



# *Bear River Compact 20-Year Review*

Presented by:

Beth Callaway, SEO Interstate Streams

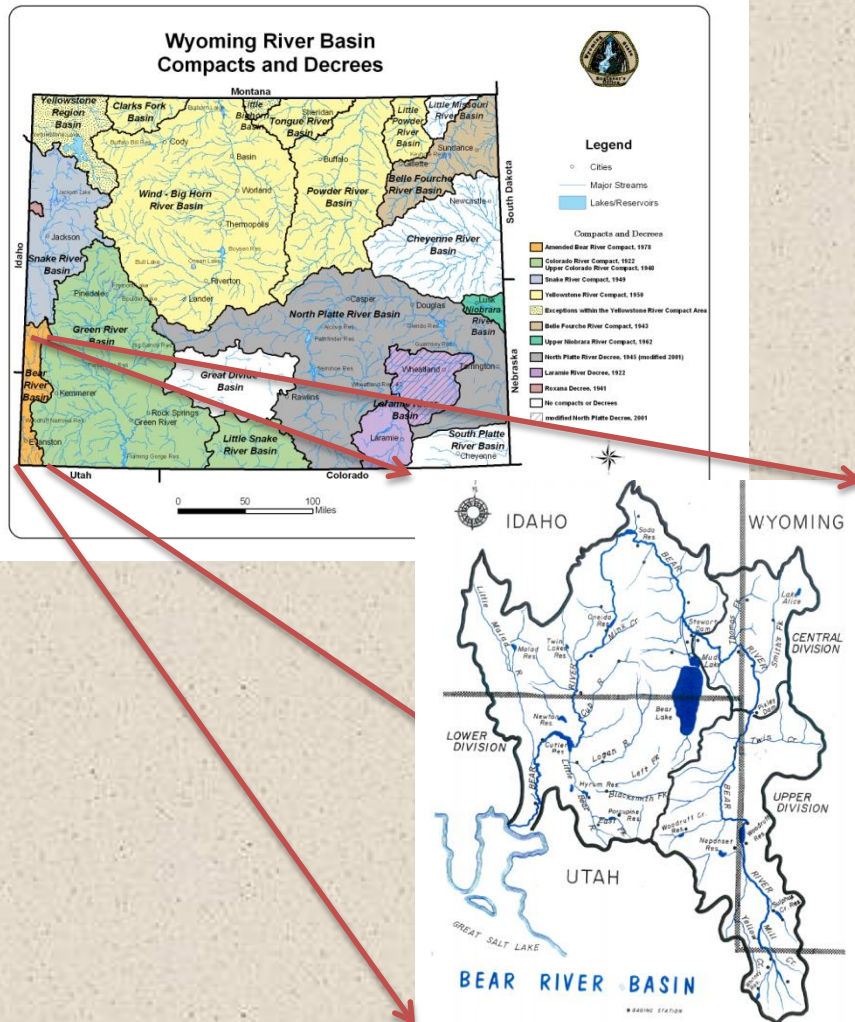
May 16, 2017 | Evanston, WY



# Compact Refresher



# The Basics



Compacts -- Agreements negotiated between states dividing the waters of interstate streams

Bear River Compact signatory states:

1. Idaho
2. Utah
3. Wyoming



# The Basics



The most detailed and directive-based interstate compact to which Wyoming is party

Original 1958; Amended 1980

Outlines:

1. Storage rights for each state by Division
2. What to do in times of shortage

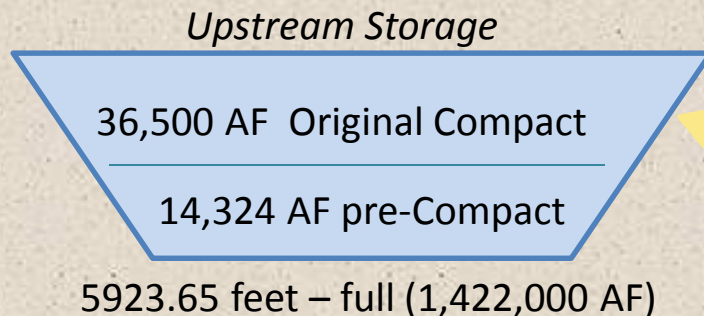


\*Red denotes flow direction



# Original Compact – 1958

- 1) Divertible flow restrictions during a water emergency
- 2) Upstream storage restrictions



## Storage Allocations above Stewart Dam:

1,000 AF – Idaho  
17,750 AF – Utah  
17,750 AF – Wyoming

## Subordinated to:

- 1) Direct flow rights in any division
- 2) Existing storage above Stewart Dam, but not to storage in Bear Lake or elsewhere downstream



# Amended Compact – 1980

- 1) Divertible flow restrictions during a water emergency
- 2) Upstream storage restrictions
- 3) Depletions restrictions

## *Upstream Storage*

74,500 AF Amended Compact

36,500 AF Original Compact

14,324 AF pre-Compact

5923.65 feet– full (1,422,000 AF)

## Storage Allocations Above Stewart Dam:

	Original	Amended
Idaho	1,000 AF	4,500 AF
Utah	17,750 AF	35,000 AF
Wyoming	17,750 AF	35,000 AF

## Additional Limitations:

- 1) No Amended Compact storage if Bear Lake elevation is below 5,911 feet
- 2) Cannot deplete more than:
  - 28,000 AF above Stewart Dam
  - 400,000 AF in the Lower Division



# Amended Compact Depletions

**Bear River Commission**  
**Estimated Annual Depletions<sup>1</sup>**  
**Changes from January 1, 1976, to December 31, 2009**

**ABOVE STEWART DAM**

State	Allocation	Agricultural Depletions	M&I Depletions	Reservoir Evaporation	Total Depletions	Remaining Allocation
Utah	13,000	5,935	-5	841	6,771	6,229
Wyoming	13,000	2,407	401	197	3,005	9,995
Idaho	2,000	1,310	3	0	1,313	687

**LOWER DIVISION**

State	Allocation	Agricultural Depletions	M&I Depletions	Reservoir Evaporation	Total Depletions	Remaining Allocation
Idaho	125,000 <sup>2</sup>	8,667	300	11	8,978	116,022
Utah	275,000 <sup>3</sup>	-5,771	5,978	0	207	274,793

<sup>1</sup>Any reductions in pre-1976 depletions are reflected in the above numbers.

<sup>2</sup>First right under Compact. Compact grants additional rights.

<sup>3</sup>Second right under Compact. Compact grants additional rights.





# The 20-Year Compact Review





# Compact Review Provisions

*At intervals not exceeding twenty years, the Commission **shall review the provisions** hereof, and after notice and public hearing, **may propose amendments** to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress.*

-- Article XIV



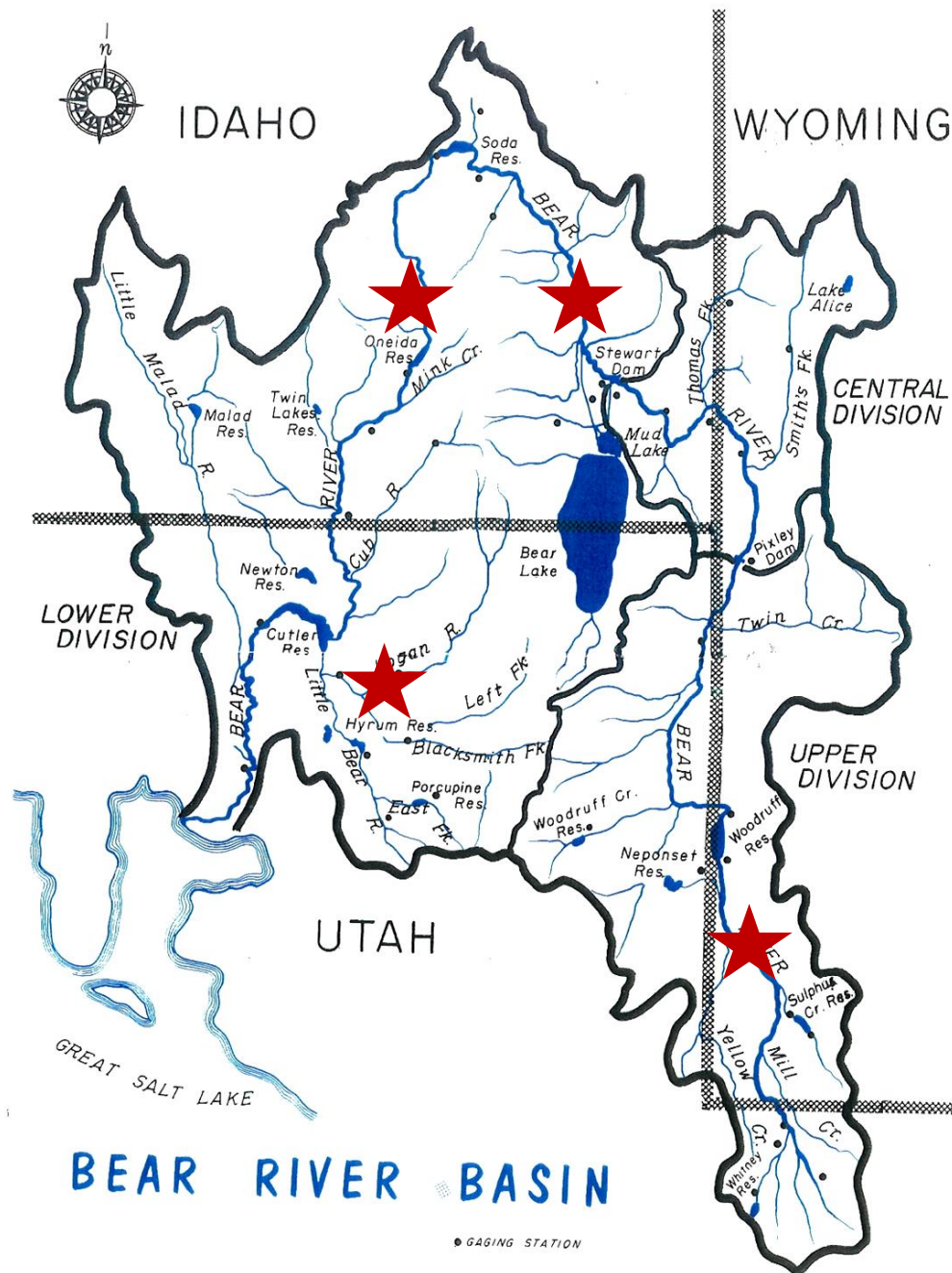
# History: 20-Year Review

- March 17, 1958 – President Eisenhower signed the original Compact
- Early 1970s – The states began reviewing the Compact and negotiating proposed revisions
- Spring 1979 – State legislatures approved the Amended Compact
- February 8, 1980 – President Carter signed the congressional consent bill
- April 16, 1996 – The Commission formally determined to begin the 20-year review process
- November 18, 1997 – The Commission formally, by resolution, concluded its review of the Compact.

# 1997 Review

Public meetings held in:

Evanston, WY  
Montpelier, ID  
Grace, ID  
Logan, UT





# 1997 Review

**Bear River Commission  
Compact 20-Year Review Public Meeting Minutes  
Evanston, Wyoming  
July 16, 1996**

A public input meeting of the Bear River Commission was called by Jim Crompton who acted as Chair of the meeting. The purpose of the public input regarding the 20-year review of the Bear River Compact. Chairman Crompton began the meeting by asking the Bear River Compact present to introduce themselves. In attendance were Don Gilbert, Fasset, Cal Funk, Jim Crompton, Blair Francis and Reed Dayton. He indicated that a sign-up sheet had been circulating and requested that they would make sure that they signed the roster. On the roster, individuals they desired to provide public comment. Chairman Crompton indicated that would be solicited by him pursuant to the information contained on the sign-up sheet is attached.

Chairman Crompton then turned the time to Jack Barnett regarding the purpose of the meeting. Jack Barnett discussed the following: 1) what is a compact; 2) why did we need the Bear River Compact; 3) a brief review of the Compact; 4) what is in the Bear River Compact; and 5) what is the review process.

Subsequent to the presentation by Jack Barnett, Chairman Crompton had indicated a desire or a possible desire to provide comment as people in order of the names on the list. The following is a summary of which was received:

**Marcus Gibbs, President of the Last Chance Canal Company  
Last Chance Canal Company and the Bear River Water Users Association**

Mr. Gibbs provided written comment which is attached to the minutes. He provided written comment and highlighted that he is on a family farm that has ever farmed. He is a member of the Last Chance Canal Company and has approximately 160 shares. He has approximately 32,000 acres of water intensive crops that are worth about \$15 million. He indicated that the Bear River Compact was established in 1994 in effort to protect the water rights and water use and the protection of water quality. He indicated that the entities include the Last Chance Canal Company, the Westside Canal Company, Irrigation Co. in Idaho and the Bear River Canal Company. Additionally there are individual pumpers numbering 81. Mr. Gibbs indicated that these entities hold contracts with the state for irrigation waters on a total of approximately 150,000 acres.



**BRC 1.2.4  
DOC-COMP-REV  
1996**

**JAB**

*w/summary*

**Bear River Commission  
Compact Review  
Public Meetings and Testimonies  
September 5, 1996**



# 1997 Review

43. August 26, 1996

hearing comments on behalf of Bear River Water Users Association - Compact gives Commission broader authority than it now uses - concern over ground water depletion - wants copy of draft procedures.

44. August 26, 1996

Idaho Fish & Game (Richard E. Meiers) - Comments approved by IF&G Commission - Discussion on fishery in lake - Feels the Compact tells the Commission to work with other agencies.

45. August 26, 1996

Mrs. W. Gary Sandberg - Representation on Commission should reflect diversity of interests.

46. August 26, 1996

J. Russell Cottle - Change Compact to assure long-term water quality goals at Bear Lake.

47. August 26, 1996

Marion Wheaton - Act now to address environmental concerns or destroy the resource.

48. August 26, 1996

J. Lynn Smith, M.D. - Have recreational use a part of the overall Compact.

49. August 26, 1996

Bear River Basin Advisory Group (Randy C. Lowe) - Asks that the Commission recognize the BRBAG to the Commission on water quality issues. Incorporate BMP's and we would have better water quality.

50. August 26, 1996

Idaho Rivers United (Liz Paul) - Ask 3 things - 1) Expand the scope of Commission; 2) Provide for more public participation; 3) Do 1 & 2 without opening the Compact.

51. August 26, 1996

Bear Lake Watch (Merlin Olsen) - Other interests need a place at the table - Commission membership needs to be expanded, also create advisory boards.

LOVE Bear Lake, Inc. (Eulalie Langford) (faxed & mailed) - Desires to correct a statement made by another on the historic flows at border.

\* Note - Merlin Olsen sent in a letter after the deadline which he wanted entered as a replacement for the #50 letter.

# 1997 Review

## **Findings Concerning the Need for Compact Revision**



### **A Report of the Bear River Commission**

**This report is made as a part of the  
twenty-year review effort  
provided for by Article XIV  
of the  
Amended Bear River Compact**

**November 18, 1997**

# 1997 Review

## RESOLUTION OF THE BEAR RIVER COMMISSION

The Bear River Commission, on this 18th day of November, 1997, enters into this resolution concerning the required Compact twenty-year review as to the need for revision of the Bear River Compact as Amended. A year and a half ago, the Commission directed the review process, as required under Article XIV of the Compact, be commenced. Public hearings (4) were held, a special Commission committee reported its findings, the Management Committee reviewed comments received and the authorities identified within the Compact. The Management Committee gave guidance to the Engineer-Manager asking him to seek advice from the Technical Advisory Committee (TAC) and to prepare a draft report. The report findings are accepted by the Commission and the report is being finalized. The Commission hereby finds:

- 1) that there is no present need to amend the Compact
- 2) that the Commission shall create a Water Quality Committee, and
- 3) that the Commission shall add public involvement to the function of the Records Committee.

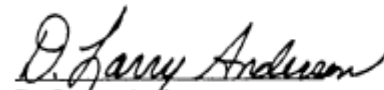
The Commission finds that it has appropriately conducted and completed the required Compact review.



Denise Wheeler  
Federal Chair

12-3-97

Date



D. Larry Anderson  
BRC Secretary/Treasurer

12-15-97

Date



# Water Quality Committee

## Current members:

Idaho – Barry Burnell

Utah – Walt Baker (*through April 2017*)

Wyoming – David Waterstreet







# 2017 Compact Review



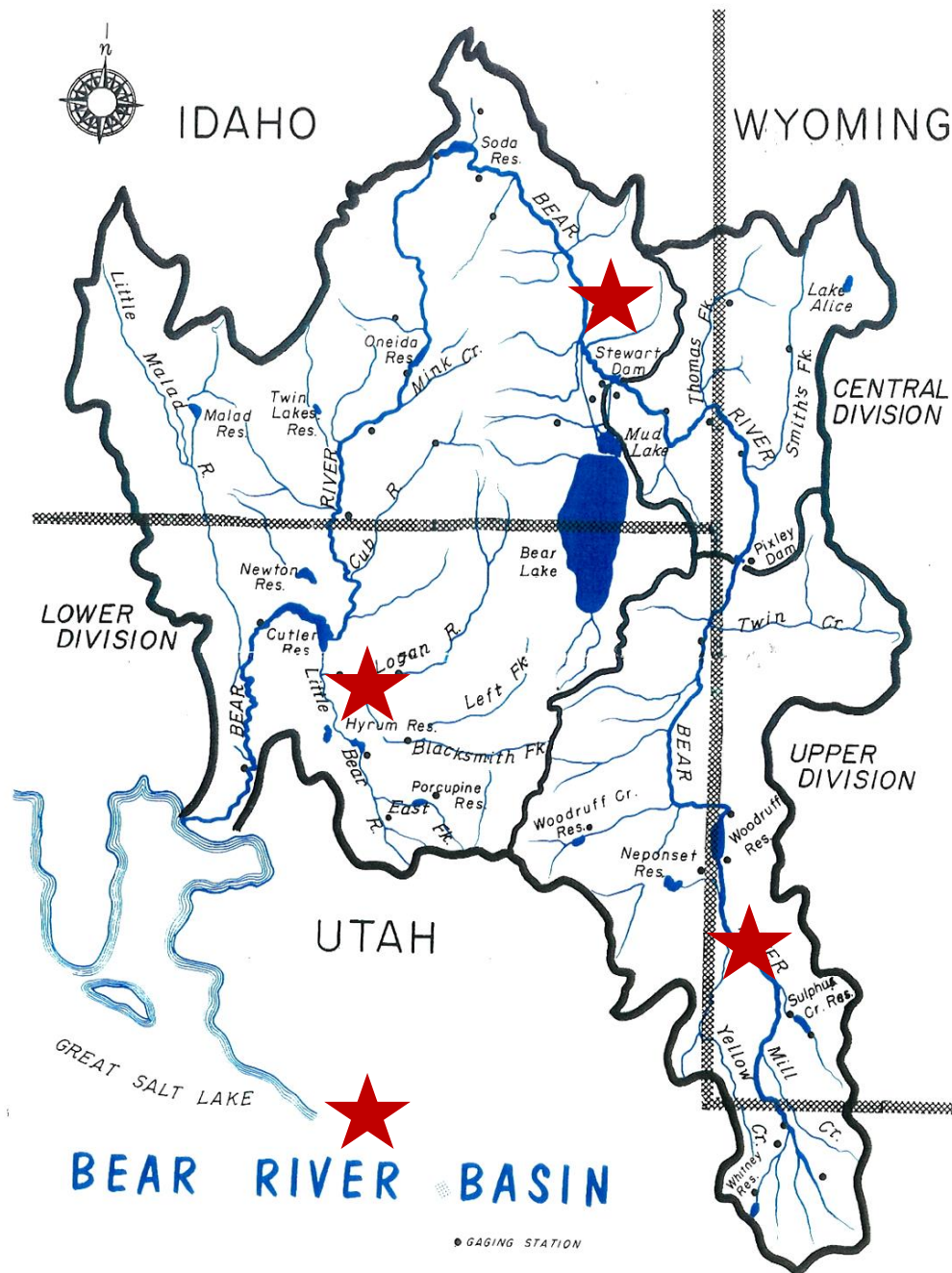
# 2017 Review Timeline

- April 18<sup>th</sup>, 2017 – Commission formally entered into the 20-year review process
- Fall 2017
  - September – Public meetings in all three states
  - October/November
    - Compilation of comments
    - Summary of findings
- November 2017 – Report to the Commission
- Post-November 2017 – ?

# 2017 Review

Public meetings to be  
held in:

Evanston, WY  
Montpelier, ID  
Logan, UT  
Salt Lake City, UT



● GAGING STATION



# 2017 Review Components

- Informational materials will be available
- Oral testimony at public meetings will be recorded
- Written comments are highly encouraged
- Deadline to comment ~30 days after last public hearing

Materials will be posted on the Bear River Commission website:

**[www.bearrivercommission.org](http://www.bearrivercommission.org)**



# FAQs



Q: How will public comments be considered in this process?

Q: Who gets to decide if the Compact is to be revised?

Q: What happens if a Compact revision is needed?

Q: What are the other options aside from Compact revision?



# Update on Original Compact Storage Allocations



# Original Compact – 1958

Exempt from storage restrictions when the surface elevation of Bear Lake drops below 5,911 feet. during a water emergency

4,100 AF of Wyoming's Original Compact Storage is available for reallocation.

## Storage Allocations above Stewart Dam:

1,000 AF – Idaho

17,750 AF – Utah

17,750 AF – Wyoming

## Subordinated to:

- 1) Direct flow rights in any division
- 2) Existing storage above Stewart Dam, but not to storage in Bear Lake or elsewhere downstream



# And now for your questions



**Beth Callaway**

Bear River Commission Technical Advisory Committee (TAC) member  
Wyoming State Engineer's Office, Interstate Streams Division

**307-777-7803**

**[beth.callaway@wyo.gov](mailto:beth.callaway@wyo.gov)**





### Original Compact Allocations and Developments (Allocated 17,750AF)

Facility	Permit No.	Allocated/acre-feet	Completed/acre-feet	Comments
Sulphur Creek Reservoir	5695R	4,103.13		
	6481R	510.41		
	6562R	1,100.00	5,713.54	
<i>Town of Bear River</i>			50.05	50.05 transferred from a portion of cancelled Needle Rock permit 9603R to Town of Bear River in the municipal accounts in Sulphur Creek Reservoir in 2005; transferred to BR Joint Powers Board in 2010.
<i>Town of Bear River</i>			55.00	55 AF of Thomas Fork not built; committed to Town of Bear River for storage in Sulphur Creek Reservoir in 2005; transferred to BR Joint Powers Board in 2010.
<i>Town of Bear River</i>			63.00	63 AF of Keith Putnam not built; committed to Town of Bear River for storage in Sulphur Creek Reservoir in 2005; transferred to BR Joint Powers Board in 2010.
Woodruff Narrows	6556R	3,000.00	3,000.00	
	8060R	250.00	250.00	
Whitney Reservoir	Utah permit	4,200.00	4,200.00	
Martin Reservoir (Bazoo Hollow)	6434R	87.90	87.90	
Massae Reservoir	6884R	107.50	107.50	
Enl. Massae Reservoir	6885R	50.69	50.69	
Wyman Reservoir	6484R	21.88	21.88	
Needle Rock Reservoir	9603R	100.05	50.00	9603R cancelled; a portion of this allocation, 50 acre-feet, has been assigned to Coy Res., Permit No. 13176R.
Smiths Fork	TF 18 3/105	4,100.00		Ferney Glade Res., 5201 acre-feet, not constructed; released for reallocation October 1, 2016
Thomas Fork		55.00		
Keith Putnam (Rabbit Creek)	UT A-52663	63.00		Reservoir not built; 1980 compact allocation transferred to other lands
<b>Total</b>		<b>17,749.56</b>	<b>13,649.56</b>	
Original Compact Allocation (WY)	17,750.00			
Less what's been built	13,649.56			
Remaining allocation under 1958 Compact	4,100.00			



### Amended Compact Allocations and Developments (Allocated 35,000AF of post-1976)

Facility	Permit No.	Storage Allocation (AF)		
Sulphur Creek Reservoir	9222R	10,772.00		
Woodruff Narrows Reservoir	8060R	2,960.00		
Broadbent Reservoir	9018R	350.00		
Enl. Ben Reservoir	10657R	300.29		
Bonneville Reservoir	12676R	41.39		
Coy Reservoir	13176R	26.90		
Total		14,450.58		
Amended Compact Allocation (WY)	35,000.00			
Less what's been built	14,450.58			
Remaining allocation under Amended Compact	20,549.42			

# Pre-Compact Storage (Allocated 2,150AF)



WY Allocated 2,150 AF storage prior to 1955		(actual constructed storage was 3102.7AF)		
Reservoir	Permit Number	Priority	Source	Volume (AF)
Pacific Fruit Express	2048R	1/19/1911	Bear River	64.62
Noblitt No. 1	1669R	9/21/1907	Erwin Creek	31.2
Noblitt No. 4	1672R	9/21/1907	Erwin Creek	10.5
Noblitt No. 2	1670R	9/21/1907	Potatoe Creek	18
Noblitt No. 3	1671R	9/21/1907	Potatoe Creek	24.5
Reed Upper	6095R	12/17/1953	Garrett Springs, Birch Creek	8.55
Reed Lower	6096R	12/17/1953	Garrett Springs, Birch Creek	21.3
Qualy Sheep – Q.P.	2753R	10/12/1914	Birch Creek Springs	97.1
Noblitt – Poison Creek Res.	1590R	8/2/1909	Poison Creek	21.5
Hawkins Cr. Res.	1841R	6/29/1910	Hawkins Creek	14.1
Federick No. 1	2213R	6/3/1910	Underwood Creek	1.32
Stoffers Reservoir	2214R	8/16/1910	Wyman Creek	3.74
Holland Reservoir	2379R	10/21/1911	Leeds Creek	65.32
Ellen Reservoir	2673R	6/1/1914	Antelope Creek	12.8
Richey Reservoir	3309R	7/11/1919	Twin Creek	135.95
The Thoman Reservoir	5513R	9/16/1943	Gooseberry Draw	98.08
Rock Reservoir	2748R	10/3/1914	Harley Creek	72.5
Anna Reservoir	1589R	8/4/1909	Lindon Creek	12
Gus Reservoir	1588R	8/4/1909	Dipper Creek	20
C.H. Smith Reservoir	3370R	10/26/1916	South Fork Twin Creek	84.55
E. W. Smith Reservoir	3398R	10/20/1914	Spring Creek	20.7
Crasmussen Reservoir	3405R	1/4/1917	Springs (Yellow Creek Trib.)	8.25
Crompton Reservoir	4057R	1/20/1928	Pleasant Valley	90.83
Enl. Crompton Reservoir	4616R	11/13/1934	Pleasant Valley	79.46
Enl. Crompton Reservoir	5270R	4/25/1940	Pleasant Valley	208.68
Painter Reservoir	5515R	12/7/1943	Pleasant Valley	167.61
3rd Enl. Crompton Res.	6117R	2/5/1954	Pleasant Valley	406.25
Heber Reservoir	896R	8/21/1906	Willow Creek	388.5
Blake Reservoir	5698R	12/15/1949	Willow Creek	152.7
Myers Reservoir	5064R	3/28/1939	Mill Creek	556.5
Angelo	5703R	9/4/1957	Buyer Creek	29.64
Maninfior	5559R	13/31/1945	Spring Creek	9.76
<b>Valid Water Rights NOT Adjudicated</b>				
Bartek	3221R	11/12/1915	Rock Creek	36.12
Martin	5544R	11/8/1944	North Sublette Creek	1.25
Larson	5499R	5/28/1943	Pine Creek	3.81
East (A.V. Quinn)	1159R	9/20/1907	Sulphur Creek	125
<b>Total</b>				<b>3102.69</b>