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(DIRECTOR, DEPARTMENT
OF WATER ADMINISTRATION)



STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, IDAHO 83707

DR. ROBERT R. LEE, DIRECTOR
WILLIAM S. HOLDEN
GOVERNOR'S SPECIAL REPRESENTATIVE

No 4

October 23, 1970

DRAFT MINUTES OF TRI-STATE NEGOTIATION COMMITTEE
AT MONTEPELLIER, IDAHO, SEPTEMBER 29, 1970

The meeting was called to order by Chairman Ferris Kunz, Idaho, at 9:30 a.m. Introductions of those present were made. A roster of attendance is attached.

The minutes of the July 28 meeting were approved as corrected. Corrected copies of that meeting will be distributed by Utah.

Representatives of the Utah Power and Light Company made a presentation covering their operation of Bear Lake and their activities on the Bear River. (Copy attached.) The Bear River plants have about 100 megawatt capacity and furnish from 8 to 14 percent of the Utah Power and Light Company's system demand. The percentage of the total is declining as thermal capacity is added to the system. The existing Bear River hydro-power is economical and is used to peak on a daily rather than seasonal basis.

The operation of Bear Lake as related to irrigation, power, flood control, and recreation was discussed. During the irrigation season, water is released for irrigation with power generation a by-product. The operation of Bear Lake changed after the drought period of the 1930's and examination of records prior to that time do not indicate present day operating practices.

A report on the hydrology of the Bear River was presented. A motion was passed referring the report back to the Technical Subcommittee because of a lack of agreement on the part of Wyoming on a portion of the statement referring to the water supply above Bear Lake. The report is to be on the agenda at the next Tri-State Negotiation Committee Meeting.

Representatives of Wyoming indicated that among items they would like considered is the magnitude of the flow at Border at which compact allocation begins. Mr. Dayton stated that Wyoming feels that the present point of initial allocation, 350 cfs, is too high--based upon the apparent high use of allocated flows in Wyoming as compared to Idaho.

Utah spokesmen favor the idea of increasing storage above Bear Lake but see this as possible only by amending the provisions of the Bear River Compact. They feel there is need in the Upper Basin in Utah and in Wyoming for additional

storage; development could be physically accomplished if the institutional problems including compact and the water right relationships with the Power Company could be worked out. Utah sees a major need not only for development in the upper reaches of the Bear in Utah, but as a possibility of use in other areas of Utah.

Utah suggested that ground rules must be developed as to what to do with the data that has been presented in the meetings this year so that negotiations can proceed. They proposed that at an early meeting it be decided whether to allocate water according to contribution by the states, according to water rights, or according to other possible means. There is strong sentiment in Utah for development of some phases of Bear River water supplies rather soon. Unless negotiations can move much faster than they did in the previous compact, Utah would favor some joint actions in projects in the lower reach, as well as the possibility of developing water upstream.

In response to the Utah statement, Mr. Bishop said that Wyoming would insist on a modification of the compact to allow more upper basin storage before Wyoming would support projects in the lower basin.

The relationship between the Negotiating Committee and the Bear River Compact Commission was discussed. This appeared to center around the question of whether, under the Compact Commission's periodic compact review responsibility, the Negotiating Committee had the authority to proceed toward recommending an agreement which could result in an amendment to the Compact. It was agreed that Mr. Lawrence would ask the Utah Attorney General's Office to arrange a meeting of the respective Attorneys General to recommend a course of action.

Mr. Bischoff announced release of the "Bear River Investigations Status Report" by the Bureau of Reclamation.

The next meeting will be in Brigham City, Utah, on November 24. The agenda will include:

1. A review of the operation of the Bear River Migratory Bird Refuge by the U. S. Fish and Wildlife Service and the State of Utah.
2. Hydrology report by the Technical Subcommittee.
3. Report on the responsibilities of the Negotiating Committee.

At the close of the meeting, there was a brief discussion by Utah and Wyoming representatives of the need to set forth their views on upper basin storage requirements.

Following the meeting, the group visited the site of the Montpelier Creek Dam and then toured Bear Lake facilities of Utah Power and Light Company, including Stewart Dam and Rainbow Inlet Canal, Bear Lake Outlet Canal, and the Lifton Pumping Station.

BEAR RIVER NEGOTIATION MEETING

September 29, 1970
Attendance

Paul Holmgren	Utah Water Commission
Marion Olsen	Utah Board Water Resources
Cal Funk	Utah Negotiating Committee
Edward H. Southwick	Utah Board of Water Resources
Simeon Weston	Utah Negotiating Committee
Gordon Peart	Utah Negotiating Committee
Daniel F. Lawrence	Utah Negotiating Committee
Ethan F. Axtmann	Utah Water Resource Division, SCC
Jim Christensen	Utah Division of Water Resources
Hubert C. Lambert	Utah State Engineer
Glen K. Vernon	Utah Office of Legislative Analyst
Dee Hansen	Utah State Engineers Office
Frank O. Reeder	Box Elder County, Utah
Blair Francis	Woodruff
Robert R. Lee	Idaho Water Resource Board
R. Keith Higginson	Idaho Department of Water Administration
Le Roy Stanger	Idaho Water Resource Board
Cecil Foster	Idaho Negotiating Committee
Ferris M. Kunz	Idaho Water Resource Board
William G. Jenkins	Idaho Negotiating Committee
Alan Robertson	Idaho Water Resource Board Staff
Wayne T. Haas	Idaho Water Resource Board Staff
Bob Haynes	Idaho Water Resource Board Staff
Danie Roberts	Franklin County Water Users
Floyd A. Bishop	Wyoming State Engineer
S. Reed Dayton	Wyoming Committee
J. W. Myers	Wyoming Committee
Peter J. Hutchison	Wyoming State Engineer's Office
Jack R. Gage	Wyoming Attorney General's Office
John A. Teichert	Wyoming State Board of Control
Donald J. Watkins	Utah Power and Light Company
Robert B. Porter	Utah Power and Light Company
Dean Bischoff	U.S. Bureau of Reclamation
E. O. Larsen	Federal Representative, Bear River Compact Commission

UTAH POWER & LIGHT COMPANY

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
VICE PRESIDENT AND GENERAL COUNSEL

ROBERT GORDON
ROBERT B. PORTER

F. GERALD IRVINE
OF COUNSEL

October 8, 1970
RECEIVED

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Dr. Robert R. Lee, Director
Idaho Water Resource Board
Statehouse
Boise, Idaho

Dear Dr. Lee:

I have now completed and herewith enclose the original and a copy of the statements made by D. J. Watkins at the meeting in Montpelier, Idaho, on September 29, 1970. This now includes both his initial remarks and a resume of his responses to the questions propounded at the meeting.

I trust that you will find this to be satisfactory.

Yours very truly,


ROBERT B. PORTER

RBP:cjw

Enc.

In order to give you a basic picture of our operations with respect to Bear Lake and Bear River, it might be well to start with October, which date will arrive shortly. The irrigation season generally ends at about this time each year; and in most years, releases from Bear Lake are also terminated, at least until a fairly sound estimate can be made of the following year's runoff. With the lake at elevation 5919.37 feet on September 21 this year, there will need to be some water releases between now and the end of the year to provide space for the spring runoff. This is not, however, the usual situation; and during the non-irrigation season of most years only the make of the River below Bear Lake is used for power purposes. We generally reckon that Bear Lake should be near elevation 5917 feet if it is to be able to handle the normal spring runoff. Between now and the end of the year we will carefully examine the monthly snow reports and the records that we keep. The results of those examinations will govern the amount and time of releases from Bear Lake.

The major canals diverting from Bear River that use Bear Lake storage water in the order downstream from Bear Lake are Last Chance Canal, Twin Lakes Canal, Cub River Pumps, West Cache Canal, and the Utah-Idaho Sugar Company canals. All of these canals divert below the Soda Plant and do permit of use there

during the irrigation season. However, this plant is a low-head plant and during the irrigation season is used primarily to regulate flows to satisfy irrigation demands and to supply water to the Company's other plants for peaking purposes.

The Grace and Cove plants are operated in tandem and the Cove diversion is immediately downstream from the Grace tailrace. Water is held at Soda and released in order that these plants can provide energy for peaking. The Grace Plant is the most efficient on the Company's Bear River system in terms of kilowatt hours per acre foot of water. The Last Chance Canal diverts water between the Soda Plant and the Grace-Cove plants, but there are no major diversions between the Cove and the Oneida plants.

The Oneida Plant has another regulatory reservoir, and it is used both to supply irrigation demands and to regulate water for peaking purposes. This plant is another low-head plant, but it is capable of using substantial flows. Downstream from the Oneida Plant is the diversion structure of the West Cache Canal, and the Oneida Reservoir is used to satisfy the requirements of this canal.

The last power plant on the Bear River is the Cutler Plant, and this plant is primarily used during the non-irrigation season and during periods of high runoff. It is very seldom used during the irrigation season. The two large canals that serve Box Elder County farms divert directly from Cutler Reservoir above the

power plant and generally use all of the available water. Each of the canals above named, except Twin Lakes Canal, have the right to divert direct flow water from Bear River under our own right; and Twin Lakes Canal has a direct flow right from Mink Creek, a Bear River tributary.

As the preceding paragraphs have demonstrated, Utah Power & Light Company's Bear River plants are operated as a unit in order that the available water supply could be most efficiently used. The loss of one plant would not only cause the loss of revenue with respect to the power there generated but would cause an additional loss in the reduced efficiency of the remaining plants. This loss of revenue is somewhat difficult to estimate as it varies from year to year, depending upon the water supply. A fair estimate of the net revenue obtainable from the five plants during an average year is \$400,000.00. Taxes paid to the Idaho counties of Franklin, Caribou and Bear Lake in which our generating facilities are located average about \$175,000.00 annually; and in the Utah counties of Box Elder and Cache the assessed value of the Cutler Project for 1970 taxes is the sum of \$117,108.60.

The basic operation of the Bear Lake system is the diversion of river flows at Stewart Dam through canals, control structures and other waterways into Bear Lake for storage. The water is later returned to Bear River through North Lake and the outlet

U P & L Co statement by D. J. Watkins

canal. Water will flow from Stewart Dam to North Lake by gravity. In order to get water from North Lake to Bear Lake, North Lake surface elevation is kept above the surface elevation of Bear Lake, and water flows by gravity through sluice gates at the Lifton Pumping Plant or through a stop-log structure on the causeway between North Lake and Bear Lake east of the Pumping Plant. When the elevation of Bear Lake is elevation 5920 feet or above, water can be taken from Bear Lake back to Bear River by gravity. When the Bear Lake elevation is below 5920 feet, it becomes necessary to pump water from Bear Lake to North Lake where it can then flow to the Bear River through the outlet canal by gravity. Water can be released directly from North Lake into the outlet canal and thence into Bear River, bypassing Bear Lake.

We pride ourselves that Bear Lake is one of the first multi-purpose projects to be built in the West. Under the terms of the Bear River Compact, irrigation has the first priority in use; but the manner in which we have learned to operate Bear Lake over the past years has made both flood control and recreation matters of considerable importance; but neither do we desire to minimize the importance to our Company of the power we are able to produce from our Bear River system, even though we can operate our Bear River plants only on an average load factor of less than 25 percent.