

**PROCEDURES FOR ADMINISTRATION
OF ADDITIONAL STORAGE ABOVE STEWART
DAM WHEN BEAR LAKE IS SPILLING
PURSUANT TO ARTICLE VI.C.**

November 23, 1993

HISTORY OF REVISIONS

November 23, 1993 – Initially adopted

November 19, 2013 – Pulled language associated with this procedure from the Depletions Procedure which required minor changes to the verbiage to make it a stand-alone procedure



BEAR RIVER COMMISSION

PROCEDURES FOR ADMINISTRATION OF ADDITIONAL STORAGE ABOVE STEWART DAM WHEN BEAR LAKE IS SPILLING PURSUANT TO ARTICLE VI.C.

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I. INTRODUCTION

Article VI.C. of the Amended Bear River Compact was ratified by Congress in 1980 and established that further additional rights to store above Stewart Dam could be granted based on water that otherwise would be bypassed or released from Bear Lake. The Amended Compact did not spell out in detail how and when additional storage would take place depending upon Bear Lake operations. Instead, the Amended Compact directed that these additional storage determinations would be completed in accordance with a "Commission-approved procedure." In November of 1989, the Commission adopted interim approved procedures with an understanding that with time and experience, the States may choose to amend the approved procedures.

The Amended Bear River Compact provides as follows:

Article VI.C.: "The availability of such water and the operation of reservoir space to store water above Bear Lake under this paragraph shall be determined by a *Commission-approved procedure.*"

This procedure sets out how this additional storage will be determined and administered.

II. BEAR LAKE SPILLS

Article VI, Paragraph C, states, "In addition to the rights defined in Article VI, Paragraphs A and B, Idaho, Utah and Wyoming are granted the right to store and use water above Stewart Dam that otherwise would be bypassed or released from Bear Lake at times when all other direct flow and storage rights are satisfied."

No single physical observation or measurement can be made to assess when additional Article VI storage may take place. Both senior and junior appropriators of Bear River waters will be diverting to storage during peak run-off. Use of Article VI water is not to be included in the storage and depletion allowances above Stewart Dam if the Commission determines that additional storage waters are available under Article VI, Paragraph C of the Compact.

To ensure that prior rights are delivered their full requirement of water, the following procedure will be followed. The Engineer-Manager will act as chairperson of a Bear Lake

Spills Subcommittee of the Bear River Commission. The Subcommittee will be comprised of the Operations Committee, a representative of Utah Power, and the Engineer-Manager. This Subcommittee will be responsible for obtaining the necessary data through cooperation with federal, state and private organizations to assess the hydrologic situation of the Bear River system and determine if there is potential for additional rights being defined as provided for under Article VI, Paragraph C of the Compact. The Subcommittee may determine that waters are not going to be available for these additional rights. The Subcommittee may review storage that has occurred and determine whether additional waters are available. If the Subcommittee determines that additional waters were stored and additional rights were not available, then the Subcommittee will instruct the Engineer-Manager concerning how to release the unauthorized storage into the system. The Subcommittee will report to the Commission any of its actions and or findings at the next Commission meeting.

The Subcommittee should evaluate at least the following criteria:

1. Bear Lake elevation
2. Storage space available upstream from Bear Lake.
3. The amount of water stored weekly in each reservoir during the run-off period from March through June of each year
4. An estimation of the probable Article VI, Paragraph C water
5. The time interval in which storage of water may occur
6. The time interval in which stored water may be released to prior appropriators
7. An accounting system for tracking stored water
8. Any of the signatory states of the Amended Bear River Compact, upon showing of importance, may have other criteria evaluated by the Bear Lake Spills Subcommittee during meetings of the Subcommittee
9. Stewart Dam and Rainbow Canal flows