

# BEAR RIVER COMMISSION

106 West 500 South, Suite 101  
Bountiful, UT 84010-6232  
(801) 292-4662  
(801) 524-6320 (fax)

## MINUTES

### BEAR RIVER COMMISSION ANNUAL MEETING ONE-HUNDRED TWELFTH COMMISSION MEETING April 22, 2008

#### COMMISSION MEMBERS

##### Chair

Dee C. Hansen

##### Idaho Members

David R. Tuthill  
Rodney Wallentine  
Marcus J. Gibbs

##### Utah Members

Dennis J. Strong  
Blair Francis  
Charles W. Holmgren

##### Wyoming Members

Patrick T. Tyrrell  
Sam Lowham  
Gordon Thornock

#### ENGINEER-MANAGER

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

The annual meeting of the Bear River Commission was called to order by Chairman Dee Hansen at 1:30 p.m. on Tuesday, April 22, 2008 at the Rocky Mountain Power building in Salt Lake City, Utah. This was the one-hundred and twelfth meeting of the Commission. Hansen asked Dean Brockbank, the Vice President/General Counsel of PacifiCorp Energy, to address the Commission. Brockbank indicated PacifiCorp Energy is a part of PacifiCorp and Rocky Mountain Power. He welcomed the group and noted there have been fifty years of cooperation and collaboration in working through difficult and challenging issues with regard to Bear Lake. Utah Power, PacifiCorp and now Rocky Mountain Power have been involved in the Bear River Basin for nearly 100 years with the Lifton plant supplying water downstream for the irrigators, as well as providing a clean power generation resource in the form of a hydroelectric plant. Chairman Hansen then asked Commission members to introduce themselves. Dave Tuthill was introduced as a new Idaho Commissioner. Tuthill is the Director of the Idaho Department of Water Resources and has been with the department for 33 years. Hansen then asked all in the room to introduce themselves. An attendance roster is attached to these minutes as Appendix A.

The Commission then reviewed and approved the proposed agenda for the meeting. A copy of the approved agenda is attached as Appendix B. The draft minutes of the November 27, 2007 Commission meeting were then discussed. There were no suggested changes and a motion was made that the minutes be approved. The motion was seconded and carried.

Chairman Hansen moved to agenda item III, the report of the Secretary-Treasurer. Commissioner Dennis Strong asked Randy Staker to report on the budget. Staker distributed and reviewed handouts reflecting the statement of income and expenditures and a proposed budget. Copies of these handouts are attached to these minutes as Appendix C. There was a motion to approve the report of the Secretary-Treasurer. The motion was seconded and carried. There were no changes to the officers of the Commission. The Commission then reviewed the proposed budget for FY 2009. The state dues will be raised to \$40,000 in FY 2009. The stream gaging line-item will decrease in 2009 but it is anticipated it will increase significantly in 2010. There was a motion to adopt the FY 2009 budget as set forth. A question was raised about the 45/55 split with the U.S. Geological Survey on stream gaging. Strong noted the federal budget has been cut and in order to balance expenditures the USGS found it necessary to change the cost sharing ratio. Cory Angeroth confirmed that the allocation received this year was decreased and thus there were not sufficient funds to continue with the 50/50 cost sharing. The motion to approve the FY 2009 budget was seconded and carried.

The time was then turned to Randy Julander for the snow pack report. Julander used a Power Point presentation to give the current projections on snow pack and the water supply forecasts. A copy of the Power Point presentation is attached to these minutes as Appendix D.

Chairman Hansen moved to agenda item VI and asked Connely Baldwin to give the report from PacifiCorp. Baldwin distributed and reviewed a summary of PacifiCorp operations for 2007. A copy of Baldwin's handout is attached to these minutes as Appendix E. The irrigation allocation for the upcoming irrigation is based on a maximum elevation of Bear Lake of 5912.1 feet. The allocation is 216,000 acre-feet, which is 94% of the full allocation. Baldwin then reviewed the 2008 Bear Lake operation information. The current elevation of Bear Lake is 5,908.86 feet.

The Commission then moved to agenda item VII, a report of the Bear River Water Users Association (BRWUA). Carly Burton distributed and reviewed a handout reporting on the activities of the BRWUA. A copy of the handout is attached to these minutes as Appendix F.

Walt Baker was then asked to give the report of the Water Quality Committee under agenda item VIII. Baker indicated the committee met the previous day. At the committee meeting there was a good report from Utah State University relative to the EPA grant effort. A handout regarding the Bear River Watershed Information System was distributed and reviewed. A copy of the handout is attached to these minutes as Appendix G. Relative to monitoring, the three states entered into a cooperative agreement to pool the respective resources and are in the second year of this very productive effort. Wyoming is scheduled to revisit the Bear River TMDLs in 2009. In Utah, the Cutler Reservoir TMDL is scheduled for completion this summer. Utah's animal feeding lot operation strategy is scheduled to be redone by the end of this year. Utah is doing a study on all waste treatment plants in the state. Utah will study the costs for waste water treatment plants to remove phosphorus and nitrogen if there were an imposed federal or state standard for doing so. There was a discussion in the meeting on the proposed Hook Canyon development. Baker then answered a few questions regarding pollution trading.

During the Commission meeting the discussions were recessed for the taking of commemorative photographs. Three of the photographs taken are attached to these minutes as Appendix H. The group involved in the photos and the names of the participants are indicated in the appendix.

Commissioner Charles Holmgren was asked to give the report of the Records & Public Involvement Committee under agenda item IX. Holmgren indicated the committee met earlier in the morning and discussed the funding for the USGS gages. Public events were discussed and no events are planned for the near future. The committee discussed the Bear River Commission website and Commissioner Gibbs suggested that the Commission logo be improved. There was a suggestion given at the committee meeting that the art departments in local high schools in the Bear River Basin be contacted for suggestions.

The Water Information System (WIS) website was discussed. The water quality agencies of the three states will each pay a quarter of \$20,000 to maintain the WIS website. Utah State University will come up with the remaining quarter. The cover of the fourteenth biennial report was discussed. The committee was given 20 days to give suggestions if the cover was not satisfactory. The current report cover includes three photographs of different diversion structures in the Wyoming portion of the Bear River Basin. The BearRiverBasin.org website was discussed in the committee meeting. The Commission is currently paying \$6,000 annually to Stonefly Technology. There was some discussion of the automation of stream gages. Don Barnett discussed with the committee the information on the Commission's website.

Holmgren noted that former Commissioner Dean Mathews passed away and Will Atkin has been selected as the Regional Engineer for the northern Utah region. There were no questions for Holmgren.

Chairman Hansen then asked Commissioner Sam Lowham to give the report of the Operations Committee under agenda item X. Lowham indicated the committee met earlier in the morning. It was noted that the Upper Division snow pack is near 100% and the committee anticipates no formal regulation will happen. If regulation is needed, it will be handled as it has been handled in the past. Regulation is likely in the Central Division later in the irrigation season but with so many variables there are many unknowns. The real time information and automation that is in place on the river is making all the adjustments much easier. The TAC has an ongoing dynamic job of looking at depletion allocations. There were no questions for Lowham.

Jack Barnett was then asked to talk about the fifty-year anniversary of the Bear River Compact under agenda item XI. Barnett indicated he had researched the records of the Commission. He pointed out there must have been conflicts above Bear Lake from the time there were two diverters. When Bear Lake became a reservoir and it started being operational about 1916, the users in the Lower Division started to rely on certainty. Utah Power & Light had been using the reservoir for storage water. There was a severe drought and in 1930 lower basin water users were in their first shortage since 1916. There was no interstate agreement. They created a list of the water rights. By cooperation and consensus, they developed something very similar to our recent computer models. Perhaps this caused the states to decide they should discuss a compact. There are records that infer there were discussions starting with a tri-state committee as early as 1936. There are no records of the early meetings.

The first time there is a record there are some prominent names that surface; Fred Cooper from Grace and L.C. Bishop from Wyoming. They started negotiating through what they called the Bear River Compact Commission (BRCC) in 1942. These records are on the Commission website. They came up with the realization that they lacked knowledge of the hydrology of the river. The U.S. Geological Survey and the Bureau of Reclamation were instrumental in trying to develop a better understanding of the hydrology of the river. Vaughn Iorns of the USGS Logan office started to understand the hydrology of the river and presented information to the states. Wally Jibson worked for Iorns. In 1946, the BRCC became more formalized and E.O. Larsen, with the Bureau of Reclamation, was appointed by the President to chair the negotiating group. He chaired the meetings from 1946 to 1958. A young attorney, Ed Skeen, was assisting him. Ed Skeen stayed with the effort as a federal employee until he went into private practice and then became the Commission's attorney.

In 1945, the BRCC met and agreed to sign a draft compact. The commissioners who signed the compact were Fred Cooper, L.C. Bishop and George Dewey Clyde. Clyde had moved from Utah State University to become the Director of Utah Division of Water Resources. A young engineer by the name of Jay Bingham assisted Clyde. On February 4, 1945, a group of delegates came from the Thomas Fork and objected to the compact. They indicated they had not been properly represented and had been kept out of the discussions. Fred Cooper was offended by their position. He indicated he had given them every opportunity to come forward to express themselves and they had chosen not to do so. The compact was signed and they felt that within two months they could have the three state legislatures sign the compact and get it to Washington for congressional approval. The federal chairman, Larsen, made a statement. Dee Hansen then read Larsen's statement.

"Before we sign it, I would like to make this statement. This is a major accomplishment for which you should be congratulated. It shows what people can do in settling water problems by negotiation rather than by prolonged litigation. This would not have been possible without healthy give and take by all concerned and willingness to compromise in the common interest. There has, of course, been some good horse trading if you want to call it that but this is in the American tradition. Water right problems on the Bear River system below Bear Lake were settled by federal decree in 1922 and by

the Kimball Decree of 1924. This left a real need to settle the water problems above Bear Lake which is accomplished by this compact. The ratification of the compact by the legislatures of the three states and the approval by congress of the United States will mean that more development can go forward. At the same time, the old rights will remain intact and the holders of the junior rights will know where they fit into the picture in the administration of the river. As United States representative and chairman of the commission I wish to commend the commissioners and their advisors for being so patient in working out a difficult problem. I would like also to express my appreciation for the confidence you have had in the federal offices that have worked right along with you, particularly the Geological Survey and the Bureau of Reclamation offices at Logan. I think we should single out also Mr. E.J. Skeen of the Solicitor's office who has acted as your secretary and the attorneys from the states have worked diligently in drafting this compact to conform to the wishes of the commission and their advisors. I should say too that the advisors of the state commissioners have been very helpful in arriving at the terms of the compact. I am convinced that you have justly earned the gratitude of your respective states and that the future will bear up the soundness of this compact. I personally am grateful for the opportunity of being one of the signers of it."

The negotiators' hope that everything would be passed in a few months did not work out and it took some period of time to get the bills passed through the Congress. The group became worried about how to administer the compact. It was determined that the federal government needed to administer the headgates and the issue was taken to the U.S. Geological Survey (USGS) in Washington, D.C. A letter was finally received from the USGS indicating it would become the water commissioner for the Bear River. When this was reported at a BRCC meeting, L.B. Johnson was very upset. This was a 180° turn.

By this time Clyde had become Governor and he stated "There had been a very cooperative attitude from the federal representatives and they had skillfully assisted in bringing the various interests to a point of agreement." He continued by stating there were two serious problems in the administration of the compact records and in the manner of assembling and interpreting efforts and this is why the states turned to the Geological Survey. He pointed out they had been negotiating the compact for 12 to 14 years and during that time the very important details had been largely in the hands of two men, Mr. Iorns and Mr. Gibson. The present possibility of operations concerned him. Until the compact had been tried and actually was in operation, they were not out of the woods. Governor Clyde referred to the remarkable agreement that came out of the long and sometimes spirited discussion. He stated, "In a large measure it will be diplomacy as well as the ability of those who had prepared the records that will make the Compact work." Governor Clyde stated he appreciated the Geological Survey's efforts. The compact recognized the rights of the states to administer the water granted by the compact among their own users under the existing priority schedule. He urged full and complete consideration be given to the problems of the compact administration and experienced men such as the man on his left, Wally Jibson, should be made available to help implement the compact.

Shortly thereafter the Compact became signed into law by the President in the spring of 1958 and Governor Clyde again came to the meeting showing how much interest he had and made additional statements. He stated, "Gentlemen, I am going to wear two hats this morning. First I want to welcome you here as governor of the state in the interest of this very important matter which is near and dear to the hearts of all of us, one that has been under consideration for many years and this appears to be the culmination of a successful effort to secure the understanding of the Bear River and a means to administer it in the interests of all. A notetaker this morning reported the compact will, in all probability, be passed by the House shortly and then it only requires the signature of the President to become law, after which it will evolve upon these three states to administer it. I want to welcome you in the interest of a good job well done. My interest in this field has been so intense and covered such a long period of time that I



cannot let it pass without coming up and meeting with you personally and expressing my personal appreciation for the great job you have done as a team in connection with the Bear River Compact and to wish you the best of success in your deliberations to now work out the mechanics of distribution of this great resource. So I welcome you here in two ways. I hope your stay will be pleasant. If there is anything I can do personally or from my office officially I shall be happy.”

This took place in February 1958. President Eisenhower signed the compact on March 17, 1958. The Commission met on April 5, 1958 for the first time. The Commissioners were given books containing the minutes of the first Commission meeting. At the first meeting several committees were formed. There was a budget and finance committee, a hydrology committee and a bylaws committee. The committees were given three weeks to work through issues and the Commission met again three weeks later.

At the conclusion of Jack Barnett’s recounting of the Commission’s history, it was noted by several that the Bear River Compact is a truly remarkable document. The Commission then took a break and had cake in celebration of the fifty-year anniversary.

Following the break, Dave Tuthill shared a Power Point presentation regarding the Idaho water supply bank. A copy of this presentation is attached to these minutes as Appendix I. There were several questions and Tuthill addressed these questions.

The Commission then moved to agenda item XIII and Jack Barnett was asked to give the Engineer-Manager report and the TAC report. Barnett indicated the staff is prepared for the new irrigation season to begin. The TAC will be meeting in the near term to look at the issue of the role the Commission might play with respect to new proposed significant uses on the river. The TAC will also look at the possible need to update estimates of depletions that are occurring in the river.

Chairman Hansen then asked Commissioner Strong to give the report of the Management Committee. Strong indicated the Management Committee will rely on the Engineer-Manager to keep the Commission informed on issues associated with the new development. The range of alternatives open to the Commission could include: 1) comply with the Compact and avoid conflict in river operation; 2) continue the cooperative and collaborative history of the Commission in meeting the needs of water users, PacifiCorp and the states; 3) avoid for as long as possible developing formal rules or rule making; 4) be sensitive to the individual state’s water rights processes and not prejudice the state’s actions; 5) intervene and participate on applications for change on an individual basis. The bylaws state that when 2/3 of the Commission wants to take an action there needs to be a 2/3 affirmative vote. The Commission will comply with this bylaw. Jack Barnett indicated the TAC will capsule this at its next meeting and present it at the November Commission meeting. Commissioner Tuthill indicated that the last item, item 5, is of concern. This could be a divisive step.

The Commission then moved to the state reports. Commissioner Strong reported that in Utah the Board of Water Resources took an action with regard to Proctor & Gamble and provided a \$15 million loan to Brigham City to provide water for the first two units of the Proctor & Gamble project. In addition to this water, they are talking to the Bear River Canal Company for additional water for additional units. The Governor speaks favorably of the Proctor & Gamble facility and supports the project.

Commissioner Tuthill reported that in Idaho in the Eastern Snake Plain Aquifer they are moving toward conjunctive administration where now they recognize technically that pumping a well impacts the river, in this case the Snake River. This has been endorsed legally through the Snake River Basin Adjudication. They are moving administratively toward including ground water in the administration of surface water. That is manifested now in

four different calls, a river to ground water call by the Surface Water Coalition; a ground water to ground water call within an irrigation district; and two spring to ground water calls. Tuthill then reported that Idaho determined to extend the Snake River Basin Adjudication to the northern panhandle to adjudicate the rest of the basins. The Idaho legislature has appropriated \$20 million for a six-year period to study various aquifers throughout the state and one of the aquifers is the Bear River Basin aquifer. There will be some technical studies that will enhance the understanding of the Bear River Basin. The Bear River Basin will probably be studied in years 5 and 6. The Idaho legislature voted to support the purchase of the Pristine Springs. \$10 million was put forth as part of a \$26 million purchase. The State of Idaho is buying back some of these rights to avoid the necessity for curtailment. There is an appropriation of \$1.8 million to study two different storage opportunities, one to raise Minidoka Dam and the other is to look at the possibility of building storage of some type in the Teton Basin. Tuthill noted that former Commissioner Dean Mathews passed away two weeks ago. If anyone would like to send a note to the family, the address is 670 Mingo Road, Grace, Idaho 83241.

Sue Lowry then gave the report for Wyoming stating that for several years they have been trying to get mandatory licensing of well drillers and this bill has passed the Wyoming legislature. The cost of supporting the USGS gages is very expensive. A request was made to the legislature for \$1.6 million and most of this will go toward adding real time gaging data, at state supported stream gages and diversion gages across the state. This will address about 260 existing sites. With regard to coal bed methane, a task force completed its work a year ago and made recommendations to the legislature. One recommendation was for the State Engineer to have the authority to order in-channel capacity. The authorizing language did not pass the legislature but was added to the interim study status for the Agriculture and Water Committee. There is a proposal for bringing Green River water with the diversion in Wyoming in a pipeline to essentially serve the front range of Colorado. This application has been received and given a temporary filing number. The State of Montana has petitioned the Supreme Court to look at the compact on Yellowstone. The State of Wyoming filed on April 2 or 3 a motion to dismiss. Montana has 35 days to respond. The court has agreed to allow amicus briefs to be filed by mid-May. Lowry then briefly discussed the Sublette Creek Project.

There were no other items brought to the attention of the Commission. It was determined that the next Commission meeting will be held on Tuesday, November 18. The meeting was adjourned at 4:25 p.m.

## ATTENDANCE ROSTER

**BEAR RIVER COMMISSION  
ANNUAL MEETING**  
Rocky Mountain Power Building  
Salt Lake City, Utah  
April 22, 2008

### IDAHO COMMISSIONERS

Rod Wallentine  
Dave Tuthill  
Marc Gibbs

### UTAH COMMISSIONERS

Dennis Strong  
Blair Francis  
Charles Holmgren  
Norm Weston (Alternate)

### WYOMING COMMISSIONERS

Sam Lowham  
Gordon Thornock  
Jade Henderson (Alternate)  
Sue Lowry (Alternate)  
Erick Esterholdt (Alternate)

### ENGINEER-MANAGER & STAFF

Jack Barnett  
Don Barnett

### FEDERAL CHAIR

Dee Hansen

### OTHERS IN ATTENDANCE

#### IDAHO

Rock Holbrook, Water Commissioner

#### UTAH

Todd Adams, Division of Water Resources  
Will Atkin, Division of Water Rights  
Walt Baker, Department of Environmental Quality  
Ron Hoffman, Water Commissioner  
Ken Short, Division of Water Resources  
Randy Staker, Division of Water Resources

#### WYOMING

Kevin Payne, State Engineer's Office  
Don Shoemaker, Water Commissioner

#### OTHERS

Cory Angerth, U.S. Geological Survey  
Connely Baldwin, PacifiCorp Energy  
Dean Brockbank, PacifiCorp Energy  
Carly Burton, Bear River Water Users Association  
Scott Clark, Barnett Intermountain Water Consulting  
Claudia Conder, PacifiCorp  
David Cottle, Bear Lake Watch  
Dan Davidson, Bear River Canal Company

**APPENDIX A**  
**PAGE TWO**

Bob Fotheringham, Cache County  
David Hansen, Hansen, Allen & Luce  
Randy Julander, NRCS Snow Survey  
Jack Kolkman, PacifiCorp Energy  
Steve Noyes, U.S. Bureau of Reclamation

PROPOSED  
AGENDA

Bear River Commission Annual Meeting  
April 22, 2008

Rocky Mountain Power Building  
1407 West North Temple, Room 130K  
Salt Lake City, Utah

Associated Committee Meetings  
Utah Department of Natural Resources Building  
1594 West North Temple, Room 314  
Salt Lake City, Utah

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**COMMISSION AND ASSOCIATED MEETINGS**

**April 21**

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

**April 22**

9:00 a.m.	Records & Public Involvement Committee Mtg, Room 314	Holmgren
10:15 a.m.	Operations Committee Meeting, Room 314	Lowham
11:30 a.m.	Informal Meeting of Commission, Room 314	Barnett
12:00 noon	State Caucuses and Lunch	Tuthill/Strong/Lowry & Henderson
1:30 p.m.	Commission Meeting, Rocky Mountain Power Building	Hansen

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**ANNUAL COMMISSION MEETING**

**April 22, 2008**

**Convene Meeting:** 1:30 p.m., Chair Dee Hansen

- |      |   |               |
|------|---|---------------|
| I.   | Call to order   | Hansen        |
|      | A. Welcome of guests and overview of meeting                          |               |
|      | B. Approval of agenda   |               |
| II.  | Approval of minutes of last Commission meeting<br>(November 27, 2007) | Hansen        |
| III. | Report of Secretary/Treasurer   | Strong/Staker |
| IV.  | Election of officers  | Hansen        |

**APPENDIX B  
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- |       |   |                  |
|-------|---|------------------|
| V.    | Snow pack   | Julander         |
| VI.   | PacifiCorp issues                                       | Baldwin          |
|       | A. Water supply   |                  |
|       | B. Allocations in 2008                                  |                  |
| VII.  | Activities of the Bear River Water Users Association    | Burton           |
| VIII. | Report of the Water Quality Committee                   | Baker            |
|       | (Time Certain 2:00 p.m. photo taken of Commission)      |                  |
| IX.   | Report of the Records & Public Involvement Committee    | Holmgren         |
| X.    | Report of the Operations Committee                      | Lowham           |
| XI.   | Fifty year anniversary of the Compact                   | Barnett          |
|       | <b>BREAK</b>  |                  |
| XII.  | Water Banking in Idaho                                  | Tuthill/Anderson |
| XIII. | Engineer-Manager and TAC report                         | J. Barnett       |
| XIV.  | Report of the Management Committee                      | Strong           |
| XV.   | State Reports   |                  |
|       | A. Utah   | Strong           |
|       | B. Idaho  | Tuthill          |
|       | C. Wyoming  | Lowry/Henderson  |
| XVI.  | Other Items   | Hansen           |
| XVII. | Next Commission Meeting<br>(Tuesday, November 18, 2008) | Hansen           |

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

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 2007 THRU APRIL 17, 2008

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-01-07	101,629.67			101,629.67
State of Idaho			35,000.00	35,000.00
State of Utah			35,000.00	35,000.00
State of Wyoming			35,000.00	35,000.00
US Fish & Wildlife		6,750.00		6,750.00
Interest on Savings		4,423.15		4,423.15
TOTAL INCOME TO APR 17, 2007	101,629.67	11,173.15	105,000.00	217,802.82

DEDUCT OPERATING EXPENSES

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract	56,550.00	-	56,550.00
SUBTOTAL	56,550.00	-	56,550.00
EXPENDED THROUGH COMMISSION			
Personal Services Jack	56,620.00	9,436.70	47,183.30
Travel (Eng-Mgr)	1,200.00	91.22	1,108.78
Office Expenses	1,600.00	890.67	709.33
Printing Biennial Report	1,000.00	1,000.00	-
Treasurer Bond & Audit	1,400.00	1,300.00	100.00
Printing	1,600.00	725.21	874.79
Web Page/Data	6,000.00	5,955.00	45.00
Contingency	5,000.00	5,000.00	-
SUBTOTAL	74,420.00	24,398.80	50,021.20
TOTAL EXPENSES	130,970.00	24,398.80	106,571.20
CASH BALANCE AS OF 04-17-2008			111,231.62

APPENDIX C  
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BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING APRIL 17, 2007

656	JACK BARNETT	4,718.33
657	VOID	
658	VOID	
659	VOID	
660	JACK BARNETT	4,847.33
661	USGS	56,550.00
662	JACK BARNETT	5,066.86
663	JACK BARNETT	4,806.15
664	JACK BARNETT CANCELED 01/10/2008	-
	WELLS FARGO FEE	68.00
665	JACK BARNETT	5,113.00
666 REISSUE OF 664	JACK BARNETT	5,625.45
667	JACK BARNETT	5,243.64
668	JACK BARNETT	4,830.12
669	JACK BARNETT	4,732.66
670	CAN SURETY	100.00
671	STONEFLY TECHNOLOGY	45.00
672	JACK BARNETT	4,824.66

TOTAL EXPENSE 106,571.20

BANK RECONCILIATION

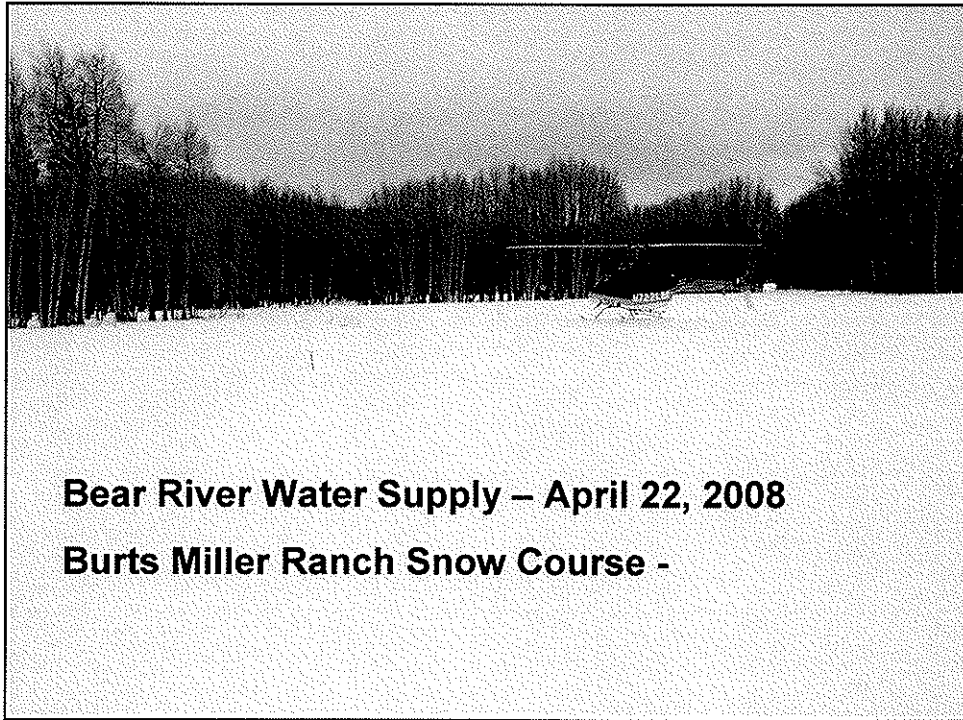
Cash in Bank per Statement 04-17-08	2,242.99
Plus: Intransit Deposits	
Less: Outstanding Checks	4,969.66
Total Cash in Bank	(2,726.67)
Plus: Savings Account-Utah State Treasurer	113,958.29
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	111,231.62

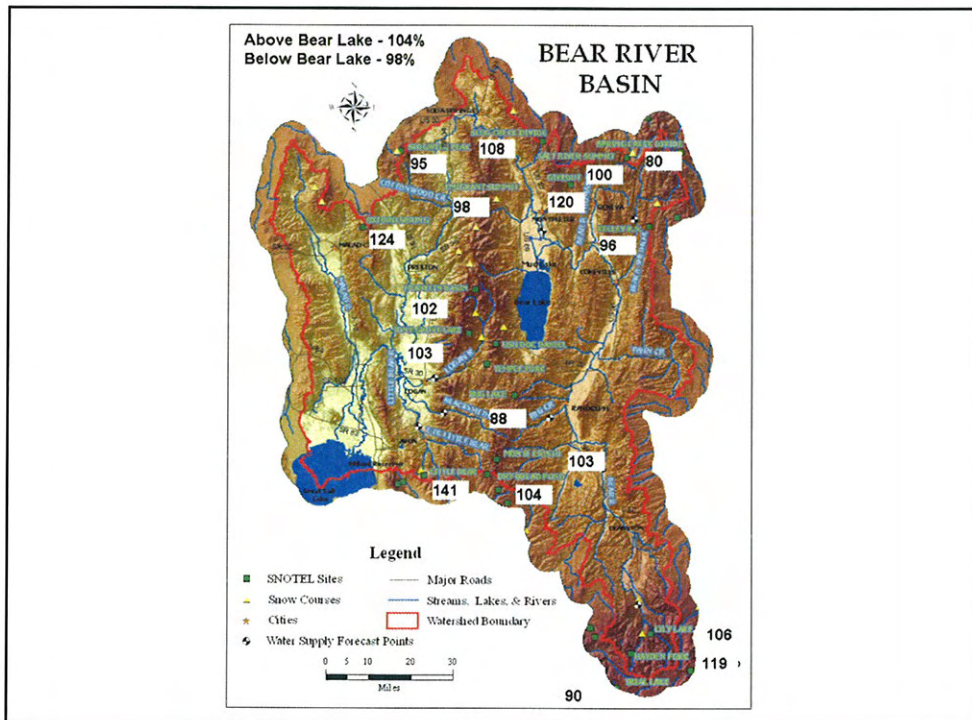


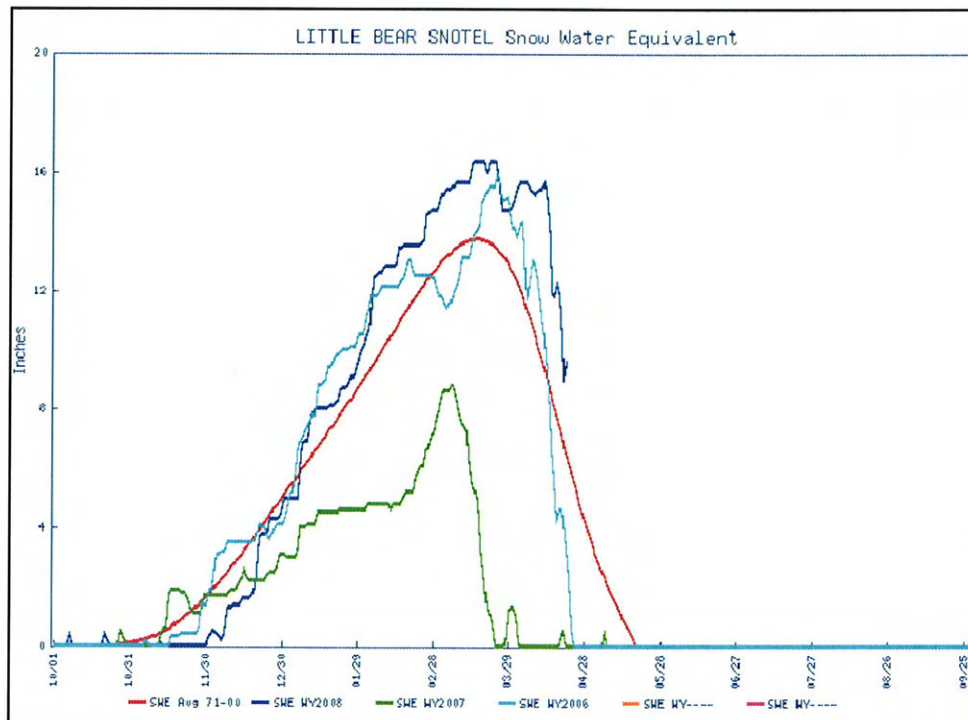
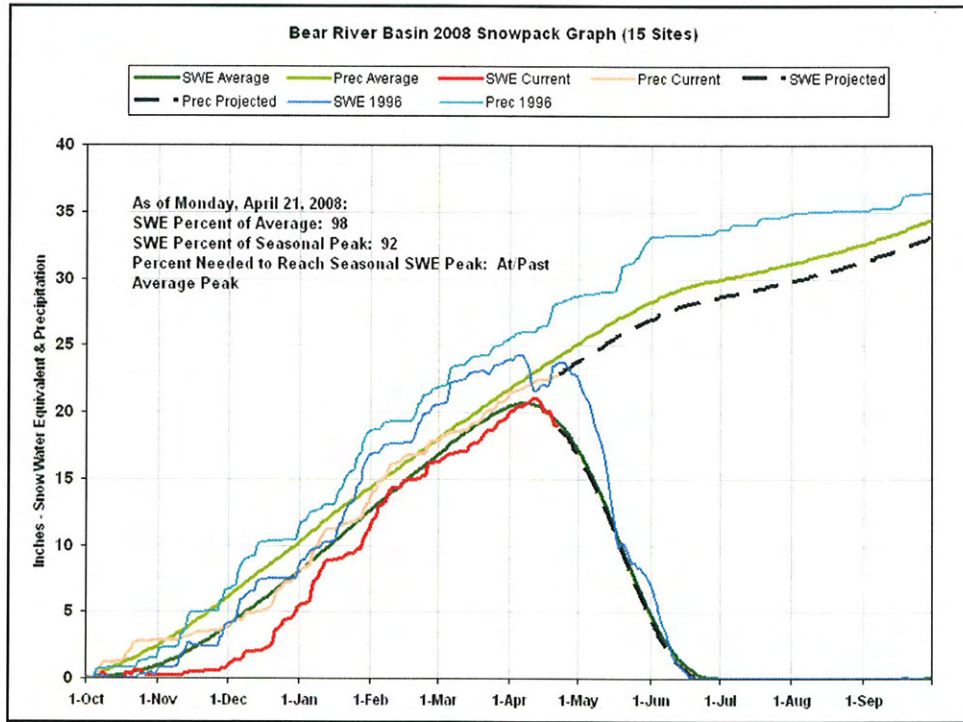
BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY 2008, AND PROPOSED BUDGETS FOR FY2009 AND FY2010

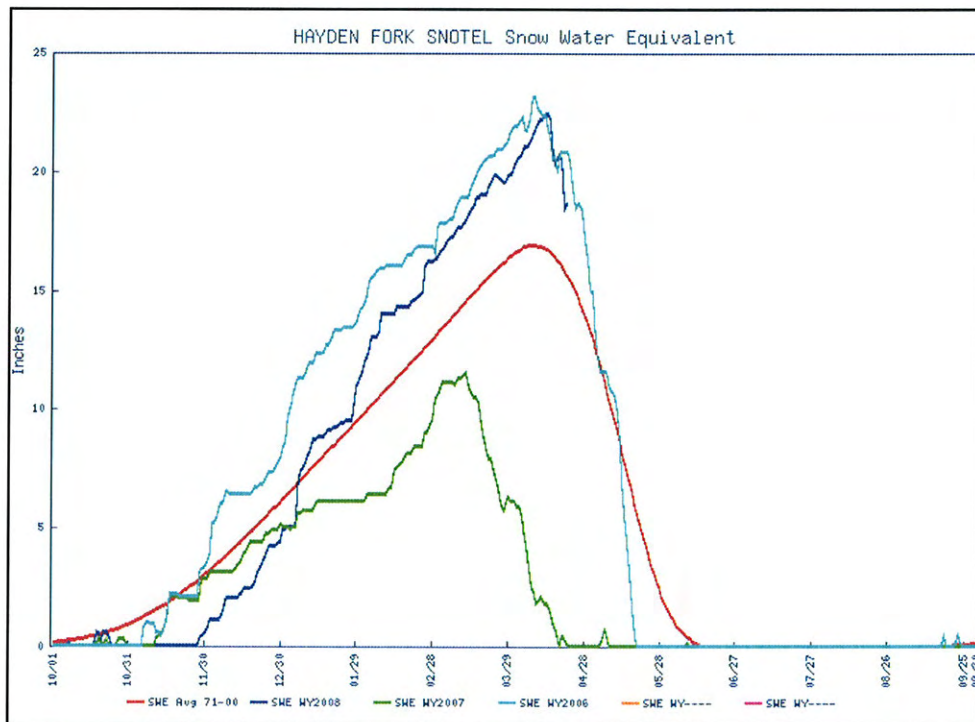
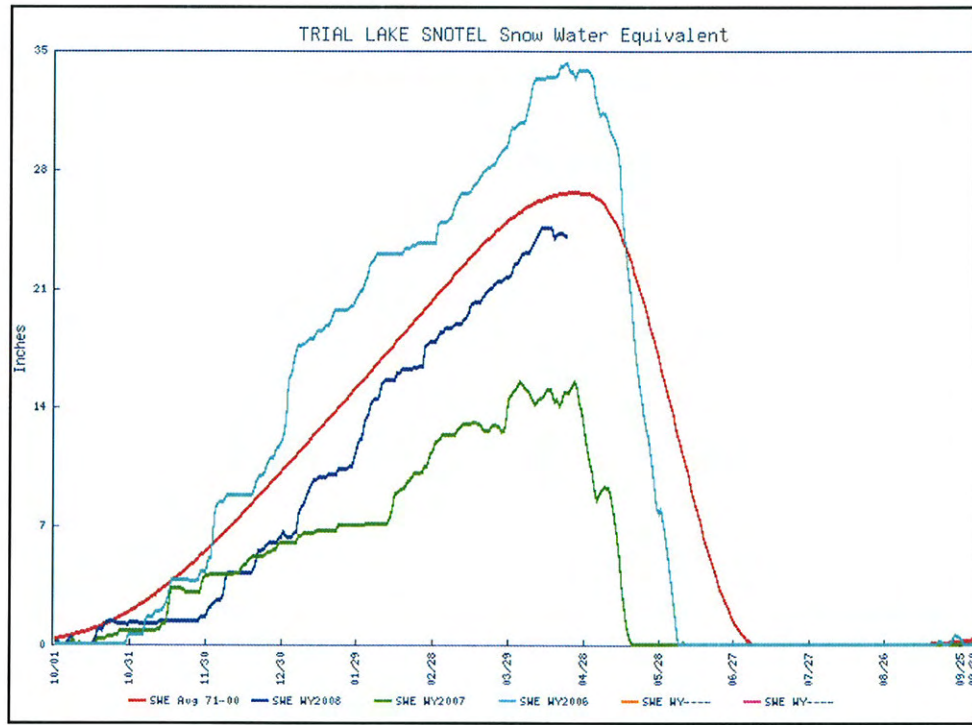
	FY 2008 APPROVED BUDGET	FY 2009 PROPOSED BUDGET	FY 2010 PROPOSED BUDGET
	-INCOME-	-INCOME-	-INCOME-
BEGINNING BALANCE	101,629.67	86,909.67	87,909.67
IDAHO	35,000.00	40,000.00	40,000.00
UTAH	35,000.00	40,000.00	40,000.00
WYOMING	35,000.00	40,000.00	40,000.00
USF&WS	6,750.00	7,050.00	7,350.00
INTEREST ON SAVINGS	4,500.00	4,500.00	4,500.00
TOTAL INCOME	217,879.67	218,459.67	219,759.67
	-EXPENDITURES-	-EXPENDITURES-	-EXPENDITURES-
STREAM GAGING-U.S.G.S.	56,550.00	52,300.00	59,155.00
PERSONAL SERVICES CONTRAC	56,620.00	59,450.00	62,423.00
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	2,000.00	1,000.00
TREASURER'S BOND & AUDIT	1,400.00	1,400.00	1,400.00
PRINTING	1,600.00	1,600.00	1,600.00
WEB PAGE/DATA	6,000.00	6,000.00	6,000.00
CONTINGENCY	5,000.00	5,000.00	5,000.00
TOTAL EXPENDITURES	130,970.00	130,550.00	139,378.00
UNEXPENDED CASH BALANCE	86,909.67	87,909.67	80,381.67

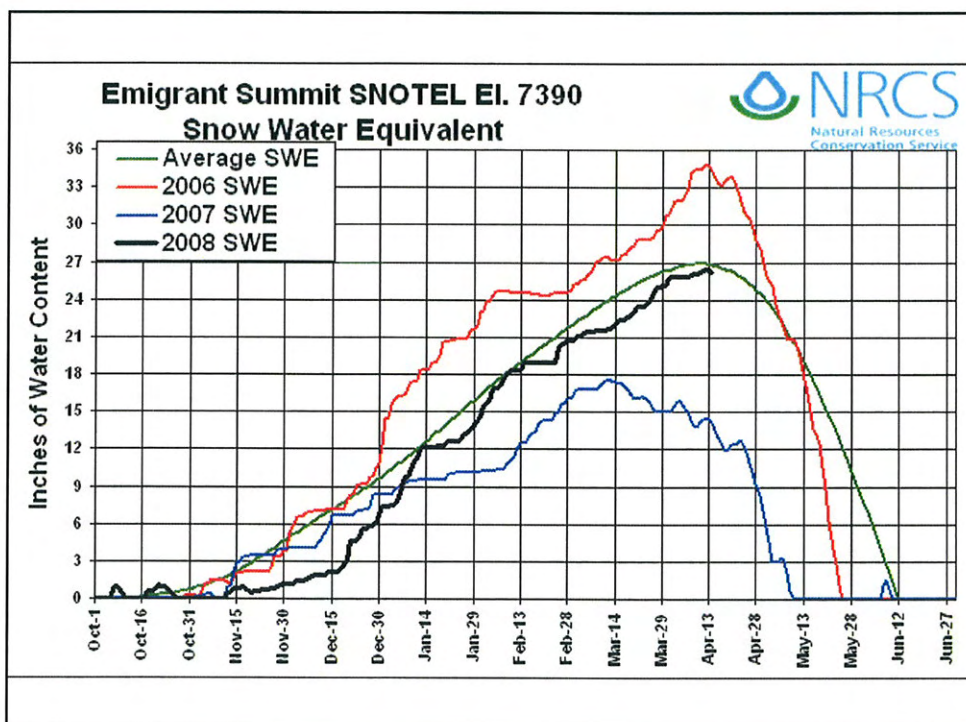
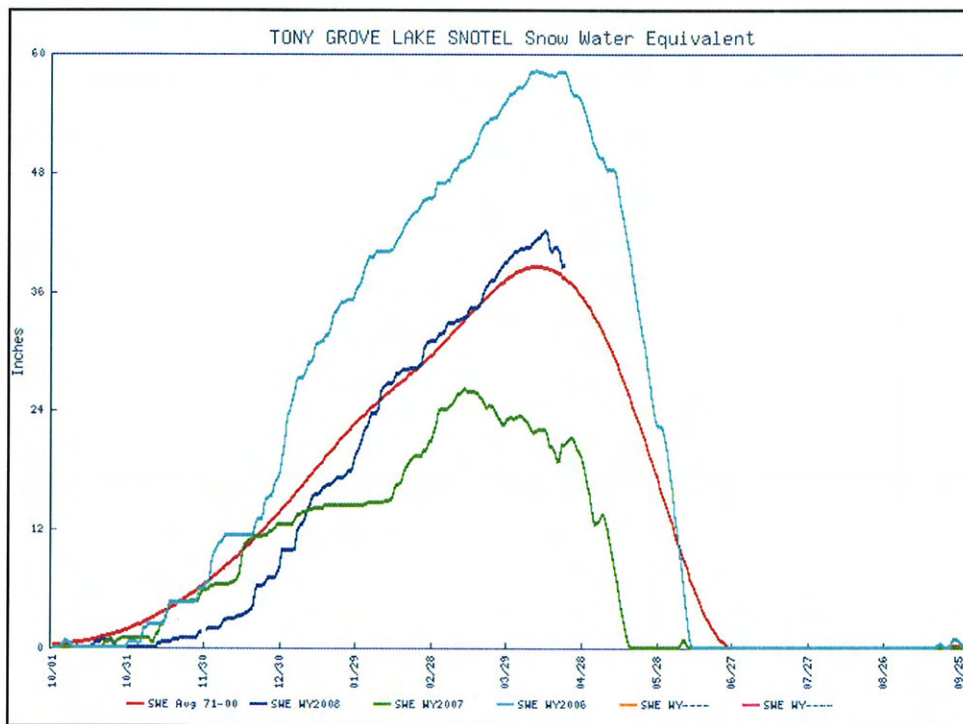


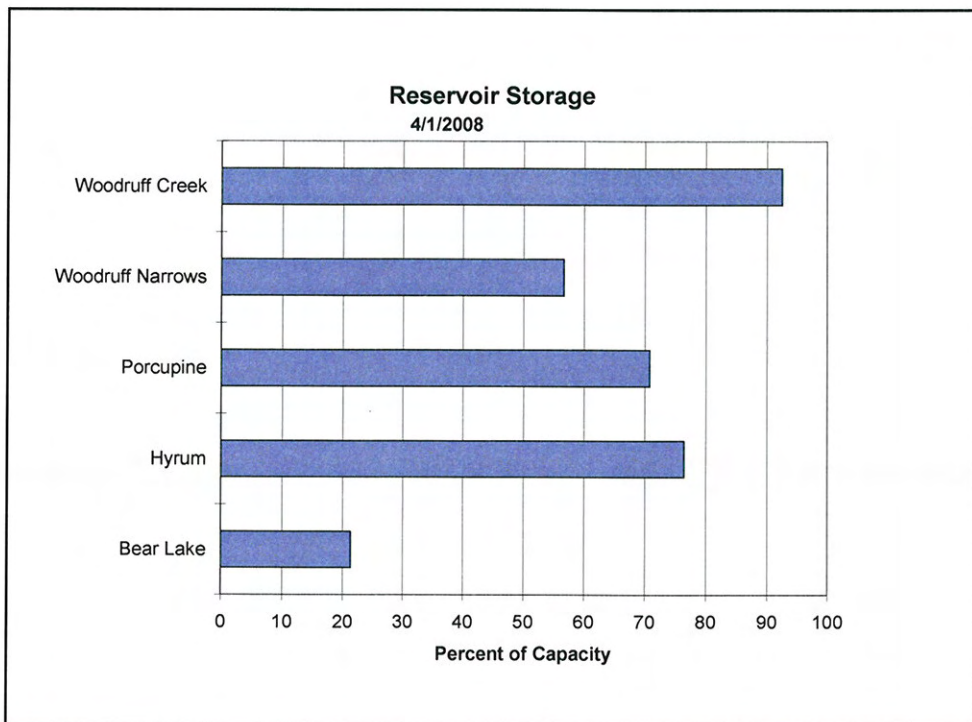
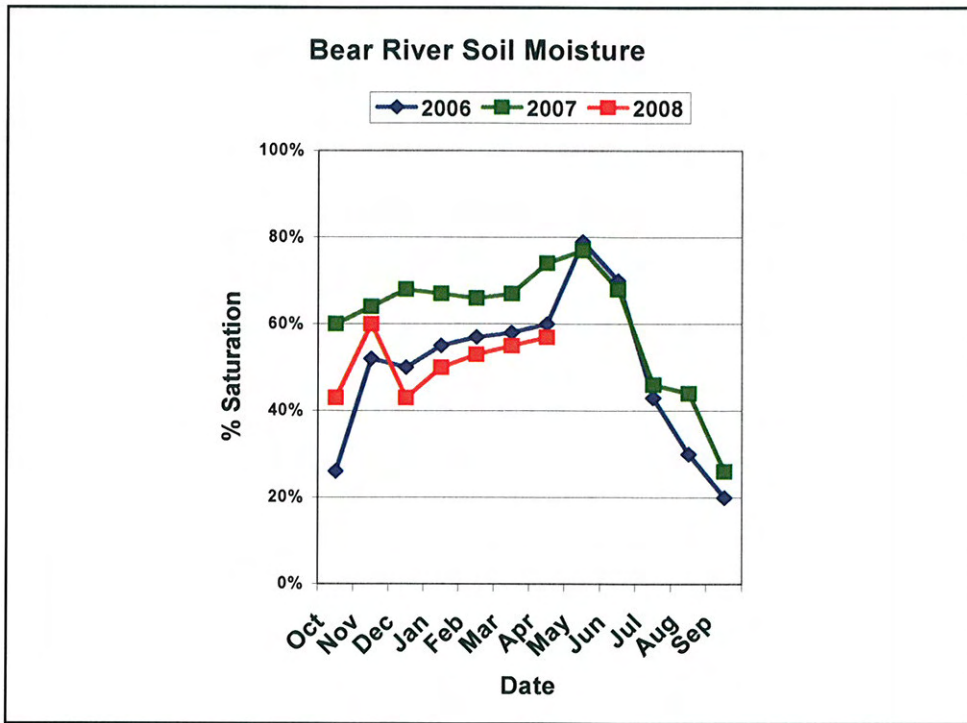


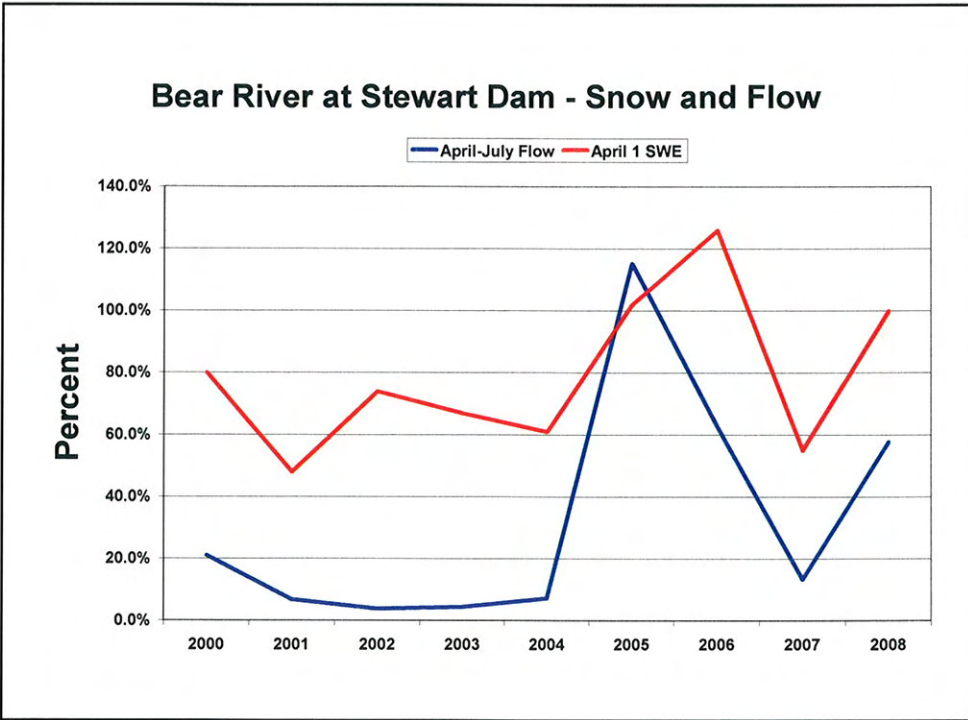
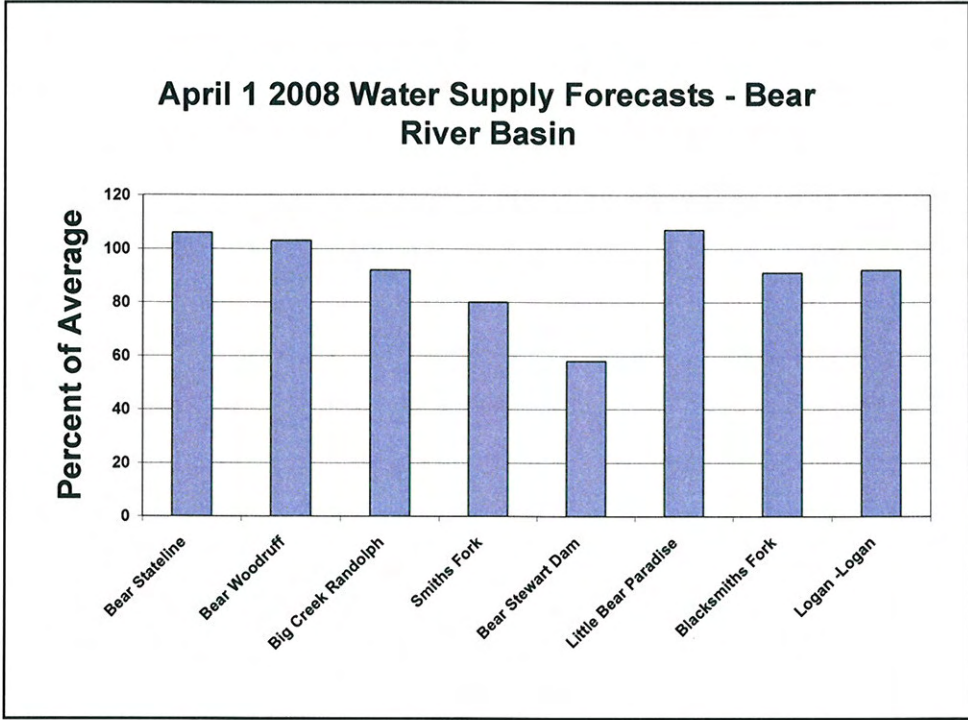




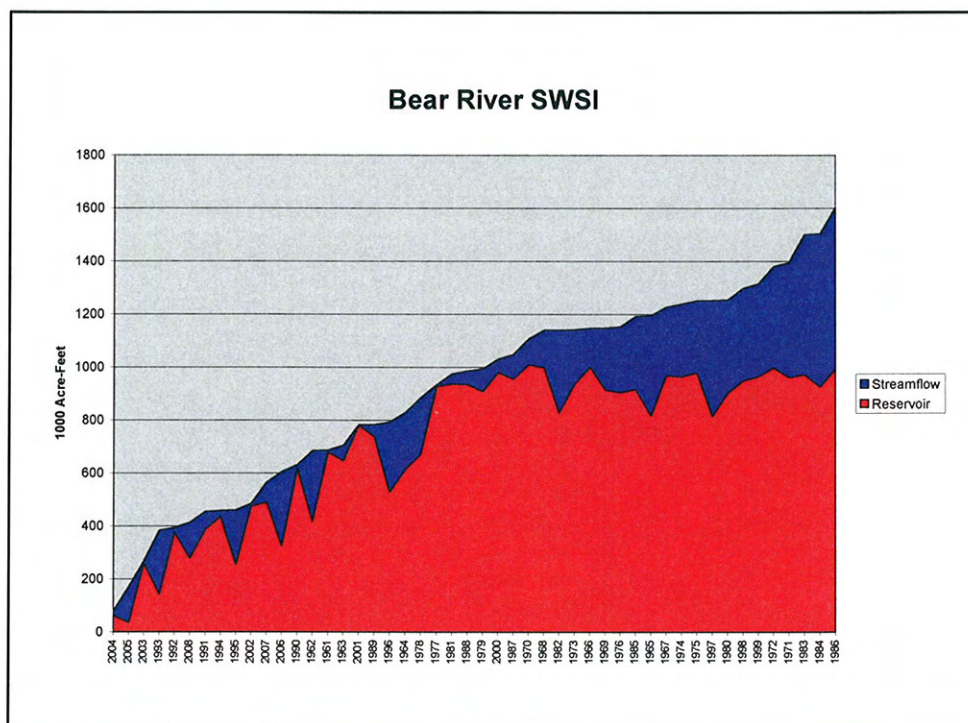
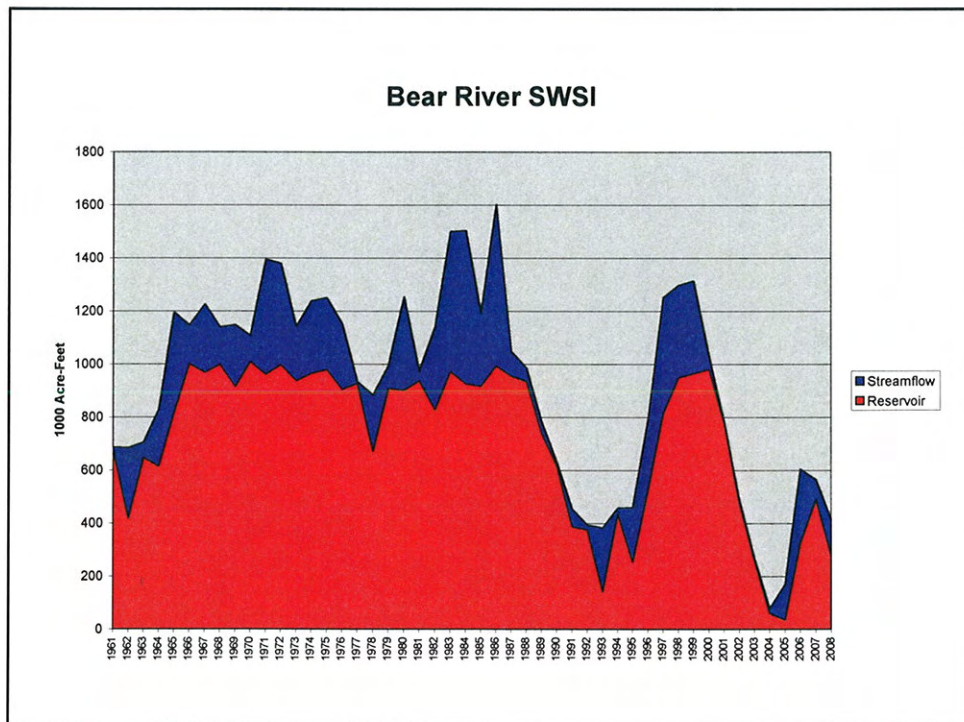


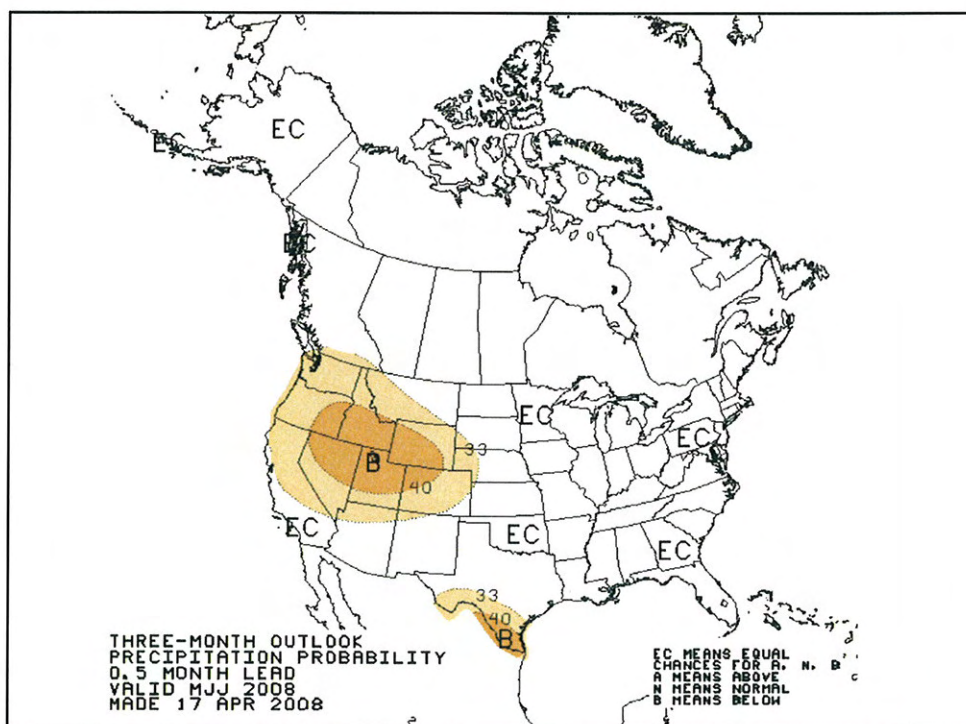
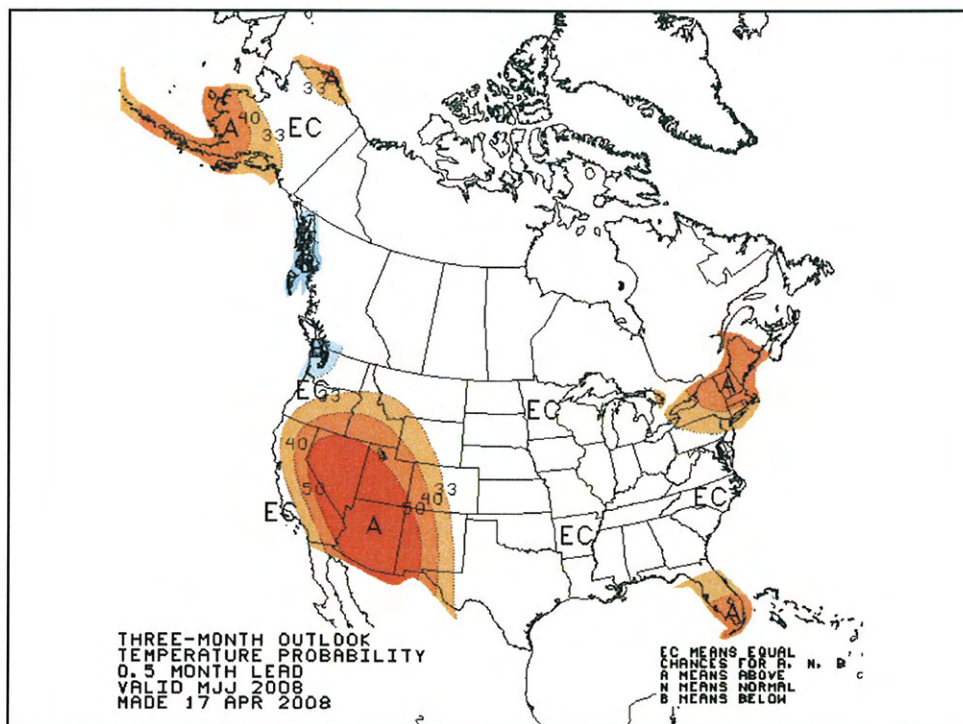




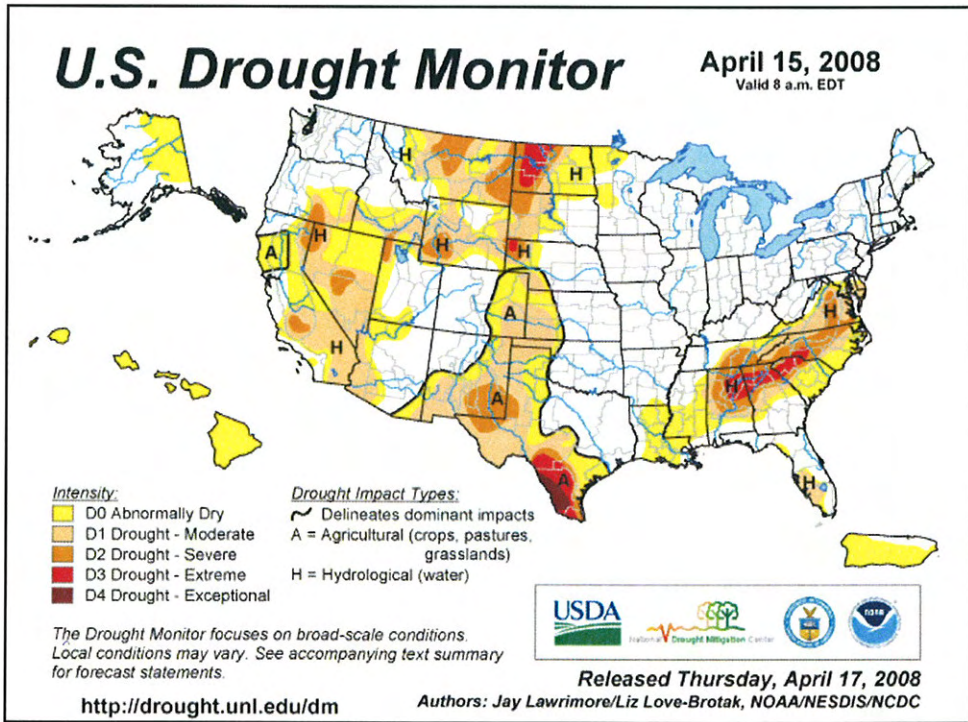












While life ain't exactly peaches n cream, could be far worse!



**SUMMARY OF PACIFICORP BEAR LAKE/BEAR RIVER OPERATION FOR 2007  
AND IRRIGATION ALLOCATION FOR 2008**

**Water Year 2007 Bear Lake Operation**

Low elevation (fall of 2006)	5909.97'	October 12, 2006
High elevation	5912.58'	May 18, 2007
Bear Lake Irrigation Allocation	218,000	Ac. Ft. (95% of full 230,000 Ac. Ft.)
NRCS April 1 runoff forecast	75,000 Ac. Ft. (31%)	– April through July volume
Rainbow Inlet Canal (April-July)	34,000 Ac. Ft. (14%)	
Outlet Canal-period of release	May 12 to September 24	
Outlet Canal total release <sup>^</sup>	212,000 Ac. Ft.	
Outlet Canal storage release*	194,000 Ac. Ft.	
Allocation for Lake Recovery	33,800 Ac. Ft.	

\* As computed by PacifiCorp (note that the difference between the total release and the storage release is natural flow per Dietrich Decree for Mud Lake and Bear Lake Tributaries plus Rainbow Canal inflows)

“System Loss” volume<sup>^</sup>                      10,600 Ac. Ft.

<sup>^</sup> Due to uncontrolled flow from (welcome) rain events and system balancing. 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.

**Water Year 2008 Bear Lake Operation To Date**

Low elevation                                      5907.63'                      November 10, 2007

**Conditions as of April 21, 2008**

Bear Lake elevation	5908.86'
Bear Lake equivalent elevation	5909.23'
Rainbow Inlet canal flow	400 cfs
Bear Lake inflow (causeway)	424 cfs

**2008 Irrigation Allocation**

Estimated Spring Maximum Bear Lake Elevation: 5912.1'

Irrigation Allocation: 216,000 AF (94% of full allocation)

**BEAR RIVER WATER USERS ASSOCIATION  
REPORT TO THE BEAR RIVER COMMISSION  
APRIL 22, 2008**

**Association Activities**

On March 4, 2008 the Association held its annual board of directors meeting in Logan, Utah. The board nominated and approved Charles Holmgren as president and Gale Moser as vice president for the ensuing year. The board also approved an assessment this year which represents a decrease over the previous year and is equal to a 50% assessment decrease since 2004. The Association continues to remain financially secure and there is an open communication between the four irrigation company members. The Association will continue to assist both the Utah and Idaho pumper groups in any way it can during 2008. The Association is hopeful that during 2008 the Utah and Idaho Small Irrigation groups will reach a mutually agreeable plan to join as members of the Bear River Water Users Association.

**2008 Water Supply**

The water supply outlook is much improved from this time a year ago. You may recall that, for all practical purposes, the runoff to Bear Lake last year was essentially over by the end of April with a meager 74,000 flowing in the Rainbow Inlet Canal. This year, based on current snowpack conditions, runoff forecasts and PacifiCorp's projected high lake level of about 5912, the water supply for irrigation will be substantially improved over 2007 and near normal runoff is expected throughout the Bear River basin. In order to determine the projected irrigation demands from storage, I reviewed historical comparisons of irrigation demand from Bear Lake vs Bear Lake net runoff values. The average Bear Lake net runoff is about 313,000 acre feet and I evaluated historical net runoff values ranging from 250,000 to 325,000 acre feet. Of the 13 events (years) that were within this net runoff range, the highest storage use was equal to 170,000 acre feet and the lowest use was about 50,000 acre feet with the median amounting to about 100,000 acre feet. Based on this analysis, the Association believes that actual storage demand in 2008 will be about 50% of the allocation, assuming near normal weather conditions occur. In spite of this potential storage surplus, the Association will continue to stress conservation to the member organizations. It should be noted that the 30,000 acre feet of storage water conserved in 2007 is available for use in 2008. This conserved water benefits all who utilize Bear Lake.

**Real-time Data Logging Activities**

Recently the Bureau of Reclamation issued its request for proposals to secure grant funding under the Bureau's 2025 Grant Program. The Bear River District 11, State of Idaho, PacifiCorp, and the Bear River Water Users Association is cooperating to prepare a proposal which would allow the Idaho Small Irrigators, irrigators along the Bear River above Bear Lake, Last Chance Canal Company, West Cache pumps and Cub River Irrigation Company to secure sufficient funding to have measuring devices and real-time recording and data logging equipment installed. Rock Holbrook has done most of the work in getting the forms filled out and the other cooperating organizations are working to help complete this proposal by the April 28, 2008 deadline. This proposal would involve about 50 sites and a total project cost of \$218,000 of which the Bureau would provide \$109,000 in matching funds. The remainder would be provided by in-kind services, contributions and fees assessed to individual irrigators and companies.



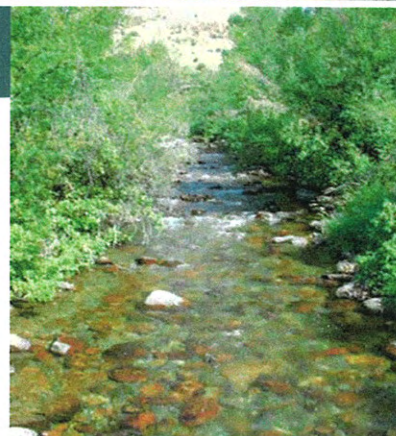


## BEAR RIVER WATERSHED INFORMATION SYSTEM

*"Providing unprecedented access to data in the Bear River Basin"*

### Bear River WIS Outreach & Education

The Bear River Watershed Initiative is an EPA funded project which is improving water quality coordination and management for the entire Bear River Watershed. The Bear River Watershed Information System (WIS) ([www.bearriverinfo.org](http://www.bearriverinfo.org)) provides one place to get basic information about the different regions of the watershed, to find or create maps, to access real time and historic data, to find contact information for resources across the watershed, to locate documents, and much, much more.



#### ***Outreach and Education Goals:***

- To assure that the project is responsive to the needs and interests of our various partners and stakeholders in the watershed.
- To educate and inform our partners and stakeholders about the various elements and outcomes of the project.
- To educate the citizens in the Bear River watershed about watershed functions, water quality and other water resources.

#### ***Tasks:***

- Outreach and Coordination with Partners
- Develop Outreach Materials
- Public Outreach Activities

#### ***Outreach and Coordination with Partners:***

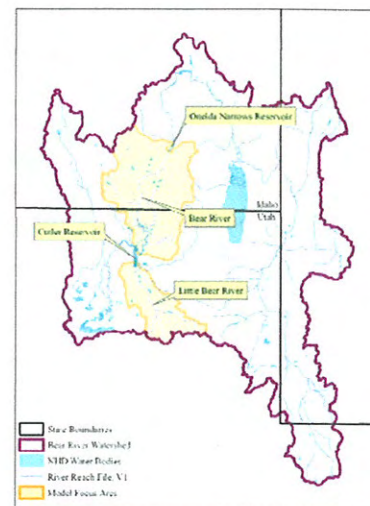
Throughout this project, the partners coordinated with watershed agencies, organizations, and the public to provide content for the Bear River WIS. This included distribution of over 300 public relations fliers, and over 200 direct contacts with the stakeholders to gain information used in the Bear River WIS. One of the major deliverables from these efforts was establishing the Resource Specialists and Organizations database (or "People, Organizations, and Projects").

#### ***Develop Outreach Materials:***

Once the project was underway, the partners began planning for outreach materials. These materials would provide the partners with public relations documents and content for the Bear River WIS, such as the Bear River sub-watershed descriptions posted on the site. Other outreach materials include:

- Secondary education curricular material specifically created for the Bear River watershed.
- Approximately 1500 Bear River WIS bookmarks have been distributed.
- Electronic newsletters.

The Bear River WIS ([www.bearriverinfo.org](http://www.bearriverinfo.org)) continues to demonstrate significant usage with an average daily 1,330 hits from December 2007 to March 2008, and an average of 6,769 monthly total visits (Dec. 2007- March 2008).





## Bear River WIS Outreach & Education Continued...

### *Public Outreach Activities:*

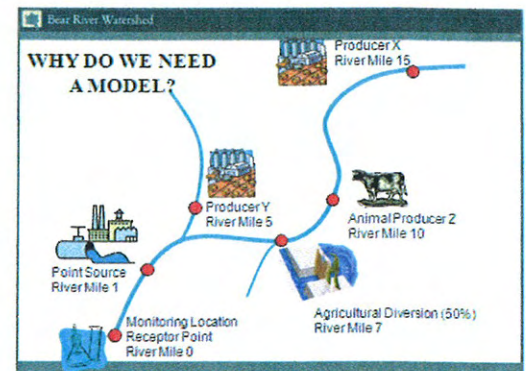
#### **Bear River WIS Presentations:**

The project partners attended numerous community and organization meetings to gain interest and content for the Bear River WIS. These meetings included presenting to the Bear River Regional Commission, the Idaho Bear River Basin Advisory Group, Cutler TMDL Advisory Committee, the Wyoming Basin Advisory Group, the Utah Watershed Coordinating Council, and the Bear River Water Quality Task Force. The Bear River WIS was also highlighted at the USU College of Natural Resources Symposium and several national meetings.



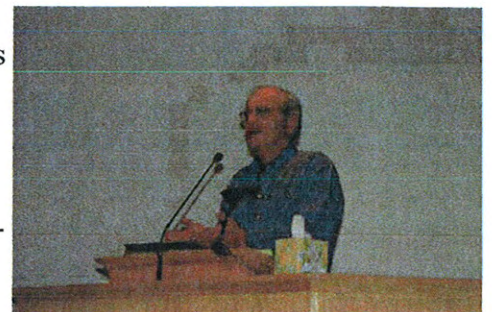
#### **Water Quality Trading Workshop:**

On July 19, 2007, the Bear River Initiative Steering Committee hosted a water quality trading workshop to explore the concepts of pollutant trading and specifics being explored in the Bear River watershed. 37 representatives from Idaho, Wyoming, and Utah, including agencies, educators, and producers attended the workshop. The presentations made at this workshop are available at on the Bear River WIS Digital Resources ([www.bearriverinfo.org/library/](http://www.bearriverinfo.org/library/)).



#### **Bear River Symposium:**

On September 5-7th, 2007, the Bear River Symposium was conducted as a partnership with the Utah Nonpoint Source Conference. 153 participants attended the Bear River Symposium which include 30 presenters and two watershed tours. The key note speaker was Ed Marston, the previous publisher of High County News. Rick Sprott of the Utah Department of Environmental Quality and Troy Forest of the Utah Association of Conservation Districts also gave general addresses to the audience. The symposium topics included fish passage restoration efforts conducted in the Bear River Basin, current TMDL efforts, funding of water quality projects, and ongoing water quality monitoring efforts within the watershed. One highlight of the symposium was the annual NPS awards banquet which recognizes the efforts of agency employees, educators, and citizens making water quality achievements in the watershed.



### *What's Next?*

The Bear River WIS will continue to be updated and maintained on a regular basis for stakeholder needs.

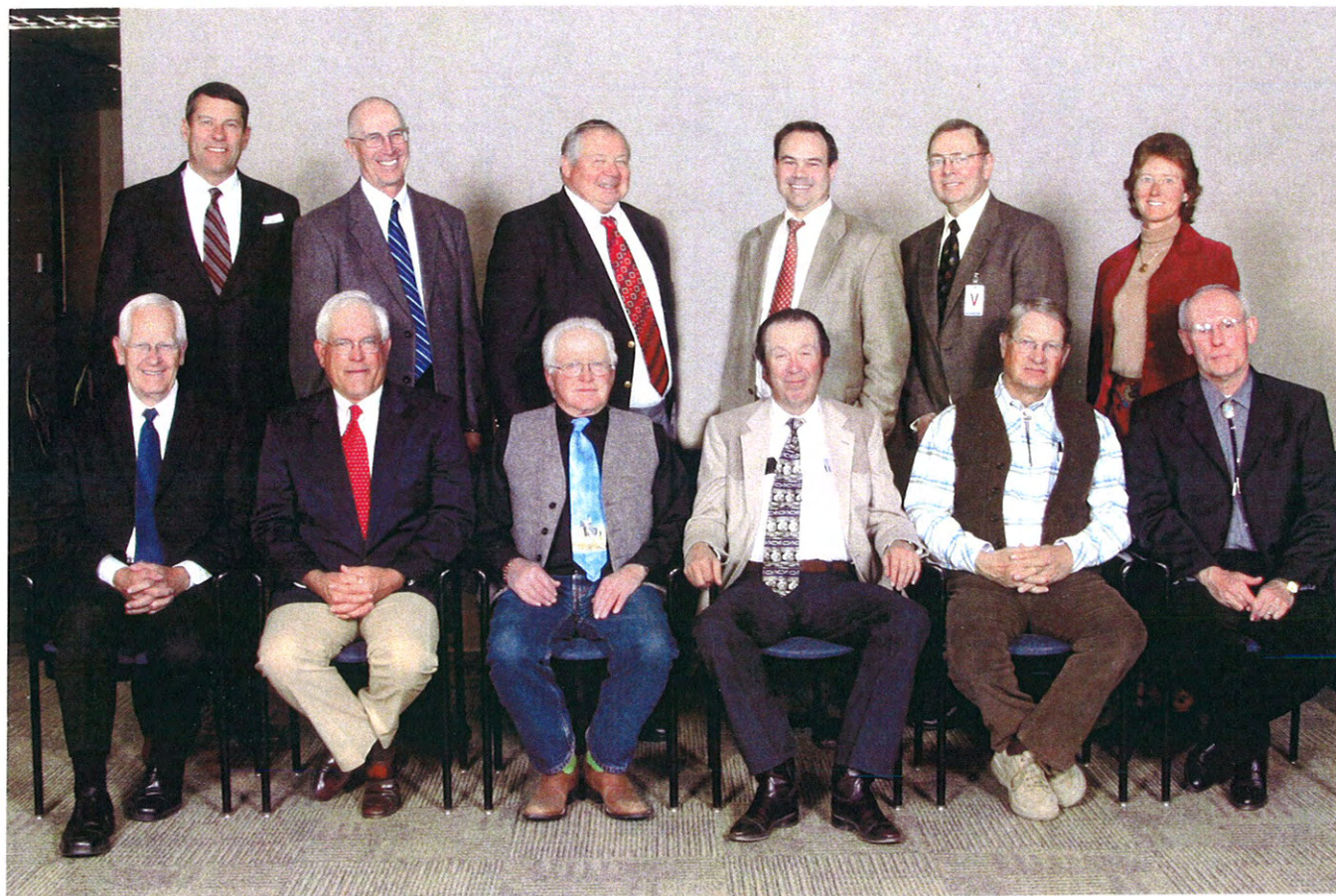
The Bear River Watershed Initiative Project will continue to look for feedback regarding the Bear River WIS.

- Contact USU Water Quality Extension if you have any questions or feedback regarding the Bear River WIS, pollutant trading, and other water quality issues within the Bear River Basin.
- If you are interested in participating in an ongoing citizen/stakeholder advisory committee, contact USU Water Quality Extension at (435)797-2580 or email [susan.anderson@usu.edu](mailto:susan.anderson@usu.edu).

For more information visit:

[www.bearriverinfo.org](http://www.bearriverinfo.org)





Nine Bear River Commission members, with Sue Lowry standing in for Pat Tyrrell and staff members, Jack Barnett and Don Barnett

Seated left to right: Dee Hansen, Charles Holmgren, Sam Lowham, Blair Francis, Gordon Thornock, Dennis Strong

Standing left to right: Dave Tuthill, Rodney Wallentine, Jack Barnett, Don Barnett, Marc Gibbs, Sue Lowry





Bear River Commission members, Alternates, Technical Advisory Committee members, PacifiCorp representative.

Seated left to right: Rodney Wallentine, Dave Tuthill, Dee Hansen, Charles Holmgren, Sam Lowham, Blair Francis, Gordon Thornock, Dennis Strong, Marc Gibbs, Sue Lowry.

Standing left to right: Erick Esterholdt, Norm Weston, Hal Anderson, Will Atkin, Todd Adams, Jack Barnett, Don Barnett, Jade Henderson, Kevin Payne, Connely Baldwin.





Attendees at the 50th anniversary meeting of the Bear River Commission

Row 1 (seated on floor, left to right): Scott Clark, David Hansen, Kevin Payne, Steve Noyes, Walt Baker, Don Barnett, Bob Fotheringham, Will Atkin, Cory Angeroth, Jade Henderson.

Row 2 (seated in chairs): Hal Anderson, Dave Tuthill, Dee Hansen, Charles Holmgren, Sam Lowham, Blair Francis, Gordon Thornock, Jack Barnett, Dennis Strong, Todd Adams.

Standing (left to right): Erick Esterholdt, Rodney Wallentine, Carly Burton, Sue Lowry, Rock Holbrook, Norm Weston, Jack Kolkman, Marc Gibbs, Claudia Conder, Connely Baldwin, Don Shoemaker, Dave Cottle, Ron Hoffman, Dan Davidson, Randy Staker, Ken Short.



# IDAHO WATER SUPPLY BANK How It Works

Bear River Commission

April 22, 2008

Dave Tuthill

(Slides by Hal N. Anderson)



## WATER SUPPLY BANK CREATED

Idaho Code § 42-1761 "The water resource board shall have the duty of operating a water supply bank. The water supply bank shall make use of and obtain the highest duty for beneficial use from water, provide a source of adequate water supplies to benefit new and supplemental water uses, and provide a source of funding for improving water use facilities and efficiencies."





## WATER SUPPLY BANK RULES

- ❖ Idaho Code § 42-1762 provides the authority for the IWRB to adopt rules and regulations governing the management, control, delivery, use and distribution of water to and from the water supply bank.
- ❖ Water Supply Bank Rules 37.02.03 first adopted in 1980.
- ❖ Rules are used by IWRB in considering the purchase, sale, lease or rental of natural flow or stored water, the use of any funds generated therefrom, and the appointment of local committees to facilitate the lease and rental of stored water.



## NATURAL FLOW OR GROUND WATER

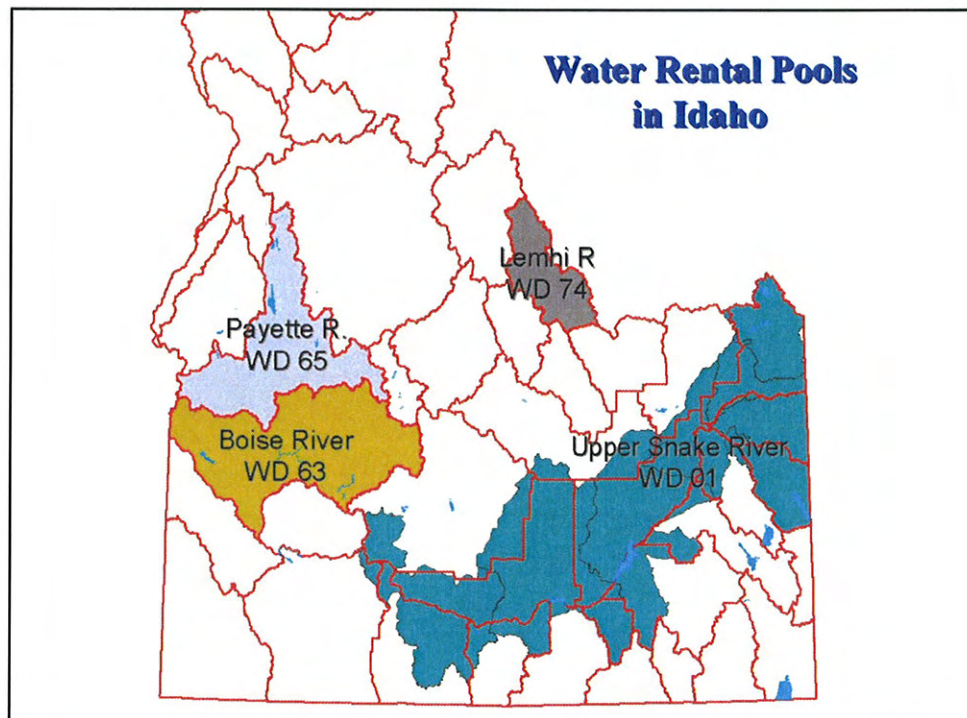
- ❖ Water Bank operated by Idaho Department of Water Resources, except in the Lemhi.
- ❖ Entity renting water from the bank must hold a water right, or have been granted permission of a right holder to use a water right, to which the leased water can be delivered.
- ❖ Water is distributed under a leased water right only when leased right is in priority.
- ❖ Amount of water distributed is generally reduced to the consumptive use of the right.





## STORAGE WATER

- ❖ Accomplished through rental pools administered by local committees appointed by IWRB.
- ❖ Local committees adopt procedures which must be approved by IWRB.
- ❖ Amount of storage distributed may be reduced if conveyed through a losing stream reach.
- ❖ Shoshone-Bannock Tribal Water Supply Bank operated under separate Rules.





## Rental Price

- ❖ Variable depending on location, priority date and hydrologic conditions.
- ❖ Price for storage water from rental pools must be approved by IWRB.
- ❖ Administrative fee or surcharge equal to 10 percent of the gross amount is charged. Natural flow and ground water fees go to IDWR and storage surcharge goes to IWRB.



## LEMHI WATER BANK

- ❖ Legislation provided authority for delivery of water to Board minimum streamflow application. Water normally not delivered to an application and appropriated water not available to satisfy minimum flow.
- ❖ Local Committee authorized to rent natural flow.
- ❖ Procedures provided for part year leases, which is unique to Lemhi.
- ❖ Legislation recognized rented water would satisfy requirement that minimum flow be "capable of being maintained".





## Putting Water In

- Board can purchase, lease or accept as gift natural flow or storage water rights and can condition acceptance and sale.
- Rights can be divided and combined into more marketable blocks.
- Application filed with Director.
- Application shall state period of time right offered for lease or that storage water released for fish migration.
- Any payment terms also included if requested by applicant.



## After Right Placed In Bank

- Owner may withdraw within 30 days if disagree with conditions of acceptance.
- Owner no longer authorized to continue diversion unless hydropower to be released for salmon migration and power production.
- Board designates term of right in Bank.
- Owner responsible for taxes, fees, assessments and adjudication claims.
- Forfeiture is tolled with right in Bank.





## Sale or Rental Out of Bank

- Board can initiate a process to sell or rent water rights.
- Application submitted to Director.
- Director evaluates approval based on rules, injury, enlargement, beneficial use, available supply and local public interest.
- Director may give notice as he deems necessary but is required for rentals of more than 5 years.



## Sale or Rental (cont'd)

- Sale or Rental for use in state but Director may consider if consistent with I.C. 42-401(3).
- If Rental more than five years Board must take action.
- Rights considered in order received provided the rights are suitable for the purpose of the renter.
- Ten percent of the gross amount credited to IDWR Water Administration Account.





## Local Rental Pool Committees

- Board may consider appointing entity to serve any any regular meeting.
- Entity must submit list of Officers and copy of bylaws and copy of proposed procedures.
- Board must approve procedures.



## Local Committee Procedures

- Include how to determine priority among competing interests.
- Reimbursement schedule for those leasing.
- Rental price charge.
- Administration price charge.
- Allocation of stored water leased but not rented.





## Local Procedures (cont'd)

- Notification where stored water will be moved from the authorized place of use.
- Submittal of applications to rent stored water more that 5 years.
- Prevention of injury to other water rights.
- Protection of local public interest.
- Consistency with conservation of water.
- Management of funds as public funds.




Idaho Department of Water Resources
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### Idaho Water Resource Board

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Idaho Water Resource Board  
322 East Front Street  
P. O. Box 83720  
Boise, Idaho 83720-0098  
(208) 287-4900 - Voice  
(208) 287-5700 - FAX

## Idaho Water Supply Bank

\*New\* Dec. 2005 - [Water Supply Bank Lease Search](#)

### Purpose

The Idaho Water Resource Board manages the operation of Idaho's Water Supply Bank. The purposes of the Bank are to encourage the highest beneficial use of water, provide a source of adequate water supplies to benefit new and supplemental water uses, and to provide a source of funding for improving water user facilities and efficiencies. [The history of the Idaho water bank](#) system began in the 1930s

In its most simplistic sense, the Water Supply Bank is a water exchange market operated by the Board to assist marketing of water rights to natural flow water or water stored in Idaho reservoirs

Using the Bank, water users who in any given year have rights to more water than they require can put the excess stored water or natural flow rights that will not be used in the Bank. From there, the water can be sold or leased to people who do not have enough to meet their needs. This system helps make excess water available to other users for such things as irrigation or other authorized uses. Water Bank water also has proven valuable by providing stored water

### Local Rental Pool Procedures

[Water District #01](#) [pdf] - Snake River Basin  
[Water District #63](#) [pdf] - Boise River Basin  
[Water District #65](#) [pdf] - Payette River Basin  
[Water District #65k](#) [pdf] - Payette River Basin on Lake Fork Creek  
[Water District #74](#) [pdf] - Lemhi River Basin

### Committee Appointments

[Water District #01](#) [pdf] - Snake River Basin  
[Water District #63](#) [pdf] - Boise River Basin

### Related Resources

[Administrative Rules Governing Water Board](#) [pdf]  
Defines the operation and management of the water bank.

**\*\*Idaho Water Resource Board's Water Supply Bank Lease Search:** This link will allow you to search for water rights leased to the IDWR's Water Supply Bank.

For more information about the Board's water supply bank, contact Aaron Marshall, (208) 287-4943, or e-mail: [aaron\\_marshall@idwr.idaho.gov](mailto:aaron_marshall@idwr.idaho.gov)

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