

**Bear River Basin Advisory Group
Meeting Record
Cokeville High School Library
March 13, 2000**

Introduction - The meeting opened on Monday, March 13, 2000, at 6:05 p.m. at the Cokeville High School in Cokeville, Wyoming. Joe Lord, the facilitator for the group, distributed copies of the agenda. The attendance sign-in list was also circulated at this time.

Administrative Issues - Mr. Lord conducted a discussion relative to future meeting locations. It was noted that future meetings are to be held on May 8th in Evanston and July 10th in Kemmerer. The 6pm meeting time is still in effect.

Consultant Update / General - Clarence Kemp, of Forsgren Associates, was introduced and discussed the planning process for the Bear River Basin. Mr. Kemp noted that Erin Wilson of Leonard Rice Consulting and Brad Anderson of Anderson Consulting were in attendance at the meeting.

Mr. Kemp then focused on the presentation of information and the evolution of technology from the thick “book like” report to information being available on the Internet. He discussed the way the information will be accessed, utilized, and updated in the years to come. The data need to be presented in a manner that will be beneficial to everyone.

Mr. Kemp discussed the proposed format for the planning document. It is intended to be useful to a “5th grade teacher” as well as an engineer. The master document will be brief with an emphasis on geographical presentation of data. More detailed information and technical analysis will be provided in the form of appendices.

Regulatory issues regarding what potentially controls and what could happen in the Basin were generally discussed. He said the planning team wanted to identify in the document regulatory issues and programs that impact how water can presently be used, as well as what we can project could happen in the foreseeable future. Mr. Kemp proposed beginning a tabulation of all the various regulations that could affect water use development. He indicated he would appreciate any comments from the BAG and suggestions on this topic.

Basin GIS - Erin Wilson displayed the Geographic Information System (GIS) that has been developed for this project. GIS can be used to store, display and manage data that is tied to a geographic location. She demonstrated how basin information is being stored in a database and is tied to geographic location and how it can be linked to other sources i.e. Word, Excel, etc. GIS will be used to make project decisions by being able to pull up and compare related information. This information will be available on the Internet through WRDS. The public will be able to download specific information they are interested in.

Basin Modeling -Brad Anderson discussed hydrologic modeling using specific information being gathered by Forsgren Associates and placed in a “user friendly” form by Leonard Rice Consulting. Mr. Anderson showed how the information gathered has been used in terms of graphs, charts and tables. He displayed the structure of the Bear River Basin Model that is being used and reviewed how to use it. He discussed the Bear River Basin diversion records being used (1970-1998) and how that information fits

into these tables, graphs, and charts for the use of modeling the water flow activity in the Bear River Basin.

Break

Bear River Operations – Jade Henderson - Division IV Superintendent, Wyoming State Engineer's office focused on the Interstate compact which regulates the Bear River. He indicated that irrigation is the primary water user on the river.

The Seasonal limitations of the Bear River compact were also discussed. Under the interstate compact there are limits set by the total depletions that Wyoming can use. In addition, the compact restricts what can be diverted and allocates water shortages between all three states for the Upper, Central and Lower divisions respectfully. These shortages are referred to in the Compact as a "water emergency". Each division is regulated separately. The compact calls the available water in each of the divisions "total divertible flow".

Lower Division- In forty years of compact administration the Lower Division has never experienced interstate regulation, primarily due to available Bear Lake water storage.

Central Division - The Central Division includes the Smith's Fork as a tributary. The compact specifies the amount of water Wyoming can use. Most of the tributaries on Smith's Fork are included, so any diversions on those sources are subject to interstate regulation. The main source in Idaho is the Bear River itself. The Bear River Commission uses a calculation sheet to compute the total divertible flow. Interstate regulation can be triggered if the total is below 870 cfs. Another automatic trigger is if the border gage between Idaho and Wyoming falls below 350 cfs (which generally is not the controlling factor). During a water emergency, Wyoming is allocated 43% of the total divertible, flow. Idaho is entitled to the remaining 57% of the water flow.

Upper Division - The Upper Division consists of several sections. Each section has a certain amount of water that can be used under interstate regulation in season. The amount of water being diverted in each section and the amount being spilled at Pixley Dam are included in the total divertible flow. That figure then tests to see if the threshold has been met. 0.6% is allocated to the upper Utah section, 49.3% allocated to Wyoming, 40.5% to lower Utah and 9.6% to the lower Wyoming section during a water emergency.

Bear River Compact and the Three-State Agreement with PacifiCorp. - Jody Williams with PacifiCorp began by reviewing storage rights in Bear Lake. PacifiCorp owns the storage rights in Bear Lake between elevations 5902 and 5923.65. This amounts to 1.4 million-acre feet of water. The state of Idaho has claimed the storage rights for the rest of the water below 5902. PacifiCorp's other interests on the river are its downstream hydro plants.

Ms. Williams discussed the merger of PacifiCorp and Scottish Power. Approximately 15 months ago Scottish Power began the process to merge with PacifiCorp. Last July, Idaho indicated that they would not approve the merger without contractual assurances from PacifiCorp that Scottish Power will not change the historic operation of Bear River and Bear Lake. Wyoming and Utah entered the negotiations relative to this issue due to the potential interstate impacts. An

agreement (called the October 5th agreement) was entered into to insure that historic practices would be honored. The agreement states two very important things; 1st- PacifiCorp's water rights are constrained by the historic practice of not making a delivery call for hydropower generation. 2nd- Bear Lake is operated consistent with long standing historic practice and applicable laws, primarily as a storage reservoir to satisfy contracts for existing irrigation uses and flood control needs. The use of water for hydropower generation is incidental to the other purposes for which the water is being released. The parties also agreed that they would enter into an agreement to confirm historic practices that would be submitted to the public for review and comment. The subsequent agreement has been negotiated. Ms. Williams distributed the operations agreement and asked for comments.

PacifiCorp is presently working to better define and document those practices. In addition, they have indicated a willingness to maintain a somewhat higher lake elevation (5918) than required by the compact. Furthermore, no new irrigation contracts will be entered into. Jody ended by discussing Bear Lake and the Bear River Compact regulatory impacts associated with lake elevations.

Abandoned Mine Lands Phosphate Mine Reclamation- Evan Green briefly discussed the Wyoming DEQ- AML program. The AML Program in Wyoming receives \$ 25 million in current coal fees. That money is typically allocated 75% on traditional reclamation projects and 25% on public facility projects in communities that are impacted by mining.

Currently AML is in the process of soliciting engineering firms to do designs for a project called the 17B2 - Lincoln County Phosphates. Mr. Green reviewed the preliminary schedule for the project and discussed the work involved in an investigation of what there is actually on site, and whether there are any significant human health concerns. He indicated his agency's concern that the water quality in nearby Twin Creek and the Bear River be fully protected during and after reclamation. Both the Leefe and Layland sites were discussed through a PowerPoint show. Mr. Green also introduced Mr. Mike Koopman, project manager who was there to answer any questions.

Meeting adjourned - 9:00p.m.