



## MINUTES

### BEAR RIVER COMMISSION ANNUAL MEETING ONE HUNDRED TWENTY-SECOND COMMISSION MEETING APRIL 10, 2013

## BEAR RIVER COMMISSION

106 West 500 South  
Suite 101  
Bountiful, Utah 84010-6203  
801-292-4662  
801-524-6320 fax

#### CHAIR

Dee C. Hansen

#### IDAHO COMMISSIONERS

Gary Spackman  
Kerry Romrell  
Curtis Stoddard

#### UTAH COMMISSIONERS

Dennis J. Strong  
Blair Francis  
Charles W. Holmgren

#### WYOMING COMMISSIONERS

Sue Lowry  
Sam Lowham  
Gordon Thornock

#### ENGINEER-MANAGER

Don A. Barnett

**I. Call to order** – The annual meeting of the Bear River Commission was called to order by Chairman Dee Hansen at 1:30 p.m. on Wednesday, April 10, 2013, at the Utah Department of Natural Resources building in Salt Lake City, Utah. This was the one-hundred and twenty-second meeting of the Commission. Jade Henderson was serving as an alternate for Sam Lowham and Eric Esterholdt was an alternate for Gordon Thornock. Hansen welcomed everyone to the meeting and asked that all in attendance introduce themselves. An attendance roster is attached to these minutes as Appendix A.

**I.C. Approval of agenda** – Chairman Hansen then addressed the agenda for the meeting. The agenda was approved without change, and a copy is attached to these minutes as Appendix B.

**II. Approval of minutes of last Commission meeting** – Hansen asked if there were any changes to the minutes of the previous Commission meeting held on November 13, 2012, in Salt Lake City, Utah. There were just a couple of minor edits made for clarification, and the minutes were approved with those edits.

**III. Election of Vice Chair, Secretary and Treasurer** – Chairman Hansen addressed the election of officers for the Commission. There was a nomination to elect Kerry Romrell as Vice Chairman and to have Dennis Strong and Randy Staker continue as Secretary and Treasurer respectively. There were no additional nominations and these nominees were elected unanimously.

**IV. Report of the Secretary and Treasurer** – Dennis Strong referred to the sheet showing the approved budget for 2013 and the proposed budgets for 2014 and 2015 (see Appendix C). He noted that there was not much change proposed for FY2014. He recommended an increase to the Personal Services budget of 1 percent, with a total proposed budget for FY2014 of \$141,420. Strong mentioned that the carryover amount is increasing, which is good news, and that an increase in dues should not be needed in the near future. He commented, however, that federal government issues such as sequestration and budget cuts might have an impact at some point in time. He expressed appreciation to the Engineer-Manager and his firm for the efficient and effective way they have taken care of Commission business and found ways to provide additional moneys to the Commission. He also recognized and thanked the water quality partners for their participation in

the funding of water quality gages. He also expressed appreciation to the USGS for the great job they do.

Randy Staker then addressed current expenses and revenue for FY2013 (see Appendix D). He mentioned that in November 2012, FWS changed the requirements for how bills are submitted. It has been a work in progress and things are finally getting resolved on that process. He reported that an invoice will be submitted soon to FWS to cover expenses for October 2012 through March 2013, and then additional monthly invoices will be submitted going forward. This income is for the Corinne stream gage. Staker mentioned that expenditures to date have been just over \$119,000 and there is a healthy balance remaining.

Strong then made a motion that the Commission accept the FY2014 budget as proposed. The motion was seconded and approved.

**V. Report of the Technical Advisory Committee on depletions update effort** – Don Barnett mentioned that the depletion update effort has been going on for quite some time and he expressed appreciation to those in the states who have worked so hard and spent so much time on it. He reminded the Commission that at the previous meeting they gave specific direction to the TAC to finish up the effort relative to irrigated acreage and M&I use so the Commission could be in a position to accept and adopt those numbers at the spring meeting. The Commission had also given the TAC an assignment to consider and study three additional items for eventual inclusion in the depletion update effort. Those three items had to do with supplemental water rights, evapotranspiration rates and crop mixes. Barnett said that he was happy to report that the TAC had completed the effort to update the irrigated acreage and M&I uses as assigned by the Commission and that they had prepared a draft report.

The TAC then turned to the other three assignments to determine when and how they should be addressed. As they looked at evapotranspiration and crop mix, they recognized that those assignments could not be solved in the short term, but should be addressed by the TAC at some point. However, as the TAC reviewed the shortage rates, or the impact of supplemental water rights, they were not comfortable with the estimates and the methodology that have been used in the past. Barnett explained that the first time the depletion update effort was done, they were quite a ways away from using up all the depletion allocations, and there were some discussions in the reports provided by the states in 1993 which acknowledged that they were not really exact on the supplemental impacts and would look at them more closely as they got closer to their depletion allocations. The basis in the Commission's approved procedures for supplemental estimates are some numbers that came out of a 1972 Utah State University report which identified average shortage rates in the subbasins. The TAC came to believe that though that might be a fair number for the basin on the whole, individuals that feel motivated to go out and spend money to drill a well probably are short more than the average amount or they wouldn't be motivated to drill a well. So the thought was that rather than just taking a subbasin-wide shortage value and applying it to any supplemental water right, the numbers would probably be much more accurate if the TAC were to go water right by water right and make a specific estimate as to the depletion associated with each of those water rights. Recognizing the potential impact of changing that methodology and hence the numbers in the draft report they had prepared, the TAC recommended to the Management Committee that the Commission not accept the report at this time, but rather assign the TAC to go out and work really hard during the summer and come back with that piece updated and modified before the Commission adopts the report.

Gary Spackman, as a member of the Management Committee, responded on this subject. He reported that the draft report referred to was reviewed by the Management Committee. He recalled that several meetings earlier, the instruction coming out of the Commission was an assignment to the TAC to prepare a "sentinel document," something that would be a benchmark for people in the future who were attempting to recreate what had been done. Recognizing the enormous amount of work that had been done by a number of people in each of the states to identify new acres and new M&I development, as well as acres taken out of production, he did not want to minimize the worth of the draft report created by the TAC and suggested that the document produced by the TAC did represent the sentinel document that the TAC was asked to prepare. He acknowledged the work of the TAC and others who dedicated time and energy and cooperated with each other in this effort. He recognized that many were frustrated and even exhausted with the time that it had taken to get to this point, so when the TAC asked for more time to address the issue that had come up, some felt that it was time to be done with the project and move on. However, after further discussion by the Management Committee, there was general agreement in recognizing the technical expertise that the TAC brings to the table and the benefit of continuing to pursue the additional information that could be gathered over the course of the next irrigation season, with the goal of having the data and modifications to the report ready for the fall meeting of the Commission. Therefore, Spackman spoke for the Management Committee in recommending that the Commission ask the TAC to be diligent in following their suggested plans and be ready to take this matter up at the November Commission meeting.

**VI. Changes to the depletion procedures** – With regard to this agenda item, Spackman recommended that once the TAC completes its additional work on the depletions effort and presents its conclusions at the November meeting, the Commission could then deal with these and other changes to the procedures at that time.

**VIII. Water Supply Outlook** – Chairman Hansen then jumped to item VIII on the agenda. Randy Julander presented information on the water supply outlook for the coming season. His PowerPoint is attached as Appendix E. Julander noted that the mountain snowpack in the Bear River Basin as of April 1, 2013, showed anywhere from zero at some locations which had already melted out to a maximum of 70 percent. The trend has been going the wrong way since December. The Bear River snowpack measured 100 percent on January 1<sup>st</sup> and has continued to drop to a measurement of 66 percent on April 1<sup>st</sup>. He reported that warmer than normal temperatures are expected over the next three months and precipitation is projected to be below average. Things do not look very good. Julander noted two bright spots in the water supply situation. The first was that there is reasonably good soil moisture at the higher elevations which will allow for some decent runoff. The other bright spot is reservoir storage. Bear Lake is down about 20 percent from 2012, but if water is used at the same rate as last year, there is still about 3-3 ½ years of storage left in Bear Lake.

**VII. Report on other activities of the TAC** – Barnett reported on three activities from the TAC. First, he noted that the Commission had given the TAC the responsibility to look at the post-September 30<sup>th</sup> reporting of water data in the biennial report. The Compact specifically says that the biennial period ends on September 30<sup>th</sup> and yet there are certain times or instances when water usage for the current biennium continues after September 30<sup>th</sup>. The question was whether to have a definite cutoff date of September 30<sup>th</sup> and not report water usage going into October for two more years or to include it in the year that the rest of the water usage occurred. The TAC looked at that issue and made a recommendation to the Records Committee that the water should be reported with the other water data for that year.

The second item had to do with the organization of the Commission's procedures documents and other related documents. He reported that some time had been invested in looking through these old documents and organizing them in a uniform manner and format to be brought to the Commission for their consideration. The question arose in anticipation of the assignment the TAC received with regard to depletions. There was a document written in 1993 that was referred to as the "Commission Approved Procedures," or commonly called the "Depletion Procedures." It included not only procedures for depletion, but also how the Commission might react in an extremely wet year if there was additional storage allowed above Bear Lake in addition to the original Compact storage and the Amended Compact storage. These two subjects were mixed together in one document. The question was if all the procedures should be combined into one document that covered all aspects of procedures followed by the Commission, or if they should be separate documents for the various functions which are organized under a common table of contents. The TAC recommended the second option, that the various procedures should be organized together, but not all in one document. The Records Committee agreed with that proposal and instructed the TAC to proceed down that path. The plan is to prepare an updated set of procedures organized in that manner for the fall meeting of the Commission.

Barnett reported that the last item is one that has evolved since the fall meeting. At that meeting, it had just been learned that the Fish & Wildlife Service was just completing its comment period on a comprehensive management plan for the Bear Lake Refuge and for Oxford Slough, a 900 page document, and that FWS had not consulted with the Commission on the document. The Commission was not very pleased with the actions of FWS and instructed Barnett to immediately contact FWS to discuss where they were on this effort and to work with Chairman Hansen in preparing a fairly fiery letter to FWS suggesting that they should have let the Commission know about and give input on the document before it got to this point. Barnett did contact FWS and found them to be very receptive and apologetic. He also discovered that the Commission had actually received a flyer notifying them about the document and giving them the opportunity to review the document online and make comments. In view of these facts, the approach to FWS was toned down a little and various TAC members took the assignment to read portions of the document and identify issues, concerns or questions related to the document. As the TAC reviewed those findings, it was determined that there really wasn't anything in the document that was in conflict with the Commission or its processes. There were a number of mistakes in the document as it was written by someone who did not understand the operations of the Bear River or understand water rights. So the TAC compiled a list of those items and sent it to FWS. PacifiCorp was also working in the same manner and did an even more comprehensive review. PacifiCorp met with FWS and hopefully FWS has corrected a number of errors in their document. They weren't substantive things that would affect the Commission's operations, but just showed a lack of understanding on items that could have easily been resolved had they approached PacifiCorp or the Commission in advance of writing their document. It is understood now that FWS signed a Finding of No Significant Impact (FONSI) several weeks ago accepting their environmental document and going forward with an operating plan for the next ten years. It is a little bit backwards as the Commission has not yet seen the final document to see if they incorporated the things that PacifiCorp and the Commission suggested to them. As discussed in the Water Quality Committee meeting, the item of greatest interest to the Commission is a recognition in the environmental document that FWS really does not have a good handle on the impact of the historic function of Mud Lake as a place for a sediment and nutrient sink and whether their actions might be modifying the historic function of Mud Lake. Consequently, the Water Quality Committee requested that Barnett contact FWS and ask them to report at the next Water Quality Committee meeting on their actions regarding Mud Lake and how they might study the matter.

Barnett added that, related to this issue, it was suggested at the last Commission meeting that the Commission ought to be more proactive in total regarding the Bear River and be looking for situations such as this to keep others aware of the Commission and their role and the need to coordinate on these matters. Barnett reported that he did prepare a letter for the signature of the Chairman with a different tone. Instead of focusing specifically on the Bear Lake Refuge environmental document, he crafted the letter to notify FWS that there is a Bear River Commission created under state and federal law which deals with distribution matters on the Bear River and that as such, the Bear River Commission should be a player up front in anything that has to do with possible changes of the waters in the Bear River Basin. Barnett reported that he had spoken with two of the project leads in FWS and also verbally conveyed that message. He also noted that PacifiCorp experienced the same problem in relation to this situation, and the Project Leader for FWS acknowledged to Barnett that PacifiCorp was a major player and they should have communicated with them early in the process to request their help and input. Barnett asked the Commission for their input and direction regarding sending such a letter. There was a discussion about the possibility of including in the letter a reference to the technical committees of the Commission and how their expertise might be helpful to entities such as FWS in their research and planning, but it was decided to send the letter without that addition. The Management Committee liked the tone of the letter and felt it was well worded and appropriate and directed Barnett to send it to FWS.

**IX. Water Conservation Work for the Bear River Watershed** – Barnett filled in for Bob Barrett on this agenda item as he was ill. He reported that the Bear River Migratory Bird Refuge was soon going to start on a CCP document similar to the one that the Bear Lake Refuge had just completed. In light of the previous discussion, Barrett wanted Barnett to know that he would be contacting the Commission up front and asking for help on this process.

A second item had to do with their desire to create a Bear River Watershed Conservation Area. They were seeking authorization from the agency to create the whole Bear River watershed as an area where they might be able to receive funding and then buy conservation easements for wildlife. Recognizing the unique nature of the Bear River corridor and the role that irrigated lands play in that corridor, particularly for migratory birds, they wanted to find a way to ensure that there would be no disruption to that corridor that would have a negative impact on the migratory birds. They were seeking funding under their Land and Water Conservation Fund. They had made a presentation the previous week which was well received by the Director, and they hope to get the program initiated in 6-18 months and are looking for funding levels of several million dollars per year for the purpose of purchasing conservation easements. They have had two public meetings on the program. Charles Holmgren reported that he went to one of those meetings in Logan which was fairly well attended with good discussion between FWS and property owners. His impression was that they were looking for fairly large landowners to bring into this process. Blair Francis added that when they came to his area they were not very well received because the people are a little skeptical of government people they don't know. He added that he already takes care of the ducks and geese on his property and didn't understand why FWS wanted to pay him for what he is already doing. Barnett responded that the bottom line for FWS is to ensure those irrigated areas remain and are not sold out for development or changed in such a way as to have a negative impact on the migratory birds. He noted that Barrett was willing to report at future Commission meetings on this effort.

The last item was in regard to a much smaller program called the Partners Program. They have a coordinator in each of the three states with a small budget which allows them to look for ways in

which they can partner with private landowners to restore, enhance and manage private land to improve fish and wildlife habitats.

The Commission then took a short break.

**XII. Water Quality Committee report** – Chairman Hansen jumped ahead in the agenda to the report of the Water Quality Committee. Jack Barnett was filling in for Walt Baker who couldn't make it at the last moment. He reported that Kevin Frederick had just been appointed to take the place of John Wagner as the Administrator for Water Quality in Wyoming, and he hoped that Frederick would become a permanent member of the Water Quality Committee.

Barnett reported that the Water Quality Committee had discussed their TMDL efforts. Wyoming is doing a sediment TMDL in the area from the Utah/Wyoming state line down to just about Blair Francis' place. They are looking at how they can reduce the sediment in that reach of the river and, of course, they know that it is going to be a non-point source answer, so they are really interested in the work that Utah is doing up Three Creeks. The other TMDL discussed is below Cutler Dam going down to the Great Salt Lake. Utah has hired a consultant to revise that TMDL.

They talked about the continuation of the WIS, which takes a few thousand dollars each year. They concluded that they could get more out of the WIS if they would be more proactive in interfacing with Utah State University on a regular basis. They are considering a conference call once a month, and the three DEQs have agreed to contribute the necessary funds to help USU keep the WIS active and ongoing.

The committee agreed to continue to fund the Commission's stream gaging program to the extent of 20 percent of the costs, which is a continuation of what they have done for the past three years. Barnett sensed an enthusiasm about participating in the program because they are starting to really understand that this stream gaging program is what they have to have to execute their water quality issues.

They have been monitoring for about seven years, four times year, the water quality in the river at certain gages, and they decided they will continue that three-state water quality monitoring effort through the rest of this summer. They will then reanalyze the information they have collected and determine if this effort should be continued.

The committee really focused on the Mud Lake issue. They were a little distraught by a comment that was passed on from an FWS employee who was questioning why the Refuge should be accepting all of the sediments coming from up above. He suggested it should be the Commission's problem and not theirs. The Water Quality Committee is now eager to become more proactive in interfacing with the wildlife managers at the Refuge to keep track of what they are doing and make sure there is good communication because it makes a tremendous amount of difference in the water quality standards whether the nutrients and sediment are sinking in Mud Lake or going on down the river system.

**X. Records & Public Involvement Committee report** – Holmgren reported that he was filling in for Gordon Thornock at the committee meeting, but that he was elected to be the new chairman of the committee. The committee discussed stream gaging and had Cory Angeroth there to talk about coordinating with the Commission to get on a similar billing cycle since there was some confusion regarding the varying fiscal year cycles of the different government agencies. Angeroth indicated that there would be a 5 percent reduction in funding for the NSIP program. The committee noted

their appreciation for the water quality agencies' participation in funding 20 percent of the stream gaging costs. The only gage that has been dropped in the last few years was one on the Cub River which was no longer needed by the National Forest Service which was funding the gage. They discussed automated gages and noted that Wyoming is adding two gages. They discussed the reporting of stream gaging data after September 30<sup>th</sup> in the water year, as has been mentioned earlier. Holmgren noted that they introduced Josh Hanks, a new River Commissioner in Idaho.

The committee was given a copy of the draft Seventeenth Biennial Report for their review and to share with members of the TAC. He noted that biennial reports are available on the Commission's website and that they were trying to cut down on the number of printed copies that are made. It was interesting to learn that there are about 55,000 new entries of technical data in a biennial report. They did talk about the Commission's policies and procedures documents, which has already been discussed. The Commission's website is up and working well and they wanted to encourage everyone to take advantage of that resource. They also discussed the Watershed Information System at USU and the efforts to keep that up to date. Holmgren suggested it would be valuable for those who have a stake in the Bear River to check the information that is posted to make sure it is accurate.

Holmgren noted that Jack Barnett shared with them publications of interest, including an 1878 map that was being passed around which was done by the Wheeler Expedition. Holmgren noted that it had been some time since the Commission was involved in public events. There seems to be some interest in Mud Lake and the FWS refuge at the north end of the lake. The committee discussed the level of involvement the Commission should have in a potential public meeting regarding that area. The committee recommended that the Commission be a participant in such an event and have a presence there, but that they should not become heavily involved. There was agreement expressed by the Commission on that recommendation.

**XI. Operations Committee report** – Blair Francis gave the report for the Operations Committee. Sam Lowham was elected as the new chairman for the committee. Francis reported that the meeting went quite smoothly until they got to the discussion on anticipated river operations in 2013. The Central and Lower Divisions should be okay because of the great water year of 2011 which recharged Bear Lake by 11.5 feet. However, there will be some challenges in the Upper Division in relation to storage and adjudication priorities, etc. Some of the reservoirs are in pretty good shape. Woodruff Narrows is the key. Last year they had 57,300 acre-feet of water compared to 14,000 acre-feet at the same time this year. There was a feeling that they would need to cooperate and be aware and have good conversation between the river commissioners. They felt they would have a better idea of how to deal with this by May.

Other items that were briefly discussed by the committee included depletions, water proposals in the basin, the phosphate mine, Twin Lakes, Idamont Farms and the Black Bear development.

Connely Baldwin reported on PacifiCorp operations. He noted that Bear Lake was currently at 5916.63 feet and still filling. The storage allocation for irrigation is 245,000 acre-feet, a full supply. However, if the runoff is low and natural flow lower than normal, there is a potential to have an adequate volume but an inadequate peak demand period. Should that be the case, they will work with Bear River Water Users to deal with that. Baldwin's handout is attached hereto as Appendix F.

Baldwin gave an update on actions of PacifiCorp relative to their FERC license on the Bear River. For the Idaho projects there is an updated annual report and a presentation on their website (pacificorp.com). He mentioned that for the Bonneville Cutthroat Trout restoration, there will be

about 20,000 fish stocked in the Thatcher Reach this year, and there are plans to extend the program to other areas. Idaho Fish & Game received an award from the American Fishery Society for this program. PacifiCorp has just finished the 2013 Habitat Enhancement Grant Fund ranking, and projects will soon be approved. They are working on a 700-acre conservation easement on Cottonwood and Shingle Creek. They are continuing the recreational boater float program below Grace Dam. They are continuing their land management activities for noxious weed control and exclusion fencing. The Operations Compliance Plan which treats minimum flow and ramp rate compliance measures is out for review with the Environmental Coordination Committee. Baldwin reported that on Cutler they had just finished a five-year report that was filed with FERC. The next water quality monitoring, which happens every five years, is scheduled for this year. He mentioned a new smaller recreation site in addition to the one on the Valley View Highway in Cache Valley and the one close to the Logan River. He reported that PacifiCorp will be drawing down Alexander Reservoir at the end of the irrigation season, as well as Cutler, for maintenance work.

Baldwin had been asked to explain how the forecast is developed for the Bear Lake elevation and he used the attached PowerPoint (see Appendix G). In order to determine the spring maximum elevation, which is the main determinant of the allocation for irrigation deliveries, the NRCS water supply forecast is used. He noted that this year's forecast for Stewart Dam is only 8 percent of average, which is extremely low. He showed a graph of water year elevations to date for WY2012 with possible scenarios through the end of the irrigation season. The possible end-of-year elevations are based upon a guess based on the natural flow available and what the irrigation users typically draw on from storage. Assuming an average or full draw on storage, it would put the elevation at around 5912 feet. To come up with these numbers, Baldwin used the water flow forecast and adjusted for the direct inflow from the Bear Lake watershed and also any flow that might need to be bypassed and not stored in Bear Lake and delivered early for irrigation. The estimated date of the spring maximum is around May 10<sup>th</sup>.

**XIII. Management Committee Report** – Spackman reported that most of the subjects from the Management Committee meeting had already been discussed. He mentioned an inquiry from the Engineer-Manager, Don Barnett, for direction from the Management Committee regarding emergency regulation. While they were desirous of promoting cooperation and dialogue between the states and didn't want to force interstate regulation if there was an opportunity for a cooperative solution, they suggested that the Engineer-Manager be a little more proactive when conditions are such that emergency regulation would be required under the Compact. Rather than waiting for a request from the River Commissioners/Watermasters, they felt he should contact them and explain that emergency regulation should be happening and ask if there is any reason why they should not regulate. This would protect the Engineer-Manager a little more and stay true to the intent of the Compact while giving the states the opportunity to work together if there is a desire to do so. The Management Committee was also very supportive of Barnett organizing a meeting of the River Commissioners/Watermasters early in the season to help them know and understand each other and the situations in the various Compact divisions as they deal with these issues.

**XIV. Engineer-Manager's Report** – Barnett had nothing to add to what had already been discussed in the meeting.

**XV.A. State Reports – Wyoming** – Lowry shared a few updates from Wyoming. From the recent conclusion of the legislative session, she reported that the Governor and the Management Committee of the Legislature struggled back and forth over a mandatory 8 percent budget reduction plan suggested by the Governor, so that issue had not been resolved. She also mentioned



that State Engineer Tyrrell had been spending a good deal of his time on surface water/groundwater interaction on some legal cases. They were attempting to look at what kind of supplies of their groundwater resource can be sustainable and how much of that should be used for a particular energy development.

**XV.B. State Reports - Idaho** – Spackman discussed two items from Idaho. The Idaho Water Resource Board had been engaging in a rewrite of the State Water Plan over the last three years. It was long overdue as it had not been done since the late 90s. Following a myriad of public meetings, the plan was presented to the Legislature, and the Legislature was required to act on it within 60 days of submittal. Towards the tail end of the 60 days, there were some legislators who very actively pursued rewriting the water plan after all the effort that went into it. They wanted to strike all references to riparian areas and stream channel alteration. Anything to do with wetlands or riparian areas they viewed as not being beneficial in the State Water Plan. They also wanted to exclude from the plan anything to do with climate change or variability, as well as any references to ESA work on the part of the State related to water. As it turned out, the 60 days expired before they finished and the plan became final. Spackman also reported on a basin-wide issue in the Snake River Basin which was pending before the Court regarding whether there was a right to refill a reservoir in priority for releases of water made to vacate for flood control. The adjudication court ruled that there is no right in the State of Idaho for a second fill of a reservoir for space that has been vacated for flood control.

**XV.C. State Reports - Utah** – Strong mentioned that he had lost Blair Francis as a member of the Board of Water Resources, but that he was being replaced by Charles Holmgren, both Bear River Commissioners. He also noted that they had been working cooperatively with Cache Valley on a master plan which would be completed in the summer. He reported that Governor Herbert had attended the Utah Water Users Association meetings recently and that the Governor was putting together a group he called the “Gang of Six,” which included Strong, to address all aspects of water in the State of Utah. They will be spending some time in July and August meeting with the public and receiving their input. They will then prepare white papers on water law, competition for water, delivery of water, water for the environment, the future of agriculture and the water funding infrastructure. They will then work with the Governor’s staff in making recommendations to the Governor which he will then take back to the water users at a Water Summit on October 30<sup>th</sup>. There will be some issues resolved, some direction given and more things to do, and Strong believes it will be very advantageous for water users to have a continuing dialogue with the Governor’s office on these issues. Strong also briefly mentioned an issue regarding Snake Valley which had been in the news recently. He reported that Governor Herbert decided not to enter into an agreement with Nevada for the sharing of the groundwater resource. He noted that there would probably be a little fallout from this decision that they will have to deal with.

**XVI. Activities of the Bear River Water Users Association** – Carly Burton reported that Charles Holmgren was reelected as President and Mark Mathews was reelected as Vice President of the Bear River Water Users Association. He was happy to note that with the addition of the Idaho Small Irrigators group in 2012, they had virtually all irrigation groups under the umbrella of the Association representing 149,000 acres of irrigated lands below Bear Lake. Burton suggested the biggest issue of this year would be PacifiCorp having difficulty meeting the peak irrigation demand. The Association will work on putting a contingency plan in place to deal with that potential situation. He also mentioned that they would continue to promote conservation awareness and work on ways to be innovative in trying to conserve the limited water supply.

**XVII. Next Commission meeting** – As there were no further items, Commissioner Hansen noted that the next meeting of the Commission would be held on November 19, 2013. The meeting was then adjourned at 4:00 p.m.

# **ATTENDANCE ROSTER**

## **BEAR RIVER COMMISSION ANNUAL MEETING**

Utah Department of Natural Resources Building  
Salt Lake City, Utah  
April 10, 2013

### **IDAHO COMMISSIONERS**

Gary Spackman  
Kerry Romrell  
Curtis Stoddard

### **WYOMING COMMISSIONERS**

Sue Lowry  
Erick Esterholdt (Alternate)  
Jade Henderson (Alternate)

### **FEDERAL CHAIR**

Dee Hansen

### **UTAH COMMISSIONERS**

Dennis Strong  
Charles Holmgren  
Blair Francis  
Joe Larsen (Alternate)

### **ENGINEER-MANAGER & STAFF**

Don Barnett  
Jack Barnett  
Donna Keeler

### **OTHERS IN ATTENDANCE**

#### **IDAHO**

Josh Hanks, Watermaster

#### **UTAH**

Mike Styler, Department of Natural Resources  
Will Atkin, Division of Water Rights  
Carl Mackley, Division of Water Rights  
Todd Adams, Division of Water Resources  
Randy Staker, Division of Water Resources  
Ron Hoffman, Upper Utah Water Commission

#### **WYOMING**

Mike Johnson, State Engineer's Office  
Don Shoemaker, State Engineer's Office  
Kevin Payne, State Engineer's Office  
Jodee Pring, State Engineer's Office

#### **OTHERS**

Connely Baldwin, PacifiCorp Energy  
Claudia Conder, PacifiCorp Energy  
Randy Julander, NRCS Snow Survey  
Cory Angeroth, U.S. Geological Survey  
Ben Radcliffe, Bureau of Reclamation  
Voneene Jorgensen, Bear River Water Conservation District  
Carly Burton, Bear River Water Users Association  
Darin McFarland, Bear River Canal Company  
Bob Fotheringham, Cache County  
Bill Nelson, IdaMont Farms

**BEAR RIVER COMMISSION ANNUAL MEETINGS**  
**April 10, 2013**

**Water Quality Committee Meeting**  
**Utah Department of Environmental Quality**  
**195 North 1950 West**  
**Salt Lake City, Utah**

**All Other Meetings**  
**Utah Department of Natural Resources**  
**1594 West North Temple**  
**Salt Lake City, UT**

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**COMMISSION AND ASSOCIATED MEETINGS**

**April 9**

10:00 a.m. Water Quality Committee Meeting – Red Rock Conference Room

**April 10**

9:00 a.m.	Records & Public Involvement Committee Meeting – Room 314	Thornock
10:00 a.m.	Operations Committee Meeting – Room 314	Chair
11:30 p.m.	Informal Meeting of Commission – Room 314	D. Barnett
11:45 p.m.	State Caucuses and Lunch	Spackman/Strong/Lowry
1:30 p.m.	Commission Meeting – Main Floor Auditorium (Rms. 1040/1050)	Hansen

**PROPOSED AGENDA**  
**ANNUAL COMMISSION MEETING**

**April 10, 2013**

**Convene Meeting:** 1:30 p.m.

**Chairman:** Dee Hansen

- |              |  |               |
|--------------|--|---------------|
| I.           | Call to order  | Hansen        |
|              | A. Welcome of guests and overview of meeting                           |               |
|              | B. Recognitions  |               |
|              | C. Approval of agenda  |               |
| II.          | Approval of minutes of last Commission meeting (November 13, 2012)     | Hansen        |
| III.         | Election of Vice Chair, Secretary and Treasurer                        | Hansen        |
| IV.          | Reports of Secretary and Treasurer                                     | Strong/Staker |
|              | A. 2013 Expenditures to date   |               |
|              | B. Adoption of 2014 budget   |               |
|              | C. Other   |               |
| V.           | Report of the Technical Advisory Committee on depletions update effort |               |
|              | A. Depletions update efforts   | Barnett       |
|              | B. Direction from the Commission                                       | Spackman      |
| VI.          | Changes to the depletion procedures                                    | Spackman      |
| VII.         | Report on other activities of the TAC                                  | Barnett       |
|              | A. Post September 30 reporting of water usage                          |               |
|              | B. Organization of Commission's Procedures/Documents                   |               |
|              | C. FWS CPP/EA for Bear Lake National Wildlife Refuge and Oxford Slough |               |
| VIII.        | Water Supply Outlook   | Julander      |
| IX.          | Water Conservation Work for the Bear River Watershed                   | Barrett       |
| <b>BREAK</b> |  |               |
| X.           | Records & Public Involvement Committee report                          | Thornock      |
| XI.          | Operations Committee report  |               |
|              | A. Committee meeting   | Chair         |
|              | B. Anticipated Operations and Regulation in 2013                       |               |
|              | C. PacifiCorp operations   | Baldwin       |
| XII.         | Water Quality Committee report   | Baker         |
| XIII.        | Management Committee report  | Spackman      |
| XIV.         | Engineer-Manager's report  | Barnett       |

- XV. State reports
  - A. Wyoming Lowry
  - B. Idaho Spackman
  - C. Utah Strong
  
- XVI. Other / Public comment
  - A. Activities of the Bear River Water Users Association Hansen
  - B. Other Burton
  
- XVII. Next Commission meeting (Tuesday, November 19, 2013) Hansen

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

BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY2013 AND PROPOSED BUDGETS FOR FY'S 2014 & 2015

	FY 2013 APPROVED BUDGET	FY 2014 PROPOSED BUDGET	FY 2015 PROPOSED BUDGET
	-INCOME-	-INCOME-	-INCOME-
BEGINNING BALANCE	103,579.01	102,839.01	100,509.01
IDAHO	40,000.00	40,000.00	40,000.00
UTAH	40,000.00	40,000.00	40,000.00
WYOMING	40,000.00	40,000.00	40,000.00
USF&WS	8,360.00	8,580.00	8,580.00
WATER QUALITY	9,460.00	9,710.00	9,710.00
INTEREST ON SAVINGS	800.00	800.00	800.00
TOTAL INCOME	<u>242,199.01</u>	<u>241,929.01</u>	<u>239,599.01</u>
	-EXPENDITURES-	-EXPENDITURES-	-EXPENDITURES-
STREAM GAGING-U.S.G.S.	55,660.00	57,120.00	57,120.00
PERSONAL SERVICES CONTRACT	60,500.00	61,100.00	61,700.00
TRAVEL	1,200.00	1,200.00	1,200.00
OFFICE EXPENSES	1,600.00	1,600.00	1,600.00
BIENNIAL REPORT	1,000.00	1,000.00	1,000.00
TREASURER'S BOND & AUDIT	1,400.00	1,400.00	1,400.00
PRINTING	1,600.00	1,600.00	1,600.00
REALTIME WEB HOSTING	8,400.00	8,400.00	8,400.00
CLERICAL	5,000.00	6,000.00	6,000.00
CONTINGENCY	3,000.00	2,000.00	2,000.00
TOTAL EXPENDITURES	<u>139,360.00</u>	<u>141,420.00</u>	<u>142,020.00</u>
UNEXPENDED CASH BALANCE	<u>102,839.01</u>	<u>100,509.01</u>	<u>97,579.01</u>

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF July 1, 2012 to April 8, 2013

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	INCOME
Cash Balance 07-01-11	103,579.01			103,579.01
State of Idaho		-	40,000.00	40,000.00
State of Utah		-	40,000.00	40,000.00
State of Wyoming		-	40,000.00	40,000.00
Water Quality		9,542.00		9,542.00
US Fish & Wildlife		2,090.01		2,090.01
Interest on Savings		765.29		765.29
TOTAL INCOME TO 08-Apr-13	103,579.01	12,397.30	120,000.00	235,976.31

DEDUCT OPERATING EXPENSES

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract	55,660.00	-	55,660.00
SUBTOTAL	55,660.00	-	55,660.00
EXPENDED THROUGH COMMISSION			
Personal Services BIWC	60,500.00	10,083.30	50,416.70
Travel (Eng-Mgr)	1,200.00	712.12	487.88
Office Expenses	1,600.00	1,318.24	281.76
Printing Biennial Report	1,000.00	1,000.00	-
Treasurer Bond & Audit	1,400.00	1,300.00	100.00
Printing	1,600.00	1,054.70	545.30
Realtime Web Hosting	8,400.00	1,184.01	7,215.99
Clerical	5,000.00	-	5,000.00
Contingency	3,000.00	3,000.00	-
SUBTOTAL	83,700.00	19,652.37	64,047.63
TOTAL EXPENSES	139,360.00	19,652.37	119,707.63
CASH BALANCE AS OF 04/08/2013			116,268.68



BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

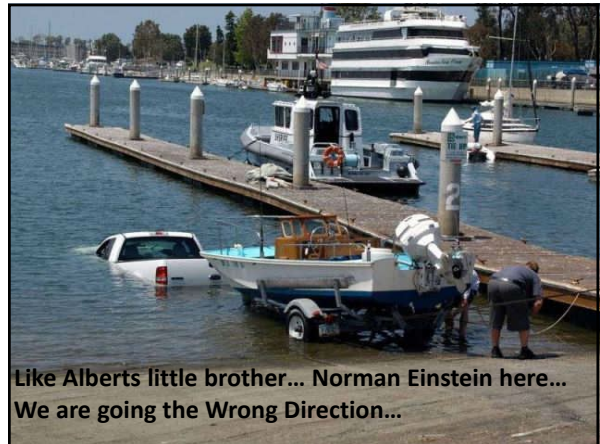
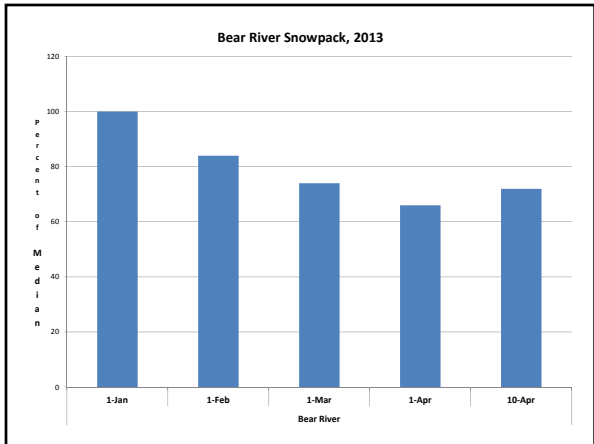
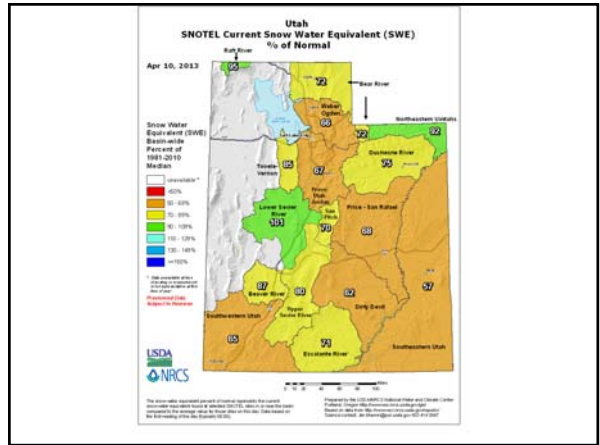
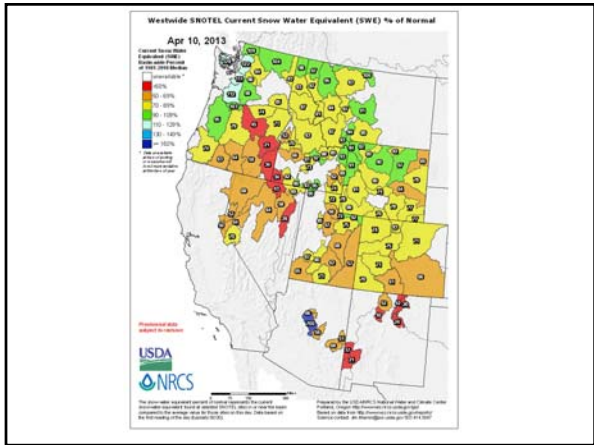
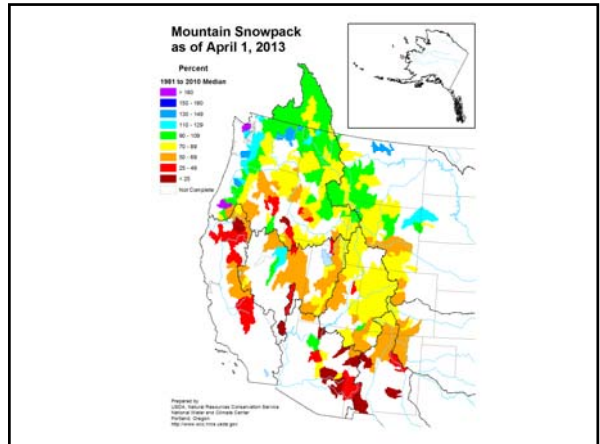
FOR PERIOD ENDING NOVEMBER 5, 2012

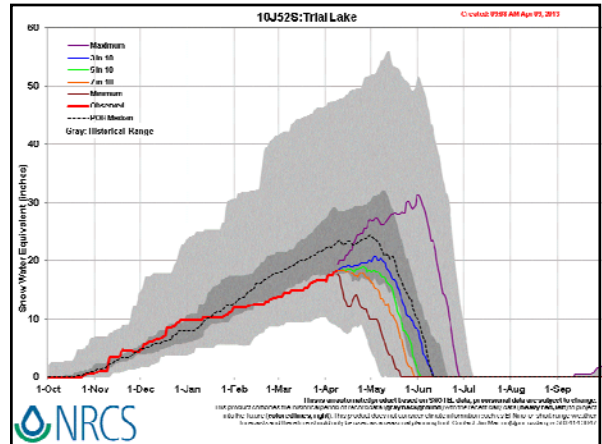
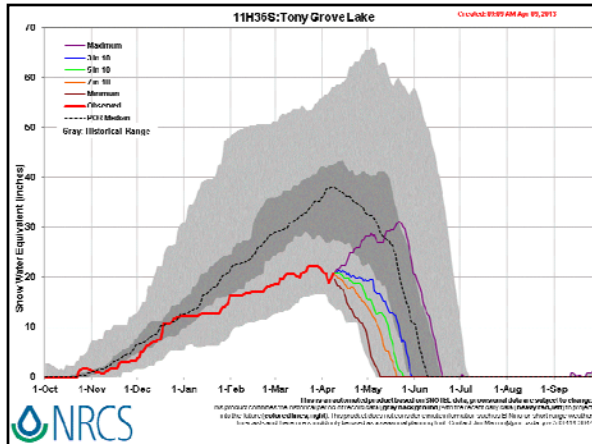
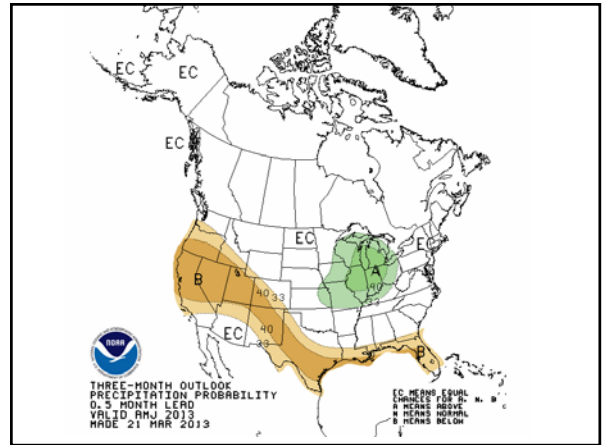
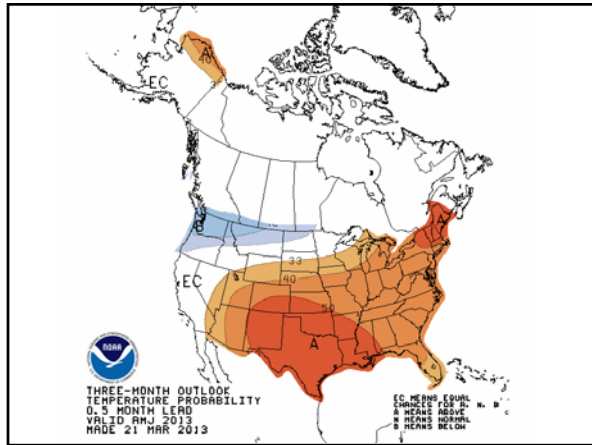
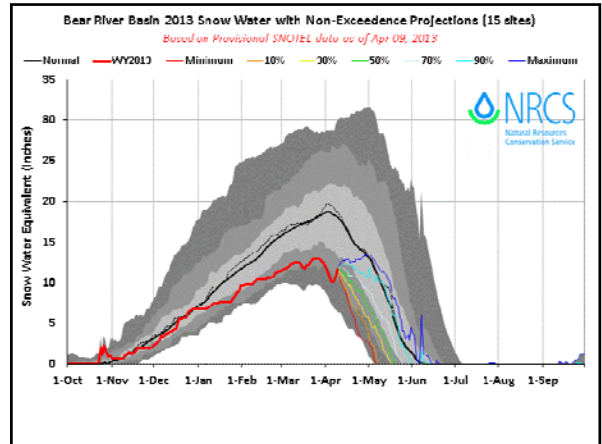
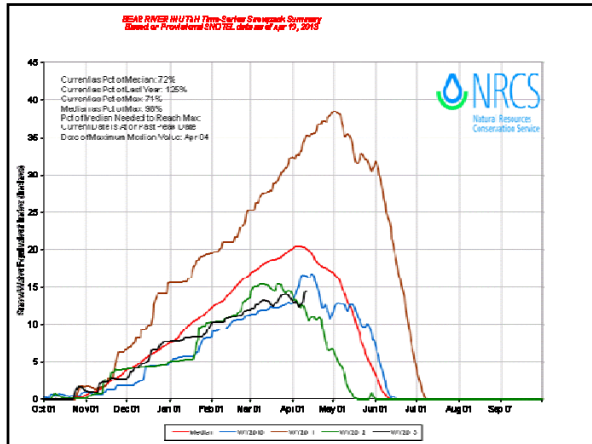
754	STONEFLY TECH	1,800.00
755	BIWC	15,427.93
756	USGS	55,660.00
757	STONEFLY TECH	1,800.00
758	BIWC	5,125.69
759	BIWC	6,078.63
760	VOID	
761	STONEFLY TECH	1,800.00
762	BIWC	13,408.96
763	BIWC	6,025.70
764	C N A SURETY	100.00
765	STONEFLY TECH	15.99
766	VOID	
767	BIWC	5,529.36
768	VOID	
769	STONEFLY TECH	1,800.00
770	BIWC	5,135.37

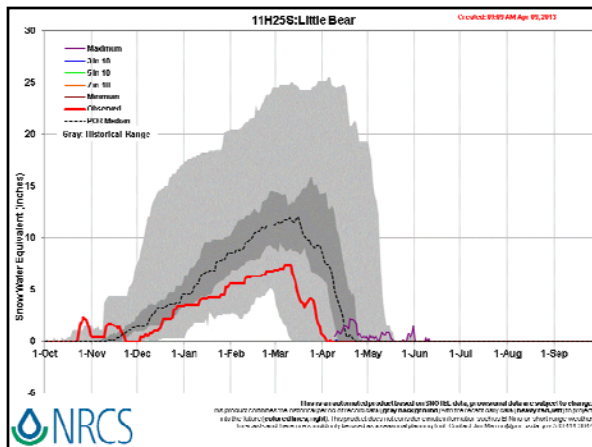
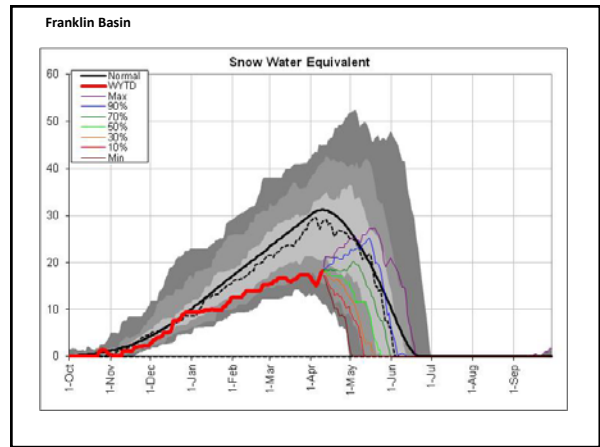
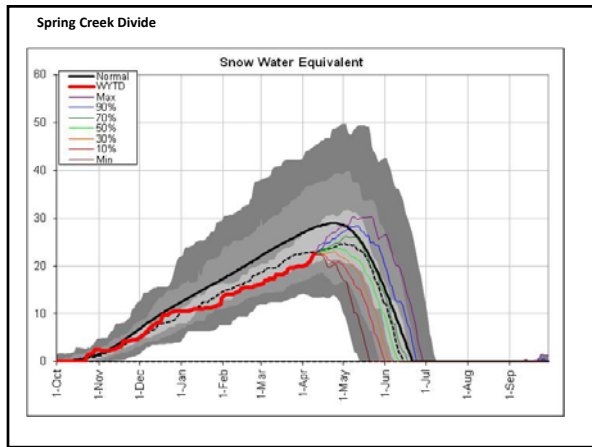
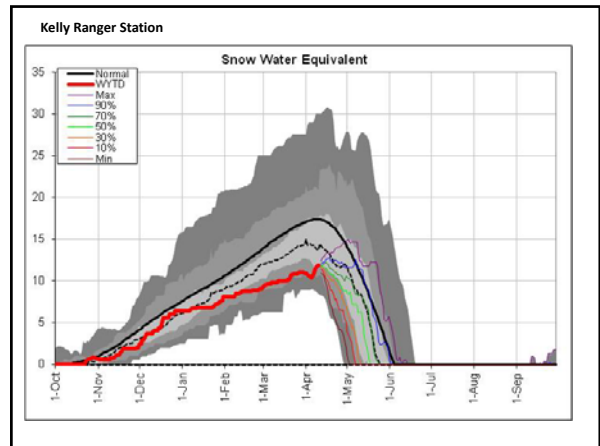
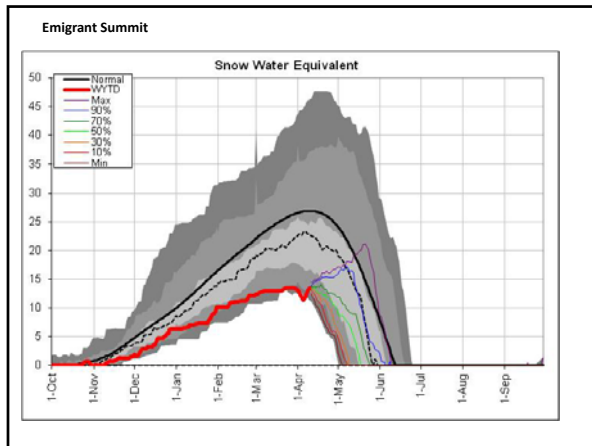
TOTAL EXPENSE 119,707.63

BANK RECONCILIATION

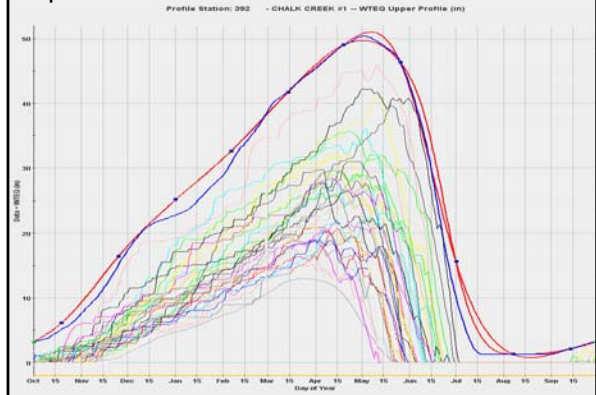
Cash in Bank per Statement 04/08/2013	6,048.70
Plus: Intransit Deposits	
Less: Outstanding Checks	
Total Cash in Bank	6,048.70
Plus: Savings Account-Utah State Treasurer	110,219.98
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	116,268.68



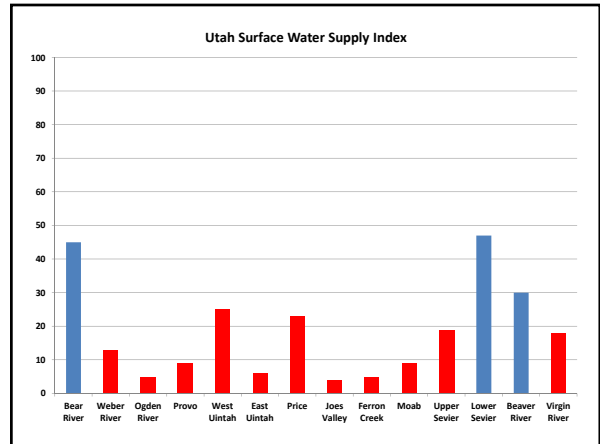
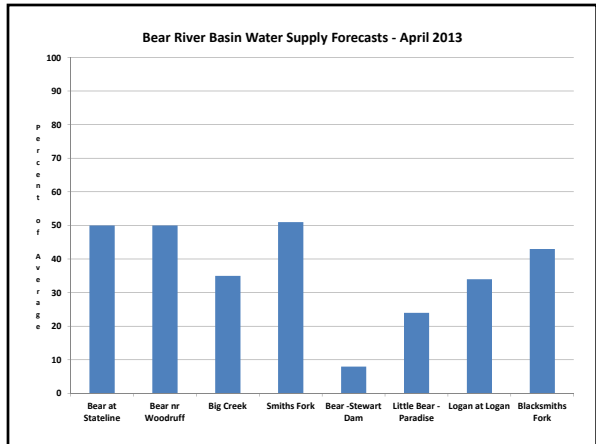
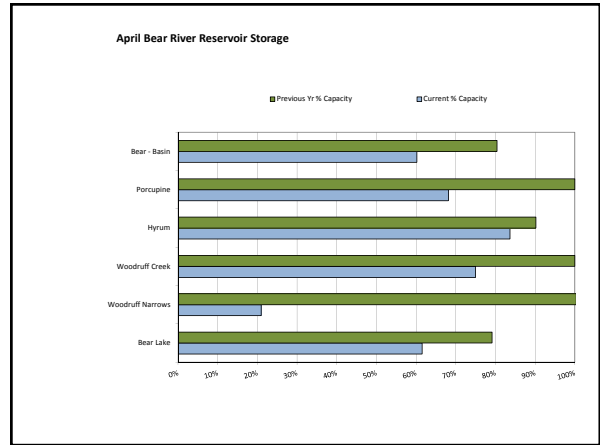
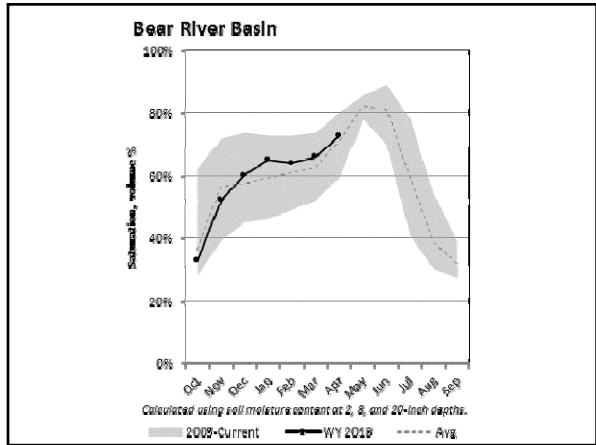


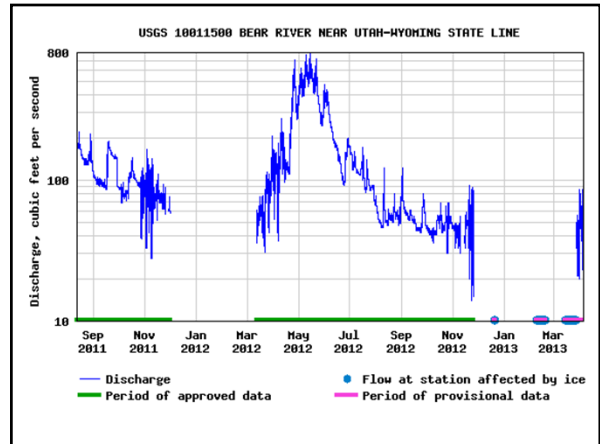
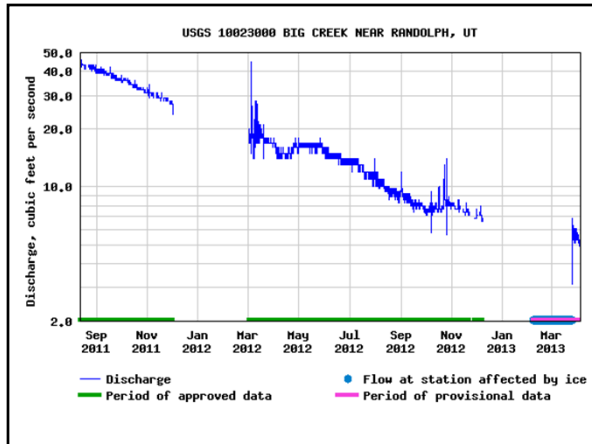
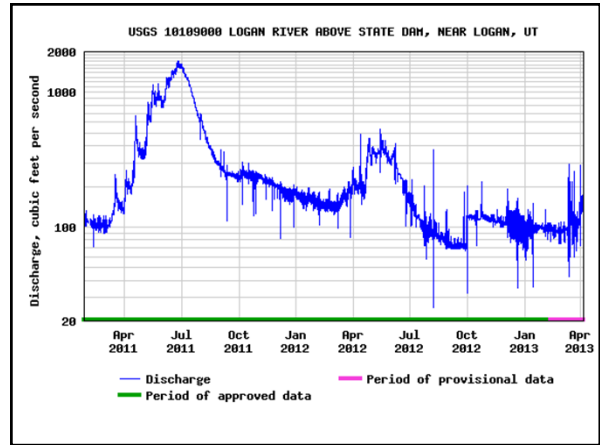
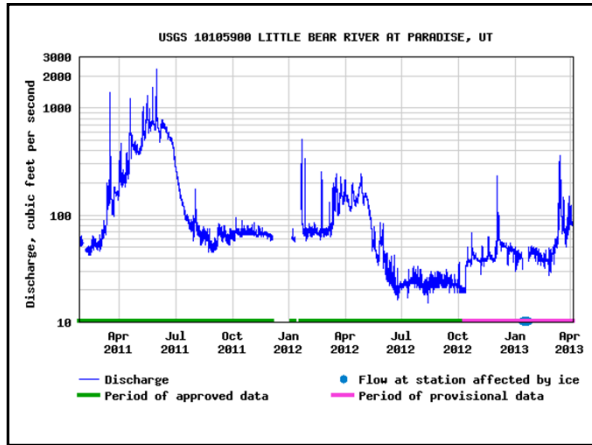
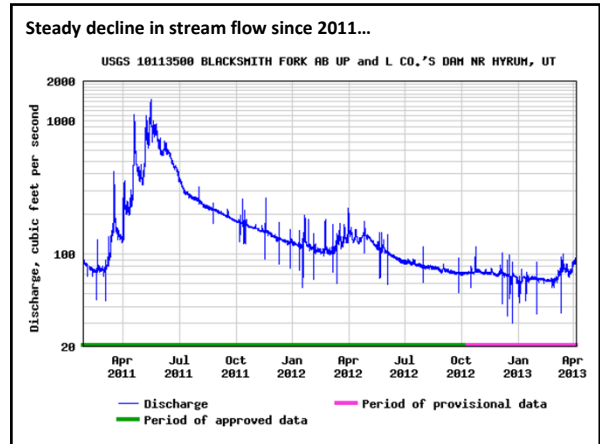
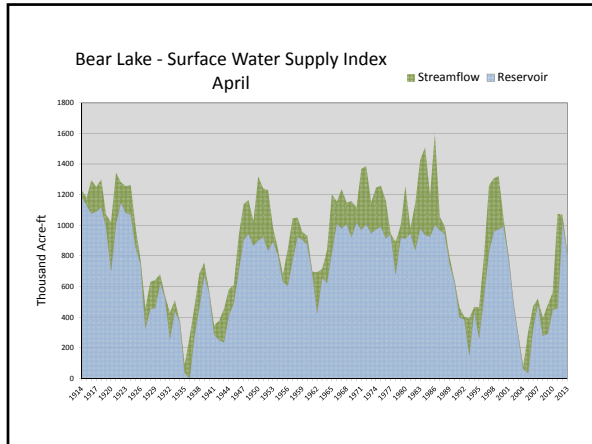


Years that have big March and April accumulations were big to begin.. Except 1983...



Climatic persistence – if ain't here by April, she's gone!








The entire Bear River is below normal – remember normal is lower now with the 1981-2010 medians... (so yall ain't nearly as good as you think)

Less is the new normal

As a 'percent of median' the Bear was at 69% on April 1 last year, this year it is at 66%

As a 'percent of Average 1971-2000' last year was 61%



**DESPAIR**  
It's always darkest  
just before it goes pitch black.

## SUMMARY OF WATER YEAR 2012 BEAR LAKE OPERATIONS AND IRRIGATION ALLOCATION FOR 2013

Date	Hydrologic Information/Event	Contents (% of Full) Discharge (% of Normal)
10-01-11	Bear Lake Beginning Elevation - 5,919.94 ft.	1,160,796 af (82%)
01-06-12	Bear Lake Low Elevation - 5,918.73 ft. (see note 1)	1,076,494 af (76%)
	Rainbow Inlet Canal Discharge	156,569 af (67%)
	Bear River Discharge Below Stewart Dam	3,700 af
	Bear Lake Net Runoff (Computed Total Inflow less Lake Evaporation)	94,800 af (29%)
05-10-12	Bear Lake High Elevation - 5,920.40 ft.	1,192,933 af (84%)
	Outlet Canal Releases: 10/1/11-1/6/12 (flood control); 5/10/12-10/11/12 (irrigation)	367,883 af
06-28-12	Outlet Canal Maximum Release - 1,600 cfs	
	Bear Lake Storage Release (see note 2)	218,400 af
09-30-12	Bear Lake Ending Elevation - 5,915.92 ft.	883,199 af (62%)
	Bear Lake Settlement Agreement "System Loss" Volume (see note 3)	29,400 af

**Notes:**

- 1 - Low contents prior to start of storage.
- 2 - Includes storage releases made through October 11, 2012 for use by Bear River Canal Company, includes water released from Alexander reservoir for irrigation use that was replaced by water from Bear Lake from October 31 to November 5, 2012.
- 3 - Due to uncontrolled flow from (welcome) rain events. Whenever water flows below Cutler during the irrigation season any storage water in the system at Cutler is the first water out. Natural flow goes to irrigators.

**Current Status**

Bear Lake elevation as of April 9, 2013 was 5916.63 feet. The seasonal low elevation of 5915.50 feet occurred on November 9, 2012. The causeway is open and the water is entering Bear Lake. Bear Lake is still mostly iced over, but is beginning to clear.

The Bear Lake Outlet Canal is currently closed.

Bear Lake Storage Irrigation Allocation of 245,000 acre-feet was declared on April 10, 2013.

**Scenario for 2013**

Despite the reduction in water level at Bear Lake, the irrigation allocation will still be the maximum possible regardless of the volume of spring runoff since Bear Lake is still above 5914.7, the elevation at which the allocation begins to be decreased. A full allocation for Irrigators is 245,000 AF less delivery losses for a total of 236,303 AF.



## Bear Lake Elevation Scenario Development

April 10, 2013



## Bear Lake Elevation Scenario – Primary Input: NRCS water supply forecast

BEAR RIVER BASIN as of April 1, 2013

Forecast Point	Forecast Period	Drier		Future Conditions		Wetter	
		90%	70%	50%	30%	10%	90%
		(1000AF)	(1000AF)	(1000AF) (% AVG.)	(1000AF)	(1000AF)	(1000AF)
Bear R nr UT-WY State Line	APR-JUL	27	44	56	50	68	65
Bear R ab Res nr Woodruff	APR-JUL	1.0	10.0	45	37	39	64
Big Ck nr Randolph	APR-JUL	0.04	0.49	1.33	35	1.22	2.10
Smiths Fk nr Border	APR-JUL	23	36	45	51	53	66
<b>Bear R bl Stewart Dam</b>	<b>APR-JUL</b>	<b>2.0</b>	<b>8.0</b>	<b>14.0</b>	<b>8</b>	<b>80</b>	<b>106</b>
Little Bear R at Paradise	APR-JUL	0.4	3.3	9.8	24	13.6	25
Logan R nr Logan	APR-JUL	10.0	27	38	34	50	67
Blacksmith Fork nr Byrum	APR-JUL	1.3	8.0	18.6	43	29	45

\* 90%, 70%, 50%, 30%, and 10% chances of exceeding are the probabilities that the actual volume will exceed the volume listed. The average is computed for the 1981-2010 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 volume - actual volume may be affected by upstream water management.  
 (3) - Median value used in place of average.

## Bear Lake Elevation Scenario – Primary Input: NRCS water supply forecast

Bear R bl Stewart Dam

Chance Of Exceeding \*  
50%  
(1000AF) (% AVG.)

14.0 8

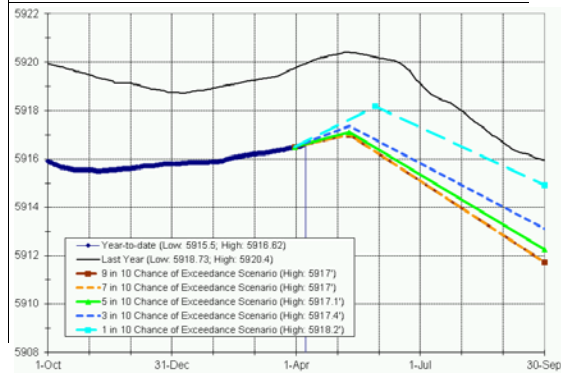
Historical and Forecast Rainbow April-July Total 1000AF

2.5 161.5 257.6 617.1

Last year, observed 34 TAF



## Bear Lake Elevation Scenarios – April 10



## Bear Lake Elevation Scenario Details

(storable fraction) by lookup table based on Forecast	Probability of Exceedance	NRCS Forecast (Thousands of AF) Bear River at Stewart Dam as of April 1, 2013	Estimated Spring Maximum Bear Lake Elevation	Estimated Date of Spring Maximum Bear Lake Elevation
69%	90%	2	5917.0'	May 10
69%	70%	4	5917.0'	May 10
62%	50%	14	5917.1'	May 10
66%	30%	40	5917.4'	May 10
77%	10%	106	5918.2'	May 29



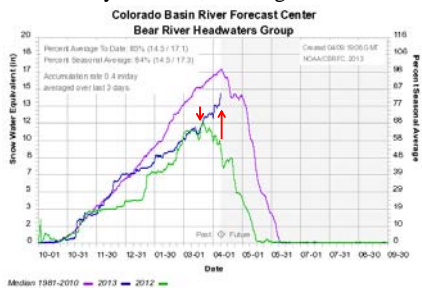
## Bear Lake Elevation Scenario Details

Probability of Exceedance	Estimated Irrigation Storage Release (TAF)	Following Fall Low Elevation using Lesser of Allocation or Estimated Storage Release (includes Average Net Bear Lake Inflow)	Seasonal Bear Lake Decrease (Spring Max to Fall Low) in feet
90%	245	5911.7'	5.3
70%	245	5911.7'	5.3
50%	218	5912.3'	4.9
30%	178	5913.1'	4.3
10%	111	5914.9'	3.3



### Headwaters SWE

- Was nearly identical, now higher than 2012

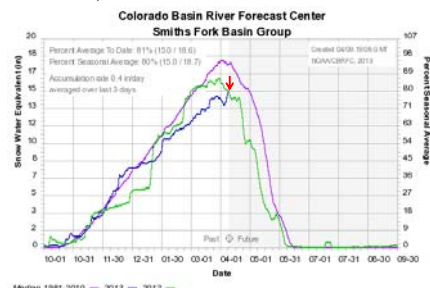


Stations  
HFKUT HAYDEN FORK  
LLKUT BEY LAKE  
TRULI TRAIL LAKE



### Smiths Fork SWE

- Was lower, now the same as in 2012



Stations  
CLWWE COTTONWOOD LAKE  
KLLWA KELLEY RS  
KODWA SPRING CREEK DIVIDE  
SLTWA SALT RIVER SUMMIT



### Woodruff Narrows Impact Analysis

- As of April 10, Woodruff Narrows had **43 TAF** left to fill.
- NRCS Forecast: **45 TAF**

Woodruff Narrows Reservoir  
13,860.76/57,300.00 AF  
24% Full



### Woodruff Narrows Impact Analysis

- 2013 v. 2012 ...
- In trying to figure out how much inflow we'll actually see at Bear Lake (and out of curiosity), I looked at last year's Woodruff Narrows reservoir inflow at the United States Geological Survey gage since the current SWE for the headwaters *was* very similar to last year.



### Woodruff Narrows Impact Analysis

- Bear Lake will likely see very little inflow from the headwaters.
- And the Smiths Fork basin probably won't help much either since it's *lower* than last year.

