



MINUTES

BEAR RIVER COMMISSION ANNUAL MEETING ONE-HUNDRED SIXTEENTH COMMISSION MEETING April 20, 2010

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

The annual meeting of the Bear River Commission was called to order by Chairman Dee Hansen at 1:30 p.m. on Tuesday, April 20, 2010, at the PacifiCorp building in Salt Lake City, Utah. This was the one-hundred and sixteenth meeting of the Commission. Hansen asked all Commissioners and those in the audience to introduce themselves. An attendance roster is attached to these minutes as Appendix A.

Chairman Hansen asked for a motion to approve the agenda. The agenda was approved, and a copy is attached to these minutes as Appendix B.

With respect to the draft minutes of the November 17, 2009, meeting, Pat Tyrrell referred to the last full paragraph on page four dealing with depletion allocations. There was some question about the wording and the intent. Hansen agreed with Tyrrell and Sue Lowry that his intent was to go back and look at how the depletion limits were set and what they were based on rather than the methods by which they were calculated. Tyrrell made a motion that the minutes of the November 17, 2009, meeting be adopted with the suggested amendments made to the paragraph in question, as well as a few minor editorial changes. Jack Barnett added that they had gone back and reviewed old records and minutes and could find no real indication as to what their intent was when they set these limits as to new depletion allowed in sub-basins and no formulas used to do so. Hansen recalled that there was some political negotiating or compromising that went into it, not necessarily a set formula. A vote was taken on the motion and the minutes were approved with those changes.

Hansen then moved to agenda item III, the report of the Secretary/Treasurer. Randy Staker reviewed the Statement of Income and Expenditures, which is attached hereto as Appendix C. With a little over two months remaining in fiscal year 2010, the total expenses are \$120,803.05 and the remaining cash balance is \$121,634.27. Income includes \$7,129.16 from U.S. Fish & Wildlife and 714.56 in interest. The interest rate has decreased significantly since July.

Dennis Strong then addressed the unexpended balance. He indicated that recent monthly reports show the Commission is over budget in time, upwards of 140 hours. Two factors that contribute to this overage are closing out the EPA Grant and preparation of two biennial reports. The remaining balance

showing is \$16,151.95. Strong recommended to the Commission that \$7,000 be added to the 2010 budget and that the Commission direct the Engineer-Manager to restrict further work to the absolute minimum necessary through the end of the fiscal year. He felt that, with that adjustment, the Commission could stay within budget, fairly compensate the consultant and get the work done. Strong then made a motion that the 2010 budget be amended and increased by \$7,000 for the reasons stated. The motion was seconded. Pat Tyrrell agreed with Strong that it was hard to foresee the efforts that were necessary in this fiscal year and that this move would not cause a problem with the budget and was preferable to carrying over hours for billing in the following year's budget. He felt there would be things in future budgets that would help get things back on track. Strong added that balancing the budget would require total flexibility in adjusting individual line items. The Commission then voted to amend the 2010 budget as moved.

Strong then addressed the proposed budget for 2011 which is shown in Appendix D. He pointed out that this budget shows a reduction in stream gaging costs of almost \$5,000 in anticipation of NSIP picking up a gage. The budget also includes \$6,000 in real time web hosting (previously called Stonefly). Strong said, in connection with the Treasurer's bond and audit, that he hoped to negotiate with the Department of Natural Resources to have that audit done for much less than the amount shown. He added that there was a possibility of the DEQ agencies bringing money to the table. Strong indicated that these areas of savings might be able to cover a few minor items approved in the 2010 budget that would be moved into the 2011 budget. Strong then moved that the Commission approve the 2011 budget at \$132,320.00. The motion was seconded.

Pat Tyrrell suggested that it might be appropriate to discuss the "real time web hosting" line item. He noted that the Commission was being forced to face some options on costs for this item. He indicated that the current provider, Stonefly, had approached the Commission with a significant increase in costs that could not be covered by the budgeted amount. He recognized that the value of water users and water commissioners being able to access this data on the internet was very clear. The Commission faces some options. Staying with Stonefly would cost \$8,400 per year, with an initial set-up cost of \$3,000 - \$4,000. This initial year's costs would be double the budgeted amount. Another option would be to end that relationship at some point, either at the end of June or at the end of the season, and then work on a different system run either by another third party, by the states themselves or by the Commission. It would be a good thing to transition into something over which the Commission would have more control in the future. Tyrrell indicated that the Management Committee has discussed this issue and definitely has a desire to make a break with Stonefly. They have done a great job in the past, but the cost of the transition is too high. Tyrrell indicated that the states have a lot of IT talent and there may be a way for them to access the data and find a way to make it available in a readable fashion for the users. It would take some time to sort out the details and find the best solution. Tyrrell suggested that the Commission continue with Stonefly through the paid-up period at the end of June, and then find another way to access the data until the end of the season. That would allow for work to be done over the winter to solve the problem for the coming year.

Dennis Strong mentioned that there is an opportunity to work with the Bureau of Reclamation to obtain funds that would offset costs. Perhaps the Commission should give direction to the Engineer-Manager to do everything possible to obtain those funds. There had already been some discussion with Reclamation.

Marc Gibbs emphasized that being able to access this information is vital. He felt that access to this information and having it available in a format that the lay person could understand was just as

important as the cost. He was concerned about the possibility of a lapse in availability from July 1st to the end of the season. Jack Barnett indicated that continuing with Stonefly until the end of the season was an option, with a cost of \$3,000 for those three months. Comparing this to the previous cost of \$3,000 for six months, he suggested that we would not need the data for the three months following the end of the season anyway. This would be a backstop if necessary. Tyrrell felt that it would be better to find a solution where the Commission could have more control over access and costs than to remain in a situation with no control and possibly even greater cost increases in the future.

Jack Barnett indicated that there had been a great deal of work in the last three weeks trying to find solutions and get responses from Stonefly and that there were still many unexplored paths. He felt that, at this point, the Commission did not have enough firm information to give definite direction for moving ahead. He suggested that the Commission give the Engineer-Manager the responsibility, within the defined budget, to consult with TAC members as information becomes available and falls into place. Any proposed actions would be cleared with the Management Committee before moving ahead.

Tyrrell then made a motion to move forward with allowing the Engineer-Manager to seek additional solutions to the web data hosting issue within the approved budget and then provide feedback to the Management Committee before July 1, with the option still open to continue with Stonefly through the end of the season if necessary. There was a second to the motion. Strong suggested a clarification that the Commission plan to move away from Stonefly unless there is no other option. Tyrrell responded that the plan would definitely be to sever the relationship, either on July 1 if another option is found, or on October 1 if not. A vote was taken and the motion carried.

Hansen then asked for a motion on the FY 2011 budget. Strong proposed that the Commission adopt the FY2011 budget of \$132,320.00. It was seconded and passed. Strong pointed out the estimated budgets for 2012 and 2013 that were included on the sheet. He mentioned that the estimate for stream gages used a multiplier of 2.7 percent, while a multiplier of 3 percent was used on other budget numbers.

Chairman Hansen then moved on to agenda item IV, election of officers. Tyrrell suggested that the current officers be acknowledged and retained for a second year, as is the usual procedure. Those officers are Sam Lowham, Vice Chairman, Dennis Strong, Secretary and Randy Staker, Treasurer. Tyrrell moved that the current officers continue for another year. The motion was seconded and passed.

Mike Bricco from Snow Survey then gave a report on forecasted water supply, item V. He reported on the general water supply conditions for the Bear River, including pictures of various areas. As of April 1, the snowpack was much below normal, with stream flows for spring and summer showing much below normal. Bear Lake is only 35 percent of capacity, but up 11 percent from the previous year. He pointed out that precipitation through the winter was below normal, with total precipitation on the Bear at 66 percent of normal as of April 1. He shared many statistics and percentages with a power point presentation, all indicating that we are considerably below normal. The significant storms in the two weeks after April 1 were helpful, bringing the precipitation numbers up to 72 percent of average.

Agenda item VI addressed the report of the Technical Advisory Committee (TAC). Don Barnett presented information on the depletion update that the committee had been working on since the

last meeting. He summarized the history of this subject. When the Bear River Compact was amended in 1980, additional depletions were granted. The Compact said that the depletion amount should be calculated and administered based on Commission approved procedures. Moving forward, the Commission looked at how to create those procedures and calculate the depletions. In 1989, the Commission had draft interim Commission approved procedures and had contracted with Utah State University to provide depletion factors by sub-basin. Utah State prepared a report that identified the amount of depletion per area or crop type. All of the depletions up through January 1, 1976 were recognized by the amended Compact. The new depletions were to apply to depletions which occurred after that date. The Commission moved forward, creating base maps. In 1993, the Commission adopted depletion estimates based on changes that occurred between 1976 and 1990. The TAC was asked to update these depletion numbers since that time.

To calculate the irrigation depletion, the acreage was multiplied by the depletion factor from the 1989 report. It took an average crop mix and 12 years worth of hydrologic data and transpiration data and multiplied those together to get the depletion estimates. This is how it was done in 1990. In the Commission approved procedures, there are eleven sub-basins in the Bear River basin which have different factors which were used to get depletion estimates.

Don Barnett showed maps that Utah had made the previous summer showing acres being irrigated, acres not being irrigated, areas that had been urbanized, etc. Comparing these maps against the 1976 base maps, you can see the changes. Some have stayed the same, while others show newly irrigated lands as well as lands that are no longer being irrigated. The TAC is trying to determine what acreage to use for depletion estimates. One possibility is to take a snapshot at a certain time, such as 2009. This would only pick up the actual acres irrigated in 2009. Another option would be to go to the water right record and identify all approved water rights and how many acres are approved to get the maximum potential. This would include acres that were approved but may never have been developed. There are many variables that could change the numbers, so the TAC was asking for direction from the Commission. The TAC's recommendation is that the acres counted in the "2009 Depletion Estimate Update" would be the "developed potential depletion." This would include all acres which have been developed since 1976 and which continue to have a water right, regardless of whether or not they were actually irrigated when the 2009 field verification was done. So, if someone just happened to not irrigate their land in 2009, it would still include their fields if they had been developed and they had kept their water right.

In response to questions, Don Barnett answered that there would not be a rigorous water right check on all properties, but just those fields where there might be a question as to whether they still have a water right. Hal Anderson suggested that what we would be looking for is change. Barnett explained that you would identify from the aerial photography of 2009 land that appears to be irrigated or cropped and compare it to the 1976 base maps. Areas of change would be verified by personnel in the field. It was felt that the snapshot aerial photography would be the best indication available. Hal Anderson added that the benefit of using the 2009 aerial photography was that it covered the entire Bear River basin on the same scale and the same dates, creating a uniform base of evaluation for all areas.

Gary Spackman was also concerned about a concept used in the State of Idaho called "the permissible place of use." It allows users to define a much larger area than the water right with a core number of acres that they can irrigate, giving them the ability to rotate within that larger area where they want to use the water. Barnett explained that in the procedures there is a provision that allows credit for acres irrigated prior to 1976 which are not presently irrigated, allowing the

ability to trade credits back and forth. This would show as a change and field personnel would have to verify the use.

Don Barnett asked the Commission if they felt that they were conceptually on the right page as they talked about “developed potential irrigation” versus “snapshot” or “maximum.” Hansen responded that it was probably as accurate as they could get considering that there will continue to be different issues to consider and it’s pretty much a “moving target” all the time.

Barnett then moved to the M & I depletions. He mentioned that Idaho and Utah have current USGS National Water Use Report data for 2005. In about a year, they will submit similar data to the USGS for 2010. Wyoming is looking to use current census data in their depletion estimate update. The TAC is recommending that the M & I usage included in the depletion updates would probably be 2010 data, which would be different than the 2009 field data, but would be the best data to use to put together the depletion estimates.

Barnett mentioned that the TAC was looking at the multiplier. The effort presently is to find the number of acres and multiply them by the values that are in the adopted Commission approved procedures. Bob Hill from Utah State University was one of the authors of the report in 1989 that provided those values. He has indicated recently that the time period associated with those depletion estimates was during a wetter period, and there may be higher values coming out in the future. Hill and Rick Allen from the University of Idaho are doing some updates as to their depletion estimates. It is important to see where that multiplier might go and determine whether or not it will impact the Commission’s approved procedures. If a higher value comes out, it may make the Idaho portion of the Central Division closer to its allowed depletion. This needs to be watched, and the TAC felt the Commission should be made aware of this. If a higher multiplier were to be suggested by Hill or Allen, then the Commission would need to look at whether or not to use that value. If it did, the procedures would need to be amended.

Dennis Strong expressed concern about the Idaho portion of the Central Division as this area is to be looked at twice as often, as provided by the procedures. He felt that the Commission may need to increase depletions. You can get as accurate as possible in measuring acres, but that is only one piece of the puzzle. If the depletion numbers go up in this 50-80% range, then there is a problem. We need to consider options. Perhaps the TAC should investigate how we calculate use and consider using diversions instead of acres and depletion factors. Then the State Engineers could regulate. This would be a change in Commission procedures, not just a change in depletion numbers. Basically this would be a move away from an acreage base to a diversion base. Then the states could regulate as to the amount of water and we would not need to cut somebody because they have too many acres.

Jack Barnett suggested that an action such as this would require 100 percent agreement from all involved because it would not follow the Compact. The Compact would have to be amended in order to make this change. Hansen added that it is very difficult to determine diversion since some diversions return to the river and others do not; however, it is worth considering. Don Barnett suggested that once they get the acreage update, then they would know where they are in relation to these issues.

Pat Tyrrell emphasized that the Commission procedures require depletions to be reviewed, but that a change to depletions will be difficult as the numbers are included in the Compact.

Following additional discussion, Don Barnett indicated that the TAC looked at the size of the potential and wondered if there could be an issue with the requirements of the Compact. They felt that they might look at the snapshots and determine that in no single year were there depletions greater than allowed in the Compact, but if they also determined that the potential was not even great enough, then there would be no reason to do the snapshots every year. This is the logic that led to the TAC's recommendation.

Eric Edgley from Utah Water Resources then discussed old technology versus new technology. The new data that all three states are working with is the 2009 aerial photography. The 1976 base map came from satellite images with poor resolution, making it hard to determine what was happening in certain areas. The new aerial photography is much more refined and precise, making the data more accurate.

Don Barnett then gave a quick update that they were moving ahead with the stream gaging program and looking at the coming year. USGS has reported that there is a good probability that one of the gages would be picked up in the NSIP program. There are no suggested changes in the stream gaging program.

Jack Barnett reminded the Commission that at the last meeting there was a report about the awarding of a stimulus grant to pipe several canals in two counties in Idaho and to install real time information in several areas. The project is moving ahead and making a major difference in those areas. Connely Baldwin reported on their project using stimulus money for real time data stations. They had a slow start waiting for the Environmental Assessment, but are now moving forward working on the telemetry on the priority of amounts of water and the difficulty of access for watermasters.

Jack Barnett indicated that the TAC was planning a meeting, perhaps in July, where they would address the information being gathered on acreages and the issues involving depletions. By the November meeting, the TAC would plan to have numbers of irrigated acres in each area of the river outlined in the Compact as well as more of an update from the experts on depletion numbers. The TAC will also be relied upon for guidance on the Stonefly issue.

Prior to a break in the meeting, Gary Spackman announced that Hal Anderson would be retiring and leaving his work with the Commission after 25 years of service. He has contributed a great deal to Bear River efforts over those years and will be greatly missed. Spackman shared some humor in his lyrics to a song written for Hal, and those in attendance enjoyed cake and ice cream in his honor.

Following the break, Marc Gibbs was called on to give a report from the Records & Public Involvement Committee, agenda item VII. He mentioned that the EPA grant was finished and the report was available online. The committee talked about stream gaging and Stonefly, which had already been discussed. He added that there is a book about Bear Lake that is being prepared and should be finished by the end of the year on time and on budget. He also mentioned that there are no public events scheduled this year.

Blair Francis then gave the report from the Operations Committee, agenda item VIII. He said that the snowpack issue had been covered and that regulation on the Bear River would be determined as we watch the runoff. He mentioned that there are four areas where there is a possibility of changed water use. These projects are named Ida Mont Farms, Twin Lakes, Black Bear and Procter & Gamble.

Connely Baldwin had prepared a handout on the Summary of Bear Lake Operation for Water Year 2009 (Attachment E), which showed that the irrigation allocation is 216,000 acre-feet, 94 percent of the maximum. The estimated maximum elevation of Bear Lake this spring would be 5912.1 feet. He also referred to a few items on a second handout regarding License Activities and Plans of the Federal Regulatory Commission, Attachment F.

Carly Burton shared information from a handout on the Bear River Water Users Association, Attachment G. He was pleased to report that the Utah Small Pumpers group was joining the Association. On the reverse side of the handout is a history of Bear Lake allocations and water preserved for Bear Lake recovery. He indicated that a lot of the water saved was weather related or runoff related, but he felt that part of it was due to greater conservation awareness on the part of the irrigators, which is a focus of the Association. With respect to new developments in the Bear River Basin, he said that the Association had withdrawn its protest of the Black Bear application in Idaho because they had addressed all of their concerns and questions. They will continue to watch other applications.

Hansen then turned the time to Jack Barnett for a report on the Water Quality Committee, agenda item IX. Barnett commented that the Committee has been a great asset for the Commission. He reported that the three states have each agreed to contribute \$5,000 per year for the next two years, to be matched by Utah State's Water Lab, for a total of \$20,000 to keep the WIS up and running. They continue to use their monitoring network to monitor water quality four times a year across state lines, including sampling at some of the Commission supported gages. He added that he had asked them, at the Commission's request, if they would consider contributing some funds (approximately 20 percent of the cost) to help the Commission continue to support stream gaging. They responded that, even though these are tough financial times, they might be able to come up with that amount of funding. This would amount to approximately \$10,000 per year. A conference call is planned for the first of July to see if the three states might be able to come up with that for now and in the foreseeable future.

Jack added that the committee had a report on the quagga mussel issue and that we should all be tremendously concerned about a possible invasion of the mussels into the watershed, as they had done so much damage in other areas.

Gary Spackman then gave the report of the Management Committee, agenda item X. There was only one item which had not already been addressed. He mentioned that he had been in communication with Jack Barnett, the Engineer-Manager and his son, Don Barnett. Jack indicated that, although he would like to stay involved with the Commission, he felt it was time for him to take a back seat. The Barnetts proposed to the Management Committee their idea of switching places, with Don Barnett being the point man, but recognized it was up to the committee to determine what the appropriate action would be. The Management Committee was unanimous in their appreciation of all the work Jack Barnett had done over the years, as well as Don Barnett. The Committee recognized that the Management Committee and state agencies were subject to public scrutiny of their actions, probably much more now than in the past. They felt it was important not to make a snap judgment, while also recognizing that they needed both of the Barnetts over the upcoming period of time. Spackman reported that the Management Committee decided to propose to the Commission that they continue to contract with the current people in place and the current organization for a period of six months to allow time to go through the appropriate process that is required of public officials and to maintain transparency. Spackman made a motion that the Commission execute a contract

and extend the service of Barnett Intermountain Water Consulting for a period of at least six months, or around the first of January. During that period of time, the Management Committee would go through the processes and come back with a recommendation. He added that Barnetts would have a strong preference in that process and there was no reason to reject them at all.

Pat Tyrrell clarified by adding that the current contract expires on June 30, so the new contract being discussed would start on July 1, and for that six month period, the Engineer-Manager would be Don Barnett. That would allow for a full time Engineer-Manager and also allow Jack Barnett to step back to part time work without losing any continuity during that time. At the November meeting, a final decision could be made.

Spackman then restated the motion to, at the end of the present contract period, extend the contract for a period of six months, ending on December 31. Then, during the period of that contract, the Management Committee would implement the necessary processes and make a recommendation to the Commission at the November meeting for future contracts. He added that perhaps it would be a good idea to change and have the contract run on a calendar year so that any contract changes that might be made in the future at the end of a contract year would fall in the winter rather than during the irrigation season. Tyrrell then seconded the motion with the clarification that during that six-month period, Don Barnett would be the Engineer-Manager.

Charles Holmgren then asked if the Management Committee would be the only ones involved in the selection. It was suggested that the Commission would like to be kept informed as the process moves forward. Dee Hansen suggested that the Management Committee member from each state should pass on the information to the Commissioners from their states. A vote was taken on the motion and it carried.

As there were no additional items to cover in the Engineer-Manager report, Hansen moved on to the state reports, agenda item XII. From Utah, Dennis Strong mentioned that Sim Weston had passed away and that Utah had prepared a resolution of appreciation to be given to his wife. He added that Merlin Olsen had also passed away. He had a great impact on many people and was very interested in Bear Lake and associated water issues. He provided valuable public service, helping with water conservation and donating much of his time in these efforts. He felt it would be appropriate to note in the minutes that the Commission appreciated the contribution of Merlin Olsen to the Bear River community.

Pat Tyrrell reported that Wyoming just finished their budget and actually succeeded in getting almost a million dollars for 107 more telemetered sites, automated diversion gates on reservoirs and stream gages statewide. Wyoming passed invasive species legislation and budgeted about \$1.8 million to implement required stickers, inspections and other efforts to hopefully avert having mussels establish in Wyoming.

Gary Spackman had nothing urgent to share as a state report from Idaho.

As there was nothing further, Chairman Hansen announced that the next Commission meeting would be on November 16, 2010. The meeting was adjourned at 4:00 p.m.

ATTENDANCE ROSTER

BEAR RIVER COMMISSION

ANNUAL MEETING

PacifiCorp Building

Salt Lake City, Utah

April 20, 2010

IDAHO COMMISSIONERS

Marc Gibbs

Gary Spackman

Rodney Wallentine

WYOMING COMMISSIONERS

Patrick Tyrrell

Gordon Thornock

Sam Lowham

Jade Henderson (Alternate)

Sue Lowry (Alternate)

FEDERAL CHAIR

Dee Hansen

OTHERS IN ATTENDANCE

IDAHO

Hal Anderson, Department of Water Resources

Liz Cresto, Department of Water Resources

UTAH

Will Atkin, Division of Water Rights

Todd Adams, Division of Water Resources

Randy Staker, Division of Water Resources

Eric Edgley, Division of Water Resources

Ron Hoffman, Water Commissioner

WYOMING

Mike Johnson, State Engineer's Office

Don Shoemaker, Water Commissioner

Kevin Payne, State Engineer's Office

OTHERS

Mike Bricco, NRCS-Utah Snow Survey

Carl Mackley, UDWRi

Bob Barrett, USFWS

Ben Radcliffe, USBR

Steve Noyes, USBR

Cory Angeroth, U.S. Geological Survey

Carly Burton, Bear River Water Users

Connely Baldwin, PacifiCorp Energy

Annette deKnijf, USFWS-Bear Lake Wildlife Refuge

Claudia Cottle, Bear Lake Watch

Dan Davidson, Bear River Canal Company

Bob Fotheringham, Cache County

Scott Clark, Barnett Intermountain Water Consulting

UTAH COMMISSIONERS

Dennis Strong

Charles Holmgren

Blair Francis

Norm Weston (Alternate)

ENGINEER-MANAGER & STAFF

Jack Barnett

Don Barnett

Donna Keeler

BEAR RIVER COMMISSION ANNUAL MEETINGS
April 19-20, 2010

Commission Meeting
PacifiCorp Building
1407 West North Temple
Salt Lake City, Utah

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

COMMISSION AND ASSOCIATED MEETINGS

April 19

9:30 a.m. Water Quality Committee Meeting – Room 314
3:00 p.m. Technical Advisory Committee Meeting – Room 314

April 20

9:30 a.m. Records & Public Involvement Committee – Room 314 Gibbs
10:45 a.m. Operations Committee Meeting – Room 314 Francis
11:45 p.m. Informal Meeting of Commission – Room 314 Barnett
12:00 p.m. State Caucuses and Lunch Strong/Spackman/Tyrrell
1:30 p.m. Commission Meeting – PacifiCorp, Room 130K Hansen

PROPOSED AGENDA
ANNUAL COMMISSION MEETING

April 20, 2010

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

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|------|--|---------------|
| I. | Call to order | Hansen |
| | A. Welcome of guests and overview of meeting | |
| | B. Recognitions | |
| | C. Approval of agenda | |
| II. | Approval of minutes of last Commission meeting (November 17, 2009) | Hansen |
| III. | Report of Secretary/Treasurer | Strong/Staker |
| | A. Expenditures | |
| | B. Proposed Budget | |
| | C. Assessments | |
| IV. | Election of Officers | Hansen |
| V. | Forecasted water supply | Bricco |
| VI. | Report of the Technical Advisory Committee | |
| | A. Depletions | D. Barnett |
| | B. Stream gaging | D. Barnett |
| | C. Progress on stimulus grant | J. Barnett |
| | D. Other | J. Barnett |
| | E. Future work | J. Barnett |

BREAK

- | | | |
|-------|---|------------|
| VII. | Records & Public Involvement Committee report | Gibbs |
| VIII. | Operations Committee report | |
| | A. Committee meeting | Francis |
| | B. PacifiCorp operations | Baldwin |
| | C. Activities of the Bear River Water Users Association | Burton |
| IX. | Water Quality Committee report | Baker |
| X. | Management Committee report | Spackman |
| XI. | Engineer-Manager report | J. Barnett |
| XII. | State reports | |
| | A. Utah | Strong |
| | B. Wyoming | Tyrrell |
| | C. Idaho | Spackman |
| XIII. | Other / Public comment | Hansen |
| XIV. | Next Commission meeting (November 16, 2010) | Hansen |

Anticipated adjournment: 3:45 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF JULY 1, 2009 TO APRIL 13, 2010

INCOME	CASH ON HAND	OTHER INCOME	FROM STATES	INCOME
Cash Balance 07-01-09	108,593.60			108,593.60
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		7,129.16		7,129.16
Interest on Savings		714.56		714.56
EPA/STONEFLY		6,000.00		6,000.00
TOTAL INCOME TO 13-Apr-10	108,593.60	13,843.72	120,000.00	242,437.32

DEDUCT OPERATING EXPENSES

	APPROVED BUDGET	UNEXPENDED BALANCE	EXPENDITURES TO DATE
Stream Gaging/USGS Contract	59,155.00	-	59,155.00
SUBTOTAL	59,155.00	-	59,155.00
EXPENDED THROUGH COMMISSION			
Personal Services BIWC	57,000.00	9,500.00	47,500.00
Travel (Eng-Mgr)	1,200.00	630.67	569.33
Office Expenses	1,600.00	1,149.55	450.45
Printing Biennial Report	1,000.00	108.97	891.03
Treasurer Bond & Audit	1,400.00	1,300.00	100.00
Printing	1,600.00	494.74	1,105.26
Web Page/Data	6,000.00	(31.98)	6,031.98
Clerical	5,000.00	-	5,000.00
Contingency	3,000.00	3,000.00	-
SUBTOTAL	77,800.00	16,151.95	61,648.05
TOTAL EXPENSES	136,955.00	16,151.95	120,803.05
CASH BALANCE AS OF 04-13-10			121,634.27

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING APRIL 13, 2010

699	BIWC	4,750.00
700	STONEFLY	6,000.00
701	SEE FY 09	-
702	BIWC	4,935.36
703	USGS	59,155.00
704	BIWC	5,154.58
705	BIWC	4,982.33
706	BIWC	5,903.74
707	BIWC	13,414.81
708	BIWC	5,525.37
709	BIWC	5,877.87
710	C N A Surety	100.00
711	STONEFLY	31.98
712	BIWC	4,972.01

TOTAL EXPENSE 120,803.05

BANK RECONCILIATION

Cash in Bank per Statement 04-13-10	3,894.90
Plus: Intransit Deposits	
Less: Outstanding Checks	
Total Cash in Bank	3,894.90
Plus: Savings Account-Utah State Treasurer	117,739.37
TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT	121,634.27

BEAR RIVER COMMISSION

APPROVED BUDGET FOR FY 2010, AND PROPOSED BUDGETS FOR FY'S 2011, 2012 & 2013

	FY 2010		FY 2011		FY 2012		FY 2013	
	APPROVED BUDGET	PROPOSED BUDGET						
	-INCOME-							
BEGINNING BALANCE	108,593.60	100,613.60	100,613.60	97,468.60	86,663.60	86,663.60	86,663.60	86,663.60
IDAHO	40,000.00	40,000.00	40,000.00	40,000.00	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	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	40,000.00	40,000.00	40,000.00	40,000.00
USF&WS	7,975.00	7,975.00	7,975.00	8,195.00	8,195.00	8,195.00	8,195.00	8,195.00
INTEREST ON SAVINGS	1,000.00	1,200.00	1,200.00	1,500.00	1,800.00	1,800.00	1,800.00	1,800.00
TOTAL INCOME	237,568.60	229,788.60	229,788.60	227,163.60	216,658.60	216,658.60	216,658.60	216,658.60
	-EXPENDITURES-							
STREAM GAGING-U.S.G.S.	59,155.00	54,520.00	54,520.00	61,000.00	63,000.00	63,000.00	63,000.00	63,000.00
PERSONAL SERVICES CONTRACT	57,000.00	57,000.00	57,000.00	58,700.00	60,500.00	60,500.00	60,500.00	60,500.00
TRAVEL	1,200.00	1,200.00	1,200.00	1,200.00	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	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	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	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	1,600.00	1,600.00	1,600.00	1,600.00
REALTIME WEB HOSTING	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00
CLERICAL	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
CONTINGENCY	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
TOTAL EXPENDITURES	136,955.00	132,320.00	132,320.00	140,500.00	144,300.00	144,300.00	144,300.00	144,300.00
UNEXPENDED CASH BALANCE	100,613.60	97,468.60	97,468.60	86,663.60	72,358.60	72,358.60	72,358.60	72,358.60

**SUMMARY OF BEAR LAKE OPERATION FOR WATER YEAR 2009
AND IRRIGATION ALLOCATION FOR 2010**

<u>Date</u>	<u>Hydrologic Information/Event</u>	<u>Contents (% of Full) Discharge (% of Normal)</u>
10-01-08	Bear Lake Beginning Elevation – 5907.77'	350,811 Ac. Ft. (25 %)
11-02-08	Bear Lake Minimum Elevation – 5907.68'	345,172 Ac. Ft. (24 %)
	Apr. 1 runoff forecast – April through July	125,000 Ac. Ft. (53%)
	Rainbow Inlet Canal (April-July)	195,000 Ac. Ft. (82%)
04-10-09	Bear Lake Irrigation Storage Allocation (based on estimated spring maximum elevation of 5910.8')	209,000 (91 %)
07-12-09	Bear Lake High Elevation – 5912.34'	644,057 (45 %)
	Outlet Canal Releases: 07/02-10/06 (97 days)*	91,200 Ac. Ft.
07-22-08	Outlet Canal Maximum Release – 1140 cfs	
	Bear Lake Storage Release	44,900 Ac. Ft.
	Allocation for Lake Recovery	164,000 Ac. Ft.
09-30-09	Bear Lake Ending Elevation – 5910.66'	534,687 (38 %)
	Bear Lake Settlement Agreement “System Loss” Volume^	7,200 Ac. Ft.
	Rainbow Inlet Canal Discharge	261,700 Ac. Ft.
	Bear River Discharge Below Stewart Dam	5,700 Ac. Ft.
	Bear Lake Net Runoff (Computed Total Inflow less Lake Evaporation)	281,000 Ac. Ft.

* additional releases to refill irrigation storage release from Soda Point reservoir Oct 30 – Nov 6; Nov 13 – Nov 19. These periods are not included in the total number of days.

^ 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 5910.44' was observed on November 14, 2009.
Bear Lake elevation as of April 19, 2009 was 5911.46'
Rainbow Inlet canal 184 cfs and filling Bear Lake.

Irrigation Allocation

Estimated spring maximum elevation of Bear Lake is 5912.1'. The corresponding irrigation allocation is 216,000 Ac. Ft. (94% of the maximum 230,000 Ac. Ft. when Bear Lake is below 5914.7').

PacifiCorp Energy Bear River Federal Energy Regulatory Commission License Activities and Plans

The 2009 and previous year annual reports are available at: <http://www.pacifiCorp.com> (Navigation tips: Energy Sources / Bear River / Annual Reports)

There are several items drawn mainly from the 2009 annual report that I'd like to mention.

- The second year of recreational releases from Grace Dam was completed in 2009. 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.
- Fieldwork for the fifth year of a six-year ecological study in the Black Canyon reach of the Bear River (the Grace plant bypass reach) was completed. The purpose of the study is to evaluate the ecological impact of recreational releases.
- 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. The most notable project is the installation of two additional fish-friendly improvements/replacements of irrigation diversions on the Cub River that now makes all of the Cub River available for Bonneville Cutthroat Trout spawning. Other projects include:
 - o Related to the fish passage improvements, a position was funded to clean and maintain important facilities to ensure they function as designed.
 - o Kackley springs, near the previous Cove Dam site, previously flowed into the Bear River over a diffuse area. The flow was channelized and to provide BCT spawning habitat.
 - o BCT broodstock development at the Grace, Idaho hatchery was funded. The first release of BCT into the Bear River will take place this fall.
 - o Aquatic Invasive Species (AIS) signage was funded
- Through the land and water acquisition funds that PacifiCorp committed to provide, two conservation easements were finalized: a plot on the West side of the river across from Grace Plant and a plot in the Riverdale area near Preston, Idaho.

**Bear River Water Users Association
Report to the Bear River Commission
April 20, 2010**

First of all I am pleased to report that the Bear River Water Users Association has added a new member to the organization. At the Board of Directors meeting held on March 11 the Utah Pumpers Group requested to become a member and the Board voted unanimously to allow them to join our Association. This addition increases the total irrigated acres within the Association to 141,000 acres or about 94% of the acreage which receives Bear Lake storage water. The other 6% is the portion irrigated by the Idaho Small Pumpers group which we hope in the future will join the Association as well.

I have included a small handout which shows the history of Bear Lake allocations and use over the past 12 years. The figures show a total of 2.47 million acre feet allocated, with 1.5 million acre feet used and a savings which is preserved for lake recovery of .94 million acre feet or about 38% of the allocation saved for lake recovery. This savings is equivalent to about 13 feet of Bear Lake elevation. The greatest use was in 2001 with 100% of the allocation used and the lowest use was in 2009 with only 21% used. I believe the storage water saved over the past 12 years is from a combination of favorable runoff and weather related conditions as well as a greater awareness of conservation from the irrigators. We will continue to preach conservation awareness because every acre foot of water saved benefits all of those who utilize Bear Lake. In fact the Association received a letter from LOVE Bear Lake group where they stated that they appreciated the conservation efforts of the Association over the past several years. This letter is a result of the greater cooperation that has occurred between the competing interests over use of the lake. We have all come a long way from the tense days in the 1990's when it seemed that we were all light years apart regarding the politics at Bear Lake.

The Association continues to work with PacifiCorp and Bear Lake Watch in monitoring new developments in the Bear River Basin. The projects of greatest interest, and I will refer to them as the big three include Black Bear Resort, Proctor & Gamble and Cache County developments. The Association has withdrawn its protest of the Black Bear application in Idaho. We believe the applicant has developed a much improved mitigation plan and has reduced its projected water demands and they have addressed all of the concerns listed in our protest. We continue to watch the developments on Proctor & Gamble and Cache County water applications.

HISTORY OF BEAR LAKE ALLOCATIONS AND WATER PRESERVED FOR LAKE RECOVERY

Year	Allocation (TAF)	Irrigation Storage Water Delivered (TAF)	Water Saved (TAF)
2010	TBD		Not Available
2009	209	45	164
2008	216	111	105
2007	218	184	34
2006	225	60	165
2005	141	54	87
2004	85	77	8
2003	181	176	5
2002	215	204	11
2001	245	245	0
2000	245	201	44
1999	245	86	159
1998	245	89	156
TOTALS	2470	1532	938
PERCENT OF ALLOCATION SAVED			38%
EQUIVALENT FEET-BEAR LAKE			13