



BEAR RIVER COMMISSION

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Pat Tyrrell
Adrian Hunolt
Tim Teichert

ENGINEER-MANAGER

Don A. Barnett

MINUTES

BEAR RIVER COMMISSION ANNUAL MEETING ONE HUNDRED THIRTY-SECOND COMMISSION MEETING APRIL 17, 2018

I. Call to order – The annual meeting of the Bear River Commission was called to order by Chairwoman Jody Williams at 1:30 p.m. on Tuesday, April 17, 2018, at the Utah Department of Natural Resources building in Salt Lake City, Utah. This was the one-hundred thirty-second meeting of the Commission. Williams noted that Alternate Commissioner Kevin Payne was filling in for Adrian Hunolt from Wyoming who was not able to attend. Williams asked the Commissioners and audience to introduce themselves. An attendance roster is attached to these minutes as Appendix A.

Williams then addressed the agenda for the meeting. She explained that the agenda had been revised from the one initially sent out to include Item 1C. The agenda was approved as revised. A copy of the agenda is attached to these minutes as Appendix B.

Williams mentioned that the Commission would take a moment to acknowledge one of the great Bear River Commission leaders, Jack Barnett, who had recently passed away. Jack served as the second Engineer-Manager of the Commission, beginning in 1989 and continuing in that position for over 20 years. Following his retirement, he remained involved in meetings and Commission issues until just a few months before his passing. When Jack became the Engineer-Manager the position was much more focused on water measurement and water reporting, and these are still critical functions. However, back then the Compact was young and the states were still kind of figuring out their relationship to each other and how the three divisions worked. Jack did something that was really important. He turned the Commission into an organization. He fortified the committees and he gave them an opportunity for substantive involvement. Most of the responsibilities had previously been handled by the Engineer-Manager, but the commissioners got involved through the committees and reached out to more members of the public. The committees are now more robust and they provide a greater opportunity for input from a broader spectrum of interests. Jack also worked tirelessly to try to anticipate problems and provide a framework for their solution before they became emergencies. An example of this is the procedures for water delivery in the case of a water emergency declaration in the Lower Division. Fortunately, the Lower Division hasn't had a request for declaration of a water emergency and distribution of water without regard to state lines, but it took a couple of years to work that out. Idaho and Utah really came together and they had to think a lot about what a water emergency would mean and what they should do to prepare for one. Their preparation for a water emergency gave them an opportunity to avoid

one. That's the kind of stuff that Jack Barnett did for this Commission. Jack was also a great communicator and a great educator. It was part of how he saw the Commission's goal of comity among the states. Jack started the Bear River tours back in the 1980s. Why did he do that? After the Bear Lake Settlement Agreement was signed, he saw the need to promote more interstate discussion and more interstate understanding. Water users didn't even know each other from Idaho to Utah then. The states knew each other, but they weren't a cohesive operating unit. He guided them to have these tours and everyone started talking to each other. Then, after a hiatus, he started the tours back up again a few years ago. Jack was a student of the river and its culture and its people, and he was our teacher. The states have a greater understanding, and yes, comity, due to Jack. We forever thank him.

Eric Millis then read a Resolution of Appreciation for Jack Barnett. It was approved by acclamation of the Commission.

II. Approval of minutes of last Commission meeting – Williams asked if there were any changes to the draft minutes of the previous Commission meeting held on November 21, 2017, in Salt Lake City, Utah. A motion was made to approve the minutes with no changes. The motion was seconded and passed.

III. Reports of Secretary and Treasurer – Randy Staker gave a financial report for the Commission. Staker noted that they were about 2½ months away from the end of FY2018. He reported that the Commission had collected a little over \$1,800 in interest to date in the account with the State Treasurer's office. They had received \$8,343 from the water quality invoices, with one more payment yet to come to complete the fiscal year. They had paid the USGS stream gaging contract of \$41,270. Currently, total expenses for the year amount to \$123,620.12 with an available cash balance of \$117,118.88.

Eric Millis then reviewed with the Commission a proposed amendment to the FY2018 budget. He explained that when the Commission met the previous year, they were anticipating extra costs related to the 20-year review. They weren't sure at that time what those expenses would be, so they decided to wait until this April meeting to amend the current year's budget to account for those. These additional expenses would be above and beyond the funding that was available for costs that were already expended for the 20-year review. It was determined that another \$7,000 would be needed to cover those additional costs. That amount has been added to the budget, making a total budget of \$142,120. Millis noted that this would be the only proposed change to the FY2018 budget. There was a motion to amend the FY2018 budget as shown. Pat Tyrrell acknowledged the work of the Commission staff in pulling off the 20-year review and absorbing some of the costs in the existing budget. He suggested that the Commission was only paying about half of what was realized as expenses for the review, which included a great deal of work. He felt that everything was done very well and wanted to acknowledge the work of Don Barnett and Donna Keeler on that. Gary Spackman added to Tyrrell's comments and noted that as they worked through all the details of the 20-year review public meetings, he didn't recall any problems and noted that everything went smoothly. He credited the Engineer-Manager and his assistant for the careful work and noted that the money was spent very judiciously. The amended budget for FY2018 was then approved unanimously by the Commission.

Millis then referred to the FY2019 budget and noted that state assessments would increase by \$5,000 for each state. There is also an adjustment to the stream gaging cost of about \$220 over the previous year. Additionally, there would be an increase to the personal services contract and to the clerical category, both at about 2.5 percent over the previous year's numbers. Millis then made a

motion to approve the proposed FY2019 budget as shown on the report. The Commission voted unanimously to adopt this budget. (The financial statement and budget sheet are attached to these minutes as Appendix C.)

IV. 2018 Water Supply Outlook – Troy Brosten from NRCS Snow Survey gave a presentation regarding the water outlook for the coming year. He commented that it was not a great year by any means, but fortunately the Bear River Basin did better than any other basin in Utah. He shared a PowerPoint presentation with the group (see Appendix D) showing snow water equivalent in the Bear at about 82 percent on April 1st. Precipitation was at about 88 percent. The snowpack in the Bear was about 96 percent of average, but was declining and basically gone in the lower elevations. Brosten noted that high water storage from the previous year had been very helpful this year. He showed snow water equivalent data going back to 1936, pointing out high and low levels in certain years. He also showed graphs of snow water equivalent at many locations. Brosten showed increases in runoff at various gaging sites. He noted that most all of the reservoirs in the Bear River Basin are doing very well. The forecast for the next three months shows higher than normal temperatures and lower than normal precipitation.

There was a question regarding snow pack maps that had been produced by the Snow Survey. The maps had a note on them indicating that they would not be available the following year due to staffing constraints. Brosten explained that these maps were made in their Water and Climate Center in Portland which has been severely restricted in their staffing, as many other offices have been. They are working on an alternative map to replace it. Brosten explained that he had spoken to Tim Wilson, the State Conservationist for Utah, who suggested that those who would like to have input on this matter should go through the chain of command. They could contact Mr. Wilson and explain to him the importance of the products that are provided by the Snow Survey and ask him what documentation they can provide him that can then be run up the chain of command and impress upon a higher level of government officials the importance of the program and the products that they provide. He noted that it is not a lack of funding, but rather a hiring freeze. They just need the authorization to hire people for these positions.

Chairwoman Williams asked the Management Committee and Commissioners if there was any interest in asking the Engineer-Manager to write a letter on this subject. Pat Tyrrell noted that in the past, the State of Wyoming had written a letter in an attempt to encourage positions to be filled in the Portland forecasting office. They got a courteous response, but had no idea if they made a difference there. Don Barnett commented that his understanding was that this is not an NRCS issue, but rather a Department of Agriculture issue which is coming from the Secretary's office. His understanding of this in various organizations is that they actually have sufficient funding, but the issue is that they are given a specific hiring allocation each year and many of the positions just don't get filled. The feeling of the group seemed to be that it wouldn't hurt to write a letter. Gary Spackman suggested that in addition to a letter from the Commission, it might be well for representatives from each state to follow through with contacts they might have to add additional voices to this request as these products are valuable to many in each state. This could include entities such as the Western States Water Council and others. Spackman made a motion to ask the Engineer-Manager to write a letter on behalf of the Commission requesting these positions be filled so that important water information on which we rely can continue to be generated for the use of water managers and for others who regularly use these products for their own discussion and with user groups and with constituents. The motion carried by unanimous vote of the Commission.

V. 20-Year Review of Compact – Chair Williams noted that one year earlier the Commission voted to commence the 20-year review process. Much had been accomplished since then. She turned the

time over to Don Barnett who explained that his purpose was to facilitate a discussion amongst the commissioners by providing background and information as to the review process. (See Barnett's presentation in Appendix E.) Barnett noted upfront that there are no particular rules as to which direction the Commission may go relative to the comments received. The process in the Compact simply provides that once every 20 years the Commission will look at the Compact and see whether or not there is a need for change. As part of that process, the Commissioners made a decision to reach out to the public for their input on the matter. There were five public meetings held in the fall which were well attended. At those meetings the public were invited to provide written comments, with a deadline of December 4th, after which they were tabulated and organized and then sent out to the Commissioners for their review. A copy of the written comments was also put on the Commission's website to be available to those who were interested.

Barnett provided a summary of the 67 written comments that were received. He appreciated the response and noted that there were many thoughtful comments from people who had become well informed on the subject. Barnett explained that he grouped the comments into five categories titled "Irrigators/Water Users," "Public Water Suppliers," "Bear Lake Interests," "Great Salt Lake Interests," and "Conservation/Environmental Interests."

In the Irrigators/Water Users group there were 46 comments, all of which said no, do not amend the Compact. In the Public Water Suppliers group, there were two that made comments, both of which said do not amend the Compact. There were eight comments from the Bear Lake Interests group, one which said to amend the Compact, five which said not to amend the Compact and two which did not specify. Of the five comments from the Great Salt Lake Interests group, four of them said yes, do amend the Compact. In the Conservation/Environmental group there were six comments, three of which said do not amend the Compact, two which were non-specific and one which was a maybe. Barnett explained that they would focus on the comments from those who felt a need to amend the Compact and have a discussion amongst the commissioners regarding those comments. Afterwards they would look at the list of comments or recommendations received which were outside of amending the Compact.

Bear Lake Interests – There was an individual around Bear Lake who gave a number of comments and recommendations relative to Bear Lake, including a very specific comment that said, "The Compact should be modified so that conservation measures kick in at an elevation of 5911." The comment does not specify what conservation measures ought to kick in. However, there are two conservation measures already in place on Bear Lake. The Compact specifies that at an elevation of 5914.61, automatic conservation measures kick in which is called the Irrigation Reserve. It says that below that elevation waters are not to be released from Bear Lake simply for power purposes. They need to be meeting another beneficial use. It doesn't mean that PacifiCorp can't generate power as the storage water flows down the Bear River system, but the water is reserved for irrigation use and is not released solely for power purposes. There is also another threshold at an elevation of 5914.7 which is associated with the Amended Bear Lake Settlement Agreement. Below that elevation there starts to be cuts in the allocation of storage water to the contract holders. So these two conservation elevations associated with Bear Lake right now have different roles as far as their effect on conservation. Barnett noted that it was unclear if the commenter meant that one of the conservation measures already in place should be changed to 5919, or if it meant that a new conservation measure should be put in place. Barnett asked for discussion from the commissioners.

Eric Millis felt that this request would affect the ability to use Bear Lake as a storage reservoir, which would impact a lot of people and require major changes in operation for everyone who depends on Bear Lake.

Gary Spackman felt that the Commission ought to be sensitive to the enlargement of the arena of discussion that the Commission engages in. As the Commission is certainly a forum for public discussion, none of these comments should be dismissed out of hand. He wondered if either the Engineer-Manager or the TAC could explore with this particular individual what it is they were actually seeking and then bring that particular issue back to the Commission for discussion once it is defined.

Pat Tyrrell was in agreement with Spackman. He said he would urge caution and suggested a possible meeting with the person to get more detail. As amending the Compact is a big deal, he would not look at that as an alternative over something that may or may not be fully understood.

Spackman explained that he saw this as a two-step process. Rather than having a delegate from the TAC approach the commenter, the Engineer-Manager could easily talk to this person and glean from him what the intent of the comment was. The Engineer-Manager could then determine whether or not this is something that the TAC should look at and then report to the Commission.

Chairwoman Williams asked Barnett if he was comfortable with this procedure and he responded in the affirmative.

Blair Francis made a motion that the Engineer-Manager communicate with each of those who have expressed an interest in changing the Compact to get more clarification. These comments could then be discussed and refined with the Management Committee and then addressed at the November Commission meeting.

Williams suggested that the motion be held until the other comments had been considered by the Commission, with the audience present. Francis was agreeable to that suggestion.

Tyrrell offered a friendly restatement of the motion. This comment, which is one that came from the Bear Lake Interests, was seeking to amend the Compact in that manner. The Commission would ask the Engineer-Manager to seek out that commenter and try and gather additional clarification on the comment. Until then, the Commission would not move forward on this as a Compact amendment, and maybe not even after that. The motion is just to make that contact. This motion was seconded and approved.

Great Salt Lake Interests – Barnett moved to the second category which included folks associated with Great Salt Lake. He began by giving a little background. Article V of the Amended Compact, Paragraph A, defines additional depletion allocations in the Lower Division between Idaho and Utah for water development that is put in place post-January 1, 1976. So the Amended Compact recognized the existing Lower Division depletions and then made an allocation as between the states for additional development. So going through each of these categories, the first priority of additional allocation of depletion was given to Idaho for 125,000 acre-feet. The second priority depletion allocation was given to Utah for 275,000 acre-feet. And then the third allocation was given to each state for an additional 75,000 acre-feet. So the total would be 550,000 acre-feet, and that number plays into the comments that were submitted.

Another important thing to know is that this article, as well as the article allowing upstream additional depletions in the Amended Compact, specifically said that from time to time under developed Commission approved procedures, the Commission is supposed to make estimates as to where the states are in developing these allocations. Barnett noted that the last depletion estimate they did was completed about three years ago. It was based on 2009 mapping information in the Lower Division where the states went through field by field and analyzed the amount of depletion that was occurring pursuant to this article in the Compact. Again, it is under specific depletion procedures that have been approved by the Commission. In looking at these, we have 1976 base maps, so the field by field comparison was to look at the fields in 1976 and look at the fields in 2009 and then see how they had changed. Are there new fields and are there fields that have been taken out of production? So what we were looking for is a net change in depletion in the Lower Division. Barnett indicated that the results were released in a Commission document several years ago (which is on the Commission's website). Barnett then showed a summary of the depletion estimates. The top portion of the table are depletion estimates for the allocations made above Bear Lake, and the bottom portion is for the Lower Division. So to that first category of priority Idaho was allocated 125,000 acre-feet and current depletion estimates are that the depletion is increased by just a little bit under 9,000 acre-feet. When it comes to Utah, the 275,000 acre-feet of additional depletion allocation, the estimates are that Utah has 207 acre-feet of additional depletions. Now that might seem shocking since there has been all kinds of development in the Utah portion of the Lower Division since 1976, but again these numbers are net depletions. As an example, if you look at the main area of development which would be in Cache Valley, there has been significant urbanization, but for the most part that urbanization has occurred in areas where there was historic agriculture. That agriculture has been taken out of production in general because urbanization uses less water than agriculture, and that tends to net out at a very small number for additional depletion.

With that background on depletions in the Lower Division and depletion estimates, Barnett then addressed several of the comments that were received. The comments that came in were all very specific to the 550,000, so they had done their homework. They looked at the Compact and noted that the Compact allows for an additional 550,000 acre-feet of new depletions, and they are really concerned about those new depletions. The concerns relative to those new depletions had to do with the lowering of the levels of the Great Salt Lake. They talked about environmental concerns. They talked about economic concerns, about issues with the brine shrimp or with the minerals, or with the environment around the Great Salt Lake. This is a general summary of the concerns expressed which came in from each of those groups. So the essence of those comments had to do with that Article V provision in the Compact regarding what would happen if the full 550,000 acre-feet were developed as far as economic and environmental concerns which would impact the Great Salt Lake.

Spackman mentioned that this subject was discussed in detail during their state caucus. Questions that were asked included: "What is the purpose of the Compact?" "Is the Compact really intended to address this particular issue?" "Was the Compact ever intended to allocate water to the Great Salt Lake as a whole, or was the intention to allocate the water between the states?" Beyond that, in talking about an amendment, they wondered what obligation under the Compact the three states have to address this issue. Spackman noted that he didn't want to diminish that issue because he felt it is an important one, but it is centered in only one of the three states. So another question would be, "What are the obligations of the three states in addressing a single state issue?" He mentioned that he was just posing these hypothetical questions that may springboard into something the Commission might want to consider on this subject.

Millis noted that he represents the state in which the Great Salt Lake resides and he felt that these comments did encompass a lot of things that relate to the health of the lake, the economy of the lake, and everything that is related to that. The State of Utah is very interested in those things and he felt it important to have further discussion on these comments to better understand where the commenters are coming from, solutions that they might have in mind, and how the Commission can help address those concerns.

Williams asked how he would like that to take place.

Millis responded that the State of Utah is committed to meet with the individuals who have interest in the lake. It may not be all of the commenters, but he thought the TAC could do some investigation into some of these things and perhaps do some modeling to help answer some of these questions.

Spackman mentioned another item that they had discussed in their caucus. There was a concern that there seems to be great interest in this issue on the outside, but they had not seen much participation from these groups in the Commission meetings. He felt that the Commission ought to encourage the attendance and participation of these groups in the Commission and committee meetings, and perhaps as presenters, so that they understand more fully the functions of the Commission itself and the functions of the Compact. He was fine with the State of Utah pursuing conversation with the commenters, but felt that it was premature to do something organizationally or suggest an amendment to the Compact at this stage.

Tyrrell reminded the group that we could consider whether or not to pursue a Compact amendment as a result of these comments. However, if we determine that no amendment will be pursued at this time, it doesn't mean that we don't talk about Great Salt Lake or the Bear Lake conservation or any other comments. We can still deal with those if any of them come up in two years from now. So he urged the group to dig in and look seriously at the comments, but not to feel compelled to make a Compact amendment on something we don't fully grasp yet.

Spackman felt that he and Tyrrell were landing on the same place with this, and that is that we need to give recognition to those who are interested in the operations and allow them to at least participate with us and see where it goes. I think we need to try to work together.

Williams commented with a reminder that any development upstream of Great Salt Lake, if you are looking at molecules of water, can have an impact on Great Salt Lake. Therefore, she was very pleased that some of the Great Salt Lake interests came forward and wanted to familiarize themselves with the issues and make comments. She also thought it would be good to handle these Great Salt Lake issues in the manner suggested by Commissioner Millis by "meeting with," "modeling" and perhaps getting the TAC involved.

Millis made a motion that the Engineer-Manager be allowed to explore with the TAC modeling and other things that would enable a better understanding of future impacts that could occur to Bear Lake, Bear River and the Great Salt Lake as we move forward, and to look at solutions to help minimize impacts wherever we can. In addition, the Engineer-Manager should ensure that invitations to meetings or notices of meetings be sent to these interest groups so that they have an opportunity to participate and at least be a part of discussions of the Commission and its workings. This motion was approved by the Commission.

Conservation/Environmental Interests – Barnett mentioned that the next comment was from the Lincoln Conservation District and it was very specific not only with regard to the concern, but also to the proposed remedy with specific language in the Compact. He explained that in the Central Division the Compact provides for a water emergency, which means that we go into interstate regulation and divide the waters in the Bear River. Water emergencies in the Central Division occur in most years. The Compact regulation says that we split the flow of the river based on the percentage of acreage that was being irrigated in the Central Division in the 1950s when the Compact was signed. That means that Wyoming gets 43 percent of the flow in the Central Division and Idaho gets 57 percent. The Compact provides that a water emergency is declared when what is defined as the “total divertible flow” drops below 870 cfs. That includes all the diversions that are occurring, as well as waters that are flowing below Stewart Dam or in the Rainbow Canal to Bear Lake. When the sum of all that water is less than 870 cfs, then the Compact says that a water emergency exists and then we divide the waters based on those percentages. It also provides that if the flow at the Border gage where the Bear River crosses from Wyoming into Idaho drops below 350 cfs, then a water emergency exists. So the first part of this comment states that the word in the Compact that says “a water emergency shall be deemed to exist” should be changed to “may be deemed to exist.” The second item of their comment relates to where the Compact goes on to say that when a water emergency exists, then 43 percent of the water is available for use in Wyoming in the Central Division and 57 percent of the water is available for use in Idaho in the Central Division, or if it is not being fully used by Idaho in the Central Division, it is available for use in Idaho in the Lower Division. Again, the comment is very specific in saying that the last portion of that sentence should be stricken, the portion that says that it could be used in the Lower Division in Idaho. So the intent of the comment is that the water would only be available for use in Idaho in the Central Division.

Tyrrell made an effort to reduce this down to what he thought the concern was. He explained that the water being divided in the Central Division between Wyoming and Idaho was specifically intended for Wyoming’s Central Division and Idaho’s Central Division. There has been a lot of time spent battling about that. They are concerned that when any of that water passes by Rainbow, it becomes unusable to either state in the Central Division. So he thought this comment was stemming from those years where a water emergency was declared and both Wyoming and Idaho were at or below their allocation while a significant amount of water was flowing into the Lower Division. Tyrrell said he didn’t know if this should end up as a Compact amendment because he didn’t know if the Lower Division parts of Utah and Idaho would be on board with that change. He noted that they had been fairly flexible in operating this language in the past so as to not regulate folks in the Central Division unnecessarily. Tyrrell expressed his interest in continuing to pursue that engagement with his counterpart in Idaho, and certainly to include Millis from Utah and maybe others who could bring in a Lower Division perspective regarding flexibility and the language in the Compact.

Spackman commented that he and Tyrrell have talked about this issue because Tyrrell has a constituency that has raised some legitimate concerns. They both agreed that they ought to engage in further discussions with all of the states about alternatives and how we can better improve the use and delivery of water for the benefit of all. Spackman suggested that we not amend the Compact at this time, but that we engage in those discussions earnestly and update the Commission on a periodic basis about those discussions.

Tyrrell noted that he felt fairly confident that if this does not get recommended as an amendment, they will engage Idaho and Utah in the not too distant future with a laying out of the issue and

seeing if there is a workable solution. He said that he owed the people in the Cokeville area that amount of work as they are very earnest in this concern.

Charles Holmgren asked a couple of questions about this subject. He asked if calling a water emergency is a hard and fast rule as stated in the Compact or if there was any flexibility. He also wondered if water leaving the Central Division and going into the Lower Division is pretty consistent or if it is just incidental.

Kevin Payne responded that water has been passing into the Lower Division more frequently in the last few years and that more water passes Rainbow when regulation is in force, especially in 2016. However, when we go into formal interstate regulation, it takes out most of the flexibility and we are bound by state law to regulate by priority.

Tyrrell added that until you get into that formal regulation, there has been some flexibility and he wants to investigate to see if there are ways to maintain that and not get into hard regulation (if it's no harm, no foul to others in the Central Division).

Holmgren asked if regulation is automatic or if it is prompted by someone making a call.

Payne responded that the Compact specifically says it's automatic, but that they have operated in the past as not being automatic. It has only been when somebody gets short and makes a call that regulation has gone into effect.

Chairwoman Williams recognized that the thread of the comments by the commissioners suggested that this particular comment be deferred for further discussion and review among the states, especially the Central Division, and then reported back at a subsequent meeting.

Tyrrell made a motion that the Commission not consider an amendment at this time, but that the states engage in additional discussion and address this with the Commission at a later date. This motion was approved by the Commission.

Second Category - Barnett noted that the focus for this meeting was to specifically deal with the comments that were specific to recommendation for changes to the Compact. He then addressed the second category of comments. He explained that there were a number of very thoughtful comments that came in from individuals that did not suggest a change to the Compact, but mentioned other things the Commission ought to consider that could be accommodated within the existing Compact. He took a little time to run through the different categories covered by these additional comments.

By far and away the single greatest area of comments was to either create an environmental committee or amend the charge of the Water Quality Committee so that it included environmental issues to be looked at, and also to serve as a forum for people to talk about environmental issues. Another category had to do with stepping back and looking at a vision of the Bear River. They could perhaps create other advisory kinds of roles which may be more general than just environmental. There were a number of comments that talked about being involved in Bear Lake studies, mostly associated with water quality on Bear Lake. There were comments that said we need to study impacts to Great Salt Lake and be more proactive in that area. There were comments that talked about water banking and about water transfer policies that might even allow for interstate movement of water around or between divisions, generally for environmental purposes. There was a comment to reestablish the flow in the fishery below Stewart Dam, between there and the

confluence with the Outlet Canal, which generally has only a couple second-feet of water in it because all the water generally gets diverted at Stewart Dam. Another comment was made to step back and look at the overall health of the system, to talk about how resilient we are in drought, and those kinds of things. Barnett commented that he didn't think the Commission was ready to discuss these comments, but that the ideas in this category might be something the TAC could tabulate and look at in greater detail.

Spackman suggested that there might be two motions to come before the Commission. The first would be a motion regarding the overall consideration of amendments to the Compact in our obligation to review the Compact every twenty years. The other motion might be an omnibus motion about all of these other suggestions and how we address them. Some suggested that they refer to the TAC the additional suggestions. Spackman made a motion that the Commission determine that at this juncture, because of the 20-year Review, that we not amend the Compact.

Tyrrell added a few of his thoughts to the discussion. First, as the Commission entered this process, he felt we would need comments coming in that would raise the eyebrows of at least the nine commissioners saying this absolutely can't be fixed without a Compact amendment. He thought that there were a lot of really good comments, but wasn't sure that the nine eyebrows were raised. To the extent that we can be more educated about the Great Salt Lake, to the extent that we can talk about the Central Division, to the extent that Barnett can get clarity on the conservation comment, he thought those were all important and should be pursued. He thought that the Commission should address every comment that came in during the 20-year Review process. However, the motion that was made does respect the 56 out of 67 comments received that say don't amend the Compact. We can't forget about that silent super majority. I think we have had discussions about what does the environmental committee look like, what does it do and how does it fit under the Compact. That has not been answered yet, although we have good comments on it. The Commission has been a part of Bear Lake studies in one way or another for a very long time. Let's keep them going. We heard earlier about Impacts to the Great Salt Lake. Banking and transfer would be very dependent on individual state laws. Reestablishing the river below Stewart Dam will depend greatly on overall system health and drought policies. Tyrrell commented that it is the Commission's job to address all of these items at the Commission meetings, but he didn't think that any of them would require an amendment to the Compact. So with these very astute observations on things the Commission can do better, he was willing to support the motion.

Barnett commented that he understood that the last time there was a 20-year review, the outcome was to have a meeting such as this and then the Engineer-Manager was instructed to work with the TAC to create a response report. He wondered what direction the Commission would like him to take this time around and if it should be included in the motion.

Tyrrell offered a friendly amendment to Commissioner Spackman's motion not to amend the Compact at this time, and that would be that the TAC would prepare a report to come from the Commission that credibly addresses every one of the comments, explains what it was and possible approaches on solving them. We may have to add to that report, or maybe provide a supplement to it later on, should there be some decisions made on the direction of some of the comments. Tyrrell clarified that there would be just one report to start with which includes the motion to not amend the Compact, as well as additional recommendations and possible directions on the other comments that were received. This would be one document that covers the whole 20-year review. And then, to the extent that these evolve into a change in the bylaws, we can consider that when it happens. This motion was approved by the Commission.

VI. New high flow filings – Chairwoman Williams reported that on March 23, 2018, the Idaho Water Resource Board and the Utah Division of Water Resources filed joint applications to appropriate water in Bear Lake. She invited Idaho and Utah to brief the Commission on these filings. James Cefalo from the Idaho Department of Water Resources explained that within Idaho there is a division between the Department of Water Resources and the Water Resource Board. The Water Resource Board is the entity that can hold water rights; therefore, the Water Resource Board is the joint applicant on this application. The Department of Water Resources is the agency that is tasked with processing and reviewing all applications for permit under the statutory criteria in determining whether they should be approved or denied. Cefalo explained that he cannot speak on behalf of the Board, but he can note that the application proposes 2,000 cfs and 400,000 af per year on more than 80,000 acres of irrigation. Cefalo explained that some of the primary purposes of the application are to shore up water supplies for existing water users within the Lower Division of the states of Utah and Idaho. He read a paragraph from the application form, as follows:

This application is intended to store and appropriate water that would otherwise be released from or routed past Bear Lake for flood control purposes. The water will be used for recreation, storage and/or aesthetic storage, and upon release for irrigation from storage, municipal use from storage and/or mitigation by delivery from storage purposes. The Idaho Water Resource Board will acquire easements from property owners in the Gentile Valley to allow for increased river channel carrying capacity during the spring runoff period. These flowage and/or flood easements from the property owners in the Gentile Valley will reduce or eliminate the need for flood control releases from Bear Lake during the non-irrigation season. This application is not intended to appropriate water already stored by PacifiCorp in Bear Lake which would not otherwise be released for flood control. This application is not intended to appropriate water above and beyond the existing storage capacity in Bear Lake.

Cefalo noted that Idaho has assigned an application number of 11-7835 for those who might be interested in following it.

Pat Tyrrell asked Cefalo to explain the term “mitigation by storage release” on the application. Cefalo reported that within Idaho in recent years they have tried to distinguish between mitigation by non-use of the water right and mitigation by delivery. The idea is that in some cases the only water supply available to some users within the basin would be groundwater, and that groundwater pumping could affect flows in the river. So the river would be kept full by mitigation through delivery of surface water to the river at some point, or to specific users, to allow then for additional groundwater pumping.

Todd Adams explained that in February the Idaho Water Resource Board came to the State of Utah to let them know that they were going to file this application and to ask if Utah was interested in joining them. Utah agreed to join Idaho on this application to appropriate as they desired to make a balance on this high flow component. So both states filed desiring to make this a win/win effort for all. Adams reported that they are setting up meetings with stakeholders and there will probably need to be a fair amount of modeling and discussion to make sure this will work for everyone.

Claudia Cottle with Bear Lake Watch asked about time periods for filing and protests, etc. The response was that it could be quite a while and they did not yet have any firm dates for public notice. Spackman added that he consistently emphasizes to his staff that it is of paramount importance to notify people of what they are doing. He suggested that anyone who wants to be notified give James Cefalo their contact information. Cefalo will notify the State office of any progress and make sure the word gets out to those who are interested. For the Utah application,

Kent Jones explained that the Utah Division of Water Rights has a program online where you can enter your information under the water right number and it will automatically generate notices to you when the document is scanned and anything is added to the file. The water right number for Utah's application is 23-3972.

Chair Williams explained that though this is not a Commission filing, they thought it was of significant interest to those in the Bear River Basin and its friends to include it on the Commission's agenda and bring it to people's attention. The Commission may have update reports at future meetings as this effort moves forward.

Williams then invited Carly Burton to share some comments prior to the break. Burton reported that at a recent meeting of the Bear River Water Users Association, Charles Holmgren stepped down as a board member. Burton felt it appropriate to recognize Holmgren for the many years he has spent in the water business benefitting so many. Over the past 20-plus years he has been involved in the Bear River Canal Company, the Bear River Water Users Association, the Bear River Commission and the Utah Water Users Association and has always used good common sense and dealt with others in good faith and compromise. On behalf of the Bear River Water Users Association, Burton presented to Holmgren a life service award for a lifetime of dedication and service.

The Commission then took a short break.

VI. Records & Public Involvement Committee report – Commissioner Teichert asked Beth Callaway to present the report from the meeting of the Records and Public Involvement Committee. She reported that Cory Angerth from USGS provided an overview of 2018 USGS stream gaging activities. The cost for 2019 will be up 2.4 percent. He also mentioned that the water quality platforms in Bear Lake were anchored and deployed. Callaway noted that the 2018 list of stream gages had not changed from the previous year. There was also a discussion on adding an additional USGS Bear Lake gage. The group decided to convene during lunch to discuss possibilities for cooperative planning. There was a report from Dave Cottle of Bear Lake Watch giving an overview of the five-year monitoring program with Bear Lake water quality. The total cost for the five-year program would probably reach around \$500,000. They then discussed new real time gages which are running and posted on the website. The committee talked about the biennial report. They talked about a possible summer tour on the north end of Bear Lake and tentatively agreed on the second week of September as the time frame. The committee had an overview of the 20-year review. Don Barnett referred to publications of interest that included historic documents which are available on the Commission's website.

There was a question about funding for the new Bear Lake gage. Barnett reported that they spoke with USGS and PacifiCorp. The gage cost would be \$8,400 per year. PacifiCorp agreed to pay for half the cost if the Commission would pay the other half of \$4,200. There was some discussion by the Commission about if and how they would arrange for this funding. It was suggested that the Management Committee have a conference call to discuss this issue once they have all the details available.

VII. Operations Committee report – Commissioner Romrell asked Liz Cresto to present the report on the meeting of the Operations Committee. Cresto reported that the Operations Committee discussed anticipated river operations and the below normal stream flows. However, there will be a benefit from high carryover in many of the reservoirs. They discussed the Thomas Fork water right transfers having to do with someone who owns property on both sides of the state

line. Idaho and Wyoming have been working to get those transfers completed which will likely result in additional supplemental depletions to Wyoming. The committee had a discussion over what carryover value to report in the biennial report, whether it should be the minimum contents or the September 30 contents. The group ultimately decided to report both numbers. Kevin Payne gave an update on the supplemental depletion analysis that he has conducted for Wyoming's supplemental water rights. There were two methodologies used to compute depletions in Wyoming, both resulting in similar overall depletion volumes. This was the first time those have been presented, and they will probably be reviewed by the TAC at an upcoming TAC meeting. The committee discussed new water right proposals and water use proposals of interest.

Connelly Baldwin referred to his "Summary of Water Year 2017 Bear Lake Operations" (included as Appendix F) and noted that it includes the details of the operations at Bear Lake. He pointed out that Bear Lake rose 11.7 feet in 2017, the highest single year rise ever. The handout included a graph showing the anticipated levels at Bear Lake corresponding to the water supply forecasts. Baldwin also handed out a fact sheet (see Appendix G) which he explained was just a reminder of past presentations that PacifiCorp has made. He reported that PacifiCorp is proceeding forth with evaluating those concepts and continuing with their acquisition of easements in the Gentile Valley to support the Soda Spring spinning reserve project.

VIII. Water Quality Committee report – Jim Harris gave the report on the Water Quality Committee meeting held the previous day. He noted that their discussions fell in a few major areas. There were several monitoring and monitoring needs reports from the various partners. There were some buoys installed on Bear Lake which are active in reporting data that is available on the USGS website. The USGS is also looking to get some additional data at the inflows from the tributaries to assist in their water budgeting flow, as well as temperature. Harris reported that there was a good conversation about harmful algal blooms amongst the states. It is hoped that Bear Lake will not have this problem, but in the event that there is an occurrence, the programs are very well aligned with a similar approach in how to assess these harmful algal blooms and deal with them. There was also some discussion on educational outreach activities at the lake, including notification that USU faculty will be presenting a limnology class that will focus on using the lake as a lab. The committee also talked about a potential date of August 23rd for a tour, followed by a symposium the days after the tour on various topics. This is a way of engaging the community and legislators in addition to the Commission. There were state reports and roundtable discussions on the programs and emerging issues in each of the states. Harris also reported that Barry Burnell of Idaho introduced the group to a draft outline of a strategic plan for the Water Quality Committee. Harris thought it was a good opportunity that the committee ought to follow up on, especially in light of the comments received from the 20-year review of the Commission regarding environmental issues. This plan would be good to integrate all of the activities that are going on in the watershed as far as things that we may not be aware of, including land management issues, habitat, invasive species, etc. Harris mentioned that Utah would be discussing these things as part of their watershed planning process. It was noted that the next meeting of the Water Quality Committee would be held on November 5, 2018.

IX. Management Committee report – Gary Spackman mentioned that the subjects discussed at the Management Committee meeting had been covered by the Commission, and he had nothing further to report.

X. Engineer-Manager's report – Don Barnett had only one item to bring up. He noted that at this time each year the Bear River Commission is generally asked to join with other water agencies around the west in supporting recommendations to Congress that they continue to fund USGS

gaging systems, which the Bear River is heavily dependent upon. The Commissioners agreed that he should sign such letter when he received that request.

XI. State Reports – Wyoming – As Commissioner Tyrrell had to leave the meeting early, Alternate Commissioner Kevin Payne gave the report for Wyoming. He explained that Board of Control funding was once again put with the Water Development Commission, so it was about \$6.5 million that was held with the Water Development Commission for the year. They had some uncertainties going forward on whether or not they would be fully covered if they moved it back to the State Engineer's office, so it was probably a good move at this time. He also reported that a final decree was issued on Montana v. Wyoming on February 20th. The decree resulted in Wyoming paying approximately \$67,000 to Montana for using more water than they should have, but Wyoming felt pretty good about how it turned out.

XI. State Reports – Idaho – Commissioner Spackman mentioned that he had nothing further to report from the State of Idaho.

XI. State Reports – Utah – Commissioner Millis commented that the group had talked quite a bit about the Bear Lake filing and he looked forward to further discussions on that topic. He reported that Utah continued to do planning work on their Bear River Development Project, although that goes many years into the future. Millis noted that Governor Herbert put together an Executive Water Finance Board within the last year with the purpose of looking at how the state might equitably finance such projects in a way that works well for the State of Utah.

XII. Other / Public Comment

A. Activities of the Bear River Water Users Association – Carly Burton shared one note of interest with the group. He reported that at the annual meeting of the Bear River Water Users Association, they elected new officers. Mark Matthews from Last Chance Canal Company was elected President and Curtis Marble from Bear River Canal Company was elected Vice President.

Burton explained that this would be his last official act as Executive Director of the Bear River Water Users Association. He noted that he had spent 46 years dealing with the Bear River. He commented that rivers such as the Bear River can bring controversy, conflict and distrust, but they can also lead to opportunity. He referred to a proposal to dredge the channel at Bear Lake in 1994 to an elevation of 5895', 7' below the historic low of the lake. That caused a lot of commotion and lawsuits being filed, but it turned out to be the catalyst for many positive things to occur. Burton commented that he has always said that "the dredging permit application was the best thing that never happened." The Bear River Water Users Association was formed, Settlement Agreements were made, and there has been much progress as a result of those events. Burton noted that there will be other times of controversy and opportunity. He encouraged everyone to be willing to compromise and see the position of the other party so that good things can come out of any controversy that comes up. Burton mentioned that he wouldn't trade one minute of those 46 years and expressed appreciation for the friendships he had developed and wished everyone the best. Those in attendance gave him a round of applause.

B. Bear Lake Watch – Claudia Cottle from Bear Lake Watch commented that she concurred with the tribute that was given to Jack Barnett and mentioned what a good friend he had been to them and to Bear Lake and Bear Lake Watch and how he had helped them find their footing and get involved with the Bear River Commission group.

Secondly, Cottle commented on the water year of 2017 which was very significant for Bear Lake. She mentioned how most of the conversation about Bear Lake has to do with numbers and water volume and acre-feet of water, but she felt that what was really important was how the high level of water had spread out over areas that didn't often see the water and how having the water there throughout the year had allowed Bear Lake an opportunity to function as it was meant to. She invited everyone to visit Bear Lake and see what a difference a year has made.

C. Other – Chairwoman Williams asked if there were any comments from the public. Lynn de Freitas of the Friends of Great Salt Lake extended an invitation to everyone to attend the 2018 Great Salt Lake Issues Forum, which is a biennial forum that Friends of Great Salt Lake has hosted since 1996.

XIII. Next Commission meeting – Chairwoman Williams mentioned to the Commission that the traditional date for the next meeting would be November 13th. She asked for any input. There was a motion made to move the meeting one week later on November 20th. The motion was approved, so the next meeting of the Bear River Commission was scheduled to be held on November 20, 2018, at the same location, the DNR auditorium in Salt Lake City.

A motion to adjourn the Commission meeting was made and approved. The Commission was then adjourned.

ATTENDANCE ROSTER

BEAR RIVER COMMISSION ANNUAL MEETING

Utah Department of Natural Resources
Salt Lake City, Utah
April 17, 2018

IDAHO COMMISSIONERS

Gary Spackman
Curtis Stoddard
Kerry Romrell

WYOMING COMMISSIONERS

Pat Tyrrell
Tim Teichert
Kevin Payne (Alternate)

FEDERAL CHAIR

Jody Williams

OTHERS IN ATTENDANCE

IDAHO

James Cefalo, Department of Water Resources
Liz Cresto, Department of Water Resources
Jeff Peppersack, Department of Water Resources

UTAH

Kent Jones, Division of Water Rights
Will Atkin, Division of Water Rights
Boyd Clayton, Division of Water Rights
Carl Mackley, Division of Water Rights
James Harris, Division of Water Quality
Todd Adams, Division of Water Resources
Randy Staker, Division of Water Resources
Feng Pan, Division of Water Resources
Ron Hoffman, Water Commissioner
Jim Watterson, Water Commissioner

WYOMING

Beth Callaway, State Engineer's Office
Mike Johnson, State Engineer's Office
Travis McInnis, State Engineer's Office
Ethan Overton, State Engineer's Office
Sean Towles, Attorney General's Office

OTHERS

Troy Brosten, NRCS Snow Survey
Connely Baldwin, PacifiCorp Energy
Buffi Morris, PacifiCorp Energy
John Mabey, PacifiCorp Counsel

UTAH COMMISSIONERS

Eric Millis
Charles Holmgren
Blair Francis
Norm Weston (Alternate)

ENGINEER-MANAGER & STAFF

Don Barnett
Donna Keeler

Cory Angeroth, U.S. Geological Survey
Ben Radcliffe, U.S. Bureau of Reclamation
Carly Burton, Bear River Water Users
Voneene Jorgensen, Bear River WCD
Darin McFarland, Bear River Canal Company
Curtis Marble, Bear River Canal Company
Claudia Cottle, Bear Lake Watch
David Cottle, Bear Lake Watch
Randy Budge, Bear River Water Users
Jim DeRito, Trout Unlimited
Paul Burnett, Trout Unlimited
Nathan Bracken, Smith Hartvigsen
Joanna Endter-Wada, Utah State University
Mark Ipsen, Ipsen Cattle Company-Idaho
Jack Ray, Utah Waterfowl
Ann Neville, The Nature Conservancy
Marcelle Shoop, National Audubon Society
Lynn deFreitas, Friends of Great Salt Lake
Brian Nicholson, Martin & Nicholson Environmental
Deeda Seed, Center for Biological Diversity
Barb Watterson



BEAR RIVER COMMISSION REGULAR MEETINGS

April 16 & 17, 2018

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**

COMMISSION AND ASSOCIATED MEETINGS

April 16

9:00 a.m. Water Quality Committee Meeting – Red Rock Conference Room Burnell

April 17 **All meetings held in the Main Floor Auditorium (Rms. 1040/1050)**

9:00 a.m. Records & Public Involvement Committee Meeting Teichert

10:00 a.m. Operations Committee Meeting Romrell

11:15 p.m. Informal Meeting of Commission Barnett

11:30 p.m. State Caucuses and Lunch Spackman/Millis/Tyrrell

1:30 p.m. Commission Meeting Williams

**REVISED AGENDA
ANNUAL COMMISSION MEETING**

April 17, 2018

Convene Meeting: 1:30 p.m.

Chairman: Jody Williams

- | | | |
|------------------|--|---------------------|
| I. | Call to order | Williams |
| | A. Welcome of guests and overview of meeting | |
| | B. Approval of revised agenda | |
| | C. In Memoriam – Jack Barnett | |
| II. | Approval of minutes of last Commission meeting (November 21, 2017) | Williams |
| III. | Reports of Secretary and Treasurer | Millis/Staker |
| | A. 2018 Expenditures to date | |
| | B. Amendments to 2018 budget | |
| | C. Adoption of 2019 budget | |
| | D. Other | |
| IV. | 2018 Water Supply Outlook | Brosten |
| V. | 20-Year Review of Compact | Barnett/Mgmt. Comm. |
| VI. | New high flow filings | Idaho/Utah |
|
BREAK | | |
| VII. | Records & Public Involvement Committee report | Teichert |
| VIII. | Operations Committee report | |
| | A. Committee meeting | Romrell |
| | B. Anticipated Operations and Regulation in 2018 | |
| | C. PacifiCorp operations | Baldwin |
| IX. | Water Quality Committee report | Gaddis |
| X. | Management Committee report | Spackman |
| XI. | Engineer-Manager's report | Barnett |
| XII. | State reports | |
| | A. Idaho | Spackman |
| | B. Utah | Millis |
| | C. Wyoming | Tyrrell |
| XIII. | Other / Public comment | Williams |
| | A. Activities of the Bear River Water Users Association | Burton |
| | B. Bear Lake Watch | Cottle |
| | C. Other | |
| XIV. | Next Commission meeting (Tuesday, November 13, 2018, at Utah DNR) | Williams |

Anticipated adjournment: 4:00 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF July 1, 2017 to April 11, 2018

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	INCOME
Cash Balance 07-01-17	110,583.25			110,583.25
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		8,343.00		8,343.00
Interest on Savings		1,812.75		1,812.75
TOTAL INCOME TO				
11-Apr-18	110,583.25	10,155.75	120,000.00	240,739.00

DEDUCT OPERATING EXPENSES

		APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract		41,270.00	-	41,270.00
SUBTOTAL		41,270.00	-	41,270.00
EXPENDED THROUGH COMMISSION				
Personal Services	BIWC	65,640.00	10,940.00	54,700.00
Travel (Eng-Mgr)		1,200.00	236.34	963.66
Office Expenses		1,600.00	139.07	1,460.93
20-Year Compact Review		7,000.00		7,000.00
Printing Biennial Report		1,000.00	1,000.00	-
Treasurer Bond & Audit		1,400.00	1,300.00	100.00
Printing		1,600.00	193.80	1,406.20
Realtime Web Hosting		8,400.00	2,984.01	5,415.99
Clerical		8,510.00	(297.85)	8,807.85
Tour		2,500.00	4.51	2,495.49
Contingency		2,000.00	2,000.00	
SUBTOTAL		100,850.00	18,499.88	82,350.12
TOTAL EXPENSES		142,120.00	18,499.88	123,620.12
CASH BALANCE AS OF 04/11/18				117,118.88

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING April 11, 2018

852	VOID	
853	USGS	41,270.00
854	BIWC	10,940.00
855	STONEFLY	1,800.00
856	BOX ELDER NEWS JOURNAL	32.65
857	CARIBOU COUNTY SUN	36.68
858	VOID	
859	THE IDAHO ENTERPRISE	38.03
860	KEMMERER GAZETTE	40.50
861	SVI MEDIA	57.00
862	UINTA COUNTY HERALD	76.00
863	BIWC	7,083.53
864	CACHE VALLEY PUBLISHING	182.49
865	UTAH MEDIA GROUP	60.44
866	STANDARD EXAMINER	90.25
867	BIWC	16,620.67
868	BIWC	8,147.78
869	STONEFLY	1,800.00
870	VOID	
871	BIWC	9,504.55
872	BIWC	5,798.83
873	C N A Surety	100.00
874	VOID	
875	BIWC	5,513.45
876	STONEFLY	1,815.99
	Bank Service Fee	24.00
877	BIWC	5,587.28
20 Year Review Expenses	not yet billed	7,000.00
		123,620.12

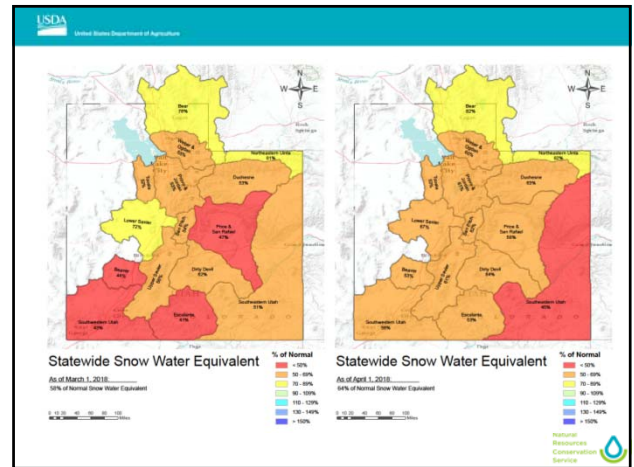
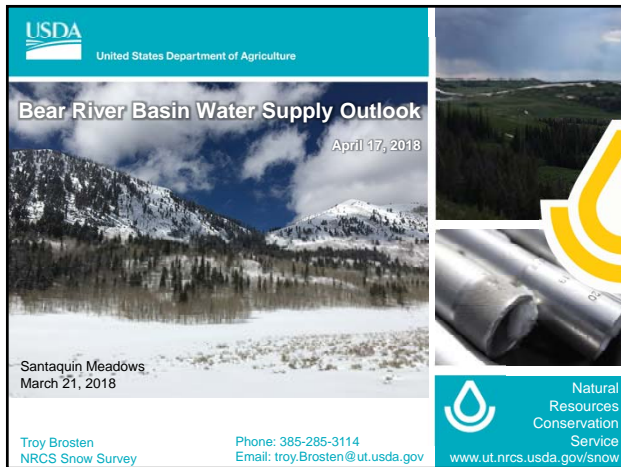
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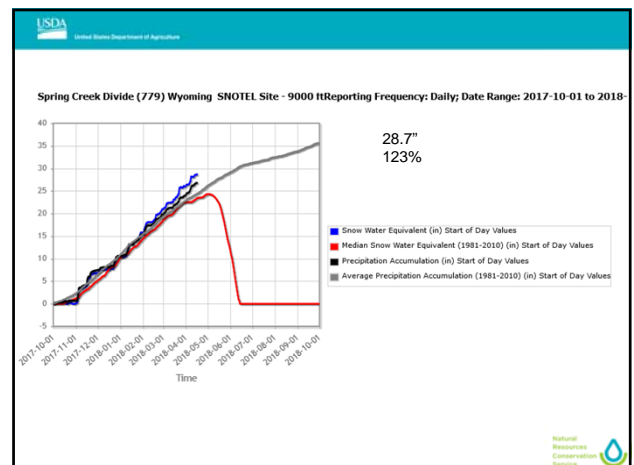
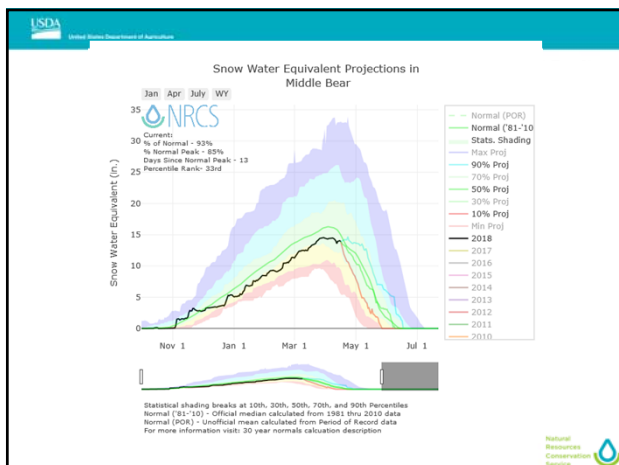
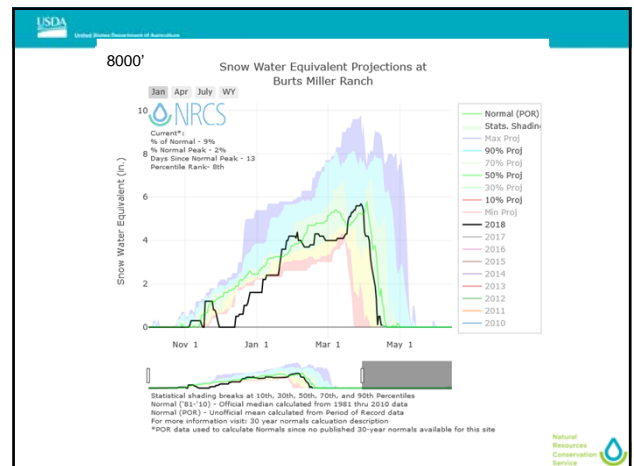
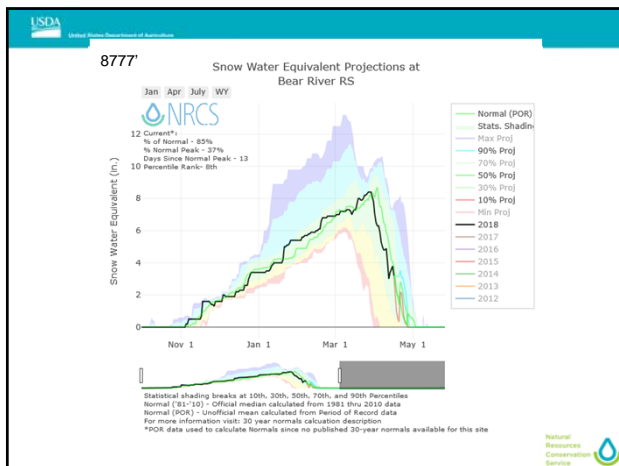
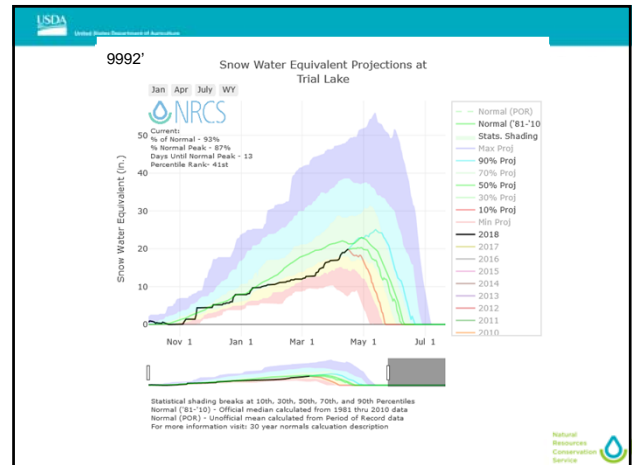
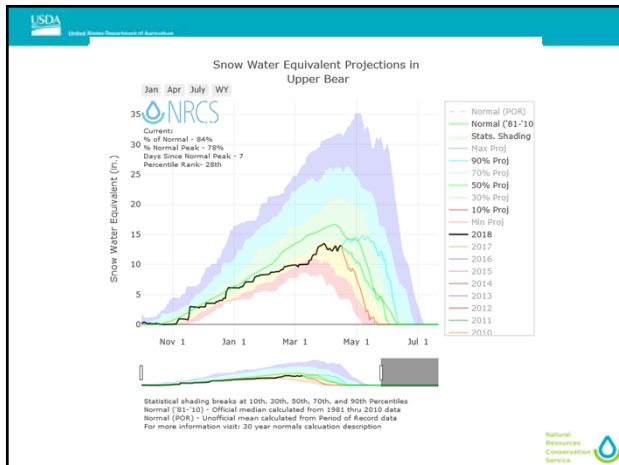
Cash in Bank per Statement 04/11/18	(3,966.26)
Plus: Intransit Deposits	
Less: Outstanding Checks	
Total Cash in Bank	(3,966.26)
Plus: Savings Account-Utah State Treasurer	121,085.14
CASH BALANCE AS OF 04/11/18	117,118.88

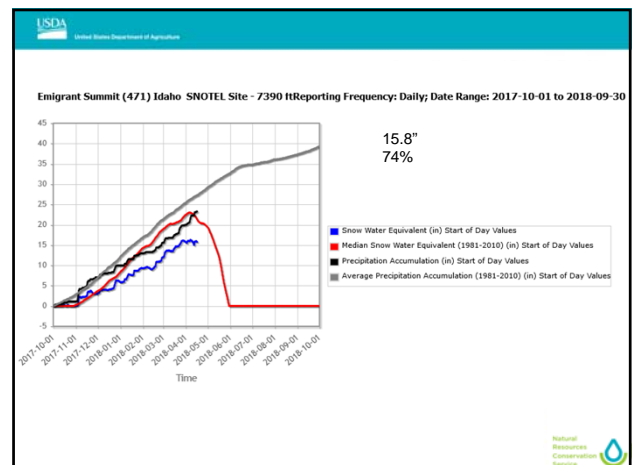
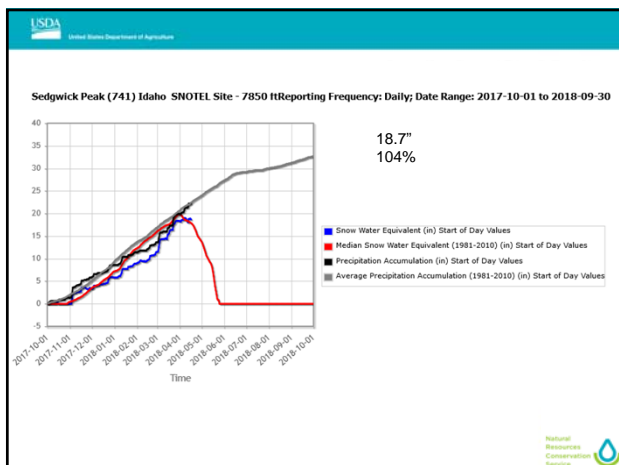
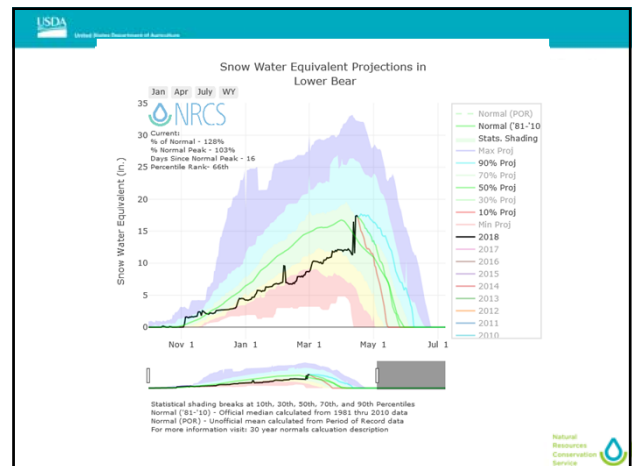
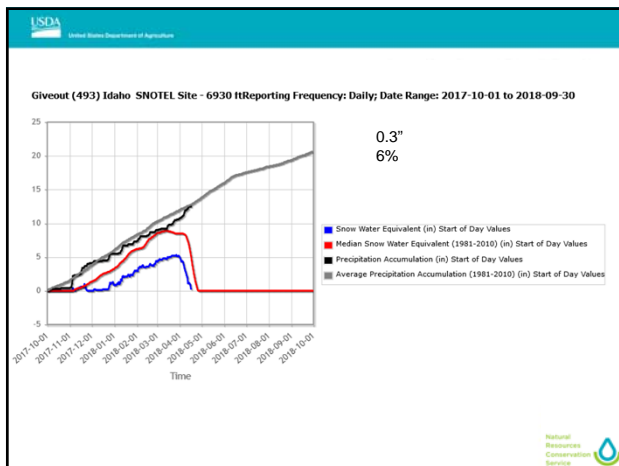
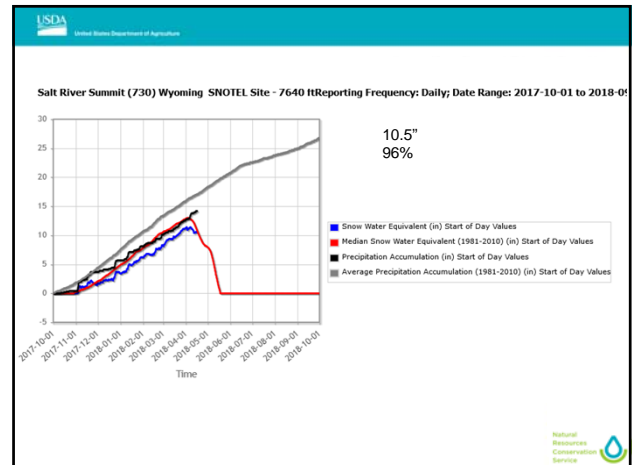
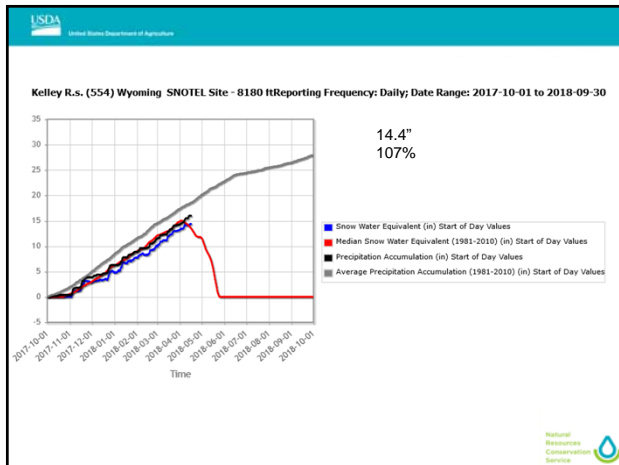
BEAR RIVER COMMISSION

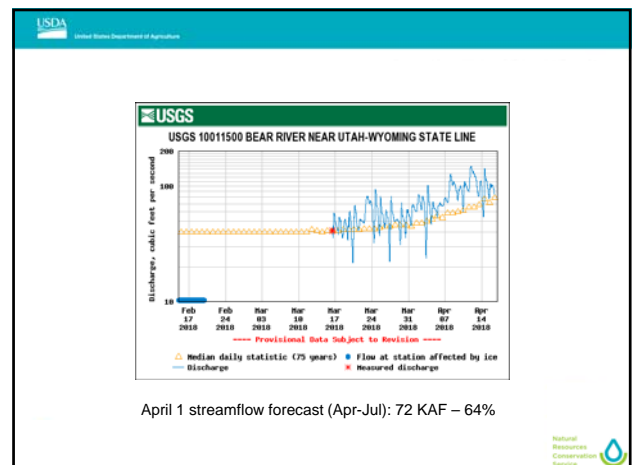
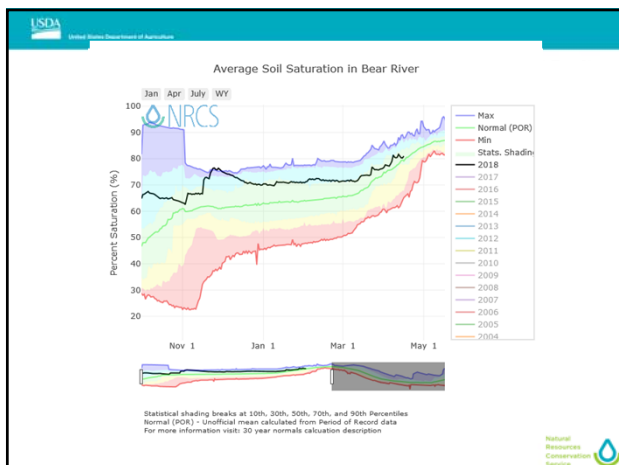
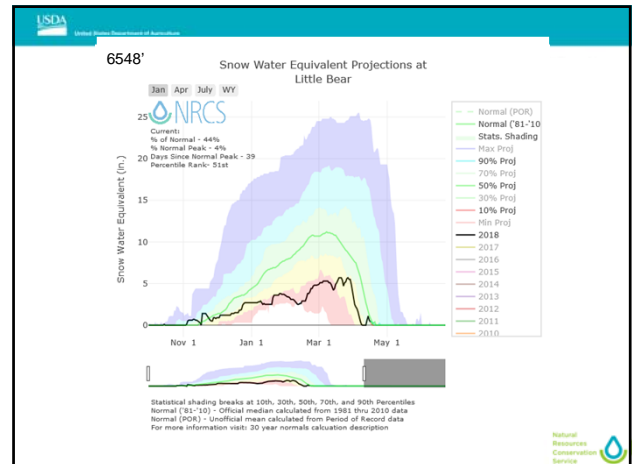
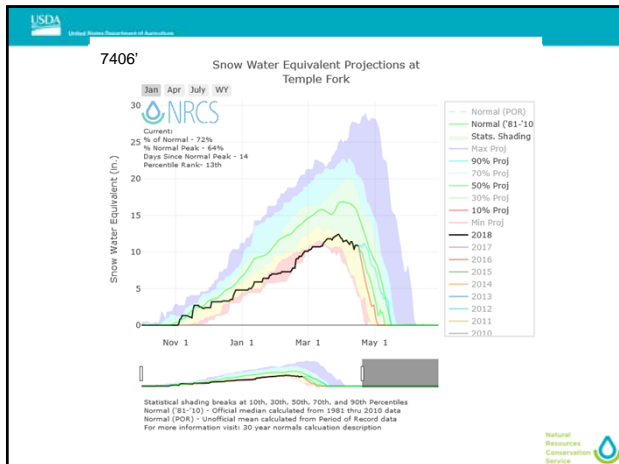
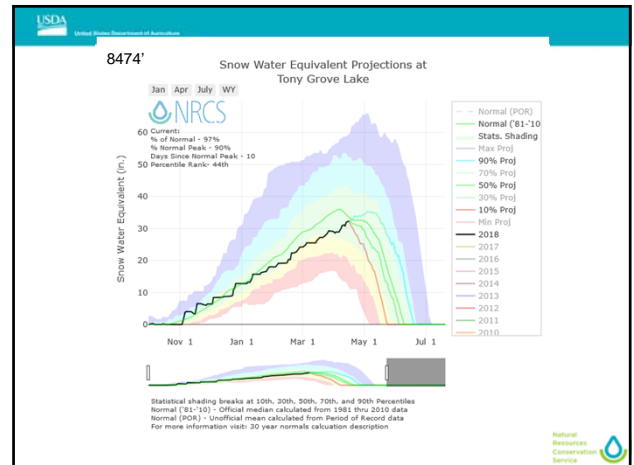
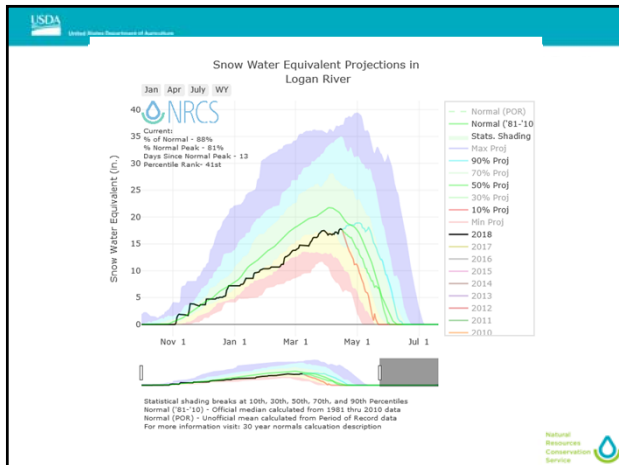
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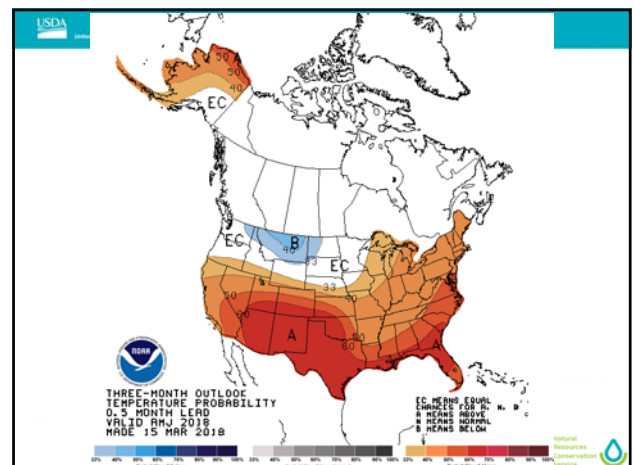
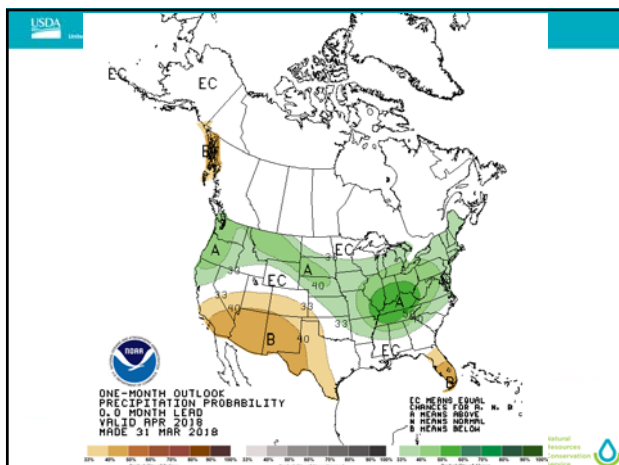
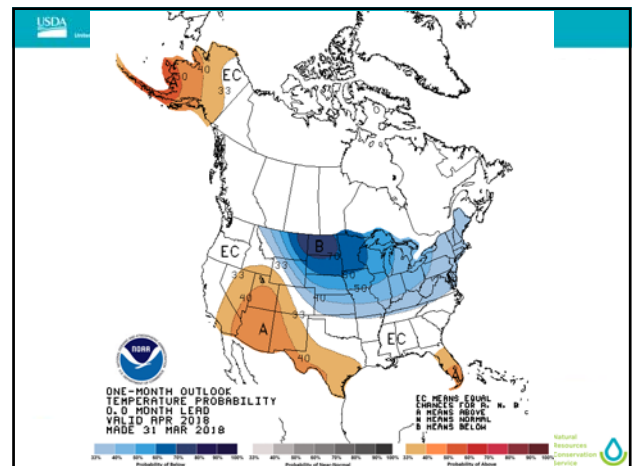
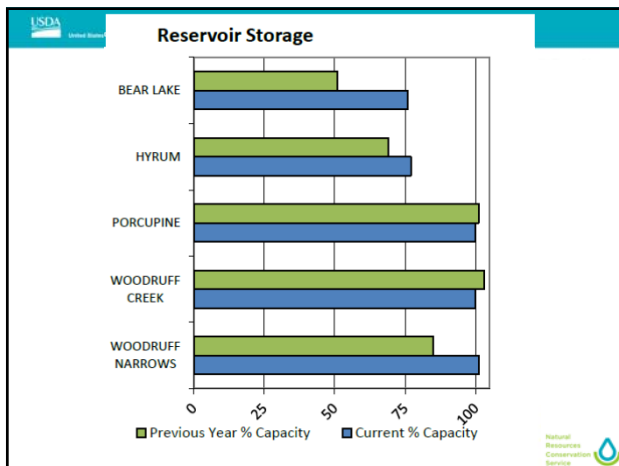
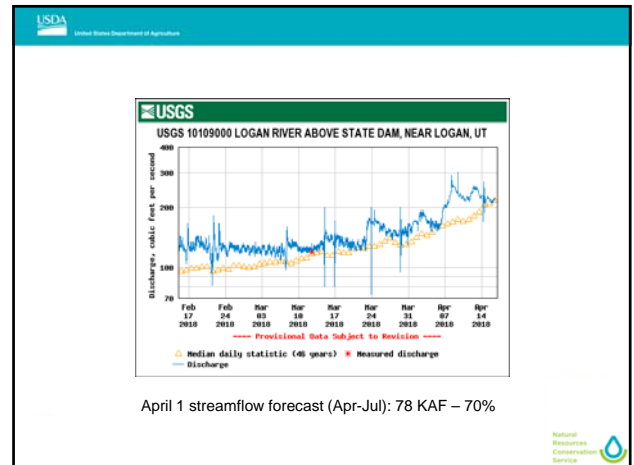
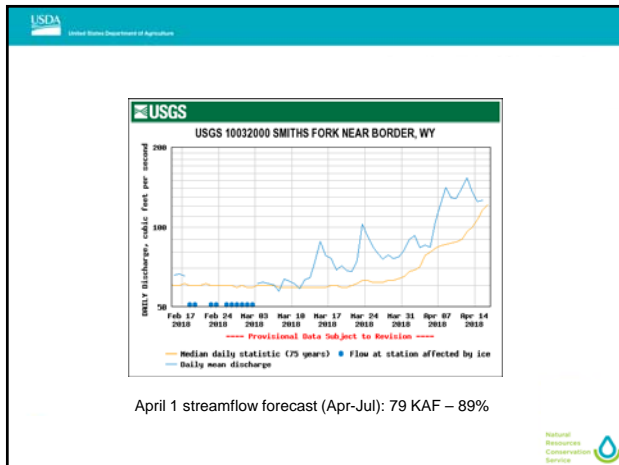
	FY2018 AMENDED BUDGET PROPOSAL	FY2019 PROPOSED BUDGET	FY2020 PROPOSED BUDGET
	-INCOME-	-INCOME-	-INCOME-
BEGINNING BALANCE	110,583.25	97,517.25	104,377.25
IDAHO	40,000.00	45,000.00	45,000.00
UTAH	40,000.00	45,000.00	45,000.00
WYOMING	40,000.00	45,000.00	45,000.00
WATER QUALITY	8,254.00	8,254.00	8,254.00
INTEREST ON SAVINGS	800.00	800.00	800.00
TOTAL INCOME	239,637.25	241,571.25	248,431.25
	-EXPENDITURES-	-EXPENDITURES-	-EXPENDITURES-
STREAM GAGING-U.S.G.S.	41,270.00	41,490.00	42,970.00
PERSONAL SERVICES CONTRACT	65,640.00	67,281.00	68,963.00
20 YEAR REVIEW EXPENSES	7,000.00		
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	8,510.00	8,723.00	8,941.00
TOUR	2,500.00	2,500.00	2,500.00
CONTINGENCY	2,000.00	2,000.00	2,000.00
TOTAL EXPENDITURES	142,120.00	137,194.00	140,574.00
	97,517.25	104,377.25	107,857.25

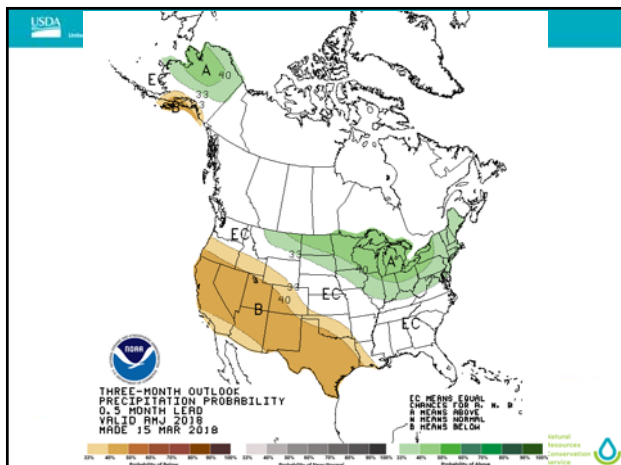














Summary

1. High elevation sites still gaining snowpack.
2. Mid-elevation sites starting to loose snowpack.
3. Low-elevation sites are nearly dry to dry.
4. Soil moisture above normal and rising.
5. Starting to see streamflow runoff conditions.
6. Reservoirs at 78% compared to 53%.
7. Forecast streamflow range from 42% - 89% of average.
8. Three month outlook is above normal temperatures and below normal precipitation.

Natural Resources Conservation Service

Questions

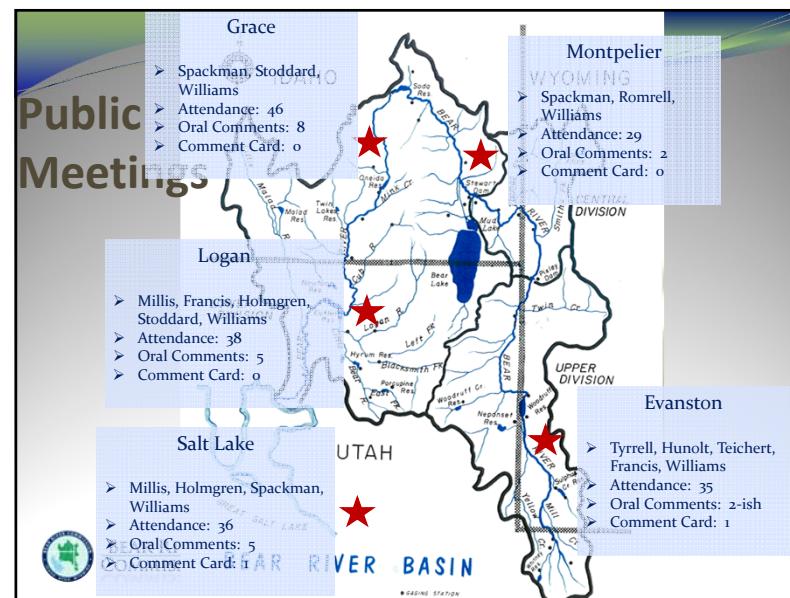
As you see, Hagerty, recent changes have left us with a greatly simplified operational structure

Natural Resources Conservation Service

Discussion/Action 20-Year Compact Review

Don Barnett, Engineer-Manager
Bear River Commission

April 17, 2018



Summary of Written Comments

20-Year Compact Review
Tabulation of Comments
"Should the Bear River Compact Be Amended?"

Commenter Group	Yes	No	Maybe	Didn't Specify
Irrigators/Water Users	46			
Public Water Suppliers	2			
Bear Lake Interests	1	5		2
Great Salt Lake Interests	4			1
Conservation/Environmental		3	1	2
Total	5	56	1	5



Bear Lake Interests

maintains its annual maximum elevation for less than a week and typically stays near the annual low for several months.

You requested specific recommendations on how the compact should be modified. Here is my recommendation. **The compact should be modified so that conservation measures kick in at 5,919.** Most typical years have snowmelt that put four feet of runoff water into the lake. This will keep the average level of the lake at 5,919, with a 4.5 foot buffer for typical spring runoff.

The 1997 report (Commission 1997) also stated: "The commission finds there has not been identified, at this time, a need to consider Compact revisions with respect to Bear Lake levels or



Amend the Compact?

- Yes/No?
- Additional Research
- Discussion
- Assignment(s)



Great Salt Lake Interests

ARTICLE V

A. Water rights in the Lower Division acquired under the laws of Idaho and Utah covering water applied to beneficial use prior to January 1, 1976, are hereby recognized and shall be administered in accordance with State law based on priority of rights as provided in Article IV, paragraph A3. Rights to water first applied to beneficial use on or after January 1, 1976, shall be satisfied from the respective allocations made to Idaho and Utah in this paragraph and the water allocated to each State shall be administered in accordance with State law. Subject to the foregoing provisions, the remaining water in the Lower Division, including ground water tributary to the Bear River, is hereby apportioned for use in Idaho and Utah as follows:

- (1) Idaho shall have the first right to the use of such remaining water resulting in an annual depletion of not more than 125,000 acre-feet.
- (2) Utah shall have the second right to the use of such remaining water resulting in an annual depletion of not more than 275,000 acre-feet.
- (3) Idaho and Utah shall each have an additional right to deplete annually on an equal basis, 75,000 acre-feet of the remaining water after the rights provided by subparagraphs (1) and (2) above have been satisfied.
- (4) Any remaining water in the Lower Division after the allocations provided for in subparagraphs (1), (2), and (3) above have been satisfied shall be divided; thirty (30) percent to Idaho and seventy (70) percent to Utah.

= 550,00 af



Bear River Commission Estimated Annual Depletions¹ Changes from January 1, 1976, to December 31, 2009

ABOVE STEWART DAM

State	Allocation	Agricultural Depletions	M&I Depletions	Reservoir Evaporation	Total Depletions	Remaining Allocation
Utah	13,000	5,935	-5	841	6,771	6,229
Wyoming	13,000	2,407	401	197	3,005	9,995
Idaho	2,000	1,310	3	0	1,313	687

LOWER DIVISION

State	Allocation	Agricultural Depletions	M&I Depletions	Reservoir Evaporation	Total Depletions	Remaining Allocation
Idaho	125,000 ²	8,667	300	11	8,978	116,022
Utah	275,000 ³	-5,771	5,978	0	207	274,793

¹Any reductions in pre-1976 depletions are reflected in the above numbers.

²First right under Compact. Compact grants additional rights.

³Second right under Compact. Compact grants additional rights.



Great Salt Lake Interests

For the purposes of these comments, I would like to encourage the Commission to reexamine the Compact in light of the devastating impact to the Great Salt Lake ecosystem that will result should development of the Bear River go forward as outlined in the Compact. Specifically, Article V of the Compact refers to further development of the remaining water in the Lower Division and specifies that: (1) Idaho shall have the first right to deplete 125,000 acre-feet of Bear River water; (2) Utah shall have the second right to deplete 275,000 acre-feet; and, (3) that both Idaho and Utah shall each have an additional right to deplete 75,000 acre-feet.

Should this additional 550,000 acre-feet of water be developed, the Utah Division of Water Resources estimates that the Lake could be lowered by as much as 12.3 feet. While such a drop in water level will essentially dry up both Bear River Bay and Farmington Bay, long before this occurs the increase in salinity in the dropping Lake will exceed a level that will destroy both the brine shrimp and brine fly populations that sustain over 7.5 million birds each year. Additionally, the likely impact on the \$1.3 billion that the Lake contributes to Utah's economy each year is incalculable.



Great Salt Lake Interests

For the purposes of these comments, I would like to encourage the Commission to

We write to request that the Bear River Compact ("Compact") be amended to recognize the significant economic and environmental values associated with the Great Salt Lake—considerations that did not factor in the original or amended Compact.

Despite its large size and historic significance, the value of the Great Salt Lake has been, for many decades, underappreciated. In the eyes of many, any water that reached the lake was considered "wasted," in the sense that it could no longer be diverted for beneficial uses upstream. Consistent with that view, the Compact does not mention the Great Salt Lake, let alone account for its protection in allocation decisions between the three Compact member states.

sustain over 7.5 million birds each year. Additionally, the likely impact on the \$1.3 billion that the Lake contributes to Utah's economy each year is incalculable.



Great Salt Lake Interests

For the purposes of these comments, I would like to encourage the Commission to

We write to request that the Bear River Compact ("Compact") be amended to recognize the significant economic and environmental values associated with the Great Salt Lake—considerations that did not factor in the original or amended Compact. Compass Minerals Ogden, Inc. appreciates the opportunity to provide comment on the 20-Year Compact Review (Review) of the Bear River Compact. We believe the Review provides a timely opportunity to re-consider and re-evaluate original assumptions and core elements of Bear River Compact in light of significant studies, as well as droughts and record low lake elevations on the Great Salt Lake (GSL) that have occurred over the intervening 20 years.

Having experienced record low lake levels from extended drought and the closure of all conveyances to the North Arm of the GSL along the Union Pacific Causeway prior to December 1, 2016, Compass Minerals believes the re-evaluation of the feasibility and sustainability of the future development of an additional 550,000 acre feet of water that would otherwise flow in the GSL via Bear River Bay is prudent and appropriate. Considering that the average annual inflow of the Bear River to the GSL is 1.2 million acre feet, the possible development 550,000 acre feet is significant.



Amend the Compact?

- Yes/No?
- Additional Research
- Discussion
- Assignment(s)



Conservation/Environmental

LCD board members reviewed Article IV, Section 2, Central Division, paragraph (a) concerning the declaration of a water emergency. In the middle of the first sentence it should read when the flow of the Bear River at the Border Gauging Station is less than 350 second feet a water emergency may (instead of shall) be deemed to exist in the Central Division etc.

The last sentence at the end of this paragraph it states that if any portion of such allocation is not used therein it shall be available for use in Idaho in the Lower Division. This sentence should be stricken from the paragraph in its entirety. There should be no water allowed to go into the Lower Division from the Central Division if a water emergency exist in the Central Division.



Amend the Compact?

- Yes/No?
- Additional Research
- Discussion
- Assignment(s)



Additional Recommendations

- Create an Environmental Committee
- New vision/advisory roles
- Bear Lake studies
- Understand impacts to GSL
- Water banking and transfer policies
- Re-establish river below Stewart Dam
- Overall system health/drought policies
- **Discussion/direction**



20-Year Compact Review

- Summary
- Next steps
- Assignments
- Timeframe
- Other



SUMMARY OF WATER YEAR 2017 BEAR LAKE OPERATIONS

Date	Hydrologic Information/Event	Contents (% of Full) Discharge (% of Normal)
10-01-16	Bear Lake Beginning Elevation - 5,910.69 ft.	536,739 acre-feet (38%)
09-25-16	Bear Lake Low Elevation - 5,910.61 ft. (see note 1)	531,576 acre-feet (37%)
	Rainbow Inlet Canal Discharge	709,000 acre-feet (270%)
	Bear River Discharge Below Stewart Dam	1,839 acre-feet
	Bear Lake Net Runoff (Computed Total Inflow less Lake Evaporation)	856,000 acre-feet (265%)
07-14-17	Bear Lake High Elevation - 5,922.32 ft.	1,327,566 acre-feet (93%)
	Outlet Canal Releases: 6/22-9/23 (94 days)	154,000 acre-feet
08-12-17	Outlet Canal Maximum Release - 1,336 cfs	
	Bear Lake Storage Release	Not Applicable - Flood Control operations
09-30-17	Bear Lake Ending Elevation - 5,920.98 ft.	1,233,523 acre-feet (87%)
	Bear Lake Settlement Agreement "System Loss" Volume	Not Applicable - Flood Control operations

Notes: 1. Low contents prior to start of storage (occurred in previous water year).

Current Status

Bear Lake elevation as of April 16, 2018 was 5919.48 feet. The Bear Lake Outlet Canal is closed. There is 450 cfs in the Rainbow Inlet Canal.

Summary of Water Year 2017

The Bear Lake Irrigation Storage Allocation for 2017 was 245,000 acre-feet. Runoff was much higher than normal, with Bear Lake net runoff at 856,000 acre-feet (265% of normal). The Bear Lake Outlet Canal was opened June 22. The peak inflow rate at the Rainbow Canal was 3,828 cfs on March 29. Record-high one-year increase in Bear Lake level of 11.71 feet.

Water Year 2018 Operations

Flood control releases were made consistent with the *Operations Agreement for PacifiCorp's Bear River System*. The plots on the back of this page provide more information on the historical context for flood control operations.

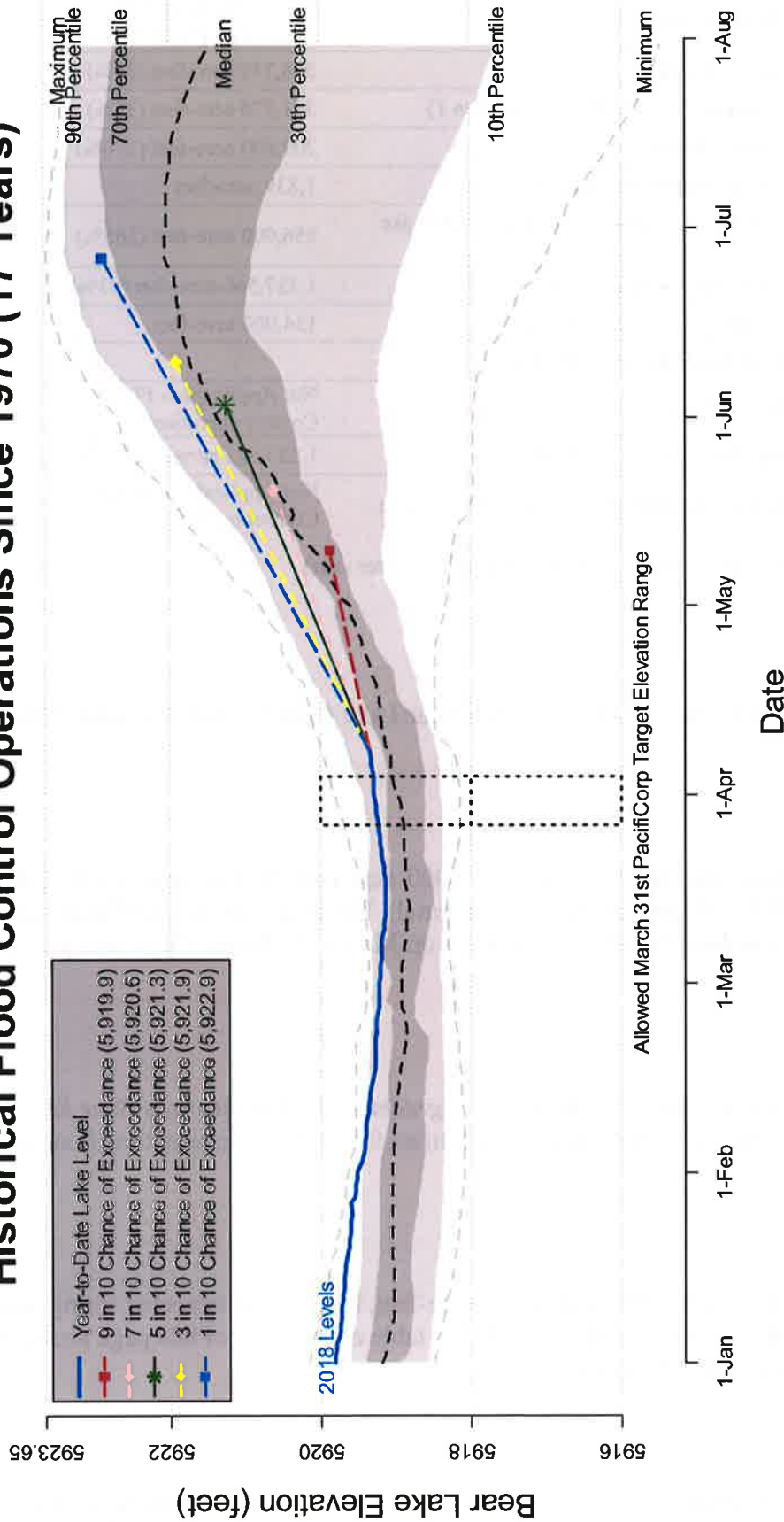
2018 Irrigation Allocation

The Bear Lake Irrigation Storage Allocation for 2017 is 245,000 acre-feet, based on an expected spring maximum elevation of 5921.3, which is expected to occur around June 3rd. The table on the back of this page provides other probability exceedance levels and additional information.

Operational Notes

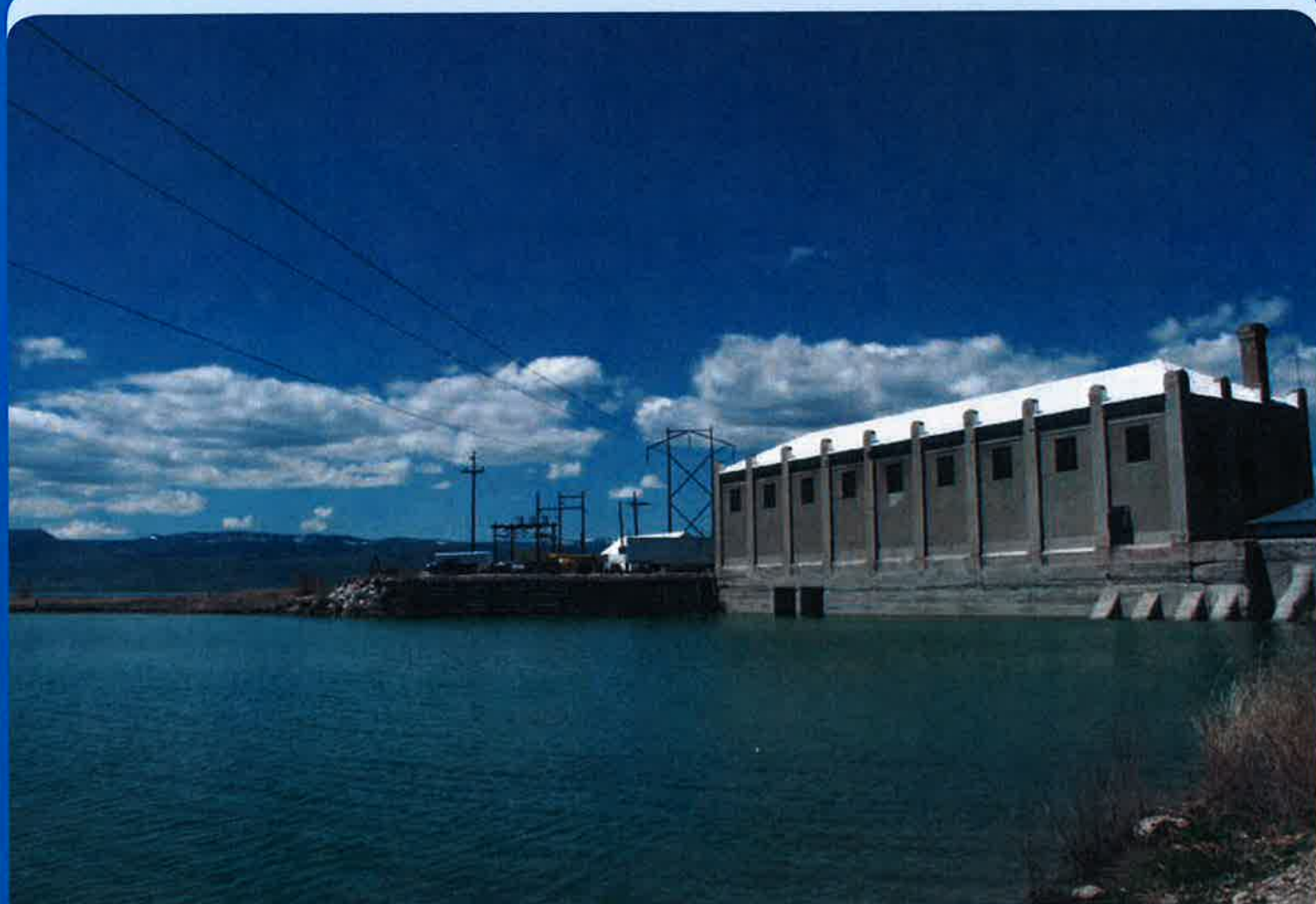
- *Bear River Black Canyon Recreational Water Releases* occurred in 2017 and one more weekend is left for 2018. The full available inflow or 900 cfs, whichever is greater, is passed through Black Canyon during each event.

2018 Year-to-Date Bear Lake Water Levels, Peak Estimates and Historical Flood Control Operations Since 1970 (17 Years)



Forecast Probability of Exceedance	NRCS Official April 1, 2018 April-July Forecast (Thousands of acre-feet) Bear River at Stewart Dam	Estimated Spring Maximum Bear Lake Elevation	Estimated Date of Spring Maximum Bear Lake Elevation	Increase from Previous Low Elevation	Irrigation Allocation (Thousands of acre-feet)	Estimated Irrigation Storage Demand (Thousands of acre-feet)	Following Fall Low Elevation using Lesser of Allocation or Estimated Storage Demand (includes Average Net Bear Lake Inflow)
90%	7	5919.9'	May 10	0.8'	245	224	5915.0'
70%	77	5920.7'	May 20	1.5'	245	135	5917.1'
50%	125	5921.3'	June 3	2.2'	245	100	5918.2'
30%	173	5921.9'	June 10	2.8'	245	83	5919.1'
10%	245	5922.9'	June 27	3.8'	245	64	5920.4'

Bear River water system

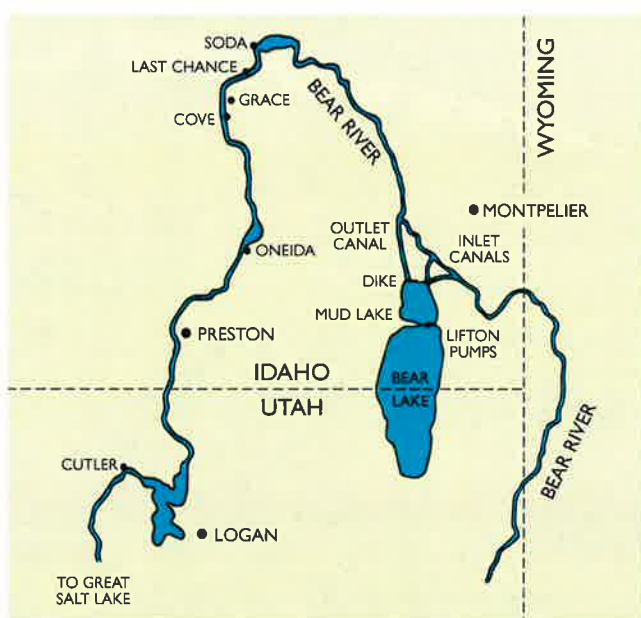


For more than a century, Rocky Mountain Power has managed the Bear Lake and Bear River system for the benefit of agricultural irrigation, fish and wildlife habitat, and electric customers in Utah, Idaho and Wyoming. The company acquired the rights to divert and store water from Bear River into Bear Lake in 1907. The company's rights and obligations are described in the Bear River Compact, an agreement among the states of Wyoming, Idaho, and Utah through which Bear River flows. Older court decrees and more recent formal agreements further govern the company's operations and the use of the water in the Bear River.

Our role in operating this system is generally defined by those agreements but also places the company in a position of being a water steward of this valuable resource among the

often-competing interests on the river. These interests include irrigation companies and farmers, other private property owners along the river, fish and wildlife managers, fishermen, boaters and other recreational users. Conditions on Bear River are highly variable year to year. Rocky Mountain Power has helped these groups manage several severe droughts, as well as high flows to reduce flooding in spring when snowpack is plentiful. While this role is often difficult, it has given the company long experience and expertise in this river system.

As water has become more valuable and important among these diverse and competing stakeholders, Rocky Mountain Power believes there are options that should be considered to more effectively use and protect this resource for the next 100 years. Because Rocky Mountain Power holds significant storage rights



in Bear Lake, and as an operator of water distribution, we see our role as helping facilitate that discussion. We want to explore opportunities to perform this role better in a rapidly changing environment. Our ideas are conceptual at this point, prompted by this question:

Given our experience as the river operator and steward over the last century, what can we do better to facilitate wise management of the Bear River among competing water users?

The company is seeking to gauge interest and prompt input from all the stakeholders who have an interest in Bear River. By considering some changes to operation of the Bear River system, together with facilitating water conservation projects,

Rocky Mountain Power sees the potential to improve operations throughout the system. We envision increased benefits for the river's many interests, including sustaining existing water uses and perhaps creating additional flexibility to help with improving the Bear River system.

Our thoughts for initiating this dialogue include four main concepts:

- Increase the capacity of Bear River channels in order to provide reserve power from the Soda hydroelectric project. Increasing Soda's flexibility will better integrate solar and wind power to benefit electric customers. No additional releases from Bear Lake would be required.
- The increased capacity in the Bear River channels also provides increased water storage capability in Bear Lake by reducing flood control storage requirements. These changes would require modifications to multiple legal agreements.
- Increased water storage at the Cutler hydroelectric project. Increasing the height of spill gates could allow an additional 15,000 acre-feet to be stored. Wildlife habitat and recreation opportunities could be enhanced.
- Substantial conservation measures for agricultural irrigation users. New irrigation technologies, plus canal lining could save 30 percent from current use. This would reduce irrigation demand on Bear Lake storage.

As we exchange information, ideas and develop these possibilities, we intend to invite open discussion with our partners and neighbors on Bear River, plus others who may have an interest.

