

# **Bear River Basin Advisory Group**

## **Evanston, Wyoming**

### **Meeting Record**

#### **November 8, 1999**

#### **Introduction**

The meeting opened on Monday, November 8, 1999, at 6:04 p.m. at the Uinta County Library. Joe Lord, the facilitator for the group, handed out copies of the agenda. The attendance sign-in list was circulated at this time.

#### **Planning Team Issues**

Robin Gray, Water Planning Data Manager for the Water Resources Data System, handed out information on the Water Plan Web Site to members of the Basin Advisory Group (BAG). Robin also explained that she would be doing a demo of the site during the break should anyone like a “guided tour”.

#### **Future Meetings & Locations**

It was noted that future meetings are tentatively scheduled for January 10<sup>th</sup> in Kemmerer, March 13<sup>th</sup> in Cokeville and May 8<sup>th</sup> in Evanston. It was asked if the 6pm time frame was still agreeable with everyone or if anyone had a suggestion as to an earlier time due to the season and length of daylight. Receiving no negative responses, the meeting time will remain the same.

#### **Membership Issues**

BAG membership issues were discussed. Specifically, state staff agreed to contact members who consistently fail to attend meetings in order to ascertain their willingness to continue to represent their constituency.

#### **Consultant Update**

Clarence Kemp, Forsgren Associates, was introduced and preceded with an update. The Base Mapping in GIS is complete. Mr. Kemp displayed PowerPoint slides of the basin diversion schematics, focusing on system understanding. Handouts of the schematics were also given to the group. Mr. Kemp explained that he had previously spent time with the Division Superintendent and Hydrographer Commissioner regarding specifics of the system. Also passed out were the schematics generated from the Wyoming State Engineer’s Records as to how the different canals interface in the basin. It was titled “Upper and Lower Wyoming Bear River Diversions”.

The mapping effort has included the upper and lower portions of the river, Twin Creek, and Smith’s Fork. Some repeated issues involved Woodruff Narrows and how the water is regulated.

Sulfer Creek storage waters have significant usage by exchanges, but are not formally filed or

recorded. Members of the BAG reviewed the schematics and suggested changes and/or enhancements.

## **Informational Presentations**

Bear River Compact – By Sue Lowry, Director for Policy and Administration, Wyoming State Engineers' Office

Ms. Lowry stated that she wanted to give a broad overview as to why we (Wyoming) participate in interstate activities regarding the Bear River Compact and why it is unique for many reasons. Ms. Lowry passed out several different handouts regarding her discussion.

Ms. Lowry stated that issues are increasing fairly rapidly regarding water quantity and water quality. A master list is in effect for general presentations by numerous interested groups that wish to be active in this area. She noted that the Wyoming State Engineer, the Interstate Streams Engineer, and herself are all involved in getting information together to answer questions regarding the more technical issues of these concerns. During the general topic overview of issues facing the State Engineers Office, the BAG discussed a few specifics:

The subject of “private” instream flows was introduced. More people are interested as to the viability of instream flows being handled/controlled by residents. Most landowners prefer to keep water rights in private ownership. Changes by the State of Wyoming in this area are being looked at. Formal discussions will most likely be forthcoming within the next year or two.

A new program being conducted by the State Engineer's Office is water conservation. Ron Vore has been enlisted and will spend a lot of time in the Platte River Basin. He is exploring water conservation opportunities in Wyoming.

Another concept being explored is dry-year leasing. Contracts with senior water rights holders might be put into place in the event dry-year leasing, generally by a municipality, becomes necessary. The water rights would remain in the control of the landowner.

A question arose regarding the current status of the North Platte litigation. Nebraska raised issues regarding enough changes in varieties of agricultural management. The issue was raised as to whether or not more or less water is being used than in 1945 when the US Supreme Court decree was issued.

Ms Lowry then spoke on the topic of the Bear River Compact.

The Bear River Compact covers a relatively small geographic area but regulations are affected by the complexities of the compact. Discussion was held regarding the Bear River Basin depletion concerns. It is the only Wyoming compact that includes groundwater, deals with water based on depletion amounts, and has been amended. Most of the other compacts are based on percent allocations at some point. The Bear River Compact is unique in its detailing of specific amounts of storage and depletion allowed. A handout on Wyoming River Basin Compacts and Decrees was given to the BAG members.

The Bear River Compact provides for a Commission, which meets in November and April of each year. The Commission usually meets in Salt Lake City. There is a mandatory review of the compact every twenty years. The compact was amended in 1978 and ratified by Congress in 1980.

A water quality committee was recently formed. Local groups of citizens are currently working on such water quality issues. Their involvement is very beneficial to the compact. The Wyoming Department of Environmental Quality, Water Quality Division is also involved in such efforts. The Records Committee of the Commission publishes gauge and ditch diversion reports every other year.

The Bear River Commission is pursuing an increased outreach effort with the public. To this effort, a symposium was held on Bear Lake in September to discuss the current water issues in the basin and to promote dialogue between scientists, water experts, and the general public.

A map was distributed which showed the Bear River Basin. Also, a flow chart was similarly distributed detailing the various reaches of the river, as well as a narrative on the basin. The Bear River crosses the state line five times. The upper division goes from the headwaters to Pixley Dam. From Pixley Dam to Stewart Dam is the central division. The lower division is from the Stewart Dam to the Great Salt Lake.

The Smith's Fork area was brought into focus. In 1958, the original compact provided for divisions and talked only about recognized storage areas that had been built. Allocations were made by the State as to what could be developed after 1958. An additional 17,750 acre-feet was allocated for storage. Wyoming showed construction of 13,183 of the allocated acre-feet. The Smith Fork was allocated 4,100 AF. It has been held in reserve. A storage area was to have been built by Smith Fork to facilitate the additional AF, but has not been constructed as yet. It is to be used when the Bear Lake drops below 5,911 feet elevation. When Bear Lake drops below 5911 feet elevation, Wyoming can transfer the 4100 acre-feet of Smiths Fork storage to Woodruff Narrows Reservoir on a year-by-year basis. There are differing opinions as to whether or not the water could be brought to Pixley below the dam area.

The amended compact (passed in 1980) quantified river storage allowable depletions and provided for additional storage to 35,000 AF and allowed for 13,000 AF for depletion. This compact is the only one that allocates water on this basis. Analyses were performed to determine each states' use of their allocations from 1976 to 1990.

A comparison of irrigation depletions and allocations from 1976 through 1990 was examined. A handout was given to BAG members which detailed this information..

A question was raised regarding the export law for out of state allocation of water usage. The export law provides for statutory rules for AF usage outside the state without approval of the legislature. Copies of the statues were passed out.

Break – Robin Gray demonstrated the water planning website at this time.

Ms. Lowry resumed her presentation with slides of the different reaches, facilities and impoundments in the Bear River Basin. She gave a brief history of the Bear Lake area regarding water rights. Bear Lake was off channel prior to 1910. Idaho Sugar and Bear River Canal Company cut a deal assuring that 900 CFS would always be delivered at Cutler Dam. When the Bear Lake got so low during the 1980's drought, PacifiCorp had trouble delivering allocated amounts required by the contracts. The Bear Lake area has increased tremendously in development as of late.

#### Scottish Power/PacifiCorp Merger

PacifiCorp is in the process of being acquired by Scottish Power. The Federal Energy Regulatory Commission becomes involved with the magnitude of a merger of this type. The State of Idaho became concerned regarding water rights issues and was going to ask PacifiCorp to subordinate their rights as condition for approval of the merger. Since this time the three states met to negotiate the water regulatory impact of the merger between the two power companies. An agreement was made that there would be no sidebar arrangements between the parties affected.

The Scottish Power Company has an obligation to notify the states regarding any operating condition changes. The position of the Bear River Commission is that it does not wish to become involved in the merger discussions. The commission feels that the merger should be between the three states involved, being Wyoming, Utah and Idaho. Wyoming has agreed to the merger and an operating agreement is being drafted.

This ended Ms. Lowry's presentation.

#### Cutthroat Trout Presentation by Ron Remmick, Regional Fisheries Supervisor, Wyoming Game and Fish

Ron began by discussing Colorado and Bonneville Cutthroat Trout. Issues surrounding the Yellowstone Cutthroat were also discussed. Slides were presented showing the different trout and their habitat areas. Mr. Remmick explained that the University of Wyoming is very involved in such studies of the fish. Habitat surveys are being conducted to determine the survival rate of the trout.

Native ranges are being restocked where possible. Efforts are being made to reproduce the native Cutthroats. Over-utilization by humans, scientific studies and recreational uses have caused a

decline in the native fish. Regulations are being put into place regarding the threats of decline. Man-made complications, diseases of the fish, drought conditions, etc., have all played important parts to the decline population.

The goal is to establish two self-sustaining meta-population areas. Connections of the streams provide for more mobility of the fish during droughts and so on. Other types of trout that inhabit the native areas are hardier and threaten the existence of the Colorado and Bonneville Cutthroat. Therefore, these non-native fish are captured and disposed of to prevent this overtake. It is a goal to maintain areas that support the Colorado River Cutthroat and to maintain genetic purity of the fish. Also, it is the goal to increase distribution where ecologically, sociologically, and economically feasible.

From studies of the fish, it is felt that placements that have recently been made are flourishing and the fish are doing well in the streams. The Wyoming Game and Fish Commission is doing all it can to ensure that the native habitats are well maintained and that regulations are carried out for their protection.

The meeting adjourned at 8:47 PM.