



MINUTES

BEAR RIVER COMMISSION ANNUAL MEETING ONE-HUNDRED FOURTEENTH COMMISSION MEETING April 16, 2009

BEAR RIVER COMMISSION

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CHAIR

Dee C. Hansen

IDAHO

COMMISSIONERS

David R. Tuthill
Rodney Wallentine
Marcus J. Gibbs

UTAH

COMMISSIONERS

Dennis J. Strong
Blair Francis
Charles W. Holmgren

WYOMING

COMMISSIONERS

Patrick T. Tyrrell
Sam Lowham
Gordon Thornock

ENGINEER-MANAGER

Jack A. Barnett

The regular meeting of the Bear River Commission was called to order by Chairman Dee Hansen at 1:30 p.m. on Thursday, April 16, 2009 at the Utah Department of Natural Resources building in Salt Lake City, Utah. This was the one-hundred and fourteenth meeting of the Commission. Hansen asked all Commissioners and those in the audience to introduce themselves. Jade Henderson was representing Gordon Thornock, Mark Mathews was sitting in for Marc Gibbs, and Hal Anderson was representing Rod Wallentine. An attendance roster is attached to these minutes as Appendix A.

The Commission then approved the proposed agenda for the meeting without any changes. A copy of the approved agenda is attached to these minutes as Appendix B. The draft minutes of the November 18, 2008 Commission meeting were then approved, also without any changes.

Chairman Hansen moved to agenda item III, the report of the Secretary-Treasurer. Randy Staker reported that, with 2 ½ months left of the fiscal year, the Commission had spent just a little over \$110,000. There is almost \$121,000 remaining. He mentioned that \$10,680 was received from the U.S. Fish & Wildlife this year, and that interest income on savings was just under \$2,000. There was a move to approve the Expenditure Report, which was seconded. It was suggested that the column "Total Revenue" was misleading as it included the cash balance remaining from the previous year, which appeared to be additional income. Randy agreed to alter the report to fix this problem. The Expenditure Report, with the suggested change, was approved unanimously. A copy of the Statement of Income and Expenditures is attached hereto as Appendix C.

Dennis Strong then addressed the budget. The proposed budget for FY 09-10 is \$136,955. The budget sheet shows extensions, just for informational purposes, for the years 2011 and 2012. There are a few changes. The contingency amount of \$3,000 for this coming year is a reduction from the previous year. Because the contingency amount has not been used in the past, it has been dropped to zero for the years following. There is a new item called "clerical" in the amount of \$5,000 beginning this year and continuing on. Stream gages are up this year because of the cost-sharing change. There is no change for the following year, 2011, but a 3% increase in 2012. The personal services contract amount increases after 2010 by about 5%. These numbers are estimates for budgeting purposes and will be filled in more accurately at the time that they become actual recommended budgets. There was a motion to accept the FY 09-10 proposed budget for \$136,955. The motion was seconded and carried. A copy of the Approved Budget for FY 2010, and Proposed Budgets for FY's 2010, 2011, & 2012 is attached to these minutes as Appendix D.

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Chairman Hansen then turned to agenda item IV, the Management Committee report. Pat Tyrrell referred to the handout entitled "Position and Policy of the Bear River Commission Concerning New Significant Water Right Filings and Development on the Bear River," which is attached hereto as Appendix E. He felt it appropriate that the Commission take an action to adopt this policy and make it a matter of record. He indicated that, on page two, the policy showed three roles that the Commission would play concerning water right filings on the Bear River, which is primarily information sharing. The first one said that "the Commission should provide to its members information in a timely manner concerning proposals that may have interest or potential impacts to the management and use of the waters of the Bear River system." In other words, as filings are received in the individual states, that knowledge will be made available to the Commission and, thereby, to the other states. The Commission would not take a formal position of support or opposition to individual filings. This would be an appropriate approach as it really ought to be the states' determination since the Commission itself may not be able to take a position that satisfies all three individual state members. This policy leaves that position determination to the states. Pat then made a motion that the Commission adopt this policy statement. The motion was seconded and approved.

Pat Tyrrell then addressed the Management Committee's position regarding the Federal Chairman. As there is a new administration and a change in party, and this Chairman position is a White House appointment, the Management Committee felt it would be good to provide information and communicate with the White House their thoughts on who ought to occupy that position. A letter has been drafted explaining what the Commission is, what it does and who the current Chairman is. It basically suggests that the Commission is very happy with the current Chairman and would like him to stay on. The letter also indicates that the previous Chairman, Denise Wheeler, would also be a good choice to consider if the President feels a need to make a change. This would be an attempt to keep the names in front of the President with whom the Commission feels comfortable. Hopefully he will view favorably the information in that letter. Apparently in the past, there have been Commissioners from far-flung parts of the country, and the Management Committee wanted to emphasize the desire of the Commission to have someone who lives in or near the Bear River basin to fill that position, regardless of their party affiliation. There was a motion to send this letter to Washington D.C. The motion was seconded and carried. A copy of this letter is attached as Appendix F.

Dennis Strong indicated that, in an effort to make things more efficient and more timely, there should be a change in the signing of Commission checks. In the past, checks and invoices have been sent to the Vice Chairman for his review and signature. They are then mailed back to the Chairman to be signed, and finally mailed to the Payee (Barnett Intermountain Water Consulting, USGS, etc.) Often, this process takes too long, upwards of weeks. Therefore, consistent with the Bylaws, an alternative was proposed. It was suggested that Randy Staker be named as Treasurer, which position does not have to be a member of the Commission. Dennis would be willing to continue as Secretary and as a member of the Management Committee. Either position can sign checks. With these two signatures being easy to get, it would speed up the process. In order to make sure the states are involved in this process, information on the payments about to be made could be sent out electronically, which would allow a few days to respond with any concerns before the checks are processed. With this idea in mind, he suggested that when elections are done, it might be good to elect a Secretary and a Treasurer instead of having one person designated as Secretary/Treasurer, which position is now held by Dennis Strong.

Chairman Hansen then moved on to item V, the election of officers. Sam Lowham from Wyoming was nominated for Vice Chairman. There was a motion that the Commission elect Lowham as Vice Chairman. The motion was seconded and carried. Randy Staker was nominated as Treasurer. There was

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a motion that he be elected Treasurer. The motion was seconded and carried. It was made clear for the record that the Treasurer position did not have to be a member of the Commission. Dennis Strong was nominated to be Secretary, followed by a motion and second. This action carried.

The time was turned over to Randy Julander for a presentation on the snow survey. He was happy to report improved conditions in the Bear River basin. He reported snow pack numbers from March 22, stream flow forecasts from March 1, and then the current snow pack conditions. Everything was in the 90-110% range. Some sites were 110-120% of average. The basin, as a whole, was right on average. The statistics since March 22 had been unbelievable. He indicated that, as of March 1, the probability of getting to average was about 8%. The continuous storms since March 22 had boosted the numbers over the April 1 average for the basin. The important thing is that, from a water management standpoint, it bought basically three weeks' time. From a snow physics standpoint, if you compress your snow melt period, you actually improve efficiency. You get more water off your watershed than normal. Randy pointed out that almost every area had increased at least 20% in snow pack from March 22, with some in the 30-50% range. These storms have been million dollar storms and, even with a minimum of snow in the next few weeks, it will be a great year for water.

In regards to the April reservoir storage, Randy pointed out each reservoir, indicating that most were a little ahead of last year. In terms of total surface water supply, combining reservoir storage and anticipated stream flow, the surface water supply index is at 12% (this number indicates that 88% of the time the Bear River, as a whole, has had more water than it will have this year). This is primarily due to the low reservoir storage in Bear Lake, which will hold us down for some time to come.

As far as stream flow forecasts, the projection is that the May 1 forecast will probably come up 5-15% more than April 1. As far as soil moisture, it is currently 66% of saturation across the basin compared to 57% last year. The impact of recent rain is showing up in stream flows, but as it cools off, the melt will stop. The indications are that the snow melt process has not yet started and will probably be delayed about 3 weeks. Overall, we are in good shape right now. A look into the future shows the 3 month probability outlook with temperatures above normal and precipitation below normal. However, the forecasters missed this 3 week period of intense precipitation, so you never know what might come.

Sam Lowham then proceeded with the report of the Operations Committee, agenda item VII. He indicated that Blair Francis had been elected Chairman. He said that there was no compact regulation anticipated soon, but the process was in place for the water commissioners to get their division numbers to Don Barnett. He indicated that all upstream reservoirs may fill. The committee had discussed new development proposals in the basin. There is always a new need for water. The budget crunch might slow things down a little. The depletions are being monitored and reviewed continually.

Chairman Hansen then moved on to agenda item VIII, a report from PacifiCorp. Connely Baldwin passed out a Summary of Bear Lake/Bear River Operation for 2008 and Possible Irrigation Allocations for 2009, which is attached to these minutes as Appendix G. He indicated that the current year seemed to be almost a repeat of the previous year. The elevation of Bear Lake has not changed much. The allocation last year was 216,000 acre-feet, of which only 110,000 acre-feet were used, leaving 106,000 acre-feet in Bear Lake storage. The peak elevation of Bear Lake occurred on July 1 last year, reaching 5910.55. Irrigation deliveries and evaporation decreased that level to 5907.77 by the end of the water year. The low of 5907.68 was observed a month later on November 2. Connely said that Bear Lake was currently at 5908.98, and the Rainbow Inlet canal is at 275 cfs from filling. With the warm period, there was an increase in the inflows at Rainbow up to about 500 cfs, which now has dropped back down a little bit.

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It is important to note that PacifiCorp elevations are now being posted on the Bear River Basin website. Those manual readings are updated and transmitted electronically to Stonefly. They are a few days behind. They anticipated putting in another sensor on Bear Lake to improve the frequency of that time. The recent elevations back to 2008 are on the website. Also on the website is the Rainbow Inlet canal discharge, and the outlet canal will be there soon. The other reservoirs (Alexander, Oneida and Cutler) will also be on there. All of the PacifiCorp stream flow gages below the hydro-electric projects will have the average flow posted daily, which will help irrigators, as well as the general public, to access that information. At the Bear Lake Preservation Advisory Committee meeting on April 7 this year, the estimated spring maximum elevation of Bear Lake was announced at 5910.8 feet elevation based on the NRCS forecast and allowance of how much of that can be stored. So the allocation associated with that is 209,000 acre-feet, which is 91% of the maximum allocation. It is anticipated that there should be enough natural flow and storage to meet all irrigation demands in the Lower Division.

Connely Baldwin also reported on the Bear River Federal Energy Regulatory Commission License Activities and Plans, which handout is attached as Appendix H. There are annual reports available from 2004 through 2008 on the PacifiCorp website, with navigation instructions included on the handout. He highlighted a few items from the 2008 annual report. Most relevant, from an operations standpoint, is the minimum stream flow below Grace Dam into the Black Canyon. The in-stream flow compliance point was changed from a PacifiCorp-maintained stream flow gage to a calibrated slide-gate opening on the dam. This is set such that it would still be in compliance if the reservoir were to fall a foot and would allow enough time to be alerted to the lower level and react to that. This should provide more consistent and accurate in-stream flows into the Black Canyon. Another thing to note is that the first year of recreational releases from Grace Dam, primarily for white water boating and kayaking, has been completed. It is designed to be strictly a flow-dependent event, but there was a question as to which ramp rate to use for the six-hour period. An experiment is taking place with three scheduled releases each year at a different ramp rate each year for three years. Additionally, a primary effort of PacifiCorp and the Environmental Coordination Committee of stakeholders that works with PacifiCorp is to help provide funds for grant projects to improve habitat for fish. An emphasis is on removing fish passage barriers, as well as habitat enhancement on the tributaries. That is where the Bonneville cutthroat trout spawn, and this is seen as a major effort to help improve the fish population in that area. There were a number of recent projects that include fish-friendly improvements and replacements of irrigation diversions, as well as screening and improving the diversion works, which will benefit the irrigators. Connely mentioned several projects that are included on the handout. In addition to direct habitat improvements, Connely mentioned that the PacifiCorp-funded Land and Water Conservation Fund was used to secure a 214-acre conservation easement on the Bear River below Oneida. He indicated that over \$900,000 remains in that fund and that PacifiCorp would like to see project proposals from potential grantees to take advantage of these funds. In answer to the question of how many data points had Stonefly gages, Connely counted 14 additional data points that would be updated daily. He did not yet know the charge from Stonefly to post these to the site as they were currently on an hourly basis. He indicated that \$5,000 had been budgeted in Water District 11 to have that work done, as it benefits primarily the Lower Division. Jack Barnett mentioned that the Commission pays \$6,000 to maintain Stonefly, and this will cover the cost of all the added stations. Connely added that PacifiCorp maintains all of the river gages to USGS standards, with their own hydrographer on staff, funds all of the river gages and maintenance on the elevations, and makes that information available.

Carly Burton then reported on Item IX of the agenda, the activities of the Bear River Water Users Association. His handout is attached as Appendix I. He reported that things went very smoothly in the last year, which was expected to continue in the coming year. The Association had its annual meeting on

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February 23 in which Charles Holmgren was elected President and Gale Moser Vice President. The Association remains financially secure with an open dialogue between the four irrigation companies. They are working with the small irrigator groups and are hopeful that they could be convinced to join the Association at some point. Their hope is to get every group in the Lower Division to be members of the Association. In terms of the water supply, he referred to a presentation made at the Bear Lake Preservation Advisory Committee with a comparison shown on the back of the handout. An important part under the Bear Lake Operation section compares two comparable years (1995 and 2008), showing the Rainbow Inlet for the April through July period, the lake change, the high elevation and, most importantly, the date that the outlet canal was opened. In both of those years, it was late June. The reason that this is so important is that for every month you can delay releases, it saves anywhere from 30,000 to 50,000 acre-feet of water per month. The conditions this year are looking even better than last year. He felt that if there were a wet spring, it could come close to the 1995 condition with the lake rising as much as four feet or more. He expected that the storage use would be similar to the previous year, probably less than half of the allocation.

Carly mentioned that they had been watching some of the big water right applications and developments. One of those was Procter and Gamble and the construction going on there. They have had several meetings with the entities involved regarding the water supply. The one issue that still needs to be resolved is what to do with the 500 acre-feet of the 125 shares that were purchased, where the project is going to be built, and what happens to that storage component. This will have to be resolved sometime in the future. Another project is the Black Bear Development. He indicated that they had filed protests and attended the pre-hearing conference in February. To their credit, he said that Procter and Gamble had made several revisions to their mitigation plan, and the whole water plan, and have pretty well satisfied the Association's concerns about that. He wasn't sure how that water would be shepherded down and accounted for. They had attended the hearing on the Cache County filing and are awaiting the outcome of the decision of the State Engineer. He said they would continue to follow each of these projects.

Charles Holmgren then reported for the Records and Public Involvement Committee, item X. The committee met that morning, approved the minutes from the previous meeting and elected Marc Gibbs as Chairman of the committee for the coming term. They discussed the EPA grant and asked for an extension on the funds that had not yet been spent. Per Charles' request, Jack Barnett reported that, after negotiating an amendment to the contract with Utah State University, they indicated that they felt they could spend only about \$140,000 before the end of September on specific items that were identified. Then, as a staff and with the Water Quality Committee, they looked at the option of spending \$65,000 - \$70,000 for other events, mostly in the outreach area. He indicated that they would move ahead with the planning of a tour in June to which all the Commissioners would be invited. This would potentially be an event in the Upper Basin in which the expertise of many people would be combined regarding such things as environment, water quality and water quantity. More information will be coming about that tour in the near future.

Charles then mentioned that there had been some discussion about further interest in getting people involved in the pollution trading aspect of water quality on the river. The committee also discussed gages. They were impressed with Kevin Payne's report that there was a total of 70 sites in the Upper Division in Wyoming that have repeaters, remote sensing devices and three totally remotely-run headgates. Also discussed were issues regarding Stonefly. The Commission seems to be quite satisfied with Stonefly and will continue to move along with maintaining the website. He mentioned that \$6,000 of the money allocated for the EPA grant would go towards funding Stonefly for the coming year to help offset Commission costs. He said that gage costs continue to climb. In the TAC meeting, there was a

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discussion with the water quality people as to whether they would be interested in helping to fund the gages since water quality is interested in quantity as well as quality.

Charles mentioned the Water for America stimulus grant and asked Connely Baldwin for his input. Connely indicated that the minimum amount for these grants would be \$1 million and require a match of the same amount. This is far in excess of the needs of Water District 11, but there may some opportunity to pool similar projects with other areas where the combined amount would qualify for funding through that grant.

The committee also discussed the Bear River Commission logo recommended by the TAC. The logo change was approved by the Records and Involvement Committee. He indicated that the Commission's website had been down for a period of time, waiting for a domain name change. There is an effort to get old files and biennial reports, etc. scanned to include in the website.

Lastly, he discussed a major publication by Joseph Rosenbaum and Darrell Kaufman entitled "Paleoenvironments of Bear Lake, Utah and Idaho, and Its Catchment." Jack Barnett gave a detailed report to the committee on the history of Bear Lake and proposed that there might be enough money left from the EPA grant to publish a very condensed version of this information that would be of interest to the general public and presented on a level that would be easily understood. Charles also mentioned that Jade Henderson and Mark Matthews sat in for Gordon Thornock and Marc Gibbs who were unable to attend the committee meeting.

Walt Baker then presented information from the Water Quality Committee. It was mentioned that Walt Baker had been made the Acting Deputy Director of the Department of Environmental Quality. Walt summarized the discussions of the committee from their meeting of the previous day. As the EPA grant had already been discussed, he did not go into that except to say that there were some elements of work that had not been accomplished in the first grant. They were looking to amend that grant with Utah State University to include the maintenance of the Watershed Information System (WIS) through September of 2009. After that date, the states would become responsible for that maintenance at a cost of \$15,000 per year which will be supported by the three water quality agencies. They also wanted some enhancements to that system so that it may have application in other river systems. There would be a continual exploration on the pollution trading elements. It would be good to take the next step, not only with a pollution trading symposium, but to include an enhancement in water quality modeling to support pollution trading – maybe a virtual trading room of some kind. They discussed the outreach activities also and identified some uses of remaining funds there, which Jack has spoken about.

He mentioned that the Central Division TMDL for impaired waters is being completed on Cutler Reservoir. This process has been going on for many years and has been a very rigorous and expensive process which is finally coming to a conclusion. Following review of comments, which is underway, it will be submitted to EPA for consideration, probably sometime in June. This will be an adaptive management approach, which allows some flexibility to implement strategies in both point source and non-point source and in monitoring and assessing where we are and making modifications, as need be, as we continue toward the end points. This is in lieu of establishing firm end points right now to restore the water body relative to oxygen deficiencies caused by nutrient pollution. This should be a better approach without going beyond the mark. Following any comments from EPA, it would go out for public hearing again in July, and then go back to the Water Quality board in Utah for adoption.

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Walt Baker added that the Tri-state monitoring effort is continuing, which has been a big success. It began in June, 2006. Rather than having three states each using their resources and manpower for monitoring, they have collaborated. Wyoming is doing the heavy lifting relative to the analytical work in the lab, and Idaho and Utah are doing their part to collect the data. It has been a good relationship, and all are benefiting from that.

There was a discussion on stream gaging and what ability the water quality folks had to step up and participate in the shortfalls relative to stream gaging. They are looking at that and gathering further information. In the water quality field, if we don't have flow information, we can only pinpoint concentration of pollutants at one point in time. The flow information is very important to make the water quality pollutant loading meaningful. There was some discussion on state budgets. That is a difficult area right now. He felt that, at least in Utah, we may not have hit the bottom yet, and there may be a special session to address the FY 2010 budget. In Idaho, it was his understanding that there was a 13-15% decrease in the general fund, eliminating around 20 positions in the department. There was a 22% cut in general funds in Utah with approximately 20 positions lost there also. This is not the best time to ask for additional money for gaging stations, but he felt they would dig deep and see what they could do.

The committee also discussed what the states are doing with the stimulus moneys that have come through with the recent bill to enhance water and waste water facilities.

Chairman Hanson turned some time over to Jack Barnett. Jack mentioned that his secretary, Nola Peterson, would be leaving with her husband to serve a three-year mission to Argentina. Nola had been with the company for many years and had been of great service to the Commission during that time and will be greatly missed. Several members of the Commission expressed their appreciation to Nola and wished her well. A cake was presented to her, which became part of a short break.

Following the break, Chairman Hansen turned the time over to Jack Barnett. As there was nothing to report from the Engineer-Manager, Barnett introduced agenda item XIII, a presentation by Trout Unlimited. He said that he was very impressed with their efforts in the Bear River drainage area. He mentioned that, in the past, there had been some concern, because of some petitions by environmental groups, that the U.S. Fish & Wildlife Service might possibly consider listing some of the cutthroat trout as endangered, which would make a difference on how the river could be operated. Fortunately, the three state wildlife agencies came up with a plan, and the Fish & Wildlife Service decided it wouldn't be necessary now to list the trout. It was important that some improvements be made, and the presentation from Trout Unlimited shows some of the good things that can be done by knowledgeable people. So he invited Warren Colyer to come to the Commission meeting to share this information.

Warren Colyer began by emphasizing that Trout Unlimited was involved in many projects which include a great deal of collaboration with private landowners, irrigation companies, state and federal agencies, other conservation groups, and local groups such as Bear Lake Watch, Bear Lake Regional Commission, PacifiCorp, etc. All of these partners have combined to make these projects possible. He also emphasized that Trout Unlimited is not involved in petitioning to get species listed on the endangered species list. It was their desire to keep these fish from being listed, as listing makes the projects much more difficult to accomplish.

Colyer indicated that he works entirely on the Bear River in the three states through which it flows. Another employee, Kirk Dahle, spends half of his time working on the Bear River. He then proceeded

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with a slide presentation which began with an introduction of the Bear River and its history, as well as the cutthroat trout species in the Bear River and how they have evolved and become unique. He spoke of how their migration patterns coincide with irrigation seasons. They move upstream to spawn before irrigation starts. They move back downstream after the boards have been dropped in the irrigation diversions and end up at risk from the irrigation canals. In working with land owners and irrigation companies, they have heard many stories of people going out with big drums to move fish out of their irrigation canals back to the river or of finding fish in the fields. A huge percentage of fish are not making it back to the river, but are dying in the canals. This becomes a problem which everyone would like to see solved. Therefore, most of the projects they take on involve fish passage restoration.

Trout Unlimited started working exclusively on the Bear River in 2005, with most of the projects being in Idaho and Wyoming. He indicated that there are many exciting projects going on, but focused on three particular projects that have been completed. Those projects were on Thomas Fork, Cub River and Cottonwood Creek. On Thomas Fork, the irrigator was anxious to work with them. They put a screen in place that allowed the irrigation water to flow through it, but not fish or debris. This benefited the irrigation company by not only keeping the fish out of the canal, but also taking the debris out right at the headgate. This design doesn't work in every system.

In another case on Cottonwood Creek, the irrigation company had a diversion that was old and undersized and the water flow was undermining the foundation of the diversion. The project funded the redesign and rebuilding of the diversion and included a fish screen to channel fish and debris through a bypass back to the river.

The last project he spoke about was on the Cub River where the irrigation diversion was a complete barrier to upstream movement at all times of the year. They worked with the irrigation company and many contributors to build a fish ladder to get the fish upstream for spawning and then installed a screen so they wouldn't lose them to the canal on the way back down. They have done extensive research on the results from this project and have found that it is working as planned.

Colyer then mentioned that they are involved in some habitat work, showing a bank stabilization project that was done on the Thomas Fork where the land owner had been losing a lot of land. They re-sloped the area and did some light armoring and re-vegetation, saving the land owner from losing land and improving water quality in the Thomas Fork.

Lastly, he spoke of a collaborative science project they had been working on to collect a great data set on the Bear River showing thermal imagery and the temperature characteristics of the entire Bear River and three of its largest tributaries (Cub, Thomas Fork and Smiths Fork). This data is available to the public and will be a great help in guiding restoration projects.

Following the presentation of Trout Unlimited, Jack Barnett mentioned that Chairman Hansen had to leave for another meeting. Jack then moved through the remaining agenda items in his absence.

Moving on to state reports, Pat Tyrrell mentioned that Wyoming is currently under a hiring freeze and that state agencies were preparing 5-10% budget reductions for submittal to the Governor by May 1. He was in hopes that the cuts required would have a minimal effect on their personnel. In regards to Montana vs. Wyoming, Tyrrell reported that they were now in front of the Special Master, oral arguments on a motion to dismiss were held in early February, and they were anticipating a decision any day on the first motion to dismiss. This should give them an idea about whether or not that case moves forward and

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in what fashion. Then Tyrrell turned the time over to Jade Henderson. He presented a resolution honoring the late Kevin Wilde, a copy of which is attached to these minutes as Appendix J. There was a motion to accept this resolution, which was seconded and approved by acclamation.

A question was asked of Wyoming about a \$9 million cloud seeding study that was in process. It was reported that the five-year program was in its third or fourth year. There would be maybe two more years of data acquisition. The results are encouraging and it seems to be working well.

David Tuthill of Idaho mentioned that they were happy to have Rock Holbrook continue as Water Master this year and that he has done a great job of improving water measuring capabilities and providing for more fairness in water distribution. He mentioned that Idaho also had a challenging budget this year, a reduction of 11.9% in the general fund, plus 5% reduction in personnel. On the water front, things were going well. The state is doing well with regards to several lawsuits. They were moving forward with the Snake River Basin adjudication, which resulted in about 150,000 recommendations. There were 3,000 recommendations that were still protested, which they expected to have finalized by 2012. Adjudications began last fall in northern Idaho basins and are moving forward nicely. At this point, which is 51 years from the start of the Bear River Commission, he expected that within the next ten years they would start adjudicating water rights on the Idaho side because, as we look at changes in water rights, there doesn't seem to be a good match between existing decreed rights and what's on the ground right now. They are in a mode of more and more changes to reconcile things as they are no longer issuing groundwater rights due to urbanization of development. He mentioned that Idaho was moving toward conjunctive administration where groundwater and surface water rights are delivered together. Dave turned some time over to Hal Anderson to discuss the planning process for aquifers.

Hal began with the completion of the Eastern Snake Comprehensive Aquifer Management Plan. This has been a three-year effort following failed mediation attempts between water users. The main issue involves conjunctive administration of surface and groundwater. There is still a great deal of litigation going on. The Legislature got very frustrated with being asked every year to come up with money for short-term solutions, and they gave the Idaho Water Resource Board the task of coming up with a comprehensive plan and funded some technical studies and facilitation services. After three years of work, the Board approved a plan on January 29, 2009, which was put together cooperatively with stake holders in the basin. The plan has been adopted by both the House and the Senate of Idaho and is sitting on the Governor's desk. It calls for a water budget adjustment in multiple phases, the first phase being 200,000-300,000 acre-feet a year at a cost of about \$70-\$100 million over the next ten years. The overall plan calls for a 600,000 acre-foot change in the water budget at more than half a billion dollars over the next 20 years.

Hal then mentioned that he had the pleasure of being able to present the Idaho Water Supply Bank information at the Utah Water Users meeting in St. George. They were very attentive, with many questions, and were receptive to some of the things that a water bank provides. He indicated that this mechanism was invaluable to Idaho, providing opportunities to acquire, use and transfer water as needed in a market-based approach that provides protection to the water users. It was suggested that perhaps the TAC should have the task of looking at a water banking idea on the Bear River and take advantage of the knowledge that Idaho has gained in this process, bringing back any ideas to the Commission for consideration.

Dennis Strong of Utah announced that Kent Jones was the new State Engineer for Utah. He indicated that Joe Larsen would be retiring as an alternate Commissioner this year. They planned to bring a

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replacement name to the next Commission meeting. He suggested that they would like to prepare a resolution of appreciation for Joe, and he thanked all alternate Commissioners for their service.

Dennis also indicated that Utah is dealing with budget cuts as well. There has been a staff reduction of almost 6 percent, which has fortunately been accomplished by people quitting over the past several months so that no one had to be let go. The operating budget was cut by 13%, with a possibility of further cuts in May. Almost 70% of the construction budget was lost for the current fiscal year.

He then spoke of the right-of-way study underway which would bring water from the Washakee site on the Malad River, the preferred site for storage of Bear River water, south to Willard Bay. That study is ongoing. The Bear River Development project which the Legislature tasked to the Division is still probably many years away, but the initial diversion on the river near the I-15 bridge could be as early as 2025-2035. Storage on the river could be much later depending on their ability to work out a deal with the Weber Basin Water Conservancy District for use of Willard Bay.

Dennis Strong also wanted to include in the record that a letter of appreciation had been prepared for Jerry Olds, the former State Engineer, which Jack agreed to follow through on and deliver to him. A copy of this letter is attached as Appendix K.

As there were no other issues to be discussed, Jack Barnett indicated that the next Commission meeting would be scheduled for November 17, 2009. The meeting was then adjourned at 4:10 p.m.

ATTENDANCE ROSTER

**BEAR RIVER COMMISSION
REGULAR MEETING**

Utah Department of Natural Resources Building
Salt Lake City, Utah
April 16, 2009

IDAHO COMMISSIONERS

Dave Tuthill

WYOMING COMMISSIONERS

Patrick Tyrrell

Sam Lowham

Jade Henderson (Alternate)

Sue Lowry (Alternate)

FEDERAL CHAIR

Dee Hansen

UTAH COMMISSIONERS

Dennis Strong

Charles Holmgren

Blair Francis

Norm Weston (Alternate)

ENGINEER-MANAGER & STAFF

Jack Barnett

Don Barnett

Nola Peterson

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Department of Water Resources

UTAH

Will Atkin, Division of Water Rights

Todd Adams, Division of Water Resources

Carl Mackley, Division of Water Rights

Ron Hoffman, Water Commissioner

Randy Staker, Division of Water Resources

WYOMING

Mike Johnson, State Engineer's Office

Kevin Payne, State Engineer's Office

Don Shoemaker, Water Commissioner

OTHERS

Pat Lambert, U.S. Geological Survey

Carly Burton, Bear River Water Users

Connely Baldwin, PacifiCorp Energy

Scott Clark, Barnett Intermountain Water Consulting

Claudia Conder, PacifiCorp

David Cottle, Bear Lake Watch

Dan Davidson, Bear River Canal Company

Voneene Jorgensen, Bear River Water Conservancy

Warren Colyer, Trout Unlimited

Bob Fotheringham, Cache County

Mark Mathews, Last Chance Canal Company

Randy Julander, NRCS Snow Survey

Mitch Poulsen, Bear Lake Regional Commission

**Bear River Commission Annual Meetings
April 15-16, 2009**

Water Quality Committee Meeting
April 15, 2009
Utah Department of Health Building, Room 114
288 North 1460 West
Salt Lake City, Utah

Operations Committee/Records & Public Involvement Committee Meetings
April 16, 2009
Utah Department of Natural Resources Building
1594 West North Temple, Room 314
Salt Lake City, Utah

Bear River Commission Meeting
April 16, 2009
Rocky Mountain Power Building
1407 West North Temple, Room 130K
Salt Lake City, Utah

COMMISSION AND ASSOCIATED MEETINGS

April 15

10:00 a.m. Water Quality Committee Meeting, Room 114
Utah Department of Health building

April 16

10:00 a.m.	Records & Public Involvement Committee Meeting, Room 314 Utah Department of Natural Resources building	Holmgren
11:00 a.m.	Operations Committee Meeting, Room 314 Utah Department of Natural Resources building	Lowham
12:00 p.m.	Informal Meeting of Commission, Room 314 Utah Department of Natural Resources building	Barnett
12:15 p.m.	State Caucuses and Lunch Utah Department of Natural Resources building	Tyrrell/Strong/Tuthill
1:30 p.m.	Commission Meeting, Room 130K Rocky Mountain Power building	Hansen

**PROPOSED
ANNUAL COMMISSION MEETING**

April 16, 2009

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
(November 18, 2008) | Hansen |
| III. | Report of Secretary/Treasurer | Strong/Staker |
| IV. | Management Committee report | Tyrrell |
| | A. New filings policy | |
| | B. Other | |
| V. | Election of officers | Hansen |
| VI. | Snow Survey presentation | Julander |
| VII. | Operations Committee report | Lowham |
| VIII. | PacifiCorp report | Baldwin |
| IX. | Activities of the Bear River Water Users Association | Burton |
| X. | Records & Public Involvement Committee report | Holmgren |
| XI. | Water Quality Committee | Baker |
| XII. | Engineer-Manager report | J. Barnett |
| XIII. | Trout Unlimited presentation | Colyer/Dahle |
| XIV. | State reports | |
| | A. Wyoming | Tyrrell |
| | B. Idaho | Tuthill |
| | C. Utah | Strong |
| XV. | Other issues | Hansen |
| XVI. | Next Commission meeting
(November 17, 2009) | Hansen |

Anticipated adjournment: 3:45 p.m.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 2008 THRU MARCH 30, 2009

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	TOTAL REVENUE
Cash Balance 07-01-08	98,634.34			98,634.34
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
US Fish & Wildlife		10,680.00		10,680.00
Interest on Savings		1,984.78		1,984.78
TOTAL INCOME TO 30-Mar-09	98,634.34	12,664.78	120,000.00	231,299.12

DEDUCT OPERATING EXPENSES

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract	52,300.00	-	52,300.00
SUBTOTAL	52,300.00	-	52,300.00
EXPENDED THROUGH COMMISSION			
Personal Services Jack	59,450.00	9,908.30	49,541.70
Travel (Eng-Mgr)	1,200.00	699.11	500.89
Office Expenses	1,600.00	519.62	1,080.38
Printing Biennial Report	1,000.00	1,000.00	-
Treasurer Bond & Audit	1,400.00	1,300.00	100.00
Printing	1,600.00	811.60	788.40
Web Page/Data	6,000.00	-	6,000.00
Contingency	5,000.00	5,000.00	-
SUBTOTAL	77,250.00	19,238.63	58,011.37
TOTAL EXPENSES	129,550.00	19,238.63	110,311.37
CASH BALANCE AS OF 03-30-09			120,987.75

APPENDIX C
PAGE TWO

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING MARCH 30, 2009

679	USGS	52,300.00
680	JACK BARNETT	9,935.38
681	STONEFLY TECHNOLOGY	1,500.00
682	JACK BARNETT	5,189.56
683	JACK BARNETT	5,070.11
684	STONEFLY TECHNOLOGY	1,500.00
685	JACK BARNETT	4,960.83
686	JACK BARNETT	598.37
687	JACK BARNETT	10,702.25
688	STONEFLY TECHNOLOGY	1,500.00
689	JACK BARNETT	5,397.67
690	VOID	-
691	C N A SURETY	100.00
692	JACK BARNETT	4,975.55
693	JACK BARNETT	5,081.65
694	STONEFLY TECHNOLOGY	1,500.00

TOTAL EXPENSE 110,311.37

BANK RECONCILIATION

Cash in Bank per Statement 03-30-09	734.05
Plus: Intransit Deposits	
Less: Outstanding Checks	
Total Cash in Bank	734.05
Plus: Savings Account-Utah State Treasurer	121,721.80
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	120,987.75

BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY 2009, AND PROPOSED BUDGETS FOR FY'S 2010, 2011 & 2012

	FY 2009 APPROVED BUDGET	FY 2010 PROPOSED BUDGET	FY 2011 PROPOSED BUDGET	FY 2012 PROPOSED BUDGET
BEGINNING BALANCE	98,634.34	100,634.34	95,154.34	89,174.34
IDAHO	40,000.00	40,000.00	40,000.00	40,000.00
UTAH	40,000.00	40,000.00	40,000.00	40,000.00
WYOMING	40,000.00	40,000.00	40,000.00	40,000.00
USF&WS	7,050.00	7,975.00	7,975.00	8,195.00
INTEREST ON SAVINGS	4,500.00	3,500.00	3,000.00	3,000.00
TOTAL INCOME	230,184.34	232,109.34	226,129.34	220,369.34
	-EXPENDITURES-	-EXPENDITURES-	-EXPENDITURES-	-EXPENDITURES-
STREAM GAGING-U.S.G.S.	52,300.00	59,155.00	59,155.00	61,000.00
PERSONAL SERVICES CONTRACT	59,450.00	57,000.00	60,000.00	63,000.00
TRAVEL	1,200.00	1,200.00	1,200.00	1,200.00
OFFICE EXPENSES	1,600.00	1,600.00	1,600.00	1,600.00
BIENNIAL REPORT	1,000.00	1,000.00	1,000.00	1,000.00
TREASURER'S BOND & AUDIT	1,400.00	1,400.00	1,400.00	1,400.00
PRINTING	1,600.00	1,600.00	1,600.00	1,600.00
STONEFLY	6,000.00	6,000.00	6,000.00	6,000.00
CLERICAL	0.00	5,000.00	5,000.00	5,000.00
CONTINGENCY	5,000.00	3,000.00	0.00	0.00
TOTAL EXPENDITURES	129,550.00	136,955.00	136,955.00	141,800.00
UNEXPENDED CASH BALANCE	100,634.34	95,154.34	89,174.34	78,569.34

**Position and Policy
of the
BEAR RIVER COMMISSION
Concerning
New Significant Water Right Filings and Development
on the Bear River
Adopted: April 16, 2009**

The Bear River Compact was, in part, created to protect the rights of the member States to use the water resources of the Bear River as described by the Compact. The Compact also was created to limit the use of the water resources in one State as necessary to protect the rights of the other States to the use of the Bear River. The Bear River Commission is to carry out the provisions of the Compact.

The Compact also provides a protection from actions that would adversely impact water right holders within the Bear River drainage regardless of State lines. The Compact provides that the administration of water rights will be performed by the respective State agency in each of the three member States. Article XI of the Compact states in part:

“Applications for appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the State in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another State of water to which he is entitled, nor shall any such application be approved if the effect thereof will be an increase in the depletion of the flow of the Bear River and its tributaries beyond the limits authorized in each State in Articles IV, V and VI of this Compact.”

The Commission finds that there is an increasing demand for the use of the waters of the Bear River. New water resource development might occur with the building of additional storage as provided for by the Compact. New development might also be accomplished by the changing or transferring of established rights to new uses. At other times new developments are being proposed by new appropriations. These anticipated water right actions may involve water rights and use only in one State or in one section of the river as defined by the Compact or the proposal may cross these administrative lines.

The Commission believes that full consideration of all issues, regardless of their administrative lines, can and should be given by the individual State water right administering agency. The Commission finds that there is a strong spirit of cooperation between the States with a promise to abide by the provisions of the Compact. The Commission believes that water right holders in one State with concerns with proposals in another State should be given full consideration by the State where the administrative action is to occur. Therefore, it is the position of the

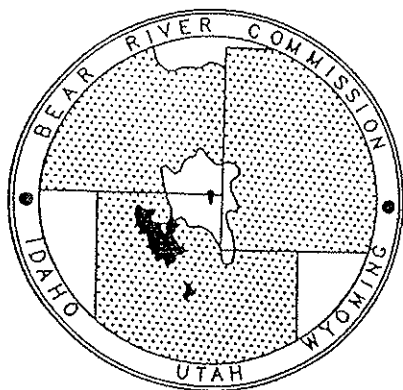
Commission that it will not become formally involved in any of the States' administrative actions unless invited by the administrative agency. Examples of actions the Commission does not intend to take would be the adoption of formal positions on proposed water right actions or developments, the filing of a protest or a letter of support in any State administrative action or publicly declaring support or opposition.

The Commission believes that it has three roles to play concerning water right filings on the Bear River, namely:

- 1) the Commission should provide to its members information in a timely manner concerning proposals that may have interest or potential impacts to the management and use of the waters of the Bear River system. To accomplish this, the Commission requests its member Commissioners to provide appropriate information for applications of interest that have a potential Compact tie or component to the Engineer-Manager and instructs its Engineer-Manager to pass on appropriate information and to facilitate its dissemination. The Commission intends, as has been the case in the past, to use Commission meetings also as an opportunity to disseminate information,
- 2) the Commission also believes that it has a responsibility to make certain that new water right changes, transfers and appropriations can be properly administered when there is a crossing of administrative lines and that further the Commission must ensure that provisions of the Compact can be adhered to through proper future administration. To ensure this, the Commission instructs its Technical Advisory Committee to be vigilant with respect to these administrative issues and to report to the Commission its findings, and
- 3) the Commission believes that it must always be vigilant to make certain that the aspects of the Compact agreed to by the States and the federal government are honored. Hence, actions by State administrating agencies can and will be discussed by the Commission if issues concerning adherence to the Compact are raised.

BEAR RIVER COMMISSION

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



April 24, 2009

David Jacobson
Special Assistant to the President for Boards & Commissions
Washington, D.C.

Dear Mr. Jacobson:

We appreciate the early contacts we have received from your office. We anticipate that with time President Obama will be appointing the Federal Chair of the Bear River Commission (Commission). In our last correspondence, it was stated that you would welcome any thoughts or views from the Commission.

The Commission met on April 16. All 10 Commissioners were there. This included the current Federal Chair and three Commissioners from each of the member states (Idaho, Utah and Wyoming) that have been appointed by the three respective governors.

The Commission observed that there is not a need for the Federal Chair to spend a significant amount of time nor expense as that person serves as Chair. The major task of the Chair is to conduct two Commission meetings each year. The Federal Chair does not have a vote and the federal government does not pay any of the expenses of the Commission except for incidental travel costs of the Chair, which are paid by the U.S. Geological Survey.

Over the decades, some Presidents have appointed individuals who are familiar with the Bear River Basin and perhaps live in or near the basin. Other Presidents have appointed individuals from far outside the basin that have had little knowledge of the issues addressed by the Commission. The Commission observes that the former, that is the informed individuals from the basin, have been better Federal Chairs.

Currently Mr. Dee Hansen, former Utah State Engineer, serves as the Federal Chair and was appointed by President Bush. Before his retirement, Mr. Hansen spent much of his professional career on Bear River issues. The Commission asked me to express to you that it would be most pleased if Mr. Hansen was reappointed to serve additional time as the Federal Chair. Hansen resides in Utah.

Prior to Mr. Hansen's appointment, Ms. Denice Wheeler served as the Federal Chair after being appointed by President Clinton. Ms. Wheeler lives in the Bear River Basin and is a resident of Wyoming. The Commission asked me to also advise you that it would be most pleased if Ms. Wheeler were to be reappointed.

Sincerely,


Jack A. Barnett
Engineer-Manager

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

**SUMMARY OF BEAR LAKE/BEAR RIVER OPERATION FOR 2008
AND POSSIBLE IRRIGATION ALLOCATIONS FOR 2009**

<u>Date</u>	<u>Hydrologic Information/Event</u>	<u>Contents (% of Full) Discharge (% of Normal)</u>
10-01-07	Bear Lake Beginning Elevation – 5907.84'	355,201 Ac. Ft. (25 %)
11-10-07	Bear Lake Minimum Elevation – 5907.63'	342,041 Ac. Ft. (24 %)
	Apr. 1 runoff forecast – April through July	135,000 Ac. Ft. (58%)
	Rainbow Inlet Canal (April-July)	119,000 Ac. Ft. (51%)
04-10-08	Bear Lake Irrigation Storage Allocation (based on estimated spring maximum elevation of 5912.2')	216,000 (94 %)
07-01-08	Bear Lake High Elevation – 5910.55'	527,590 (37 %)
	Outlet Canal Releases: 06/17-10/5 (111 days)	164,000 Ac. Ft.
07-12-08	Outlet Canal Maximum Release – 1476 cfs	
	Bear Lake Storage Release	110,000 Ac. Ft.
	Allocation for Lake Recovery	106,000 Ac. Ft.
09-30-08	Bear Lake Ending Elevation – 5907.77'	350,812 (25 %)
	Bear Lake Settlement Agreement “System Loss” Volume^	14,000 Ac. Ft.
	Rainbow Inlet Canal Discharge	165,000 Ac. Ft.
	Bear River Discharge Below Stewart Dam	5,100 Ac. Ft.
	Bear Lake Net Runoff (Computed Total Inflow less Lake Evaporation)	164,000 Ac. Ft.

^ Due to uncontrolled flow from (welcome) rain events. Whenever water flows below Cutler during the irrigation season any storage water in the system at Cutler is the first water out. Natural flow goes to irrigators.

Current Status

Recent Bear Lake minimum elevation of 5907.68' was observed on November 2, 2008.

Bear Lake elevation as of April 14, ~~2008~~²⁰⁰⁹ was 5908.98'

Rainbow Inlet canal 275 cfs and filling Bear Lake.

Irrigation Allocation

Estimated spring maximum elevation of 5910.8' with allocation of 209,000 Ac. Ft. (91% of maximum).

Bear River Federal Energy Regulatory Commission License Activities and Plans

The 2008 and previous year annual reports are available at: <http://www.pacificorp.com> (Navigation tips: Energy Resources / Hydro / Hydro License Implementation / Bear River Project – Implementation / Bear River Annual Reports)

There are several items drawn mainly from the 2008 annual report that I'd like to mention.

- The in-stream flow compliance point for the reach below Grace Dam was changed from the PacifiCorp-maintained streamflow gage to a calibrated slide-gate opening on the dam. The calibration process determined the gate opening required to provide the required flow at normal reservoir water levels.
- The first year of recreational releases from Grace Dam were completed in 2008. In addition to the flow-dependent releases required by the license, three scheduled recreational releases were made to support a three-year ramp-rate study.
- Several grant projects funded by PacifiCorp were completed. The emphasis is on habitat enhancement and removing fish passage barriers on tributaries to the Bear River. Recent projects include fish-friendly improvements/replacements of irrigation diversions on the Cub River, Cottonwood Creek and main-stem Bear River below Grace. On Bailey Creek, above Alexander reservoir, a perched culvert that was an impediment to fish passage was replaced. Recent habitat enhancement projects include fencing off a 3-mile section of Stauffer Creek that had been over-grazed. Also, a portion of Trout Creek that had been bypassed through a large ditch was reclaimed. The drained portion of Trout Creek had been farmed and used as a pasture. This project excavated the former Trout Creek channel and returned the water from the ditch bypass to this reclaimed section. Activities performed included excavating and shaping the bed and banks plus riparian area plantings using native plants. This project also created in-channel pool and riffle features. One other visible project that was funded was the trash removal from the Black Canyon near Turner Bridge. The funding covered the crane, operator and landfill fees with assistance from volunteers.
- In addition to direct habitat improvements, the PacifiCorp-funded Land and Water Conservation Fund was used to secure a 214-acre conservation easement on f the Bear River below Oneida. Over \$900,000 remains in this fund and PacifiCorp encourages potential grantees to submit project proposals.

**BEAR RIVER WATER USERS ASSOCIATION
REPORT TO THE BEAR RIVER COMMISSION
APRIL 16, 2009**

Association Activities

On February 23, 2009 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 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 2009. The Association is hopeful that during 2009 the Utah and Idaho Small Irrigation groups will reach a mutually agreeable plan to join as members of the Bear River Water Users Association.

2009 Water Supply

The water supply outlook is bright and conditions appear to be even better than last year at this time. I will refer you to the attached sheet which was presented at the Bear Lake Preservation Advisory Committee meeting on April 7, 2009. Although it is 9 days out of date I believe it still reflects the past conditions and comparisons which are likely this year. The Association believes that the actual storage use this year may again be well below the allocation of 209,000 acre feet and is likely to be about 100,000 acre feet or less than half of the allocation. This saved water is then preserved for Bear Lake recovery which is in the best interests of all concerned groups who benefit from Bear Lake. I continue to urge conservation not just to all irrigation interests but to all water users within the Bear River system.

BEAR RIVER WATER USERS ASSOCIATION
BEAR LAKE PRESERVATION ADVISORY COMMITTEE
APRIL 7, 2009

SNOWPACK

	<u>TRIAL LAKE</u>	<u>KELLY R. S.</u>	<u>TONY GROVE</u>
2009	93	92	105
2008	85	91	105
1998	77	-	113
1995	96	91	90

BEAR LAKE OPERATION

<u>YEAR</u>	<u>RAINBOW INLET</u>	<u>LAKE CHANGE (FT.)</u>	<u>HIGH EL.</u>	<u>OUTLET BEGIN</u>
2008	120,000	2.04	5910.55	June 23
1995	201,000	4.01	5912.37	June 28

Current lake elevation 5908.77

WATER RIGHT DEVELOPMENTS

Proctor & Gamble

Black Bear Development

Cache County Filing

RESOLUTION OF APPRECIATION
FOR
KEVIN K. WILDE

WHEREAS, the Bear River Commission wishes to express its appreciation for the outstanding service of Kevin Wilde on the Technical Advisory Committee; and

WHEREAS, Lead Hydrographer/Water Commissioner Kevin Wilde assisted in ably representing the State of Wyoming in participation thereon for some 16 years; and


WHEREAS, Kevin interacted regularly and seasonally with the Commission's Engineer-Manager in administering and supervising water rights in the Wyoming drainages of the Bear River; and

WHEREAS, Kevin had a vision and was involved in the installation of real time data collection stations on the Bear River that will serve for decades of a reminder of his vision; and

WHEREAS, Kevin's life-long residency in the Basin and love for nature's resources therein and his infectious smile won the affection of all;

NOW, THEREFORE BE IT RESOLVED, that the Bear River Commission does hereby unanimously express, on behalf of the three states' staff and the entire Bear River Basin which it serves, its appreciation and gratitude to the family of the late Kevin K. Wilde for his generous and distinguished service and dedication.

Resolution passed April 16, 2009.



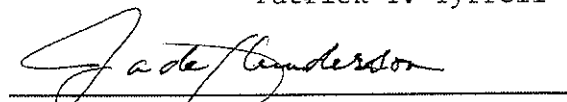
Chair Dee C. Hansen



Patrick T. Tyrrell



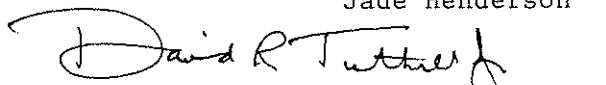
Vice-Chair J. Sam Lowham



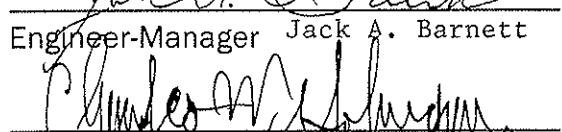
Jade Henderson



Engineer-Manager Jack A. Barnett



David R. Tuthill Jr.



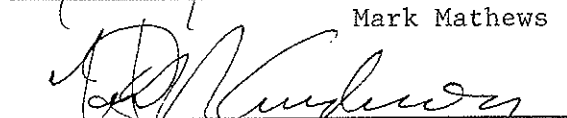
Charles W. Holmgren



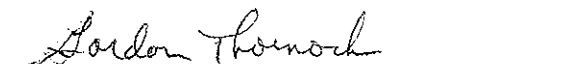
Mark Mathews



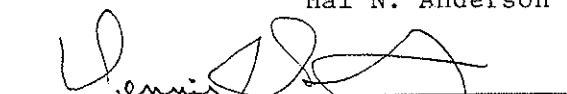
Blair R. Francis



Hal N. Anderson



Gordon Thornock



Dennis J. Strong



June 10, 2009

BEAR RIVER COMMISSION

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

CHAIR
Dee C. Hansen

IDAHO
COMMISSIONERS
David R. Tuthill
Rodney Wallentine
Marcus J. Gibbs

UTAH
COMMISSIONERS
Dennis J. Strong
Blair Francis
Charles W. Holmgren

WYOMING
COMMISSIONERS
Patrick T. Tyrrell
Sam Lowham
Gordon Thornock

ENGINEER-MANAGER
Jack A. Barnett

Jerry D. Olds
95 Carrington Lane
Centerville, UT 84014

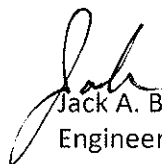
Dear Jerry:

The Bear River Commission and its Commissioners asked me to write a letter of appreciation to you for your many years of dedicated service to the Commission, the Utah Division of Water Rights and as the Utah State Engineer. The Bear River Commission has benefited from your vision, experience and management of water rights in the Bear River Basin.

Our thoughts go back to a very dry year when interstate equity and the Bear River Compact called for the shutting down of pumps from the Bear River. You stepped forward promptly and with courage. That action has left us with an enhanced water regulation system to assist us in the years ahead.

Thank you for the friend you have been to the Commission and staff and for the many good things you have done for the advancement of the wise use and management of water in the West. The Commission would like to express their best wishes to you in your retirement and future endeavors.

Sincerely,


Jack A. Barnett
Engineer-Manager