

Department of Water Resources
Eastern Region

STATE OF IDAHO
BEFORE THE DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION	:	PROTEST
FOR TRANSFER OF WATER RIGHTS	:	
FOR DRY CANYON PUMPED STORAGE	:	BEAR LAKE WATCH
PROJECT, WATER RIGHTS NOS 11-248,	:	PROTESTANT
11-249, 11-250, 11-251	:	
TRANSFER NO. 85695	:	

PacifiCorp,
Applicant,

Bear Lake Watch, Inc, a non-profit corporation, hereby protests the Application(s) for 11-248, 11-249, 11-250, 11-25: TRANSFER NO. 85695 ("Application") by PacifiCorp.

(“Applicant”). The protest application fee is hereby submitted by Bear Lake Watch via check to be delivered separately by private carrier.

1. Notices. Bear Lake Watch requests that the Department of Water Resources (the “Department”) send notices and correspondence regarding this water right proceeding to:

David and Claudia Cottle
4544 Highway 89
Fish Haven, ID 83287
bearlakewatch@aol.com

2. Bear Lake Watch Interest in the Application. Bear Lake Watch, Inc. (BLW) is a non-profit corporation which was organized in 1994 to preserve and protect the waters and associated lands of Bear Lake. The organization represents of over 1,000 members who live, have businesses, recreate and own property in the Bear Lake area. Additional these individual members represent large family groups, organizations and HOAs around the lake.

Bear Lake Watch is seeking to assure that the public's interest is served when decisions are made that have an impact on the allocation and utilization of Bear Lake's water. Any new water

appropriation or change of use in the Bear River Basin could conflict with the public interest by reducing groundwater, natural flows and increasing reliance by existing users on supplemental irrigation water delivered from Bear Lake. The resulting drop of the level causes adverse effects on recreation, local economy, critical habitat for endemic and indigenous fish species in Bear Lake.

Bear Lake Watch is a signatory to the original, 1995 and the Amended Bear Lake Settlement Agreement, (ABLSA), 2004. The Bear Lake Settlement Agreement defines the annual irrigation allocations from storage water based on lake elevations each year.

3. Proposed Application could create changes in the overall Bear River system that could increase reliance by existing users on supplemental irrigation water delivered from Bear Lake.

4. Impacts - While PacifiCorp emphasizes the minimal effect this project will have on Bear Lake and Mud Lake, BLW firmly advocates that ANY impact or depletion of any waters need to be fully mitigated. PacifiCorp states that there are components that will remove water from the system, indicating that these will not diminish the delivery to the contract holders will ensure other downstream water rights will not be injured. This would result in Bear Lake waters being used for balancing the losses.

5. Mitigation- PacifiCorp intends to dry up acres in Cache Valley UT as mitigation for the ongoing depletions and the one time fill of the Upper Reservoir. (P 50 of 329). Bear Lake Watch questions whether or not there is precedence for this in any other application in Idaho and if this approach is legal in Idaho. PacifiCorp “requests that the states of Idaho and Utah work cooperatively and obtain the State Engineer’s commitment to enforce a mitigation plan approved by IDWR.” BLW believes that any mitigation for the project should take place in Idaho within the Bear River basin, specifically in the immediate area.

6. Environmental impacts- BLW believes that this project has the potential for significant environmental impacts to the eco-system that exists in the Mud Lake/Bear Lake National Wildlife Refuge and question if they can realistically be mitigated. The existing eco-system has been in place for over 100 years. The Refuge is an extremely important migration component for hundreds of species of birds, ducks, swans who rely on this area for mating, nesting and resting. Any disruption to this delicate eco-system is of extreme concern and needs to be considered by IDWR as they consider this application.

7. Additionally, BLW is very concerned about the noise pollution this project will create. This is not only a concern for the wildlife in the area and disruption that it may cause to migration and mating patterns, but also the many Bear Lakers who frequent the north end of the lake for recreation, i.e. boating, hiking, swimming, general enjoyment of the unique features of the area. While this is not an element of a water right, BLW believes that IDWR is required to consider all aspects of impacts created by issuance of a water right permit.

8. The Applicant's cover letter welcomes parties and stakeholders to fully engage in this process. Bear Lake Watch appreciates and accepts this invitation.

9. Conclusion. Bear Lake Watch respectfully requests that the Department consider its concerns and requests to participate the process of this Application of with the Department and the Applicant.

Dated: April 11, 2022

FOR OFFICE USE ONLY

FEES PAID: \$25.00 **DATE:** 4/11/22
RECIPT NO.: E048007 **BY:** CH

BEAR LAKE WATCH

Claudia Cottle

David Cottle and Claudia Cottle
Executive Directors, Bear Lake Watch

CERTIFICATE OF MAILING/EMAIL

On this 11 day of April 2022, a true and complete copy of the foregoing document, was mailed/mailed to the following:

(sent via email)

Idaho Department of Water Resources Eastern
Division

James Cefalo

900 N, Skyline Drive, Suite A

Idaho Falls, Idaho 83402

James.Cefalo@idwr.idaho.gov

(sent via email)

Buffi Morris

Sr. Property Agent PacificCorp

1407 W. North Temple, Suite 110 Salt Lake

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