties do not intend by this Agreement to confirm or agree that any specific water management practice of PacifiCorp described, referred to, or implied in this Agreement, other than the limitations set forth in the October 5, 1999 Agreement, shall constitute a constraint or limitation on PacifiCorp's use of its water rights. PacifiCorp will consult with the States if it sees the need to deviate from the operation and practices outlined in this Agreement.

E. The Parties do not intend by this Agreement to set forth a detailed plan for day-to-day operations of Bear Lake, but rather to establish the framework within which PacifiCorp will develop and implement such a plan. Such plan will conform to the terms of this Agreement and the October 5, 1999 Agreement.

F. The Parties recognize that persons not party to this agreement have varying interests in the manner in which Bear Lake is managed and operated. This Agreement is not intended as a formal recognition or confirmation of the interests of persons not party to this Agreement.

G. The Parties agree that if any of the terms of this Agreement are found to be inconsistent with the terms of the October 5, 1999 Agreement, the October 5, 1999 Agreement is controlling.

2. PacifiCorp's Regulation of Bear Lake.

A. PacifiCorp agrees to continue to operate Bear Lake primarily for Bear Lake Storage Water delivery under its contracts, or for flood control, depending on the level of Bear Lake, the forecasted runoff, general water supply conditions, constraints of its contracts, its assessment of the hydrology and other conditions in the Bear River basin. Hydropower generation at its downstream hydroelectric plants shall continue to be an incidental use of Bear Lake Storage Water released primarily for contract deliveries or flood control.

B. PacifiCorp will not execute new Bear Lake Storage Water contracts which would result in delivery of a greater amount of Bear Lake Storage Water than the amount historically used. The extent of historical use is currently documented by interstate accounting models used by Idaho and Utah. Nothing herein will prevent the States, by agreement, from updating said models or adopting a different technical basis for determining historical use.

C. PacifiCorp's Bear Lake Target Elevation (the "PTE"). PacifiCorp has determined the PTE represents the elevation of Bear Lake to be achieved, if possible, on March 31st of each year. The PTE may range from as low as elevation 5916 ft during projected high runoff conditions to elevation 5920 ft during projected low runoff conditions. Under normal conditions, PacifiCorp sets the PTE at 5918 ft. PacifiCorp has established the PTE to best balance long term contract requirements for Bear Lake Storage Water during sustained drought periods with flood control operation during high runoff periods. Although this increase above the Bear River Compact Irrigation Reserve results in additional lost generation at the downstream hydroelectric plants during high runoff periods, it provides on average an additional 225,000 acre feet of Bear Lake Storage Water for contract deliveries in excess of the Bear River Compact Irrigation Reserve, enhanced recreational and aesthetic opportunities at Bear Lake, and maintenance of wildlife values, while still maintaining flood control capabilities.

i. Generally, PacifiCorp sets the PTE at the end of the irrigation season and updates the PTE each month during the period from the end of the irrigation season to March 31st of the following year. During extreme high runoff years, PacifiCorp may set the PTE as early as August 1st and may continue to update it into the following runoff season. Adjustments to the PTE are made to accommodate changing conditions, including weather forecasts, downstream constraints, uncertain irrigation demands, variations in runoff from month to month, and other operational constraints.

ii. Generally, if Bear Lake elevation is 5918 ft or higher at the end of the irrigation season, releases are scheduled to lower Bear Lake to elevation 5918 ft by March 31st of the following year. Conversely, if Bear Lake is below elevation 5918 ft at the end of the irrigation season, releases are curtailed until such time as the lake is predicted to reach elevation 5918 ft or until such time as high snowpack and runoff forecasts during the following winter months require PacifiCorp to make releases for flood control. At times during the period from the end of the irrigation season to March 31st of the following year, if snowpack and runoff forecasts indicate below average runoff, releases may be curtailed for the entire winter, even if the Bear Lake elevation is higher than 5918 ft. Except in emergencies, PacifiCorp will not release water from Bear Lake when the elevation is below the PTE unless consistent with flood control operation.

iii. Setting and adjusting the PTE is consistent with PacifiCorp's operation of Bear Lake since the early 1970s. In addition, the practice is consistent with PacifiCorp's FERC applications to relicense its Bear River hydroelectric facilities submitted to FERC on September 23, 1999. The FERC applications commit to continuation of historical operation. Refer to PacifiCorp's FERC applications for Soda (FERC #20) at FERC Application Exhibit B1-11 (September 1999), Grace/Cove (FERC #2401) at FERC Application Exhibit B1-14 (September 1999) and Oneida (FERC #472) at FERC Application Exhibit B1-13 (September 1999). The FERC applications do not provide for the release of Bear Lake storage water for hydro generation. From time to time, the elevation of Bear Lake may range from elevation 5902.00 ft to elevation 5923.65 ft. Nothing herein shall restrict PacifiCorp's right to store water in Bear Lake to elevation 5923.65 ft.

3. PacifiCorp's Hydroelectric Operations on Bear River

A. PacifiCorp owns and operates 6 hydroelectric plants on the Bear River downstream from Bear Lake which are listed in the table below.

<u>Hydroelectric Project</u>	<u>FERC No.</u>	<u>Current Licensed Capacity</u>
Soda	20	14.0 MW
Last Chance	4580	1.4 MW*
Grace	2401	33.0 MW
Cove	2401	7.5 MW
Oneida	472	30.0 MW
Cutler	2420	30.0 MW

(*FERC License Exemption)

PacifiCorp operates each hydroelectric plant with water rights granted by the state in which the hydroelectric plant is located. The Cutler hydroelectric plant operates with water rights recognized by both Utah and Idaho.

B. PacifiCorp agrees to continue its historic practice of regulating operation at its hydroelectric plants to meet existing downstream demands, some of which have water rights which are earlier in priority than PacifiCorp's hydro power water rights. Such historic operation is consistent with PacifiCorp's FERC licenses.

C. Nothing in this Agreement or the October 5, 1999 Agreement shall be interpreted as limiting PacifiCorp's right or ability to protest water right applications or filings in the Bear River Basin or from otherwise exercising and defending its water rights.

4. PacifiCorp regulates Bear Lake and operates its Bear River hydroelectric plants subject to various institutional, legal, and operational guidelines. The Parties recognize that said institutional guidelines may change due to conditions beyond the control of one or more of the Parties, and that such change may require adjustments in PacifiCorp's operations. If this occurs, PacifiCorp will advise the States and consult with them prior to changing its operations.

5. This Agreement is made in recognition of the existing rights and practices of the Parties.

6. This Agreement is intended to be a final and binding agreement in satisfaction of the commitment to negotiate a Bear River System Operations Agreement pursuant to Paragraph 2 of the October 5, 1999 Agreement between the States and PacifiCorp and inures to the benefit of, and is binding upon, the representatives, successors in interest, and assigns of each entity. No promise or inducement has been offered or made except as herein set forth, and this Agreement is executed without reliance upon any statement or representation by any other Party or its agent.

7. Nothing in this Agreement shall be interpreted to modify, limit or enhance any rights or obligations of the States under the laws of the States and the Amended Bear River Compact.

8. Consideration. The Parties acknowledge receiving sufficient consideration for the commitments contained in this Agreement and waive any argument that they might have in any judicial proceeding that no consideration exists to support this Agreement or that the consideration received is not sufficient.

9. Binding Effect of Agreement. This Agreement is intended to be a final and binding agreement between the States and PacifiCorp and inures to the benefit of, and is binding upon, the representatives, successors in interest, and assigns of each entity.

10. Sovereign Immunity. Each of the States and their various agencies do not waive their sovereign immunity by entering into this Agreement and fully retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.

11. Capacity to Execute Agreement. The Parties warrant and represent that the person executing this Agreement is empowered to do so on behalf of such Party and thereby binds each entity by signing this Agreement.

12. Waivers. The failure to object to any breach of any term or condition in this Agreement shall not constitute a waiver and no failure to object shall be deemed a waiver of any prior or subsequent breach.

13. Modification. This Agreement may be amended or modified only by a written agreement signed by each of the Parties to this Agreement.

14. Execution of Multiple Originals. The Parties agree that this Agreement may be executed in four counterparts, each of which shall be an original.

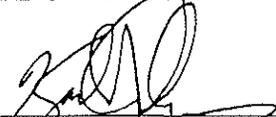
15. Signatures. In witness whereof, the Parties to this Agreement through their duly authorized representatives have executed this Agreement and certify that they have read, understood, and agreed to the terms and conditions of this Agreement as set forth herein.

IN WITNESS WHEREOF, this Agreement is executed on the date first above written.

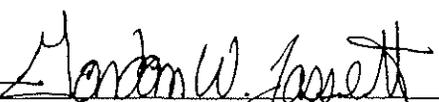
PACIFICORP

By: 
Vice President Generation

STATE OF IDAHO

By: 
Karl J. Dfeher, Director
Department of Water Resources

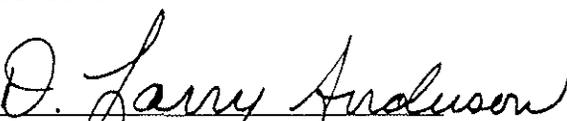
STATE OF WYOMING

By: 
Gordon W. Fassett
State Engineer

APPROVED AS TO FORM

By: 
For Wyoming

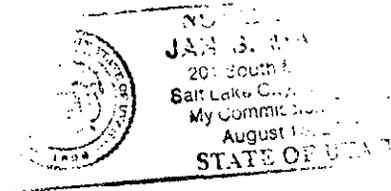
STATE OF UTAH

By: 
D. Larry Anderson, Director
Division of Water Resources

ACKNOWLEDGEMENTS

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

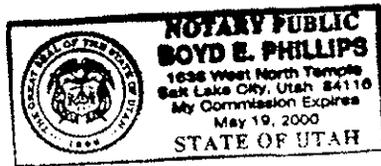
On the 5th day of April, 2000, before me, Jan S. Mahoney
a notary public, personally appeared Barry G. Cunningham, a Vice President General
of PacifiCorp, known or identified to me to be the person who executed the foregoing
instrument on behalf of PacifiCorp, and he acknowledged to me that he executed the
same.



Jan S. Mahoney
NOTARY PUBLIC
residing at:

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

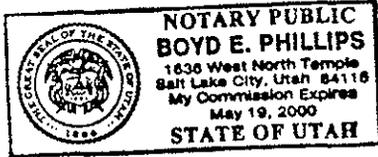
On the 18th day of April, 2000, before me, Boyd E. Phillips,
a notary public, personally appeared Karl J. Dreher, Director, Idaho Department of Water
Resources, known or identified to me to be the person who executed the foregoing
instrument on behalf of the State of Idaho, and he acknowledged to me that he executed
the same.



Boyd E. Phillips
NOTARY PUBLIC
residing at:
Boonville, Utah

STATE OF Utah)
) SS.
COUNTY OF Salt Lake)

On the 18th day of April, 2000, before me, Boyd E. Phillips, a notary public, personally appeared Gordon W. Fassett, Wyoming State Engineer, known or identified to me to be the person who executed the foregoing instrument on behalf of the State of Wyoming, and he acknowledged to me that he executed the same.

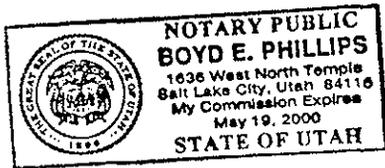


Boyd E. Phillips
NOTARY PUBLIC

residing at:

STATE OF Utah)
) SS.
COUNTY OF Salt Lake)

On the 18th day of April, 2000, before me, Boyd E. Phillips a notary public, personally appeared D. Larry Anderson, Director of the Utah Division of Water Resources, known or identified to me to be the person who executed the foregoing instrument on behalf of the State of Utah, and he acknowledged to me that he executed the same.



Boyd E. Phillips
NOTARY PUBLIC

residing at:

BEAR LAKE-BEAR RIVER OPERATION
1999-2000

Historical Overview

Following the severe drought of 1987-1994, the Bear River Basin has experienced above average precipitation and runoff over the next 5 year period. This abundant period resulted in total recovery of Bear Lake from a near record low elevation in 1992 and 1994 to a full lake by 1997. Based on current weather conditions and forecasts the above average cycle may be coming to an end, depending on the weather in the weeks ahead. In spite of projected below average forecasts, Bear Lake storage is excellent and a full allocation for irrigation is available during the 2000 season. The table below summarizes Bear Lake net runoff and resulting high lake elevations over the past 5 years and includes projected values for this year.

	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	Est. <u>2000</u>
Net Runoff (1000's)	386	414	737	619	598	277
% of Average	123	132	235	198	191	88
High Lake Elevation	10.75	16.66	22.54	22.85	22.69	21.6

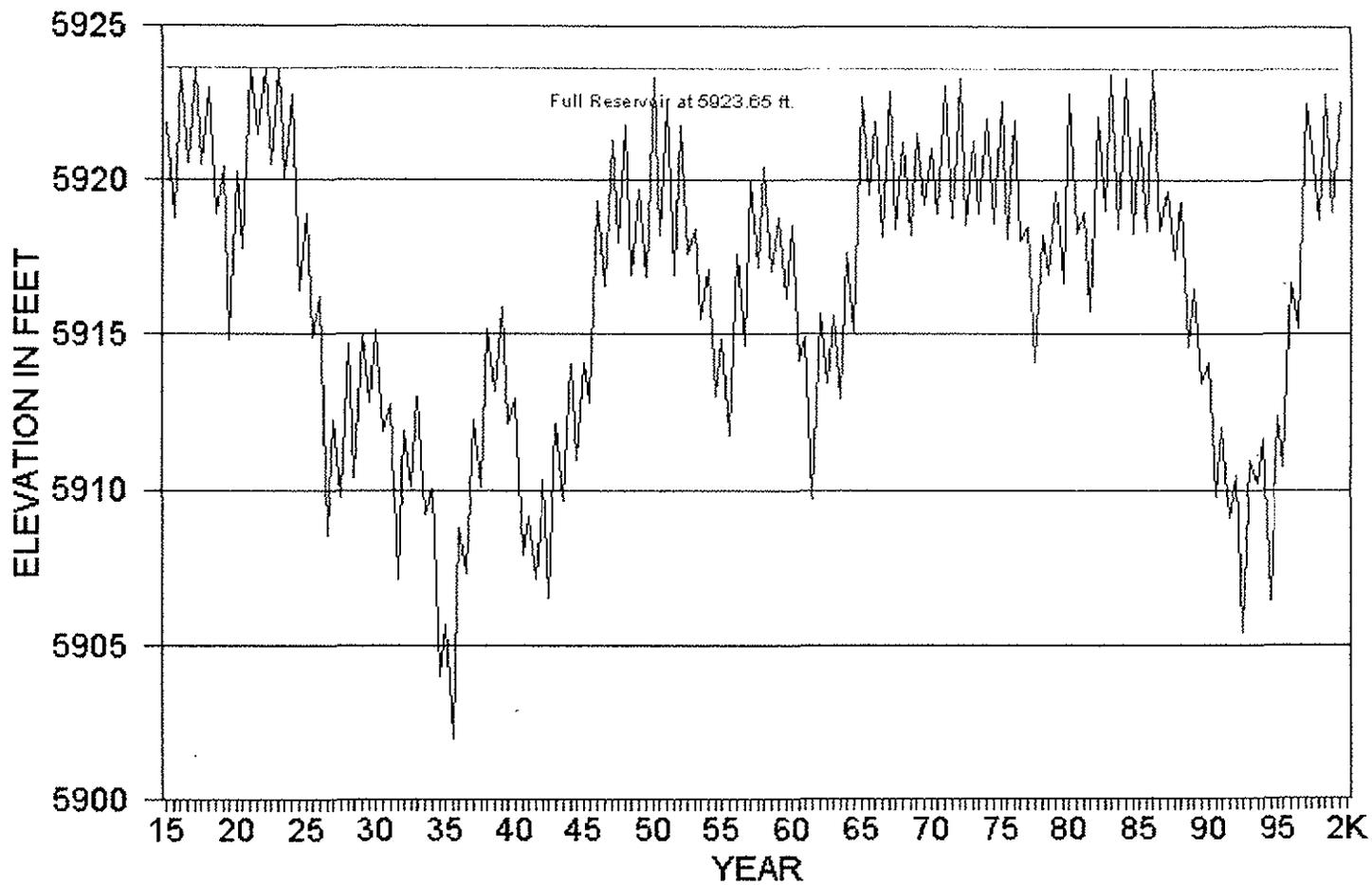
2000 Operation

In response to sparse fall precipitation, low winter snowpack and resulting below average runoff forecasts, PacifiCorp modified its Bear Lake operation, beginning on January 18. At that time, storage releases from Bear Lake were curtailed even though Bear Lake elevation was at 5919.15 feet, considerably above the target elevation of 5918. The January 18 elevation is also 80,000 acre feet above the target. Outlet Canal releases were reduced from 700 CFS to 250 CFS which reflected the bypass of Bear River flows in the Rainbow Canal through Mud Lake and back to the Outlet. The bypass continued until March 31 at which time the Outlet Canal was shut off. Bear Lake pumping resumed during the period March 10-23 per request of the US Fish & Wildlife Service to raise Mud Lake to accommodate waterfowl nesting. As of April 1, 2000, Bear Lake elevation was 5919.34 feet. With the exception of 1986, this April 1 elevation is the highest in nearly 30 years and reflects PacifiCorp's operational priority changing from flood control operation of the past 3 years to water conservation and irrigation this year.

Based on current snowpack, weather conditions and the April 1 runoff forecast, Bear Lake elevation is expected to peak in mid-June at 5921.6 feet, again depending on weather conditions the next 2 months. All upper Bear River inflows will be diverted and stored in Bear Lake. As downstream runoff subsides and irrigation demands increase, Bear River bypasses will supplement decreasing runoff below Bear Lake with Bear Lake storage releases occurring by mid-June and continuing until mid-September. This year will be the first since 1996 when full regulation for irrigation has occurred. However, Bear Lake storage supply is excellent and a full irrigation allocation is available (230,000 acre feet). Bear Lake storage releases will occur only for irrigation this season and the Cutler Hydro Project is expected to be shut down from mid-June to mid-September.

In summary, PacifiCorp and the states have reached agreement on a Bear Lake Operating Agreement. In addition, PacifiCorp has completed a Bear River-Bear Lake Operating Plan. This operating plan is an internal document which reflects PacifiCorp's total operation and which commits the operation in the future consistent with the past. For the 2000 irrigation season, the Bear River System will be in full regulation for irrigation and great care will be given to meet the needs of the irrigators throughout the irrigation season.

BEAR LAKE ELEVATION FROM 1916 TO 1999



BEAR LAKE NET RUNOFF

FROM 1913 - 1999

