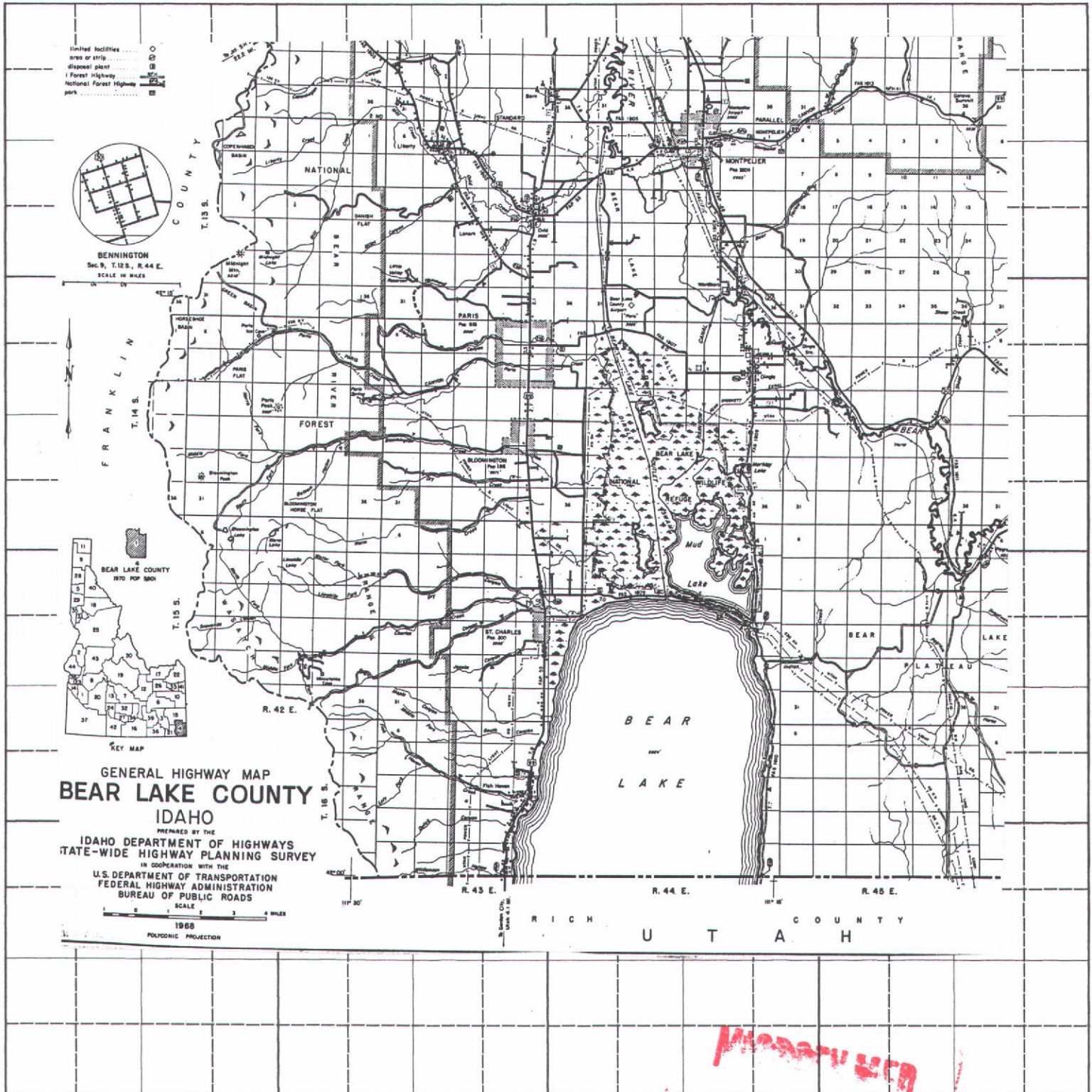


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

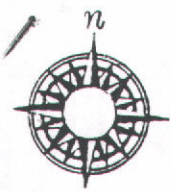


Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

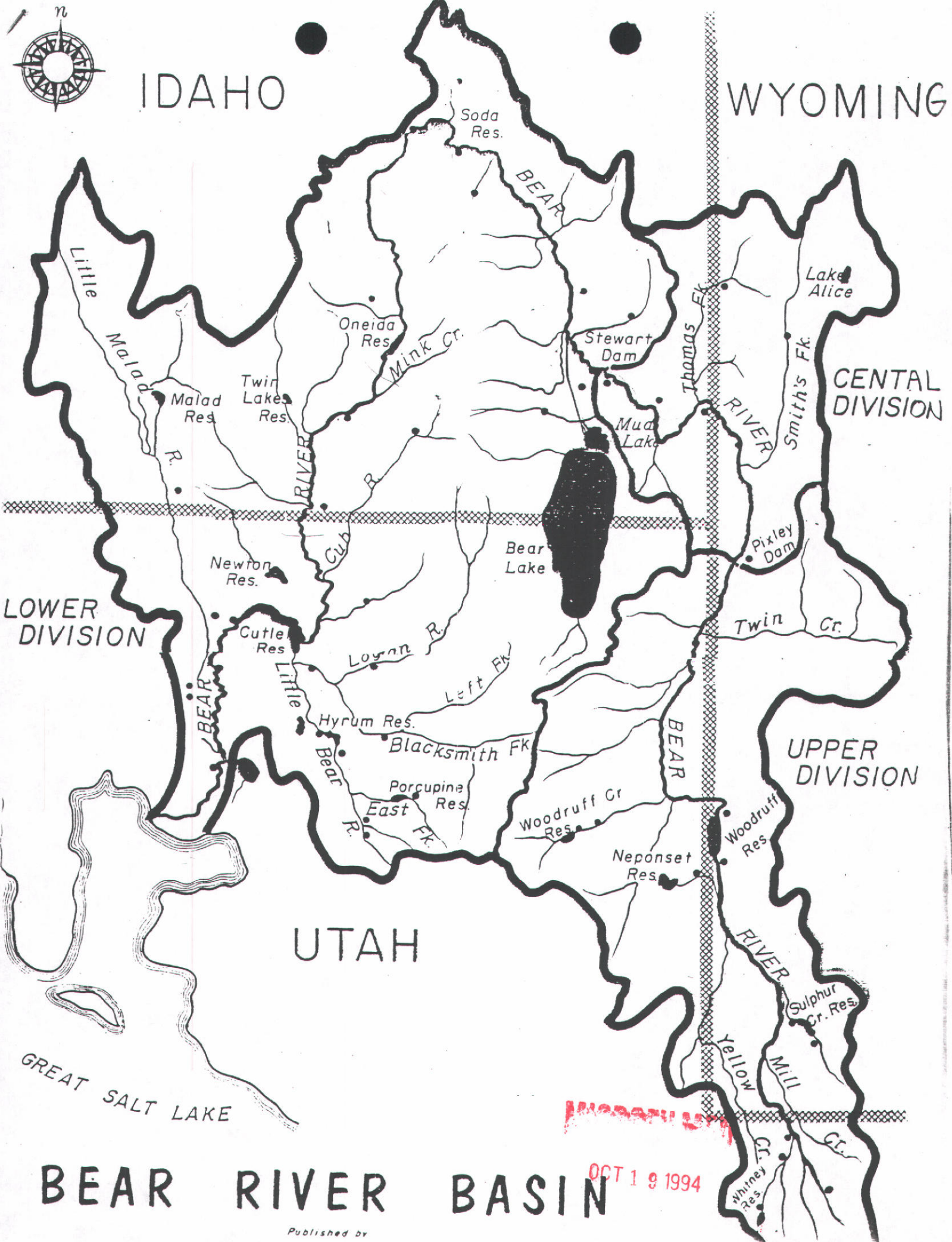
F. Don Giddals
(Applicant)

OCT 19 1994



IDAHO

WYOMING



LOWER
DIVISION

CENTRAL
DIVISION

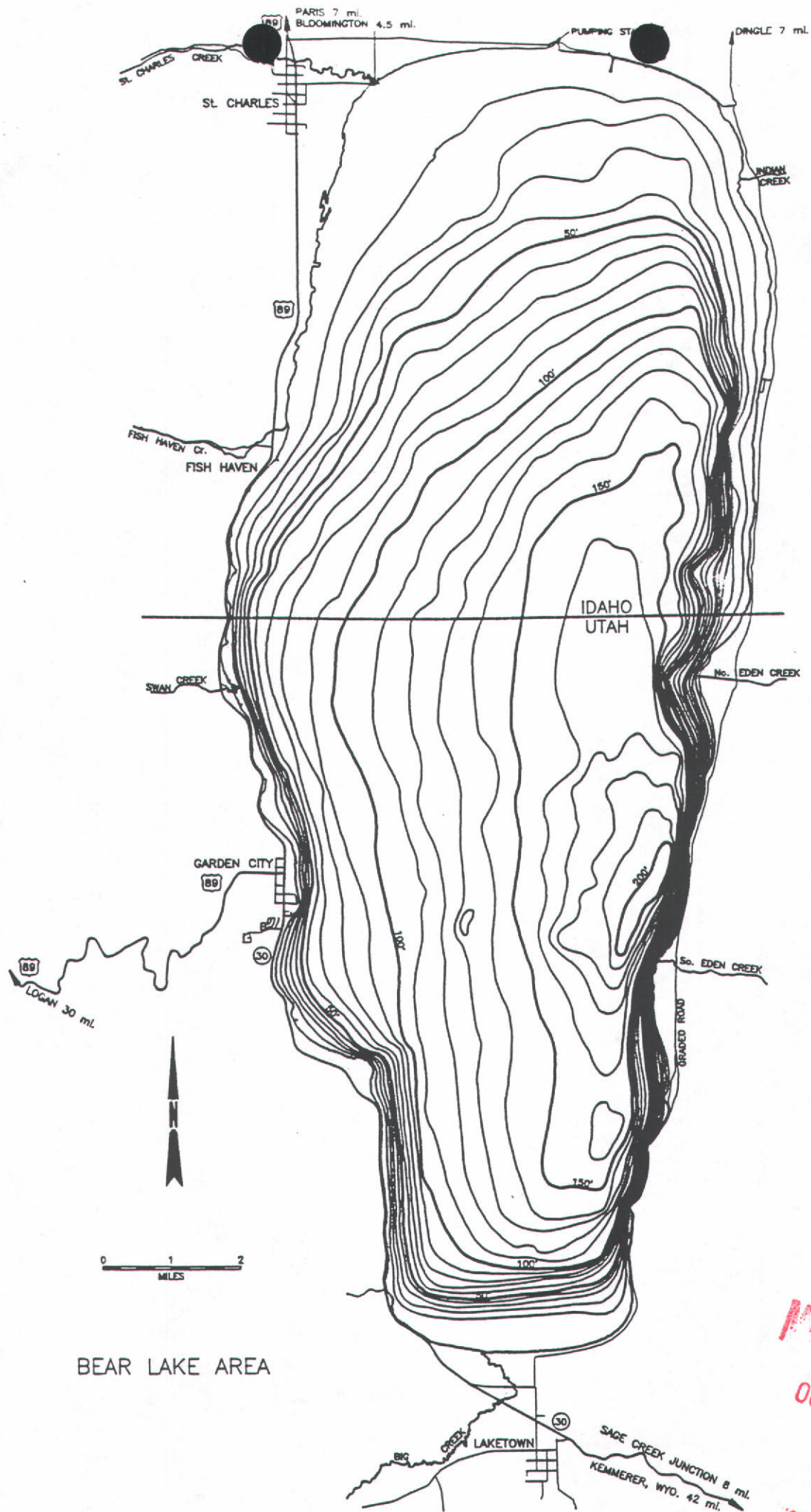
UPPER
DIVISION

UTAH

GREAT SALT LAKE

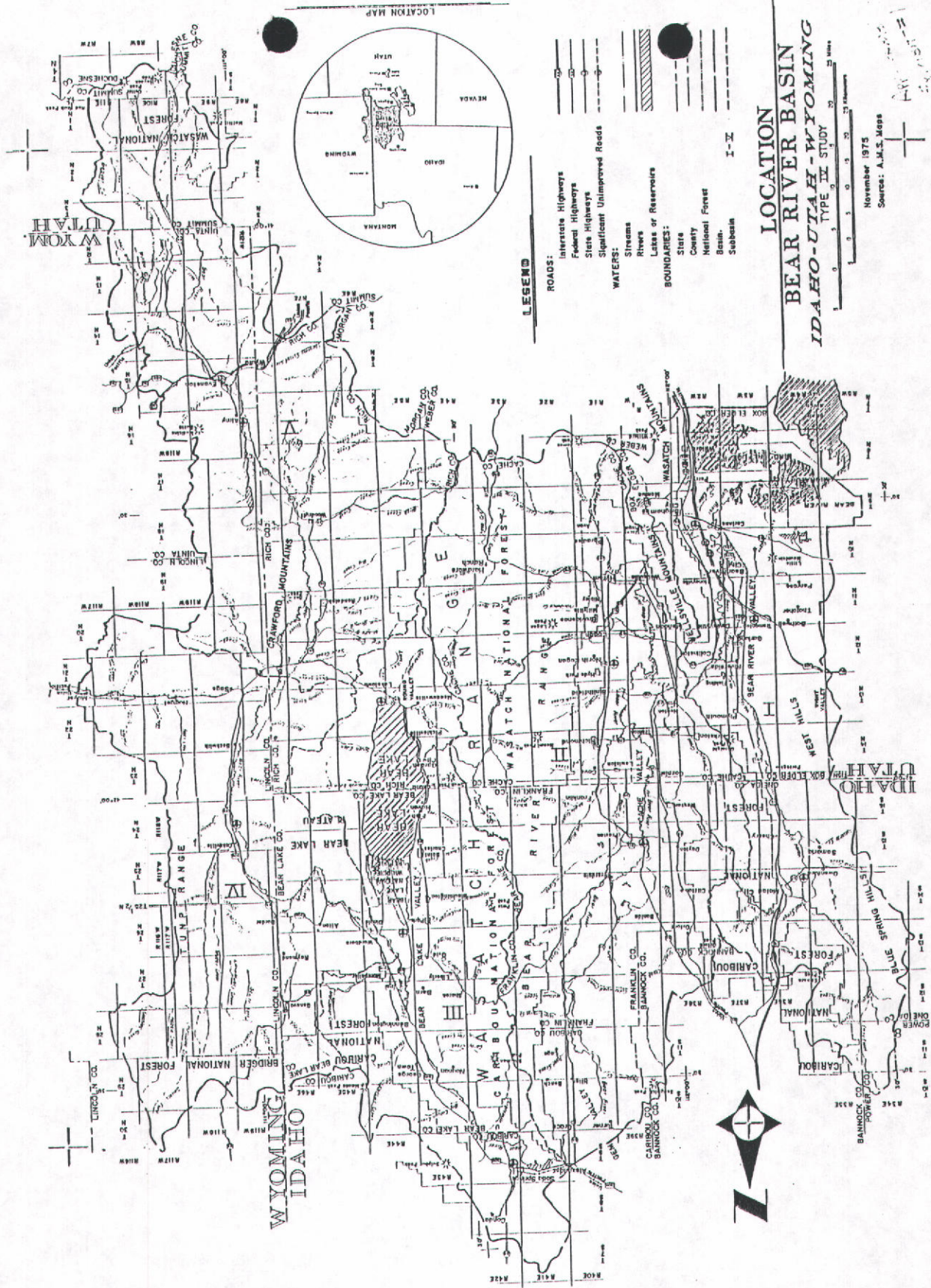
BEAR RIVER BASIN

OCT 19 1994



BEAR LAKE AREA

OCT 19 1994



LEGEND

- ROADS:
- Interstate Highways
 - Federal Highways
 - State Highways
 - Significant Unimproved Roads
- WATERS:
- Streams
 - Rivers
 - Lakes or Reservoirs
- BOUNDARIES:
- State
 - County
 - National Forest
 - Basin
 - Subbasin
- I-II

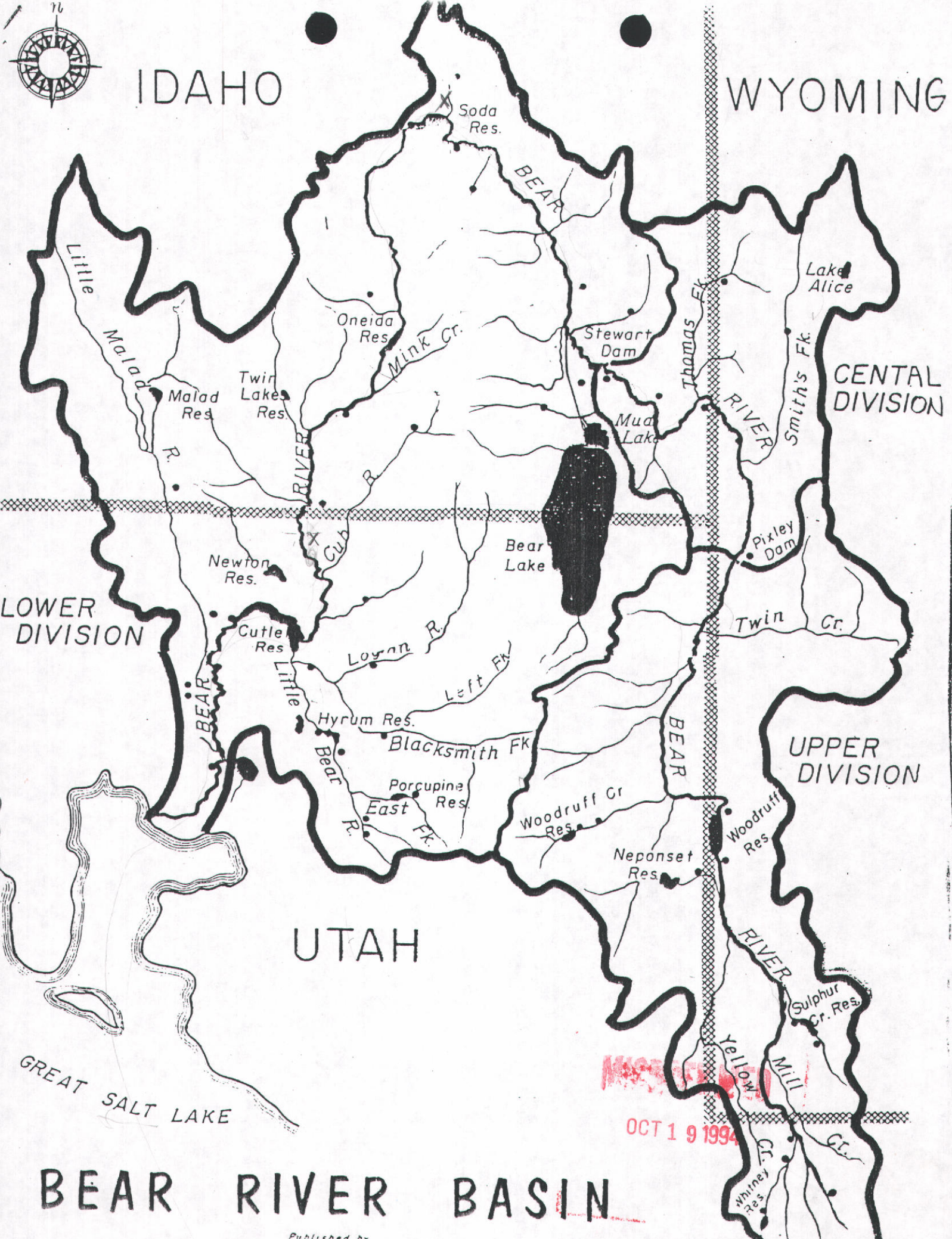
LOCATION
BEAR RIVER BASIN
IDAHO-UTAH-WYOMING
TYPE II STUDY

November 1975
Source: A.M.S. Maps



IDAHO

WYOMING



CENTRAL DIVISION

LOWER DIVISION

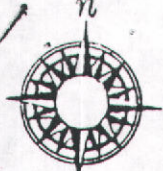
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UTAH

GREAT SALT LAKE

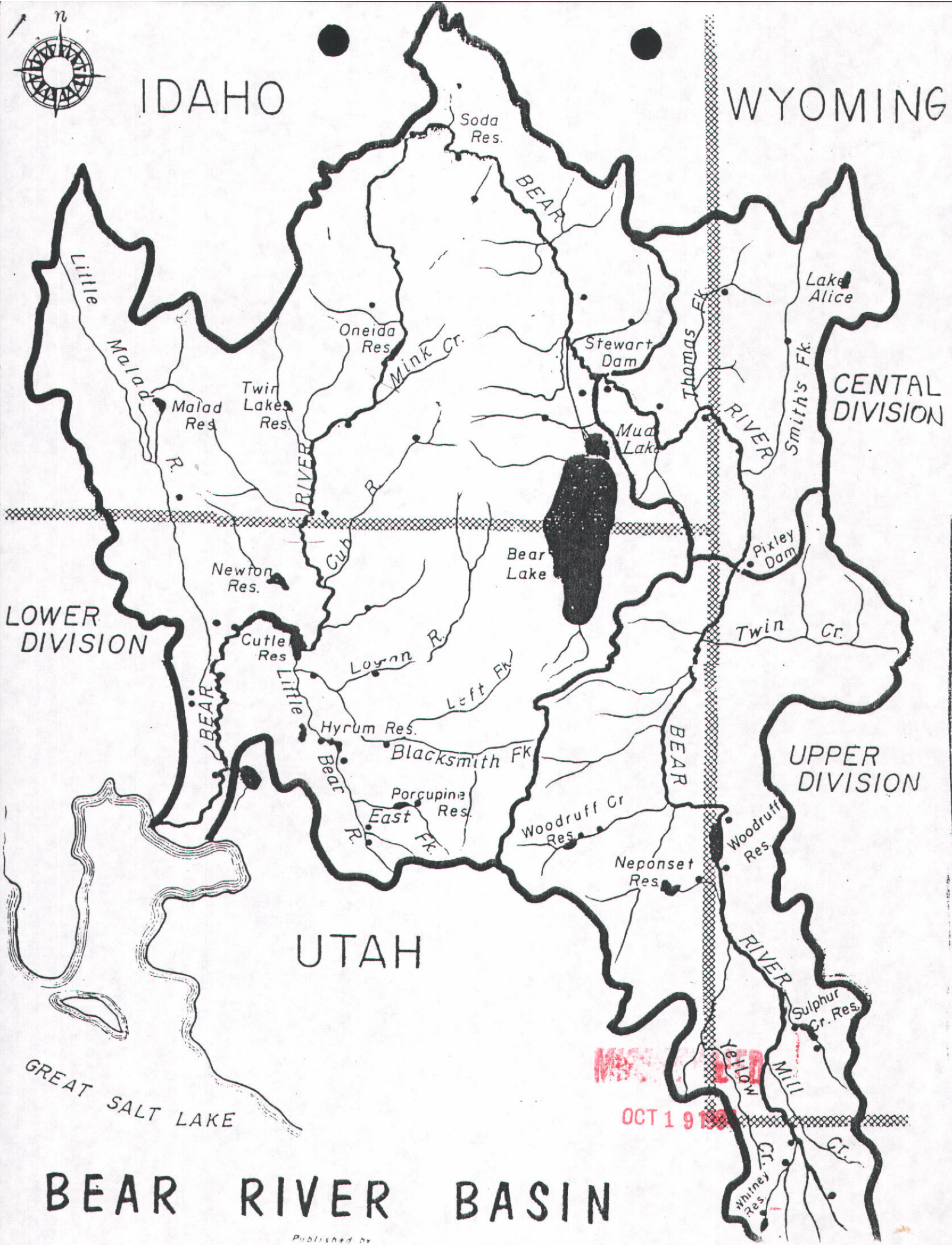
BEAR RIVER BASIN

Published by



IDAHO

WYOMING



CENTRAL DIVISION

LOWER DIVISION

UPPER DIVISION

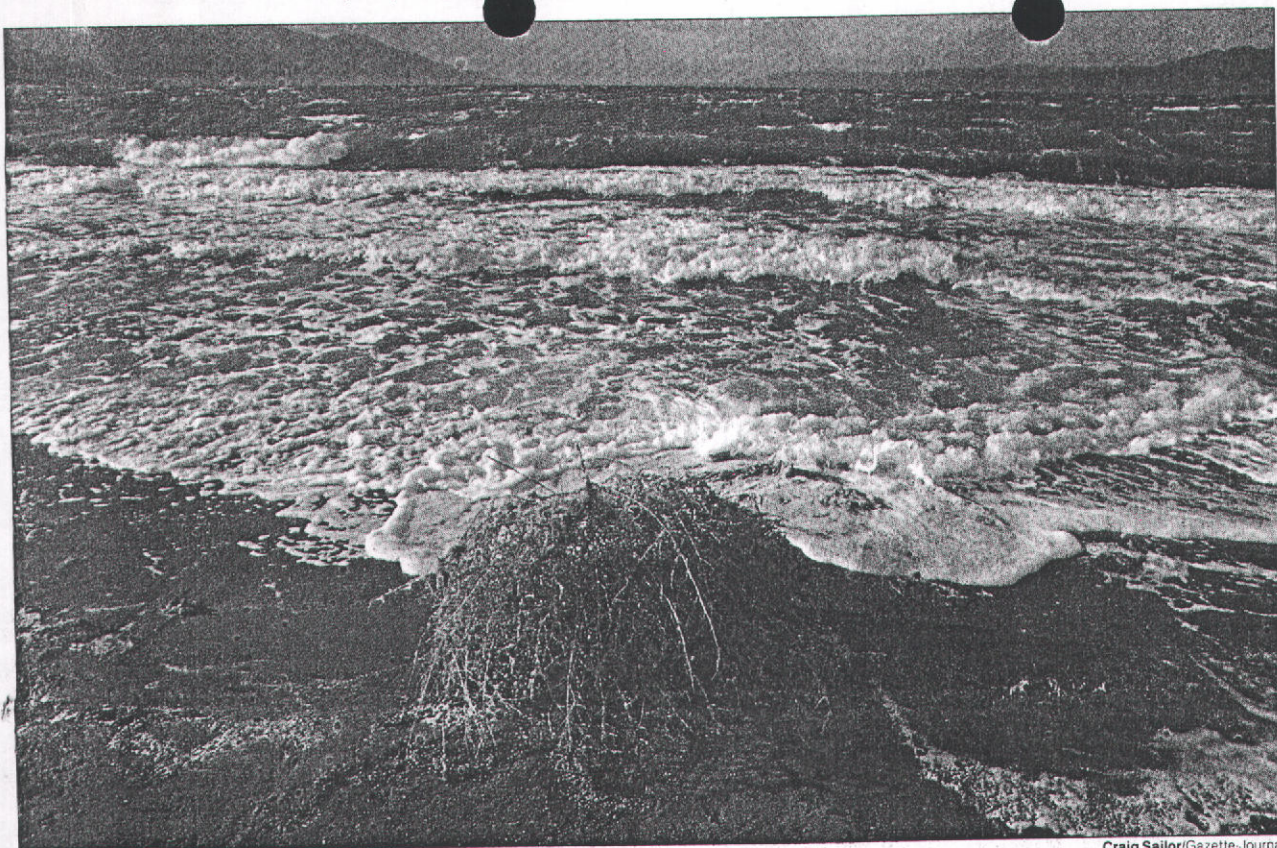
UTAH

GREAT SALT LAKE

BEAR RIVER BASIN

Published by

Walker Lake



Craig Sailor/Gazette-Journal

TOO LITTLE, TOO LATE: A storm moves in over Walker Lake. Too many Walker River diversions are turning the lake into a salt swamp.

Death sentence: Aquatic life could die within 2 years

By Faith Bremner
GAZETTE-JOURNAL

The liquid jewel left behind by ancient Lake Lahontan is a welcome sight along the dreary road that connects Reno to Las Vegas.

Each year, thousands of anglers stop and dip their lines into its cool waters and campers and picnickers sit on its shores and admire its raw high-desert beauty.

Walker Lake is a major refueling stop each fall and spring for hundreds of migrating common loons. Its full-time resident feathered population includes pelicans, grebes and great blue herons. Three ancient native species of fish — the threatened Lahontan cutthroat trout, tui chub and Tahoe sucker — still slice through its blue-green depths.

But time is running out for all the living things that help make Walker Lake a state and national resource. Falling lake levels and an increase in the dissolved mineral content of the lake's water are slowly turning Walker Lake into a salt swamp.

For the seventh year in a row, not a drop of water has flowed from the Walker River to Walker Lake, despite last winter's healthy mountain snowpack. Even before the start of the six-year drought the river's contribution to the lake fell far short of its annual evaporation rate, thanks to upstream diversions for agriculture.

Although the lake's decline has been documented since the late 1950s, when the Sacramento Perch and carp died out, only recently have scientists' cries of alarm become louder.

Nevada Department of Wildlife biologist Mike Sevon has calculated that under a worst-case scenario, the lake and most of its aquatic life will die in 1.9 years. If Nevadans are very lucky, they will have another 11.8 years.

"At this point in time, it may be too late to save the lake," said Sevon, who has watched Walker Lake decline since 1980. "But I feel it's important for the people of this state to know where they stand with Walker Lake and that the lake is very much in danger."

People are beginning to listen. Last fall, a group of alarmed Hawthorne residents and members of the Walker River Paiute Indian Tribe began meeting to discuss ways to save the lake. Sen. Harry Reid, D-Nev., joined the hunt for answers and has promised to use his influence to save the lake.

Details: 4-5A

The problem: Despite an abundant winter snowfall, Walker Lake continues to drop.

The solution: Farmers aren't convinced they need to change their ways.

Last month, a group representing farmers who irrigate from the Walker River and state officials traveled to Washington, D.C., to meet with Reid and the rest of the state's congressional delegation on Walker Lake. "We'll save the lake," Reid said. "We can't let that marvel of nature die."

on the verge of starvation and city's ruins.

"The population was so dense that they were not even ready to ask for cigarettes or candy, only begged for wheat flour," United Nations High Commissioner for Refugees spokeswoman dall Sachs.

One local official told the mission without such relief are going to be dead in the street, said Ron Redmond, a UN spokesman in Geneva who has access to the same field report.

"This was not much of a generation. The situation is very Redmond quoted Jerry Hulm, a senior UNHCR official who accompanied the small convoy, including Spanish armored personnel carriers as saying.

The U.N. delegation, headed by U.N. Civil Affairs chief Thornberry, found 55,000 people, 30,000 of them displaced — on the city's east side, Sachs said.

Bosnian Croats on Friday refused promises to allow Thornberry and members of the Spanish mission to enter the Muslim enclave. Croats and Muslims were

TRANER POOL ACCIDENT

Kids back in the swim after closure

By Courtney Brenn
GAZETTE-JOURNAL

Swimmers trickled back to Reno pools Saturday following a 24-hour safety closure, and crowds may have been due to the late season than 1 chlorine.

"Getting toward the end, it always dies like this," Linde, head lifeguard at Idlewild Pool, said when swimmer bared no more than a few dollars Saturday afternoon.

But Traner swimming where an accidental chlorine emission sent 43 children to the hospital August 1, remained closed and is not expected to reopen until Monday or Tuesday, said Perry Hayden Jr., recreation supervisor.

City officials on Friday down the Idlewild, North Moana pools for 24 hours. Tests revealed the chlorine incident also could happen. Electricians on Friday installed "fail-safe switches" in the chlorine-injection systems.

WHITE HOUSE

Health care reform will aid U.S. economy, Clinton says

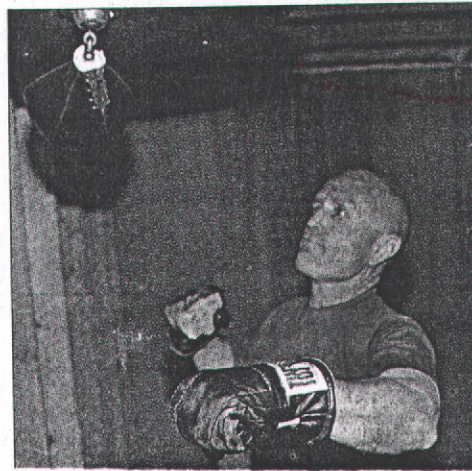
WASHINGTON — Stepping up his campaign for health care reform, President Clinton said in his weekly radio address Saturday that overhauling the nation's medical system not only will guarantee coverage for every American, but also is the next logical step toward lower deficits and economic revival.

But with many important decisions still to be made, the president offered no new details of his plan. Instead, he promoted the benefits of health care reform and

president's plan could push struggling small businesses over the edge and put people out of work."

The so-called employer mandate is quickly emerging as the most contentious element of Clinton's agenda — now that the White House has said it will not seek a broad-based tax.

In his radio address, taped before he left Washington for vacation, the president said that without comprehensive reform "we can't guarantee quality health care



Lane referees with heavyweights

By Mike Sion
GAZETTE-JOURNAL

The defendant is a child molester. He likes to fondle little girls. He's pleaded guilty to two counts. And he's a repeat offender.

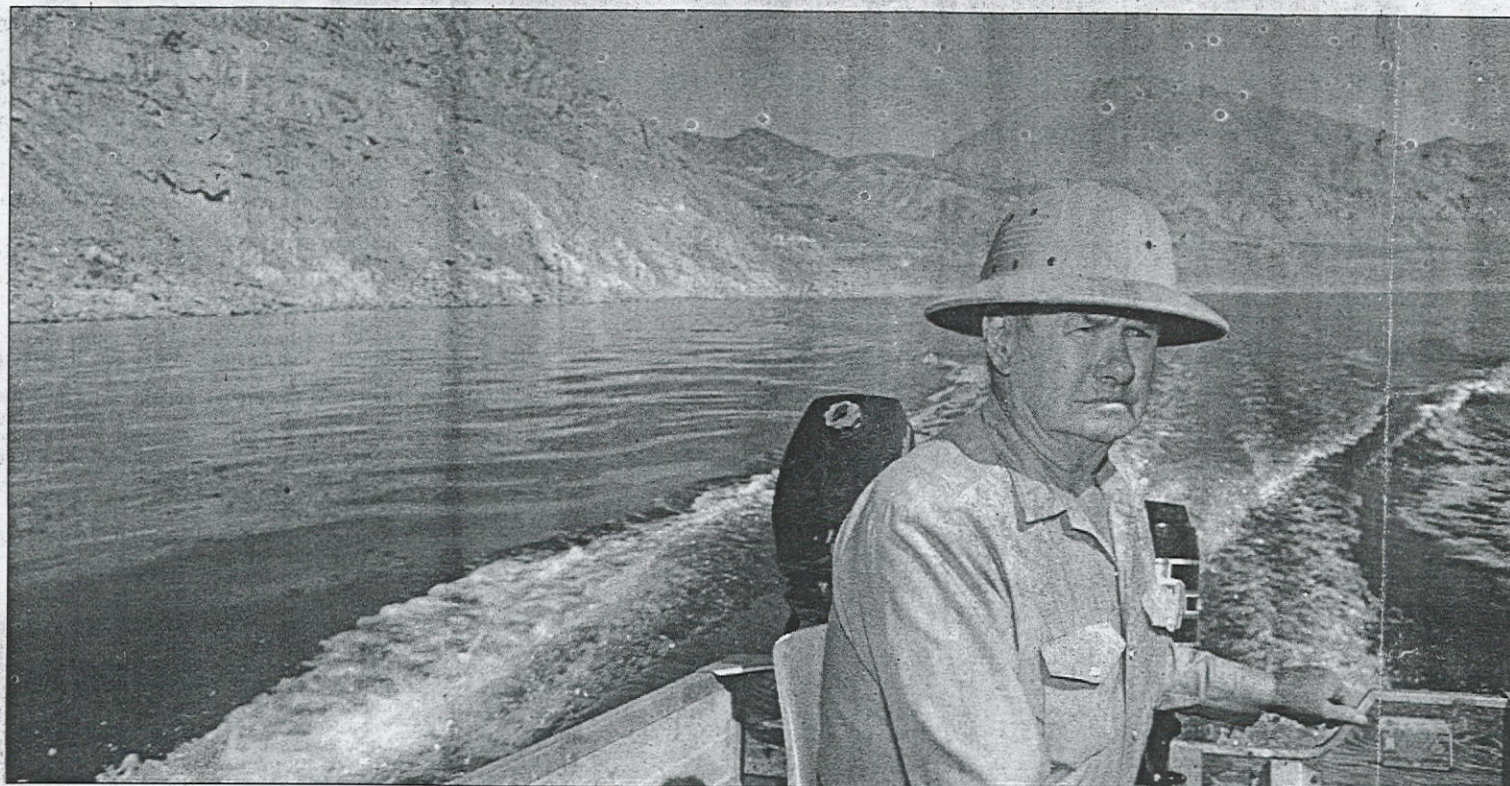
Awaiting sentencing this morning in Washoe County District Court, Department 9, he cuts a forlorn figure: alone at the defense table, hand on chin. His fate is in the hands of Judge Mills Bee Lane III, who as Washoe County district attorney was known as "Maximum Mills."

During two terms as DA and as a deputy DA before that, Lane, 56, was a pitbull of a

OCT 19 1994

THE SOLUTION

Fishermen and other lake advocates say there is an immediate need for water, and the best source for the water is agriculture. But the farmers aren't convinced they are the problem; the lake drops whether they grow crops or not, they say.



ANGLING: From his fishing boat, James Scott has seen the steady decline of Walker Lake since 1946.

Craig Sailor/Gazette-Journal

Walker: A river that doesn't go far enough

By Faith Bremner
GAZETTE-JOURNAL

Forty-seven years worth of fishing memories swept over James Scott one warm summer morning recently as he maneuvered his 14-foot aluminum motorboat along Walker Lake's rocky western shoreline.

Since 1946, when Scott first began trolling the waters off the cliffs that support U.S. Highway 95, he has seen the water levels rise and fall, fish disappear and beaches get bigger and drier.

Favorite old fishing haunts are now big boulders sitting hundreds of feet from the shore. Terraced beaches show the dropping shorelines of modern times while the wave-scarred cliffs high above the highway show Lake Lahontan's ice-age shoreline.

In old black-and-white photos he brought from home, a much younger Scott can be seen in his driveway in Hawthorne next to a long string of Sacramento perch, each one weighing 3 to 5 pounds. By the late 1950s, the perch and the carp were gone from the lake.

"Just before they disappeared, they became very unpleasant, the taste just wasn't there," said Scott, who came to Hawthorne fresh out of the Army in December 1945 on his way to Alaska and stayed.

"They were a very tasty fish but the last few that I caught I could hardly eat them. They developed large tumors in their stomachs and in their mouths."

Walker Lake has fallen 135 feet since 1882, 61 of those feet since Scott moved to town. As a result, concentrations of dissolved minerals in the lake are on the rise.

Scientists theorize the Walker Lake fishery will be gone within 1.9 years to 11.8 years, depending on how quickly the lake continues to decline and on how tolerant the lake's remaining fish are to the dissolved minerals.

Scott and his neighbors blame upstream farmers and the Walker River Irrigation District for the lake's decline. Farmers in Mason and Smith valleys are taking all the water, Scott said, without any consideration for the lake's needs.

No water has flowed from the Walker River into the lake for seven years, despite last winter's heavy snowfall. The Walker River watershed received 140 percent of normal snowfall last winter, Soil Conservation Service officials said.

"It's a sad commentary that there's an attitude that something as rare as a high desert lake in this country is allowed to die simply because of money," said Scott, who wants the courts to intervene and find an emergency infusion of water for the lake.

Last fall, Scott and other concerned

Hawthorne residents formed the Walker Lake Working Group. The group's aim is to reverse the lake's decline and to save the fishery. The working group estimates that out-of-county anglers spend \$809,000 a year in Hawthorne. Back in 1968, when the fishing was good, anglers pumped \$1.6 million into the local economy, the group says.

The working group's goal could put Hawthorne — whose main economic base is tourism and the Army ammunition depot — on a collision course with Mason Valley and Yerington, whose economy is based on agriculture.

"It's not fair that Mineral County gets sacrificed for Yerington," said Sherri Lamb, secretary for the working group.

Farmers on both sides of the state line say they are sympathetic to the lake's plight but they're not convinced they are to blame for its condition. There are 79,087 cultivated acres in Mason and Smith valleys that are served by the Walker River Irrigation District and another 43,788 acres in California near Bridgeport and in Antelope Valley that receive Walker River water, too.

The farmers blame the lake's problems on the drought and on the fact that the lake is a terminal lake that will eventually die anyway.

"I'm all for the people of Hawthorne and for Mother Nature but Walker Lake has gone down before agriculture even existed," Antelope Valley farmer Bruce Park said. "To blame agriculture is a little bit ignorant."

It's no mystery why Walker River is not flowing into Walker Lake this year. When the courts divided up the river in 1919, Walker Lake was considered a waste of water. The courts gave farmers entitlements to more water than what the river usually carries. In a non-drought year when the Sierra gets 100 percent of its normal snowpack, the river satisfies 86 percent of Nevada farmers' water rights.

"(Over-appropriating the river) was a common thing to do at the time," said Roger Bezaiff, the chief deputy water commissioner for the Walker River. "They were eternal optimists."

"They didn't have years and years worth of the data that we have today."

Another reason that Walker River isn't flowing into the lake this year is that plants, ground-water aquifers and reservoirs in the Walker River watershed are recovering from six years of drought and are taking up more water than usual.

But even when things get back to normal, Walker Lake still won't get the water it needs to replace evaporation, Bezaiff said. Walker Lake is legally entitled to receive only the river's flood waters under a water right the state reserved for the lake in 1970.

"We don't get big, big water years very



Craig Sailor/Gazette-Journal

AT RISK: These pelicans and other birds will stop feeding at Walker if the fish die off.

often," Bezaiff said.

Caught between the irrigation district and Hawthorne is the Walker River Paiute Indian Tribe. There are 2,100 cultivated acres on the reservation that are entitled to receive 9,000 acre-feet of water each year.

Walker Lake is sacred to the tribe, whose name in Paiute is Agai Dicutta or trout eaters. Nevertheless, the tribe is seeking in federal district court to have its water allotment from the river increased to cultivate 10,000 acres on the reservation.

The reservation economy depends heavily on farming — a vocation the white man forced on the tribe to

"civilize" it. Traditionally the Agai Dicutta were hunters, gatherers and fishermen. Now the tribe is reluctant to give up its agrarian way of life.

"Why should we give up our livelihood?" said Elveda Martinez, the tribe's water resources coordinator. "The lake means as much to us as anything."

"We'd send water down if we had it." Water for Walker Lake should come out of the upstream farmers' fields, Martinez said.

"Look at their big haystacks and look at our little haystacks and then tell me who you think should give up," Martinez said.

A time line

■ **1833:** Fur trapper and explorer Joseph Walker passes through the Walker and Carson river watersheds searching for a way across the Sierra. He finds the Walker River, but apparently does not come upon Walker Lake. He returns to the area in the 1840s as a guide for John C. Fremont's second expedition to map the western frontier.

■ **1860:** Hoc Mason settles in the Mason Valley with a herd of cattle driven over the Sierra from California. His Walker River Ranch passes to California cattle baron Henry Miller in the late 1880s.

■ **1919:** A lawsuit between two large cattle companies, Pacific Live Stock Co. and the Antelope Valley Land and Cattle Co., results in court decree 731 that divides up Walker River water. Farmers in Mason and Smith valleys form the Walker River Irrigation District for the purpose of building storage reservoirs.

■ **1921-1937:** Topaz Lake reservoir is created by enlarging a small natural lake called Alkali Lake. Capacity: 60,000 acre-feet.

■ **1924:** Bridgeport Reservoir is constructed by the Walker River Irrigation District. Capacity: 44,000 acre-feet.

■ **1935:** U.S. Indian Service constructs Weber Reservoir on the Walker River Paiute Indian Reservation. Capacity 13,000 acre-feet.

■ **1936:** Federal court issues new decree for the Walker River as a result of a lawsuit filed by the federal government on behalf of the Walker River Paiute Tribe. The new decree, called C-125, gives the tribe's water rights an 1859 priority date — the earliest on the river. Decree also grants the irrigation district the right to store 42,000 acre-feet in Bridgeport Reservoir.

■ **1970:** State of Nevada secures a water right for Walker Lake. Under the water right, the lake is entitled to receive only the flood waters of the Walker River. This action effectively put a stop to any new appropriations of Walker River water.

■ **1988:** California Trout Inc., a sport-fishing association, files a complaint with the California State Water Resources Control Board alleging the Walker River Irrigation District violated California fish protection laws when it emptied Bridgeport Reservoir. Mono County sues the irrigation district in Mono County Justice Court. The court convicts the irrigation district of violating California Fish and Game Code and requires the district to remove sediment deposited in the river and to maintain minimum river flows.

■ **1990:** California State Water Resources Control Board completes its hearing process and requires the irrigation district to maintain minimum stream flows and a minimum pool in Bridgeport Reservoir. Irrigation district sues the board in federal district court challenging its authority to impose state law on water rights granted by a federal court. The case remains pending.

Where to write, call

■ **Walker River Irrigation District**, P.O. Box 820, Yerington 89447, 463-3523.

■ **Walker River Paiute Indian Tribe**, P.O. Box 220, Schurz 89427, 773-2306.

■ **Walker Lake Working Group**, P.O. Box 867, Hawthorne 89415, 945-5896.

■ **Nevada Division of Water Planning**, 123 West Nye Lane, Carson City 89710, 687-3600.

■ **Nevada Outdoor Recreation Association**, P.O. Box 1245, Carson City 89702, 883-1169.

RESOLUTIONS

Some want to buy, lease water; Reid, state look elsewhere

By Faith Bremner
GAZETTE-JOURNAL

Almost everyone agrees that the solution to Walker Lake's condition is more water. The obvious source: upstream farmers who own and control the Walker River and its reservoirs.

But not everyone agrees on how soon the water should be moved from agriculture to the lake. Though some Hawthorne residents want emergency measures to get fresh water to the lake, area farmers say it's too early to talk about water buyouts.

The Walker Lake Working Group is raising money to hire a lawyer. The group favors some sort of a water-leasing or buy-out program.

"If it's going to be saved it will have to be done immediately," said Hawthorne resident James Scott, a member of the group.

State officials, on the other hand, are searching for a long-term legislative solution that could take years. Before leaving his post earlier this month to take a job

with private industry, former state Water Planner Rett Jesse talked about financial incentives for farmers to grow crops that use less water and to convert from flood irrigation to drip and sprinkler systems.

In the meantime, the lake may die, Jesse admitted. "If the fish die, that's bad. But if we have an effective plan in place we can restore the fishery," Jesse said.

All the proposed solutions come with a big price tag, which will have to be paid by all the state's taxpayers, Jesse said. A program to buy up farmers' water rights for the lake would cost at least \$30 million.

"The people of Nevada have to decide this issue," said Jesse, who was supposed to hold hearings this fall on the state's water plan. The status of those hearings is up in the air until a new water planner is hired.

The Walker River farmers say they don't want to end up like the farmers in the Lahontan Valley who

walked out of talks three years ago on the Truckee River Negotiated Settlement and now face conservation requirements developed by other parties.

"We'd rather be a part of the solution," said Walker River Irrigation District Chairman Lee Ivey. But it's too early to talk about buying up farmers' water rights, irrigation district General Manager Jim Weishaupt said. The farmers aren't sure how the buyouts would affect their overall irrigation system.

Weishaupt called for all the river's users to join in any future scientific studies so those studies don't become biased.

"Alarm shouldn't be one of the things that drives the solution on the lake," Weishaupt said. "If it's 1.9 years, we'll all have to scramble. But I don't want to be told it's 1.9 years when it's 50 years."

Sen. Harry Reid, D-Nev., has met twice with federal agencies, such as the U.S. Fish and Wildlife Service and the Bureau of Land Management, and has secured a \$1 million appropriation in the Bureau

of Indian Affairs' fiscal year 1994 budget to make the Walker River Paiute Indian Tribe's irrigation system more efficient. The increased efficiency will indirectly benefit the lake so long as the water is left in the river and not used to irrigate more land.

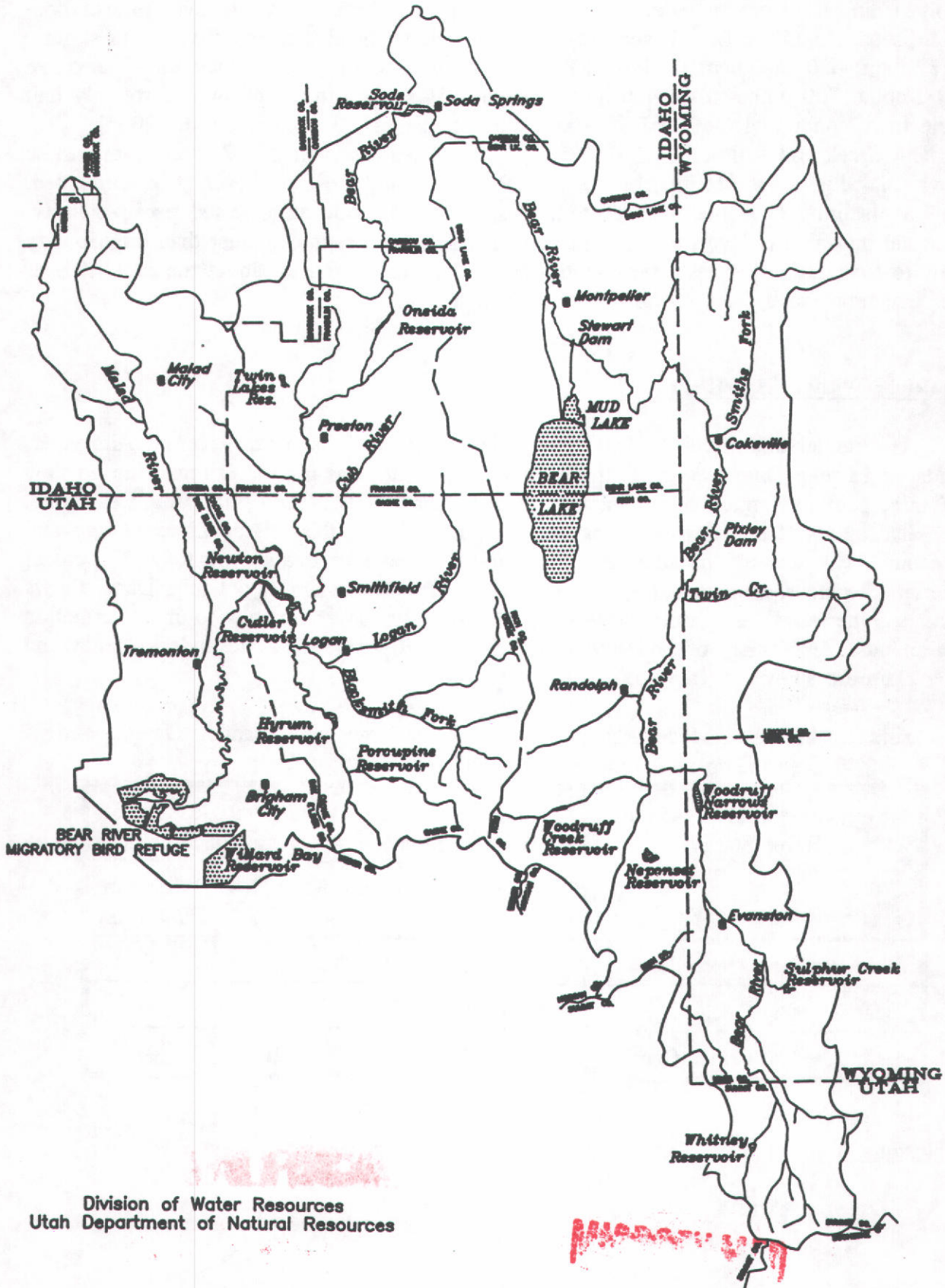
Charlie Watson, director of the Nevada Outdoor Recreation Association, has been after the BLM for more than four years to designate Walker Lake an Area of Critical Environmental Concern (ACEC). That, Watson said, would give the lake "legal standing as a unique treasure" and possibly qualify it for money under the Endangered Species Act and the National Environmental Policy Act.

BLM state director Billy Templeton said an ACEC designation would apply only to the lake's shoreline and by itself would not bring more water to the lake. "We don't control the source of the problem with Walker Lake," Templeton said.

But he admitted the designation could give the lake a public relations advantage.

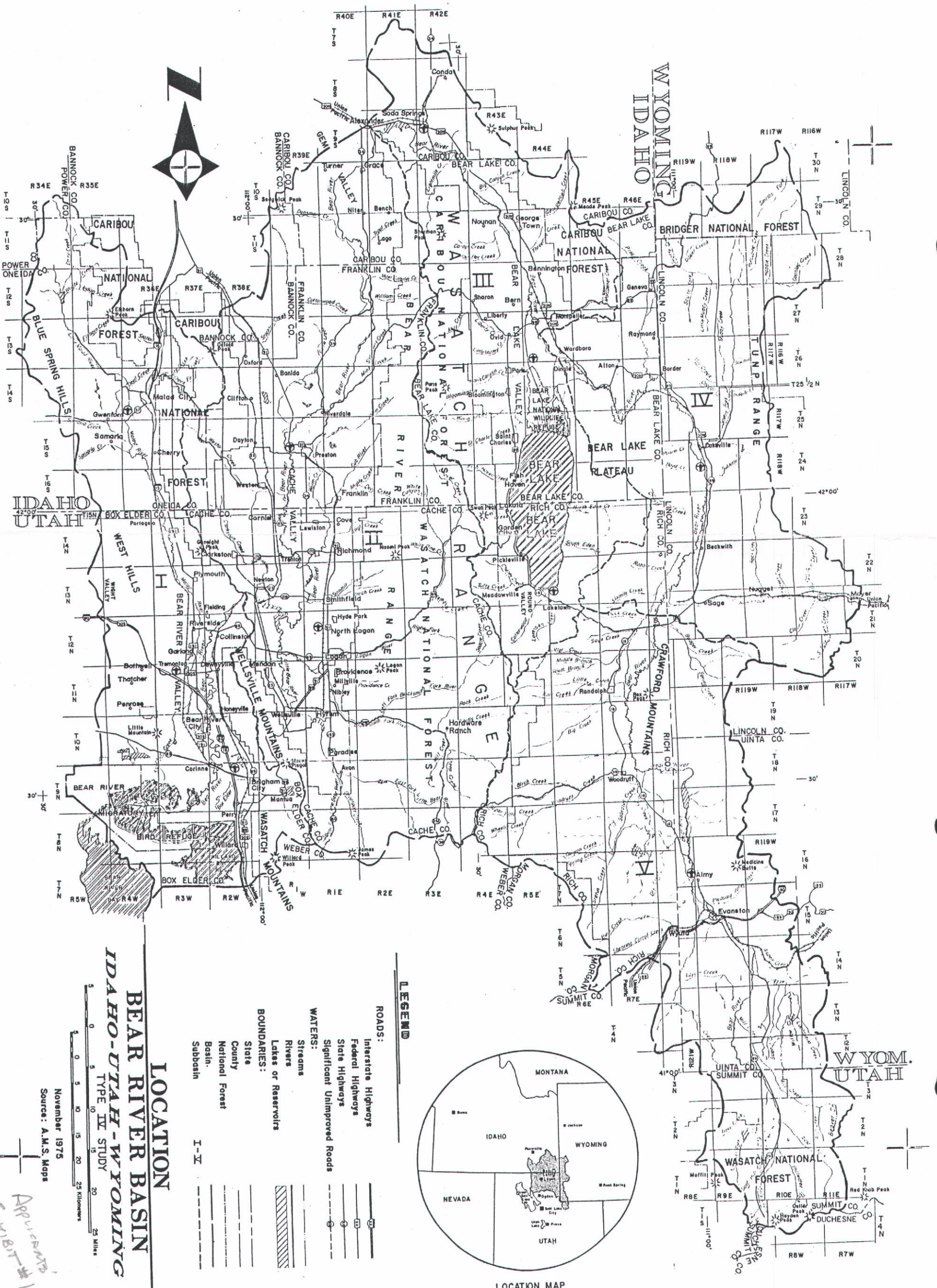
"More people might notice," Templeton said.

BEAR RIVER BASIN MAP



Division of Water Resources
Utah Department of Natural Resources

Figure 1. Bear River Basin Map.

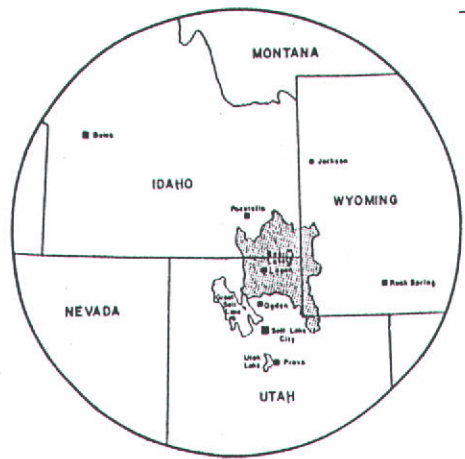


LOCATION
BEAR RIVER BASIN
IDAHO-UTAH-WYOMING
TYPE IV STUDY

November 1975
Source: A.M.S. Maps

LEGEND

- ROADS:**
- Interstate Highways
 - Federal Highways
 - State Highways
 - Significant Unimproved Roads
- WATERS:**
- Streams
 - Rivers
 - Lakes or Reservoirs
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 - Basin
 - Subbasin



By Peter Grubb ©
River odysseys West

Moyie River Flows 1961-1967

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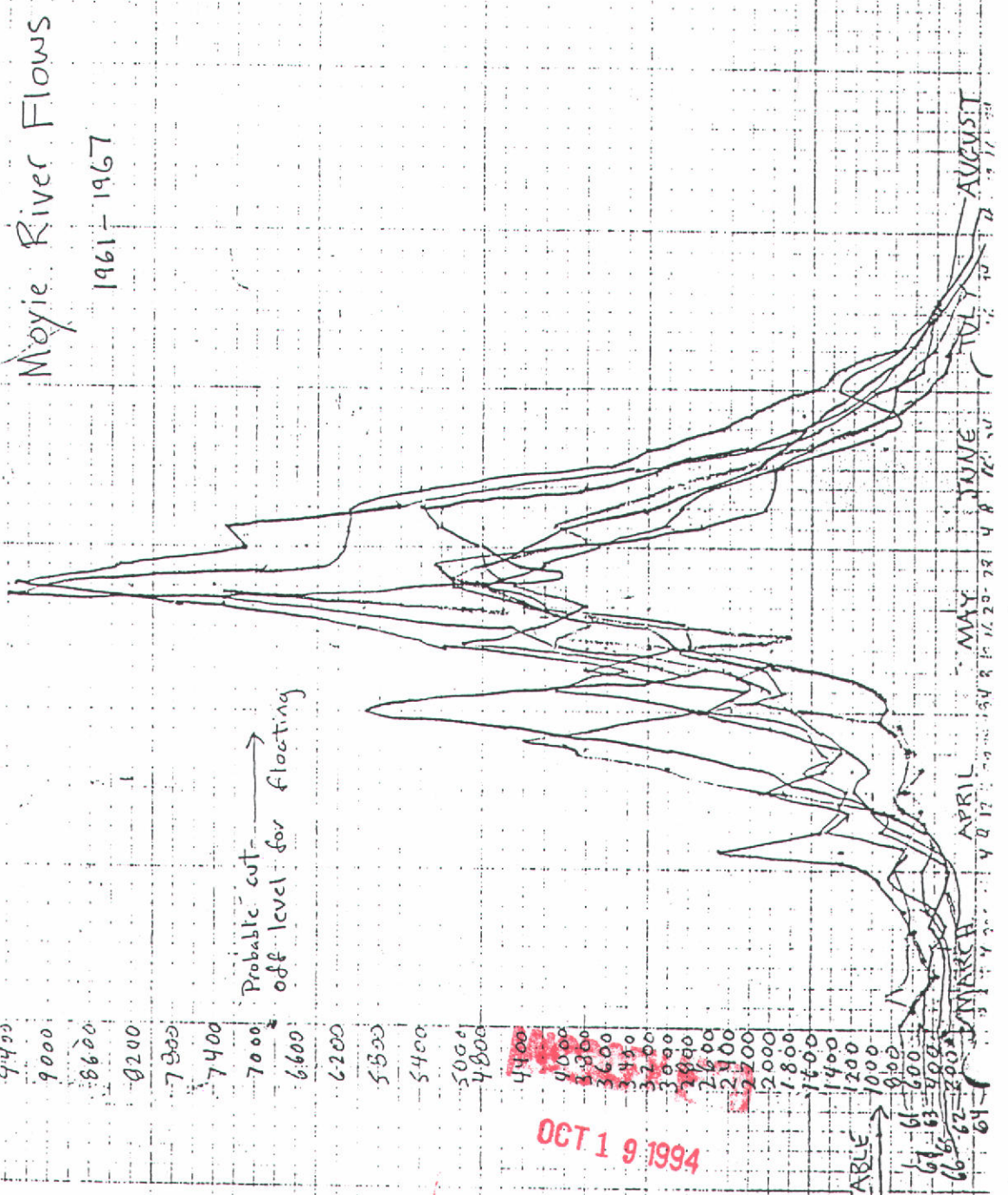
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Probable cut-off level for floating

FLOATABLE

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APRIL 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
MAY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
JUNE 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
JULY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
AUGUST 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

OCT 19 1994



NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source:	Bear Lake
Application No.:	11-07406
Proposed Priority:	May 13, 1993
Minimum Lake Level and Period of Use:	Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.
Purpose of Minimum Flow:	Recreation, aesthetics, and fish and wildlife habitat.
Place of Use:	Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code, and the adopted Rules of Procedure of the Department.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their view and comments without filing a notice of appearance. Written inquiries and

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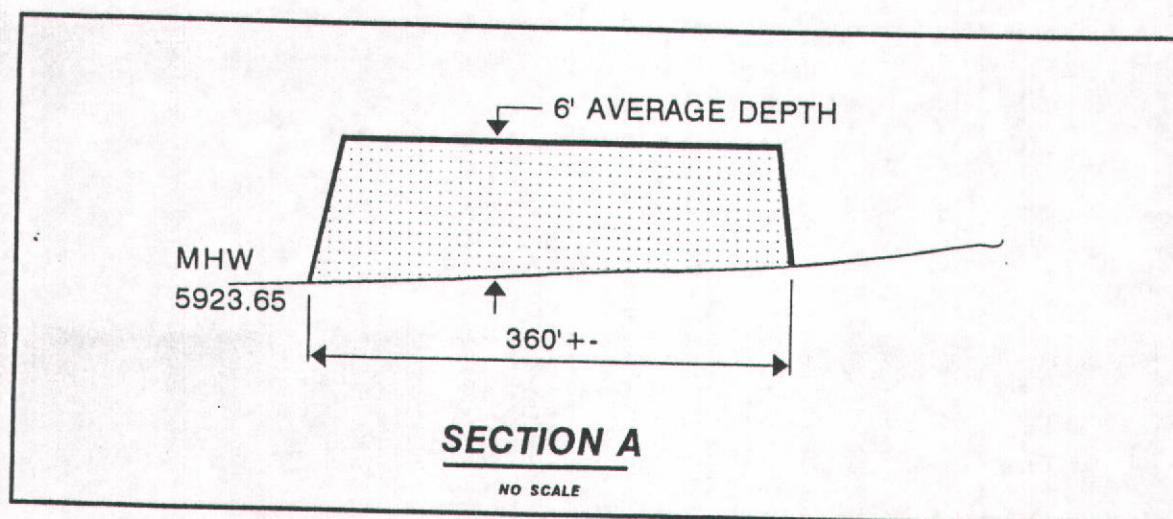
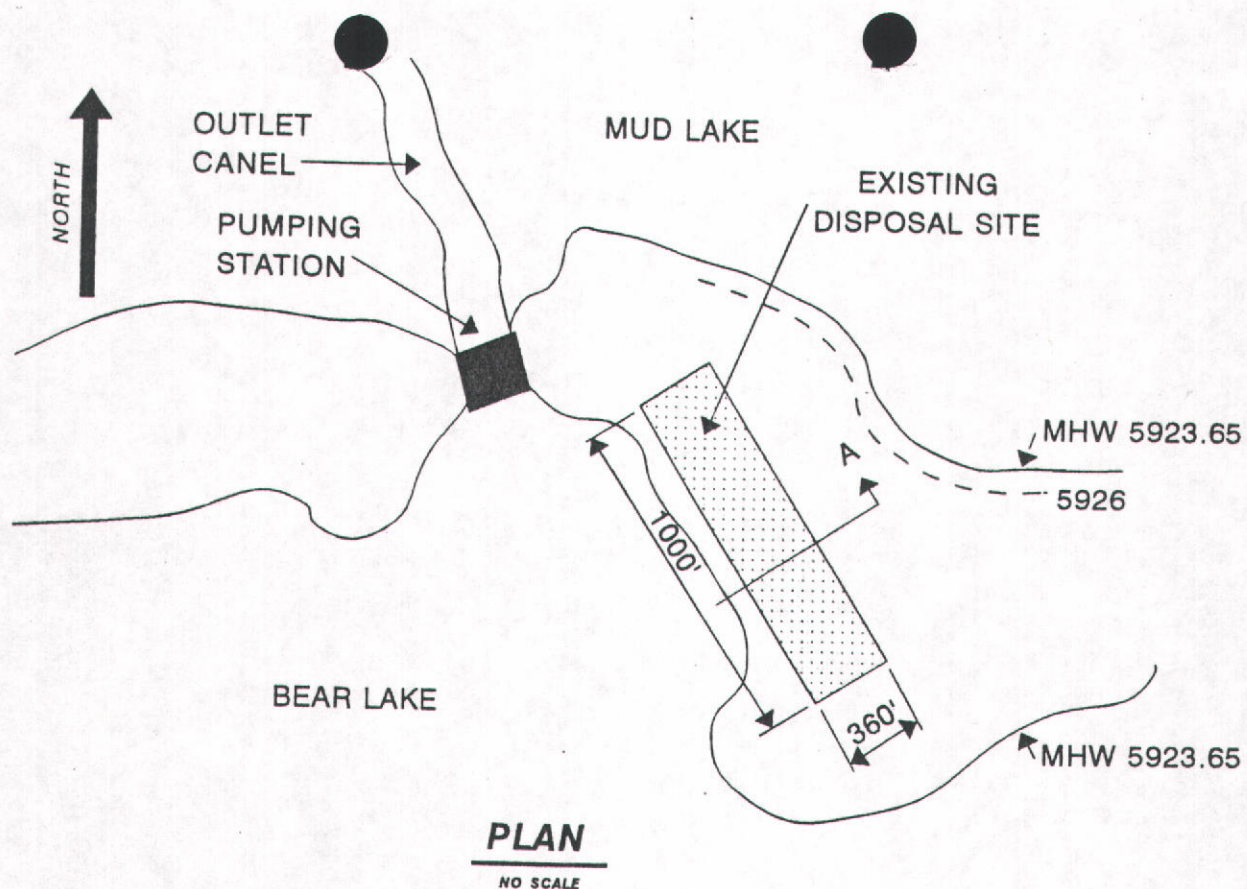
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If issued, this permit will be subject to ~~any~~ water rights.

RECEIVED
OCT 19 1994

R. Keith Higginson, Director
Idaho Department of Water Resources



SUPPLEMENT TO
DREDGING AND DISPOSAL APPLICATION OF
11/09/92
SHOWING PLAN AND SECTION ELEVATION
OF DISPOSAL SITE

BY UTAH POWER & LIGHT CO.
SHEET 2 OF 2 11/09/92

OCT 19 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 11-07406

Priority: May 13, 1993

Minimum Lake Level: 5902.0 feet

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 13, 1993; and
has submitted Proof of Beneficial Use on June 6, 1994. A minimum lake level for

BEAR LAKE

tributary to BEAR RIVER

has been established as follows:

BENEFICIAL USE

LAKE LEVEL MAINTENANCE

PERIOD OF USE

01/01 to 12/31

MINIMUM LAKE LEVEL

5902.0 FEET

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 16, Township 15S, Range 44E
BEAR LAKE County

CONDITIONS/REMARKS:

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than May 13, 1993, the priority date of this right.
3. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum lake level, such measuring devices shall be permanently installed and maintained as specified by the Director.
4. The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

SEP 13 1995

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

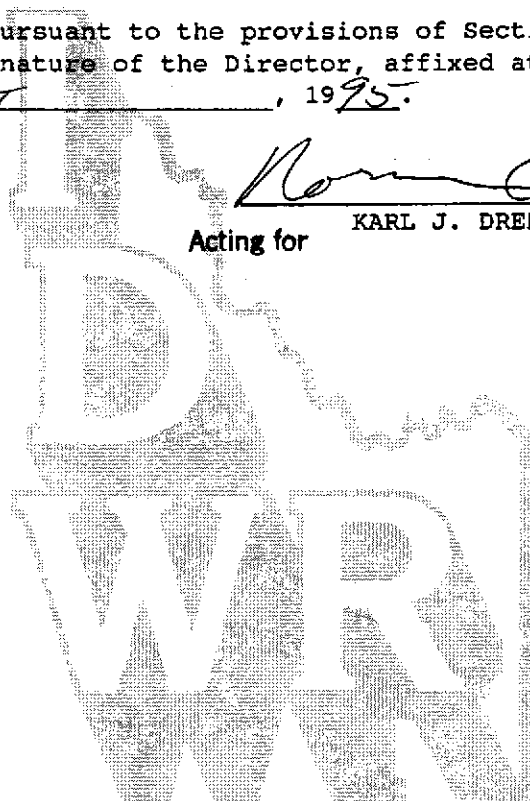
WATER RIGHT NO. 11-07406

CONDITIONS/REMARKS:

5. This right establishes the minimum lake level of Bear Lake at 5902.0 feet.
6. Bear Lake is located within T15S, R43E; T15S, R44E; T16S, R43E; and T16S, R44E.
7. The location described as the point of diversion is the approximate location of the Lifton pumps at the Bear Lake outlet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of AUGUST, 1995.

Acting for


KARL J. DREHER, Director

SEP 13 1995

OFFICE USE ONLY
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 13 1994

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 11-07406 Telephone No. (208) 327-7910

2. Name(s) of Permit Holder(s): IDAHO WATER RESOURCE BOARD

3. Mailing Address: 1301 N Orchard, PO Box 83720, Boise, Idaho 83720-0098

4. Source of Water: Bear Lake

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Minimum Stream Flow (Lake Level) _____

6. Total rate and/or volume for which proof is submitted _____ cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly: Elev. 5902.0 feet.

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ NA (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name _____ Telephone No. _____

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

10/10/94
Date

F. Dale Bylandt Chair I.W.R.B.
Signature (and title, if on behalf of a company or organization)

NOV 28 1994

Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

RECEIVED

JUN 06 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

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2. Name(s) of Permit Holder(s): IDAHO WATER RESOURCE BOARD
3. Mailing Address: 1301 N Orchard, PO Box 83720, Boise, Idaho 83720-0098
4. Source of Water: Bear Lake

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (No. of acres) Other Minimum Stream Flow (Lake Level)

6. Total rate and/or volume for which proof is submitted _____ cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly: Elev. 5902.0 feet.

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ NA (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name _____ Telephone No. _____

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

5/31/94
Date

F. Dave Bydell Chair I.W.R.B.
Signature (and title, if on behalf of a company or organization)

OCT 10 1994

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 11-07406

Proposed Priority: May 13, 1993

This is to certify, that IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

has applied for a permit to appropriate water from:

BEAR LAKE

tributary of BEAR RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

LAKE LEVEL MAINTENANCE

01/01 to 12/31

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 16, Township 15S, Range 44E
BEAR LAKE County

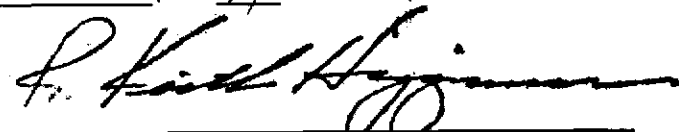
PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.
2. Bear Lake is located within T15S, R43E; T15S, R44E; T16S, R43E; and T16S, R44E.
3. The location descibed as the point of diversion is the approximate location of the Lifton pumps at the Bear Lake outlet.
4. This right establishes the minimum lake level of Bear Lake at 5902.0 feet; Utah Power & Light Datum.
5. See Final Order for additional conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

13th day of January, 1994.


R. Keith Higginson, Director

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OCT 19 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 11-07406

Proposed Priority: May 13, 1993

Maximum Storage Volume:

This is to certify, that IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

has applied for a permit to appropriate water from:

BEAR LAKE

tributary of BEAR RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

LAKE LEVEL MAINTENANCE

01/01 to 12/31

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 16, Township 15S, Range 44E
BEAR LAKE County

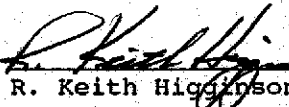
PLACE OF USE: See Remarks

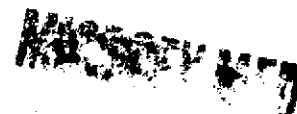
CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

10TH day of NOVEMBER, 1993.


R. Keith Higginson, Director


OCT 19 1994

BEFORE THE DIRECTOR
OF THE
DEPARTMENT OF WATER RESOURCES

In the matter of Application No.	)	
11-7406, filed by the Idaho Water	)	FINAL MEMORANDUM
Resource Board to establish a	)	DECISION AND ORDER
minimum lake level on Bear Lake,	)	
Bear Lake County, Idaho.	)	

Application No. 11-7406 was filed by the Idaho Water Resource Board ("Board") on May 13, 1993, seeking to establish a minimum lake level on Bear Lake. The protected elevation sought to be established is 5,902 feet above mean sea level based on Utah Power and Light Company's datum. The purpose for the minimum lake level is to protect recreation, aesthetic beauty, and fish and wildlife habitat.

Notice of the proposed minimum lake level was published in The News-Examiner, a weekly newspaper published at Montpelier, Idaho, within the county where the minimum lake level is proposed. It was also published in The Idaho Statesman, Boise, Idaho; Lewiston Morning Tribune, Lewiston, Idaho; and The Times News, Twin Falls, Idaho. A hearing regarding the proposed minimum lake level was held at Paris, Idaho, October 14, 1993.

At the hearing, the applicant, Idaho Water Resource Board, was represented by Clarence Parr, Vice Chairman. The following filed notices of appearance and participated in the hearing as parties:

Bear Lake County Board of Commissioners through Ronald Law;

State of Utah, Department of Natural Resources, Division of Wildlife Resource, through Bryce R. Nielson;

Bear River Canal Company through its attorney, D. Brent Rose of CLYDE, PRATT AND SNOW; and

Idaho Department of Fish and Game through Richard Scully.

OCT 19 1994

Written statements were received from Idaho Rivers United and the West Cache Irrigation Company. Six public witnesses made statements at the hearing. These witnesses were:

Scott Johnson, PacifiCorp

Jim Kimbal, property owner

Eulalie Langford, Love Bear Lake

Allen Harrison, Bear Lake Regional Commission

Frank Nishiguchi, Bear River Water Conservancy District

Kirk Rich, Idaho Department of Parks and Recreation

The Director having considered the application, the exhibits and statements received enters these findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. Bear Lake is a natural body of water situated in Bear Lake County, Idaho and Rich County, Utah. Bear Lake is a tributary to the Bear River.

2. PacifiCorp, doing business as Utah Power, has operated the Bear Lake-Bear River water storage system since the early 1900's. The company holds water rights which are set forth in the "Dietrich" decree in the case of *Utah Power & Light Company v. The Last Chance Canal Company, Ltd., et. al.*, In Equity No. 203, U.S. District Court of Idaho, Eastern Division, July 14, 1920, (Applicant's Exhibit #2) as follows:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1911 - March 1	3000 cfs	Said water to be diverted from the Bear River through what is known as the Rainbow and Dingle Inlet Canals, ... and to be carried into and stored in what is known as the Bear Lake Reservoir and withdrawn therefrom from time to time as needed or required ... for the development of power or generating electric
1912 - Sept. 11	2500 cfs	

OCT 19 1994

energy ... in the states of Idaho and Utah and for irrigation purposes in what is generally known as Bear River Valley in said states.

From Bear Lake:

1912 - Sept. 1 300 cfs

From Mud Lake:

1912 - Sept. 1 200 cfs

Said water to be stored in what is known as Bear Lake Reservoir, and withdrawn therefrom from time to time, as provided in the immediately preceding paragraph.

Utah Power's rights are further described by the decree as providing "... for the generation of electric power, and for such irrigation or other beneficial purposes, recognized by law, as the plaintiff may devote or dedicate said released stored waters, by use, sale, rental, or otherwise."

3. Bear River Canal Company and others use water from Bear Lake which is provided under contract with Utah Power under the Power Company's water rights.

4. Utah Power's pumping plant on Bear Lake is not capable of diverting water at a Bear Lake elevation lower than 5,902 feet. Historically, the company has never withdrawn water from Bear Lake when the lake has been below that elevation but has exercised its rights to store water in Bear Lake and subsequently withdraw from the lake at times when the lake elevation was above 5,902 feet. Water can be stored in the lake up to elevation 5,923.65 feet.

5. Utah Power, Bear River Canal Company, and West Cache Canal Company are each entities which use water from Bear Lake. None of these entities objected to the establishment of a protected lake level at 5,902 feet elevation. However, each indicated that their support for approval of Application No. 11-7406 was specifically conditioned on there being no interference with the ability of Utah Power to pump water from the lake under its rights down to elevation 5,902 feet.

6. Parties, Bear Lake County Board of Commissioners, Utah Division of Wildlife Resources, and Idaho Department of Fish and Game, each supported the appropriation of a minimum lake level. There was an expressed desire for a higher protected elevation because of concerns over endemic fish species which use the littoral zone of the lake for spawning. Concern was also expressed over Bonneville Cutthroat Trout which spawn in tributary streams and find difficulty accessing the spawning areas when Bear Lake is at low

OCT 19 1994

elevations. However, these parties acknowledged that Utah Power holds rights to the waters of the lake to elevation 5,902 feet.

7. All parties and public witnesses supported the application to establish a minimum lake level of 5,902 feet elevation on Bear Lake as necessary for the protection of fish and wildlife habitat, aquatic life, recreation and aesthetic beauty.

8. The Idaho Department of Parks and Recreation provided information on the impact of lake elevations at Bear Lake on public use of recreation facilities. The low lake elevation in 1992, as a result of six years of below-average water supply and withdrawals for irrigation downstream, resulted in a 40 percent decrease in public usage.

CONCLUSIONS OF LAW

1. The Idaho Legislature declared the following public purpose in establishing a procedure for the appropriation of minimum streamflows:

42-1501. The legislature of the state of Idaho hereby declares that the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

(emphasis added)

2. Section 42-1502, Idaho Code defines minimum stream flow as follows:

(f) "Minimum stream flow" means the minimum flow of water in cubic feet per second of time or minimum lake level in feet above mean sea level required to protect the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of a stream in the public interest;

(emphasis added)

3. In considering applications filed by the Idaho Water Resource Board to establish a minimum stream flow (lake level) the Director is required to make findings as follows:

Approval of any such application must be based upon a finding that such appropriation of minimum stream flow: (a) will not interfere with any vested

OCT 19 1994

water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the Director of a complete application for appropriation of minimum stream flow filed under the provisions of this act; (b) is in the public, as opposed to private, interest; (c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream; (d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and (e) is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

4. Establishment of a protected lake level at Bear Lake of elevation 5,902 feet will not interfere with any vested water right. Utah Power holds the principal water rights of concern in this matter and the company pumps are not capable of withdrawing water from the lake below that elevation. The entitlement of various canal companies with storage supply contracts with Utah Power will not be affected by protecting the elevation of Bear Lake below the limits of the company's ability to pump.

5. Public and agency witnesses stated that the establishment of a minimum lake level would protect public values. Without such protection, there is the possibility of future applications for water rights to withdraw water from below elevation 5,902 feet which would not be in the public interest.

6. Protection of the level of Bear Lake by establishing a minimum elevation of 5,902 feet is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation and aesthetic values.

7. It is apparent that lake level protection at a higher elevation than 5,902 feet would be desirable from the standpoint of fish, recreation and aesthetics. However, with the existence of rights which presently permit lowering of the lake to that elevation protection of the lake level at elevation 5,902 feet would be the minimum possible.

8. Utah Power has operated gates and pumping facilities on Bear Lake for many years and maintains water level and lake storage content records which are published by the U.S. Geological Survey (Applicant's Exhibit #4). If a protected lake level is approved, it could be maintained based on information currently being obtained from the company's system operation.

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ORDER

It is, therefore, Ordered that Application No. 11-7406 be, and the same is hereby, APPROVED, subject to the following conditions:

1. The Director retains jurisdiction, as described below, to review and amend any and all parameters of this permit and subsequent license. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the permit or license would be in the public interest.

2. Use of water under this permit shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than May 13, 1993, for application No. 11-7406.

3. Use of water under this permit shall be nonconsumptive.

4. Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum lake level, such measuring devices shall be permanently installed and maintained as specified by the Director.

5. Proof of beneficial use of the minimum lake level shall be submitted no later than March 1, 1999.

DATED this 10th day of November, 1993.


R. KEITH HIGGINSON, Director

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OCT 19 1994

CERTIFICATE OF MAILING

I hereby certify that on this the 15th day of November, 1993, a true and correct copy of the foregoing Final Memorandum Decision and Order in the name of the Idaho Water Resource Board was mailed, postage prepaid to the following parties:

Mary Luckachick
Parks & Recreation
Statehouse Mail
Boise, ID 83720

Sen Dennis S Hansen
2612 Second Bridge Rd
Soda Springs, ID 83276

Rep Robert C Geddes
7235 N 2600 W
Preston, ID 83263

Marti Bridges
Idaho Rivers United
PO Box 633
Boise, ID 83701

Rep John H Tippetts
65 E Center
Bennington, ID 83254

Sen Mary Ellen Lloyd
162 Hawthorne
Pocatello, ID 83204

Cindy Robertson
Dept of Fish & Game
Statehouse Mail
Boise, ID 83720

Rep John Alexander
3537 Conlin
Pocatello, ID 83201

Rep Millie L Flandro
109 Mountain Dr
Pocatello, ID 83201

Susan Martin
US Fish & Wildlife Svc
4696 Overland Rd Rm 576
Boise, ID 83705

Sen Evan Frasure
946 Beth
Pocatello, ID 83201

Rep Elaine Hofman
216 S 16th Ave
Pocatello, ID 83201

Clarence Parr
Rt 2 Box 2128
Hayburn, ID 83336

Rep Pete Black
2249 Cassia
Pocatello, ID 83201

Sen C E Bilyeu
11076 N Philbin Rd
Pocatello, ID 83202

Dave F Rydalch
Rt 2 Box 108
St Anthony, ID 83445

Rep Albert M Johnson
12350 N Philbin Rd
Pocatello, ID 83202

Rep Jim Christiansen
PO Box 458
Aberdeen, ID 83210

Ron Law
Bear Lake Cnty Commission
618 N 6th
Montpelier, ID 83254

Jim Kimbal
PO Box 145
St Charles, ID 83272

Reid Boulton
PO Box 125
St Charles, ID 83272

Dondrey Secrist
PO Box 55
St Charles, ID 83272

Currie Lockett
Friends of Bear River
PO Box 99
Thatcher, ID 83283

Richard Capener
PO Box 85
Riverside, UT 84334

Bear River Canal Co
275 N 1600 E
Tremonton, UT 84337

David Styer
Bear River Water Cons Dist
Tremonton, UT 84337

Carly Burton
Utah Power & Light Co
1000 N North Temple
Salt Lake City, UT 84140

OCT 19 1994

Ron Moosman
News Examiner
PO Box 278
Montpelier, ID 83254

Mark Reece
The Herald Journal
75 W 300 N
Logan, UT 84321

Bryan East
KUSU - FM
University Hill
Logan, UT 84321

VaLein E Rich

PO Box 592
St Charles, ID 83272

Sheila Sharpe

621 Williams
Montpelier, ID 83254

Jack Barnett
Bear River Commission
106 W 500 S
Bountiful, UT 84010

Scott Flandro
Utah St Lands & Forestry
355 W N Temple Ste 400
Salt Lake City, UT 84180

Dwight Cochran
Bear Lake Cnty Commission
492 S 7th
Montpelier, ID 83254

Frank J Bartlome

314 N 9th
Montpelier, ID 83254

Larry Anderson
Divison of Water Resources
1636 W North Temple #310
Salt Lake City, UT 84116

Allen Harrison
Bear Lake Regional Comm
2661 US Hwy 89
Fish Haven, ID 83287

Mayor Bryce Nielson

1407 Chokecherry Dr
Garden City, UT 84028

Health and Welfare
DEQ
Statehouse Mail
Boise, ID 83720

Jeff Fassett
Wyoming State Engineer
1636 W North Temple, #200
Salt Lake City, UT 84116

Rodney Wallentine
Bear River Commission
105 E 2nd N
Paris, ID 83261

Floyd J Jensen
Bear River Commission
1580 W 3200 S
Preston, ID 83263

J D Williams
State Auditor
Statehouse Mail
Boise, ID 83720

Max Rigby

2205 Last Chance Lane
Grace, ID 83241

Stewart Buttars

~~3470 W 1600 S~~
~~Weston, ID 83286~~

Con Alder

335 N 300 W
Malad, ID 83252

John Thomas Jr

Rt1 Box 69
Grace, ID 83241

Larry E Riley

3800 W 600 S
Logan, UT 84321


RITA I. FLECK
Legal Secretary


OCT 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7406

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MAY 13 1993

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Water Resource Board Phone (208) 327-7910

Post office address Statehouse, Boise, ID 83720

2. Source of water supply Bear Lake which is a tributary of Bear River

Minimum lake level for Bear Lake located in T 15 S, R 43 E; T 15 S, R 44 E; T 16 S,

3. Location of point of diversion is 1/4 of 1/4 of 1/4 of Govt. Lot

R 43 E; T 16 S, R 44 E; B.M.
Sec. Township Range B.M. Bear Lake County; additional

points of diversion if any:

4. Water will be used for the following purposes: Minimum lake level of 5902 feet above Mean Sea Level, based on Utah Power & Light Company's datum, for recreation and aesthetics.

Amount NA for Min Lake Level purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) NA and/or (b) 4,479,000
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

None

b. Height of storage dam feet; active reservoir capacity acre-feet; total

reservoir capacity acre-feet; period of year when water will be diverted to storage:

to inclusive.

c. Proposed well diameter is inches; proposed depth of well is feet.

d. Is ground water with a temperature of greater than 85°F being sought?

e. If well is already drilled, when? ; Drilling firm

Well was drilled for (well owner)

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

5 years years (minimum 1 year).

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OCT 1 1993

12. Remarks: Minimum lake level requested by the Bear Lake County Commissioners and supported by the Idaho Department of Parks and Recreation.

11. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

10. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated -

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
TOTALS			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Provide a minimum lake level for recreation and aesthetics. _____

Protection of fish and wildlife habitat. _____

ATTACHMENT TO APPLICATION FOR PERMIT
TO APPROPRIATE A MINIMUM STREAM FLOW

14. Provide evidence that the appropriation will not interfere with any vested water right, permit, or water right application of earlier date of priority.

This appropriation is junior to rights, permits, and applications with earlier dates of priority.

The requested minimum lake level of 5902 feet Mean Sea Level (MSL) is the lowest recorded level from 1922 to the present.

15. Provide evidence to show that the appropriation would be in the public interest as opposed to private interest.

The local economy is very dependent upon tourism and visitors to Bear Lake. The Lake has lost much of its beauty and appeal when levels approach 5902 feet.

16. Provide evidence or justification that the appropriation is necessary for the purposes shown in Item 4.

Existing water rights for irrigation and other uses authorize a Lake drawdown to elevation 5902 feet MSL. This appropriation will provide for a minimum pool level of 5902 feet, thus not allowing new withdrawals to further impair aesthetics and recreation values.

17. Provide evidence that the minimum flow or lake level is minimum and not the ideal or most desirable flow or lake level.

The minimum requested lake level of 5902 feet MSL is the lowest recorded lake level from 1922 to the present. At an elevation of 5902 feet, recreational facilities are adversely affected, and the Lake has lost much of its appeal.

OCT 19 1994

18. Provide evidence that the flow or lake level requested is capable of being maintained as evidenced by records of stream flows and water levels.

The lake level from 1922 to the present time has varied from a maximum of 5923.65 feet MSL
to a minimum of 5902 feet. The existing pumps used to divert water from the Lake at low
levels are configured so that water can not be withdrawn at levels below 5902 feet.

19. Describe the location of existing gaging stations that can be used in the administration of this appropriation.

Gage at the Lifton pumping plant of Utah Power and Light 3.5 miles east of St Charles

20. Do you intend to install additional gaging stations? Describe the location.

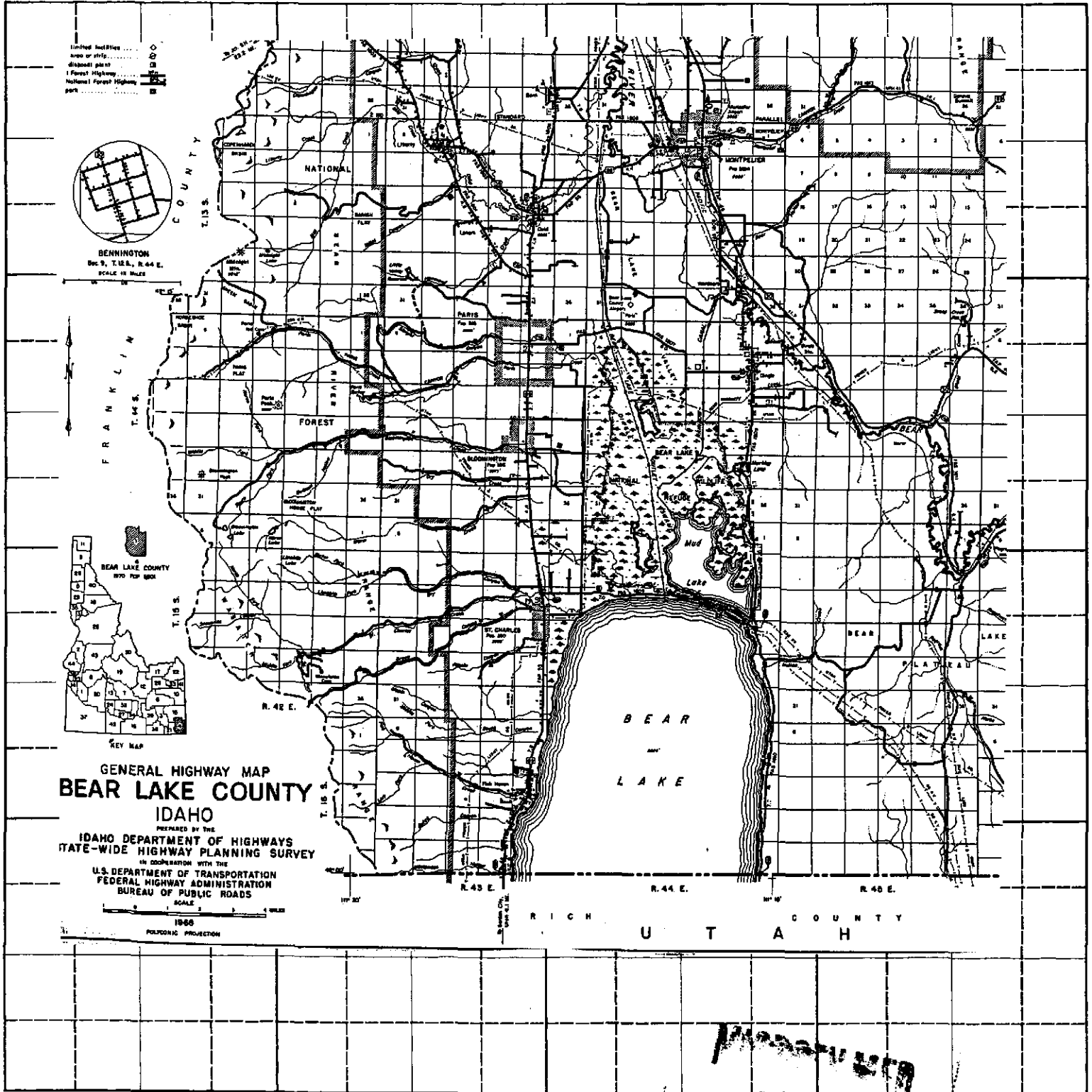
No.

21. List any additional remarks related to this minimum stream flow application.

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13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

F. Don O'Connell
(Applicant)

OCT 19 1994

[Illegible stamp]

e. Other:

- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by KB Date 6-11-93 Time 9:01
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by KB Date 9-16-93 Published in Statewide
Publication approved _____ Date _____

[Signature]

Applic. 11-07406 Supplement sheet

3. Point of Diversion - T15S R44E Sect. 16, SW1/4

12. Place of Use - (in Remarks) Ranging from
T15S R44E, Sections 14, 15, 16, 17 & 18 on South
to T16S R44E, Sections 25 thru 30. AKA
that portion of Bear Lake within the State of
Idaho. Purposes: Minimum Lake Level

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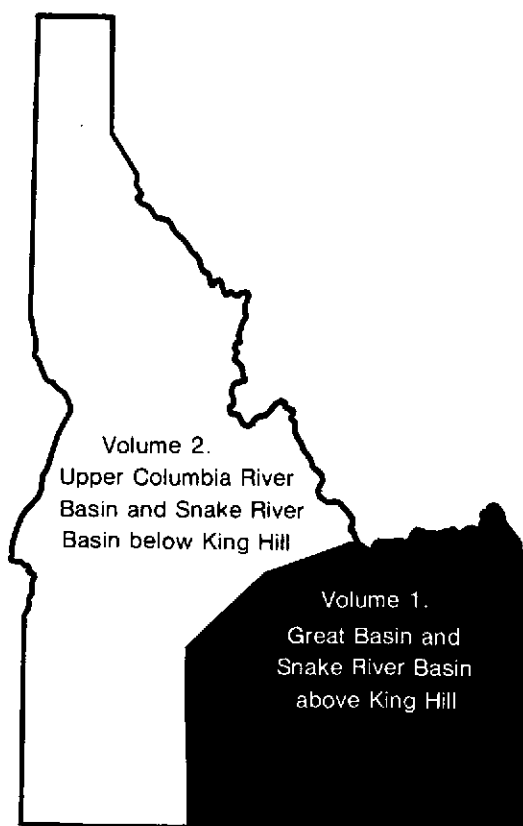
10-19-94

What volume equivalent to lake
level = 4,479,000



Water Resources Data Idaho Water Year 1991

Volume 1. Great Basin and Snake River Basin above King Hill



U.S. GEOLOGICAL SURVEY WATER-DATA REPORT ID-91-1
Prepared in cooperation with the State of Idaho
and with other agencies

OCT 19 1994

BEAR RIVER BASIN

10055500 BEAR LAKE AT LIFTON, NEAR ST. CHARLES, ID

LOCATION.--Lat 42°07'16", long 111°18'52", in NE¹/₄ sec.16, T.15 S., R.44 E., Bear Lake County, Hydrologic Unit 16010201, in Lifton pumping plant of Utah Power & Light Co., 3.5 mi east of St. Charles.

DRAINAGE AREA.--435 mi², approximately (does not include Mud Lake drainage).

PERIOD OF RECORD.--October 1903 to June 1906, elevations only, published as "at Fish Haven," January 1921 to current year. Monthly contents only January 1921 to September 1945, published in WSP 1314.

GAGE.--Water-stage recorder. Elevation of gage is 5,900 ft Utah Power & Light Co. datum.

REMARKS.--Outflow regulated by gates and pumps at the north end of Bear Lake and by gates in dike at north end of Mud Lake, a shallow interconnected lake. Principal inflow to Bear Lake is from Bear River through Rainbow Inlet Canal (station 10046000) and Dingle Inlet Canals into Mud Lake, from which the inflow can enter into Bear Lake either through the pumping plant or an opening in the dividing causeway. The inflow can be routed directly into the Outlet Canal (station 10059500). Usable capacity of Bear Lake is 1,421,000 acre-ft between elevation 5,902.00 ft, lower limit of pumps, and 5,923.65 ft, upper limit of storage with existing facilities. Water is used for irrigation and power development. Figures herein given represent usable contents.

COOPERATION.--Records provided by Utah Power & Light Co., under general supervision of Geological Survey, in connection with a Federal Energy Regulatory Commission project.

EXTREMES FOR PERIOD OF RECORD.--Maximum contents, 1,423,000 acre-ft June 10, 1923, elevation, 5,923.68 ft; no usable contents Nov. 9-19, 1935.

EXTREMES FOR CURRENT YEAR.--Maximum contents, 623,000 acre-ft June 17-20, elevation, 5,912.02 ft; minimum, 442,000 acre-ft Sept. 29, 30, elevation, 5,909.21 ft.

Capacity table (elevation, in feet, and usable contents, in acre-feet)

5,905	179,500	5,912	621,800
5,910	492,300	5,913	687,500
5,911	556,800		

RESERVOIR STORAGE, IN THOUSANDS OF ACRE FEET, WATER YEAR OCTOBER 1990 TO SEPTEMBER 1991
DAILY INSTANTANEOUS VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	501	479	479	479	494	505	518	530	559	587	512	451
2	500	479	479	480	494	505	518	530	561	583	508	449
3	499	479	479	481	495	505	518	530	564	581	506	448
4	499	479	479	481	496	505	518	530	567	579	504	448
5	497	479	479	482	496	506	519	530	571	576	502	446
6	496	479	479	483	497	506	519	530	576	574	499	446
7	496	479	479	483	497	506	519	531	579	571	496	446
8	495	479	479	484	497	506	519	532	586	570	494	445
9	494	479	479	485	498	506	520	533	592	566	494	445
10	492	479	479	485	498	507	520	535	597	563	491	445
11	491	479	479	486	498	508	520	537	602	563	489	445
12	489	479	479	487	499	508	521	539	607	560	487	445
13	488	479	479	488	500	508	522	542	612	557	487	445
14	486	479	479	488	500	509	523	544	615	555	485	445
15	485	479	479	488	500	510	524	544	619	555	483	445
16	485	479	479	489	500	510	524	545	622	554	481	446
17	484	479	479	490	500	511	524	546	623	554	478	446
18	483	479	479	490	501	512	525	546	623	550	476	446
19	483	479	479	490	501	512	526	546	623	547	474	446
20	482	479	479	491	501	512	526	547	623	545	472	445
21	482	479	479	491	501	513	528	547	622	543	470	445
22	482	479	479	491	502	514	529	547	621	540	468	445
23	481	479	479	491	502	514	529	547	619	537	466	444
24	481	479	479	491	502	515	530	548	618	534	463	444
25	481	479	479	492	502	515	530	548	615	532	460	444
26	481	479	479	492	503	515	530	548	609	528	458	443
27	480	479	479	492	503	516	530	549	604	525	456	443
28	480	479	479	492	504	517	530	551	599	522	456	442
29	480	479	479	493	---	517	530	553	595	519	455	442
30	479	480	479	493	---	517	530	554	591	516	454	442
31	479	---	479	494	---	518	---	556	---	514	452	---
MAX	501	480	479	494	504	518	530	556	623	587	512	451
MIN	479	479	479	479	494	505	518	530	559	514	452	442
†	5909.80	5909.81	5909.80	5910.02	5910.18	5910.40	5910.59	5910.99	5911.52	5910.34	5909.37	5909.21
‡	-24	+1	-1	+15	+10	+14	+12	+26	+35	-77	-62	-10

CAL YR 1990.....‡ -236

WTR YR 1991.....‡ -61

† Elevation, in feet, at end of month.

‡ Change in contents, in thousands of acre-feet.

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BEAR RIVER BASIN

10059500 BEAR LAKE OUTLET CANAL NEAR PARIS, ID

LOCATION.--Lat 42°13'00", long 111°20'35", in SW¹/₄NW¹/₄SW¹/₄ sec.8, T.14 S., R.44 E., Bear Lake County, Hydrologic Unit 16010201, on right bank 2,000 ft downstream from headgates (at dike) and 3 mi southeast of Paris.

PERIOD OF RECORD.--January 1922 to current year. Monthly discharge only January 1922 to September 1945, published in WSP 1314.

GAGE.--Water-stage recorder. Datum of gage is 5,912.6 ft above National Geodetic Vertical Datum of 1929, unadjusted.

REMARKS.--Records fair except for estimated daily discharges, which are poor. Flow regulated by Bear Lake (station 10055500).

COOPERATION.--Records collected by Utah Power & Light Co., under general supervision of Geological Survey, in connection with a Federal Energy Regulatory Commission project.

AVERAGE DISCHARGE.--69 years, 417 ft³/s, 302,100 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.--Maximum daily discharge, 3,080 ft³/s June 19-21, 1986; minimum daily, 1.0 ft³/s for many days in 1937, 1954, 1959, 1961, 1964, 1977-78.

EXTREMES FOR CURRENT YEAR.--Maximum daily discharge, 1,430 ft³/s July 1; minimum daily, 5.0 ft³/s many days Sept. 14-30.

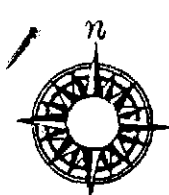
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1990 TO SEPTEMBER 1991
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	e145	e14	e14	e14	e14	e17	e17	e17	e18	1430	920	563
2	e45	e14	e14	e14	e14	e17	e17	e17	e18	1420	922	490
3	e45	e14	e14	e14	e14	e17	e17	e17	e18	1350	925	481
4	e45	e14	e14	e14	e14	e17	e17	e17	e18	1340	921	331
5	e45	e14	e14	e14	e14	e17	e17	e17	e18	1320	921	319
6	e45	e14	e14	e14	e14	e17	e17	e17	e18	1310	921	241
7	e45	e14	e14	e14	e17	e17	e17	e17	e18	1310	917	232
8	e45	e14	e14	e14	e17	e17	e17	e17	e18	1310	909	234
9	e45	e14	e14	e14	e17	e17	e17	e17	e18	1380	819	233
10	e45	e14	e14	e14	e17	e17	e17	e17	e18	1400	803	232
11	e14	e14	e14	e14	e17	e17	e17	e17	e18	1400	797	104
12	e14	e14	e14	e14	e17	e17	e17	e17	e18	1400	801	80
13	e14	e14	e14	e14	e17	e17	e17	e17	e18	1390	797	10
14	e14	e14	e14	e14	e17	e17	e17	e17	e18	1320	805	5.0
15	e14	e14	e14	e14	e17	e17	e17	e18	e18	1180	806	5.0
16	e14	e14	e14	e14	e17	e17	e17	e18	e18	1080	811	5.0
17	e14	e14	e14	e14	e17	e17	e17	e18	e18	1100	817	5.0
18	e14	e14	e14	e14	e17	e17	e17	e18	e18	1180	820	5.0
19	e14	e14	e14	e14	e17	e17	e17	e18	e18	1230	840	5.0
20	e14	e14	e14	e14	e17	e17	e17	e18	e18	1240	835	5.0
21	e14	e14	e14	e14	e17	e17	e17	e18	543	1250	821	5.0
22	e14	e14	e14	e14	e17	e17	e17	e18	576	1170	743	5.0
23	e14	e14	e14	e14	e17	e17	e17	e18	573	1080	677	5.0
24	e14	e14	e14	e14	e17	e17	e17	e18	754	1060	686	5.0
25	e14	e14	e14	e14	e17	e17	e17	e18	995	1060	703	5.0
26	e14	e14	e14	e14	e17	e17	e17	e18	1250	1060	676	5.0
27	e14	e14	e14	e14	e17	e17	e17	e18	1310	1060	588	5.0
28	e14	e14	e14	e14	e17	e17	e17	e18	1340	1060	592	5.0
29	e14	e14	e14	e14	---	e17	e17	e18	1380	992	593	5.0
30	e14	e14	e14	e14	---	e17	e17	e18	1400	933	592	5.0
31	e14	---	e14	e14	---	e17	---	e18	---	921	592	---
TOTAL	744	420	434	434	458	527	510	544	10481	37736	24370	3635.0
MEAN	24.0	14.0	14.0	14.0	16.4	17.0	17.0	17.5	349	1217	786	121
MAX	45	14	14	14	17	17	17	18	1400	1430	925	563
MIN	14	14	14	14	14	17	17	17	18	921	588	5.0
AC-FT	1480	833	861	861	908	1050	1010	1080	20790	74850	48340	7210

CAL YR 1990 TOTAL 108066.7 MEAN 296 MAX 1450 MIN 3.1 AC-FT 214400
WTR YR 1991 TOTAL 80293.0 MEAN 220 MAX 1430 MIN 5.0 AC-FT 159300

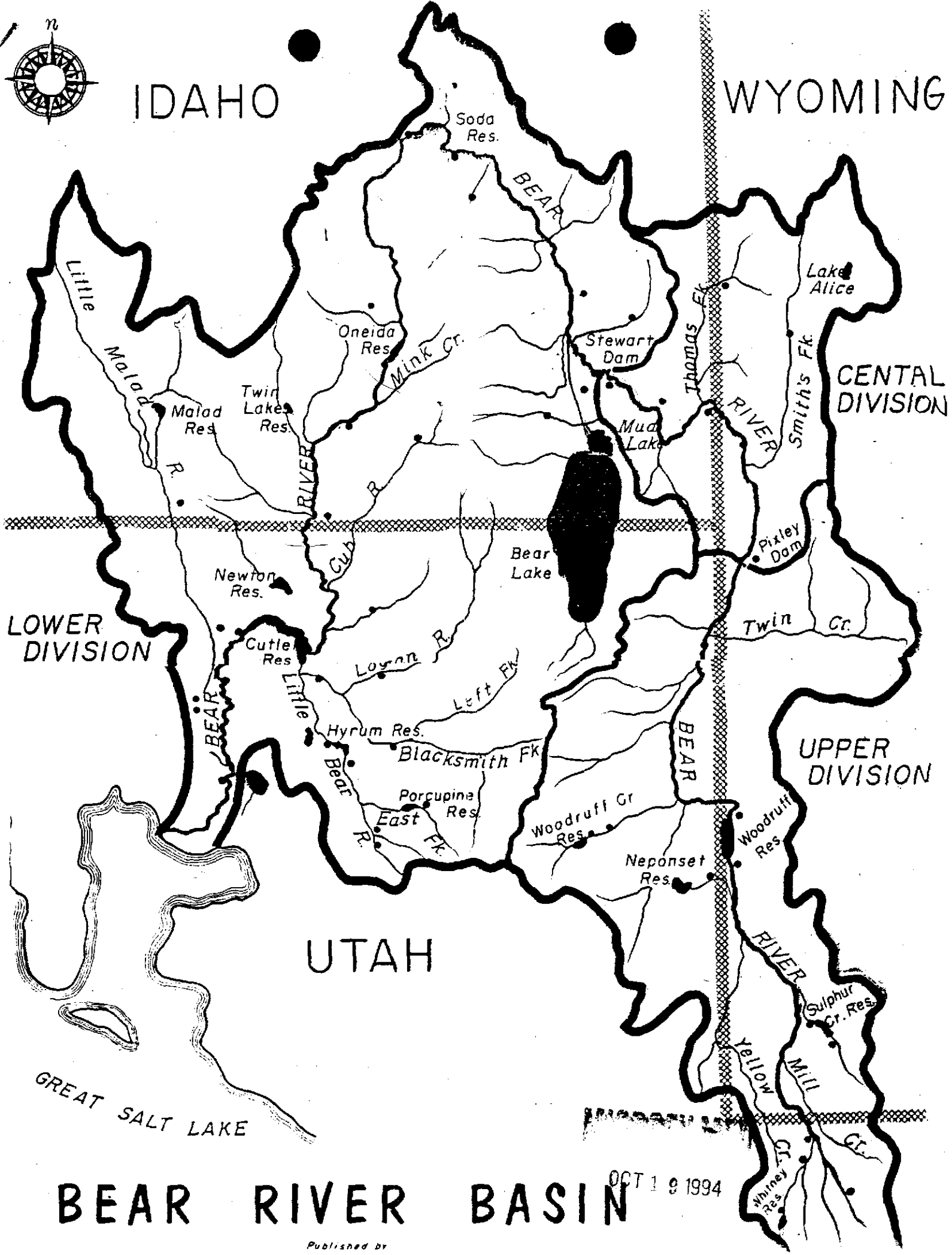
e Estimated

OCT 19 1994



IDAHO

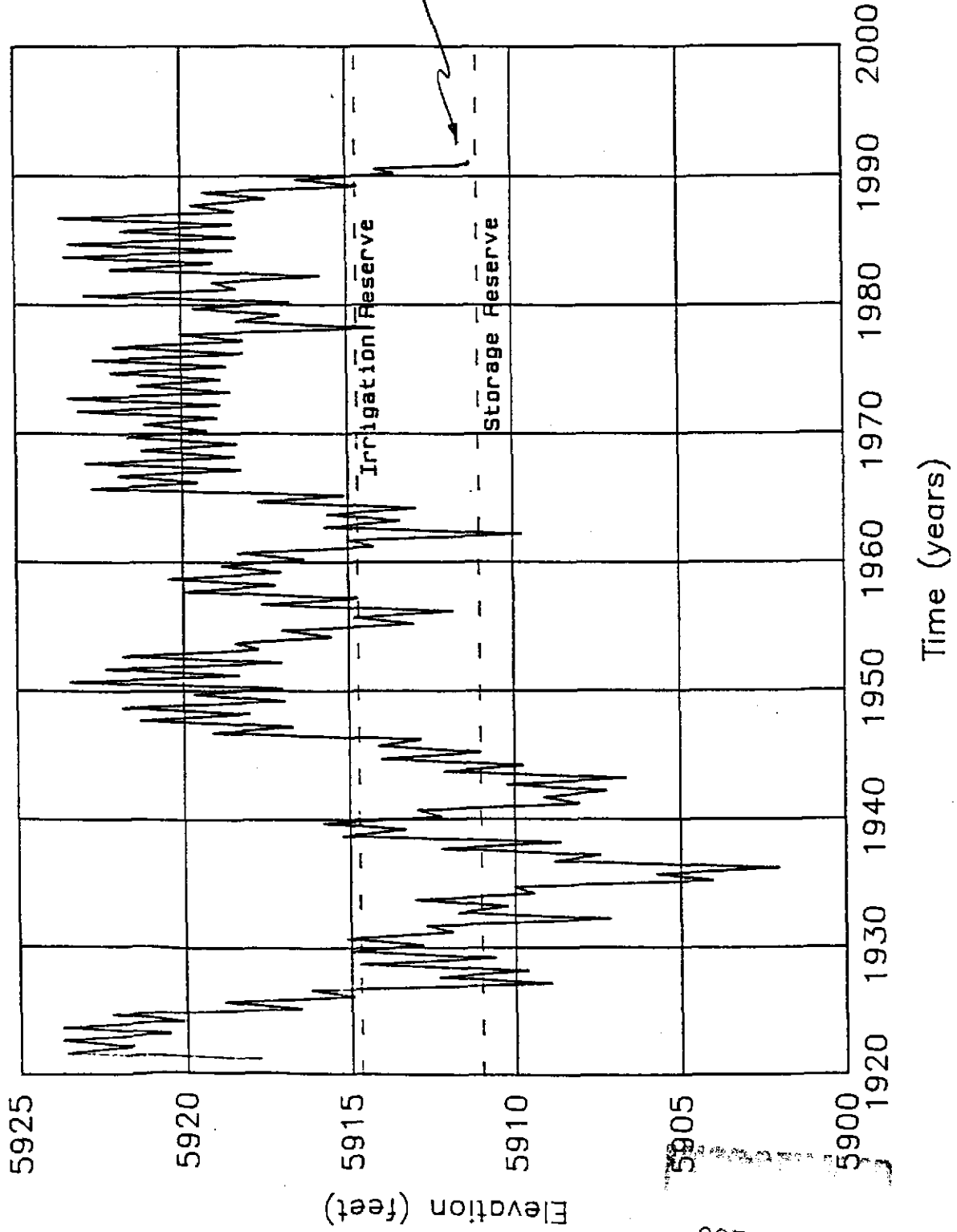
WYOMING



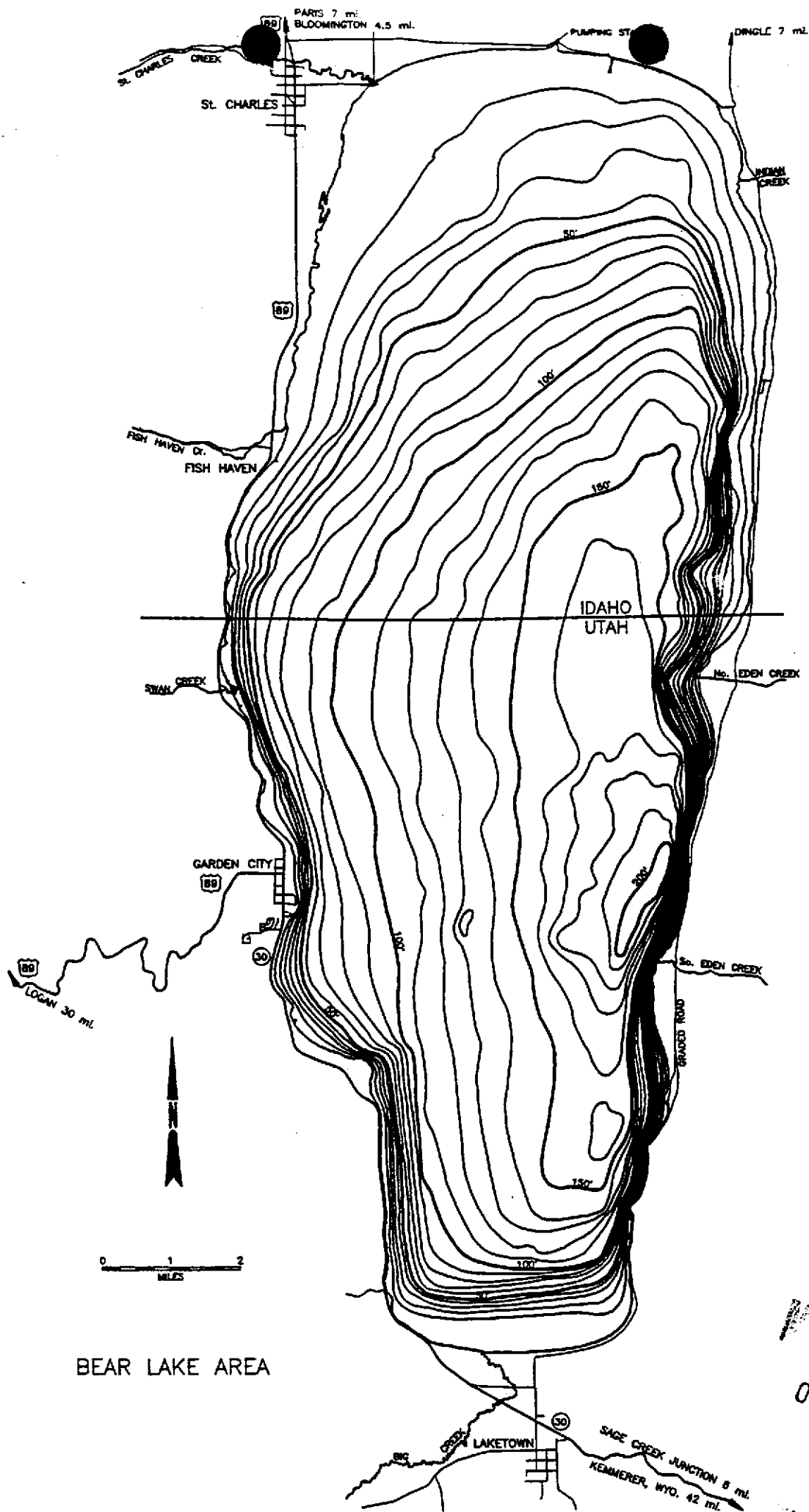
BEAR RIVER BASIN

OCT 19 1994

HISTORICAL BEAR LAKE HYDROGRAPH



OCT 19 1994



BEAR LAKE AREA

OCT 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1995

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

RE: WATER RIGHT NO. 11-07406

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

SEP 13 1995

LICENSING REVIEW
MINIMUM STREAM FLOW - Lake Level Maint.

RIGHT NO. 11-07406

Proof of beneficial use rec'd 6/6/94

Was flow data submittal a requirement
with proof submittal? Yes No ✓

If yes, has data been reviewed and a determination
made that minimum flow is capable of being
maintained? Yes No N/A

Data submitted fully complies with permit condition
(i.e. # of years of flow data sufficient) N/A

Data Entry for License:

Name Standardized
Total cfs & div. capacity listed as highest flow
P/D(s) beginning and ending descriptions listed
Use flows defined for entire year
P/U left blank (description in remarks)
Remarks/non-standard conditions
 Non-consumptive
 Watermaster control
 Jurisdiction retains to amend
 Description of reach(es)
 All other applicable permit conditions
 carried forward

✓
LLM N/A
✓ outlet (remark)
remark LLM
✓
✓
LLM ✓
✓

Comments/adjustments _____

Printed license hand-edited _____

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 11-07406 Reviewed by Jy Date 11-15-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

minimum flow
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

no Required?
/ Amount Submitted
/ Correct?

MEASURING DEVICE

no Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 6-6-94

November 16, 1994

IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07406

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

NOV 28 1994

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 129

BY RESOURCES AND ENVIRONMENT COMMITTEE

1 A CONCURRENT RESOLUTION
2 APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM LAKE LEVEL.

3 Be It Resolved by the Legislature of the State of Idaho:

4 WHEREAS, the Idaho Water Resource Board may apply for a permit to appro-
5 priate unappropriated waters of a stream to establish a minimum lake level;
6 and

7 WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved
8 application shall not become finally effective until acted upon by the Legis-
9 lature, except that if the Legislature fails to act prior to the end of the
10 regular session to which the application was submitted, the application shall
11 be considered approved; and

12 WHEREAS, the Director of the Department of Water Resources approved Appli-
13 cation for Permit No. 11-07406 on November 10, 1993, by issuing a Final Memo-
14 randum Decision and Order authorizing the appropriation of a minimum lake
15 level in Bear Lake, elevation of 5902 feet above mean sea level, based on Utah
16 Power and Light Company's datum from January 1 through December 31. Bear Lake
17 is located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake
18 County.

19 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
20 sion of the Fifty-second Idaho Legislature, the Senate and the House of Repre-
21 sentatives concurring therein, that the same is hereby approved subject to the
22 conditions and limitations contained in the Final Memorandum Decision and
23 Order, dated November 10, 1993.

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OCT 19 1994

MINIMUM LAKE LEVEL
Fact Sheet

Permit to Appropriate Water No. 11-07406

Source: Bear Lake

Applicant: Idaho Water Resource Board

Requesting Agency: Bear Lake County Commission

Date Application Filed: May 13, 1993

Lake Level: Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

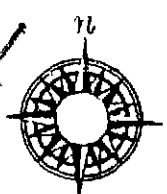
Purpose: Recreation, aesthetics, and fish and wildlife habitat.

Unique Facts:

- Bear Lake has been used for about 80 years as a storage reservoir. The entire flow of Bear River is diverted to the lake for storage. The maximum storage elevation is 5923.65 feet. When the lake is at low elevations it is necessary to pump the water back into the river. The pumps can draw the lake down to elevation 5902 feet. At this low level there are many impacts on recreation, aesthetics, water quality and fisheries. To protect the lake against any future efforts to pump it lower than 5902 feet the Board filed on a protected minimum lake level at that elevation.

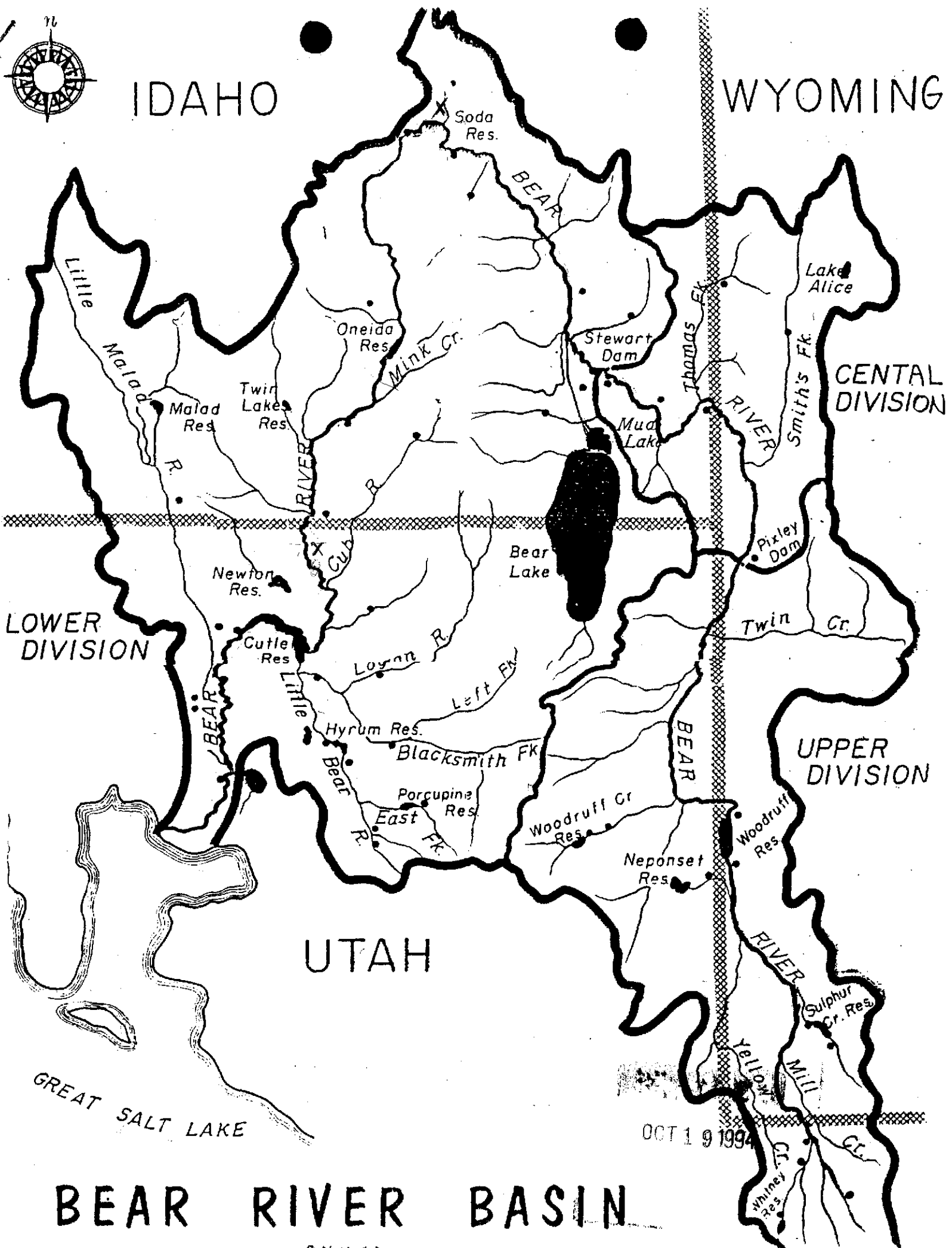
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IDAHO

WYOMING



LOWER
DIVISION

CENTRAL
DIVISION

UPPER
DIVISION

UTAH

GREAT SALT LAKE

BEAR RIVER BASIN

OCT 19 1994

Published by

MINIMUM LAKE LEVEL
Fact Sheet

Permit to Appropriate Water No. 11-07406

Source: Bear Lake

Applicant: Idaho Water Resource Board

Requesting Agency: Bear Lake County Commission

Date Application Filed: May 13, 1993

Lake Level: Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

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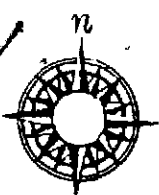
Purpose: Recreation, aesthetics, and fish and wildlife habitat.

Unique Facts:

- Bear Lake has been used for about 80 years as a storage reservoir. The entire flow of Bear River is diverted to the lake for storage. The maximum storage elevation is 5923.65 feet. When the lake is at low elevations it is necessary to pump the water back into the river. The pumps can draw the lake down to elevation 5902 feet. At this low level there are many impacts on recreation, aesthetics, water quality and fisheries. To protect the lake against any future efforts to pump it lower than 5902 feet the Board filed on a protected minimum lake level at that elevation.

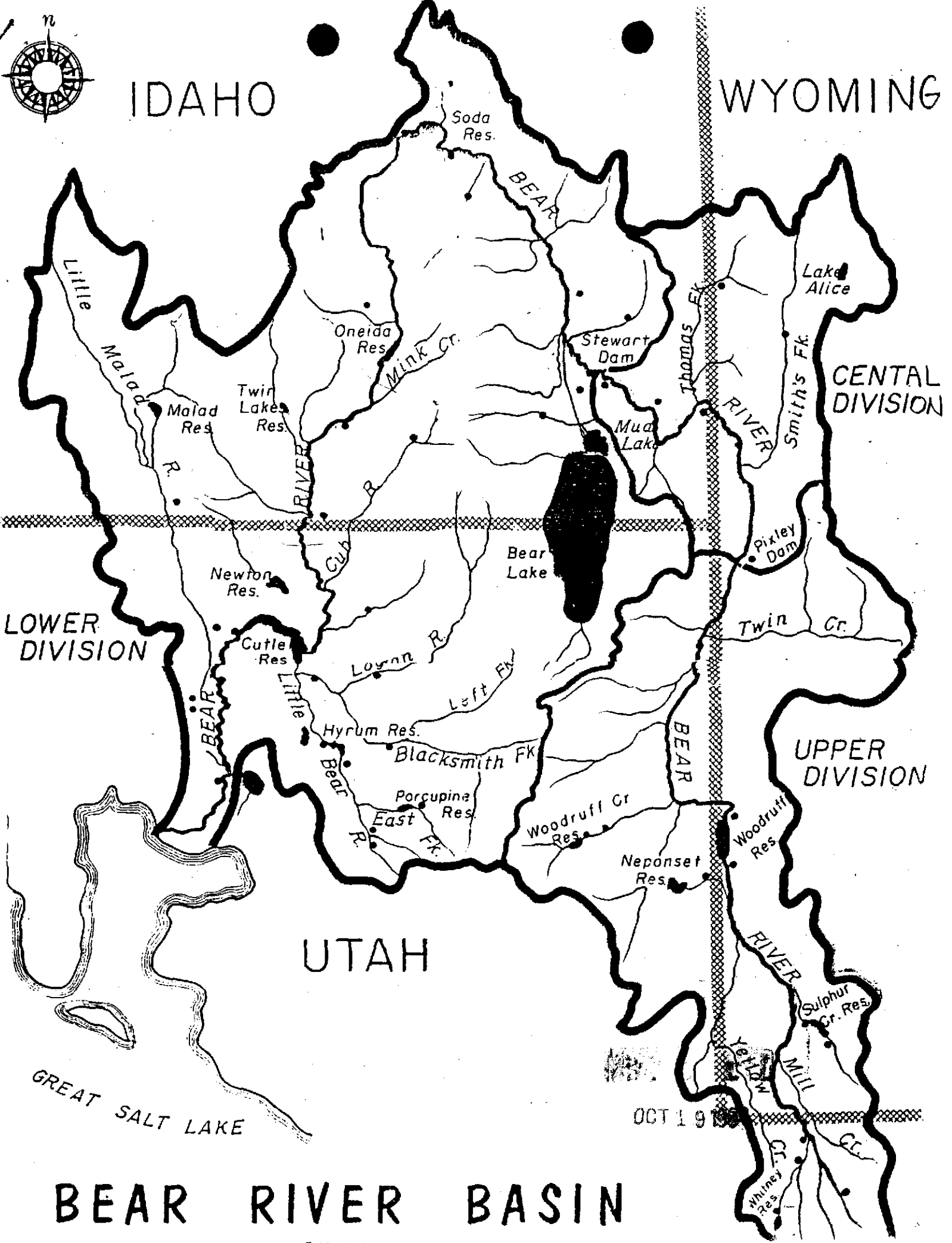
MAINTENANCE

OCT 19 1994



IDAHO

WYOMING



BEAR RIVER BASIN

Published by

THE STATE OF IDAHO

SECOND REGULAR SESSION - 1994

A CONCURRENT RESOLUTION

APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM LAKE LEVEL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of a stream to establish a minimum lake level; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, the Director of the Department of Water Resources approved Application for Permit No. 11-07406 on November 10, 1993, by issuing a Final Memorandum Decision and Order authorizing the appropriation of a minimum lake level in Bear Lake, elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31. Bear Lake is located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

NOW THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the 52nd Idaho State Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Final Memorandum Decision and Order, dated November 10, 1993.

RECEIVED

OCT 19 1994

MINIMUM LAKE LEVEL
Fact Sheet

Permit to Appropriate Water No. 11-07406

Source: Bear Lake

Applicant: Idaho Water Resource Board

Requesting Agency: Bear Lake County Commission

Date Application Filed: May 13, 1993

Lake Level: Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

Purpose: Recreation, aesthetics, and fish and wildlife habitat.

Unique Facts:

- Bear Lake has been used for about 80 years as a storage reservoir. The entire flow of Bear River is diverted to the lake for storage. The maximum storage elevation is 5923.65 feet. When the lake is at low elevations it is necessary to pump the water back into the river. The pumps can draw the lake down to elevation 5902 feet. At this low level there are many impacts on recreation, aesthetics, water quality and fisheries. To protect the lake against any future efforts to pump it lower than 5902 feet the Board filed on a protected minimum lake level at that elevation.

OCT 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 15, 1993

Re: In the matter of application for permit no. 11-07406 in the name of Idaho Water Resource Board

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order

OCT 19 1994

unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau



OCT 19 1994



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND RECREATION

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Courtland Nelson
Division Director

Bear Lake State Park
PO Box 184
Garden City, Utah 84028-0184
801-946-3343

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OCT 25 1993

Department of Water Resources

October 20, 1993

Keith Higginson
Department of Water Resources
1301 North Orchard
Boise, ID 83720

Dear Mr. Higginson:

I would like to take this opportunity to express support for the establishing of a minimum lake level on Bear Lake. I feel that the historic low level of 5902 would be a good level to establish as this minimum level. This would allow use of the reservoir portion of Bear Lake (5923.5 to 5902) for irrigation and generation of power, leaving the natural lake (below 5902) for recreation and wildlife uses.

This fall the Utah Division of Park & Recreation will begin expansion of the marina at the Garden City location. This expansion project will cost approximately 2.5 million dollars. When completed, the marina will be usable for power and sail boats alike, as long as the lake doesn't drop below 5902. With that in mind, protection of the water below this level is critical to the success of this project.

Once again I applaud the Bear Lake County Commission and Water Resource Board in Idaho and hope Utah soon catches the vision of this great endeavor.

Sincerely yours,

Eldon Robinson
Park Manager
Bear Lake State Park

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OCT 14 1993

Department of Water Resources
Eastern District Office

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

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OCT 20 1993

Department of Water Resources

LEGAL ADVERTISING INVOICE

Amount Due

95.40

Account Number 100564		Identification NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL/BEAR LAKE	
Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates September 16, 23, 1993
State of Idaho Department of Water Resources 900 N. Skyline Drive Idaho Falls, Idaho 83402-1718		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 5874

LEGAL NOTICES

LEGAL NOTICE NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake
Application No: 11-07406
Proposed Priority: May 13, 1993
Minimum Lake Level and Period of Use:

Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Purpose of Minimum Flow: Recreation, aesthetics, and fish and wildlife habitat.

Place of Use: Bear Lake, located in T15S, R43E, T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mall, 1301

LEGAL NOTICES

North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON,
Director
IDAHO DEPT OF WATER
RESOURCES
Pub. September 16, 23, 1993 5874

That she is the Principal Clerk of The newspaper printed and published at Boise, o, and having a general circulation therein or has been continuously and uninterruptedly during a period of twelve consecutive publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 16, 19 93

and ending with the issue of SEPTEMBER 23, 19 93

Donna M. Calhoun

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12th day of October in the year of 1993, before me, a Notary Public, personally appeared Donna M. Calhoun, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Donna M. Calhoun
Notary Public for Idaho

Residing at Boise, ID

My commission expires: 11-27-93

OCT 19 1994

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OCT 14 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

RECEIVED

OCT 20 1993

Department of Water Resources

Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due

95.40

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Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates September 16, 23, 1993
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		# Affidavits 1	Legal Number 5874

LEGAL NOTICE

Period of
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in, or understand the hearing,
please advise the Department with-
in fourteen (14) days prior to the
hearing.

Any party who wishes to formally
appear in the proceeding for the
purpose of presenting evidence or
cross examining witnesses should
file a notice of appearance with the
Director of the Department of Water
Resources, Statehouse Mall, 1301

DONNA M. CALHOUN

, being duly
sworn, deposes and says: That she is the Principal Clerk of The
Idaho Statesman, a daily newspaper printed and published at Boise,
Ada County, State of Idaho, and having a general circulation therein
and which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive
months prior to the first publication of the notice, a copy of which is
attached hereto; that said notice was published in The Idaho
Statesman in conformity with Section 60-108, Idaho Code as
amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 16, 1993

and ending with the issue of SEPTEMBER 23, 1993

Donna M. Calhoun

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12th day of October in the year of
1993, before me, a Notary Public, personally appeared
Donna M. Calhoun, known or identified to
me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

John Lee
Notary Public for Idaho

Residing at Boise, ID

My commission expires: 11-27-93

OCT 19 1994

HEARING: BEAR LAKE MINIMUM LEVELDATE: OCT 14, 1993LOCATION: PARIS, IDCheck if
wish to
testify

Name	Address	Representing	Check if wish to testify
~~W. Holbrook~~	~~St. Charles ID~~	~~UP E L Co~~	
Judy Holbrook	Fish Haven, ID	Bear Lake Reg. Comm.	
Scott Johnson	1407 W. No Temple St. C, Utah	Utah Power & Light	✓
Jim Kimball	Box 195 St Charles ID	Lake side resident	✓
	Grace Rd 83241		
Max Regity	2055 Last Chance Ln	Caribou Co.	
ALLEN HARRISON	2827 U.S. 89 Fish Haven	BEAR LAKE REG. COMM.	✓
Lisa Johnson	PROX 186 Cokeville Wy	Wyo State Eng.	
David Styer	275 N 1000 E, Tremonton	Bear River Canal	
Richard Copener	15800 N 5200 W Riverside UT	" "	
FRANK O. NISHIGUCHI	102 EAST FOREST BRIGHAM CITY	BEAR RIVER WATER CANAL	✓
KIYO AOKI	7395 N 2800 N HONEYVILLE UT	BEAR RIVER CANAL	
Charles Holmgren	10 Box 177 Bear River UT	Bear River Canal	
Rod Wellenre	105 E 2nd N Paris	BR CC	
Evelyn Langford	Box 386 Montpelier Idaho	Love Bear Lake	✓
Barbara Grandy	4402 N. 5th St. Montpelier, Id.	Love Bear Lake	✓
Nedra Secrist	222 East 16th South Brigham City, UT 84302		
	4143 EAST SHORE ROAD		
DONALD G. SECRIST	P.O. Box 55 St Charles, Idaho	SANDS II	✓
KIK R. RILEY	P.O. Box 297, Paris, ID 83241	ID Dept. of Public Works	✓

OCT 19 1994

HEARING:

DATE:

LOCATION:

Check if
wish to
testify

OCT 19 1994

**PACIFICORP'S POSITION STATEMENT
IDAHO WATER RESOURCE BOARD APPLICATION
TO ESTABLISH A MINIMUM BEAR LAKE LEVEL**

PacifiCorp, doing business as Utah Power, has operated the Bear Lake-Bear River system since the early 1900's. During the early part of this century, the system was operated primarily for irrigation and power production. The Dietrich and Kimball decrees of the early 1920's granted Utah Power the exclusive right to divert and store Bear River water in Bear Lake and to release such stored water for irrigation and power production below Bear Lake. After the Bear River Compact was enacted in 1958, Utah Power modified its operation to reflect recreation, flood control and fish and wildlife concerns within the Bear Lake-Bear River system.

The lake has fluctuated from a low of 5902.0 feet (UP&L datum) to 5923.65 feet since the early 1900's. The 5902.0 level occurred only once at the end of the drought of the 1930's. Since that time the lake has experienced two severe drought cycles, the early 1960's and the 1987-1992 drought. The lake dropped to 5905.4 feet by November 1992 as a result of the recent drought. The 5902 elevation represents the practical lower limit of PacifiCorp's physical ability to pump water from Bear Lake.

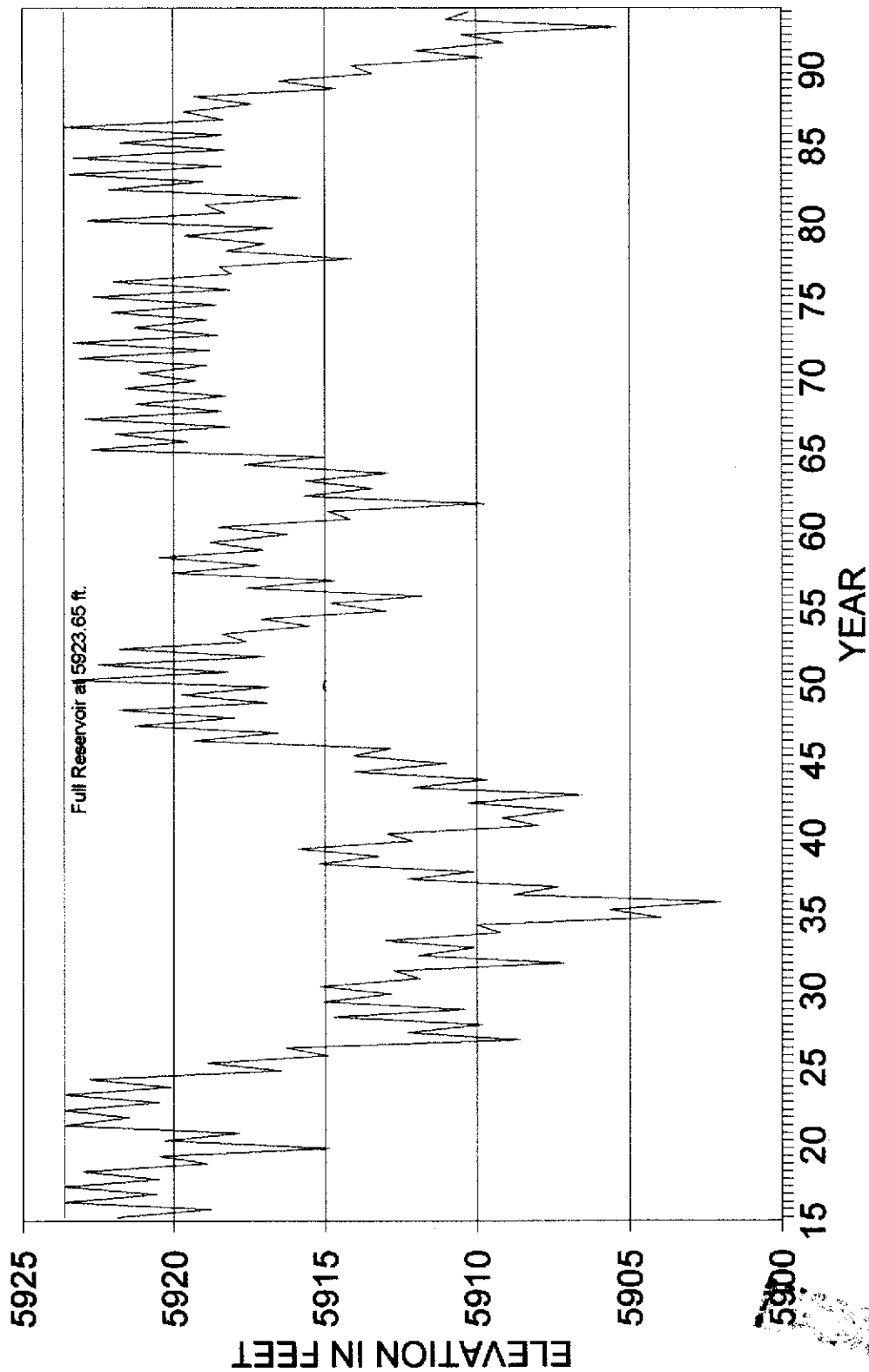
PacifiCorp will not object to the establishment of a minimum lake level at Bear Lake provided that the level is 5902.0 feet or lower. PacifiCorp would strongly object to a minimum lake level higher than 5902 because any higher level established would, in effect, be a taking of PacifiCorp's water rights and would severely interfere with PacifiCorp's delivery of Bear Lake storage water to contracted downstream irrigators.

OCT 19 1994

PACIFICORP
EXHIBIT
#1

BEAR LAKE ELEVATION

FROM 1916 TO 1993



OCT 19 1994



IDAHO FISH & GAME

REGION 5

1345 Barton Road
Pocatello, ID 83204-1847
(208) 232-4703

Idaho Department of Water Resources hearing on petition for minimum lake level at Bear Lake, October 14, 1993

Comments by the Idaho Department of Fish and Game relative to Bear Lake County's petition for a minimum lake level establishment at Bear Lake.

The Idaho Department of Fish and Game supports Bear Lake County's minimum lake level petition. Establishment of a 5902 feet minimum level, will prevent fishery conditions from deteriorating further. The fishery resource suffers now from low lake levels and the natural spawning population of Bear Lake cutthroat trout could easily be driven to extinction if the lake was drawn down further.

As the Department's fishery manager for southeast Idaho I am responsible for the protection, preservation and perpetuation of Idaho's fishery resources. I have had 10 years' experience with the Department in both research and management positions and three year's experience with the Bear Lake fishery. Most of my emphasis at Bear Lake has been on restoring the native Bear Lake cutthroat trout population which is at a very low level now. Bear Lake cutthroat suffer from many problems, the most critical of which are the lowering of Bear Lake to critically low levels and the effects of irrigation on spawning tributaries. Lake levels of 5913 and lower which we have experienced since 1990 prevent cutthroat trout from entering St. Charles Creek to spawn. Only in 1992 did a significant number (82) of spawners successfully enter St. Charles Creek. This limited success was due to a combination of excavating a narrow channel at the lower end of St. Charles Creek, and to a late irrigation season which left natural flows in St. Charles Creek and kept the lake rising rather than falling during the spawning migration season of mid-April through mid-June.

The natural full lake level is at 5923.65 feet elevation. Without the influence of irrigation, Bear Lake would not be expected to recede below 5917 feet, even in drought years. When the lake is drawn down to below 5916, much of the northwest section of the lake is dewatered, leaving a wide, flat expanse of sand. As St. Charles Creek passes across this sand bar, the stream braids, becoming

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



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OCT 19 1993

extremely wide and shallow, and thus impassible for migrating adult cutthroat.

The Bear Lake cutthroat trout is a unique strain of the Bonneville cutthroat trout which presently being considered for listing under the Endangered Species Act. According to a recent study by the Utah Department of Natural Resources, over 90% of the cutthroat trout in Bear Lake appear to be from hatchery origin. The number of adult cutthroat spawning annually, both from hatchery and natural production dropped to very low levels during recent years, which in large part was due to extremely low lake levels. Returning the lake level to higher, more normal levels is essential for the perpetuation of the Bear Lake cutthroat.

In summary the Department of Fish and Game supports Bear Lake County's petition to assure that the surface level of Bear Lake is maintains at 5902 feet or higher. However, the fisheries resource in Bear Lake needs a level much higher than this, at least 5916 to assure long term protection of this resource. At lower levels, the only way the spawning migration can be maintained will be with constant artificial manipulation of the stream channel, and even this method may fail.

Thank you for the opportunity to comment.

Sincerely,



Richard Scully
Regional Fishery Manager

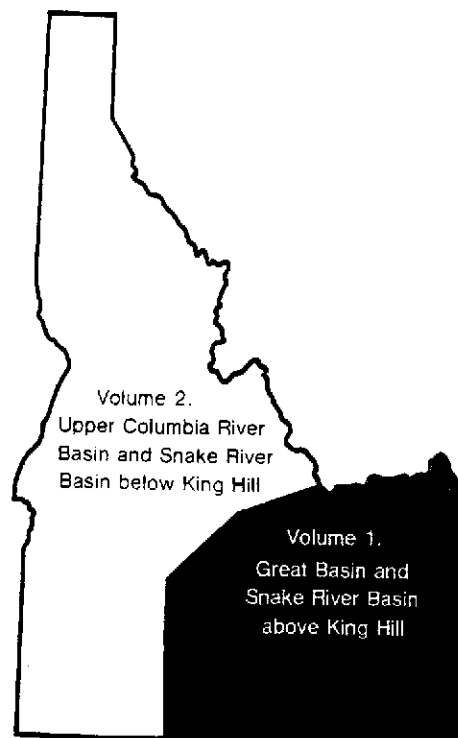
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OCT 19 1994



Water Resources Data Idaho Water Year 1992

Volume 1. Great Basin and Snake River Basin
above King Hill



U.S. GEOLOGICAL SURVEY WATER-DATA REPORT ID-92-1

Prepared in cooperation with the State of Idaho **OCT 19 1994**
and with other agencies

APPLICABLE
EXHIBIT
#4

BEAR RIVER BASIN

10055500 BEAR LAKE AT LIFTON, NEAR ST. CHARLES, ID

LOCATION.--Lat 42°07'16", long 111°18'52", in NE¹/₄ sec.16, T.15 S., R.44 E., Bear Lake County, Hydrologic Unit 16010201, in Lifton pumping plant of Utah Power & Light Co., 3.5 mi east of St. Charles.

DRAINAGE AREA.--435 mi², approximately (does not include Mud Lake drainage).

PERIOD OF RECORD.--October 1903 to June 1906, elevations only, published as "at Fish Haven," January 1921 to current year. Monthly contents only January 1921 to September 1945, published in WSP 1314.

GAGE.--Water-stage recorder. Elevation of gage is 5,900 ft Utah Power & Light Co. datum.

REMARKS.--Outflow regulated by gates and pumps at the north end of Bear Lake and by gates in dike at north end of Mud Lake, a shallow interconnected lake. Principal inflow to Bear Lake is from Bear River through Rainbow Inlet Canal (station 10046000) and Dingle Inlet Canals into Mud Lake, from which the inflow can enter into Bear Lake either through the pumping plant or an opening in the dividing causeway. The inflow can be routed directly into the Outlet Canal (station 10059500). Usable capacity of Bear Lake is 1,421,000 acre-ft between elevation 5,902.00 ft, lower limit of pumps, and 5,923.65 ft, upper limit of storage with existing facilities. Water is used for irrigation and power development. Figures herein given represent usable contents.

COOPERATION.--Records provided by Utah Power & Light Co., under general supervision of Geological Survey, in connection with a Federal Energy Regulatory Commission project.

EXTREMES FOR PERIOD OF RECORD.--Maximum contents, 1,421,000 acre-ft June 10, 1923, elevation, 5,923.68 ft; no usable contents Nov. 9-19, 1935.

EXTREMES FOR CURRENT YEAR.--Maximum contents, 524,000 acre-ft Apr. 24, 25, elevation, 5,910.50 ft; minimum, 220,000 acre-ft Sept. 30, elevation, 5,905.67 ft.

Capacity table (elevation, in feet, and usable contents, in acre-feet)

5,905	179,500	5,910	492,300
5,906	241,000	5,911	556,800

RESERVOIR STORAGE, IN THOUSANDS OF ACRE FEET, WATER YEAR OCTOBER 1991 TO SEPTEMBER 1992
DAILY INSTANTANEOUS VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	441	436	447	458	465	481	506	519	466	389	328	239
2	441	436	447	458	466	481	507	517	463	387	324	239
3	441	435	448	458	467	482	508	515	460	383	321	238
4	441	435	448	458	467	483	509	514	457	380	318	236
5	440	435	448	458	468	483	510	512	455	378	315	236
6	439	435	449	458	468	484	510	508	453	376	312	236
7	439	435	449	458	469	485	511	506	450	375	309	235
8	439	435	450	459	469	485	512	505	447	374	304	235
9	439	435	451	459	469	486	512	504	444	373	299	235
10	439	435	451	459	469	487	513	503	441	368	296	234
11	439	435	452	459	470	489	514	501	438	366	293	233
12	439	435	453	460	471	492	514	500	435	365	291	233
13	439	435	453	460	471	494	515	497	432	364	288	232
14	438	435	453	460	471	495	515	496	428	363	285	231
15	438	436	453	460	472	496	515	494	425	363	281	231
16	438	436	454	460	472	498	516	494	422	363	278	230
17	438	437	454	461	473	499	517	492	420	363	276	228
18	438	437	455	461	474	499	517	491	418	362	274	227
19	437	438	455	462	474	501	518	488	416	361	272	227
20	437	439	455	462	475	501	519	486	413	359	270	226
21	437	440	455	462	476	502	519	485	409	359	268	225
22	437	441	455	462	476	503	521	483	407	358	265	224
23	437	442	456	462	477	504	522	481	405	356	263	223
24	437	442	456	462	478	505	524	479	403	354	259	222
25	436	442	456	463	479	505	524	478	401	351	255	221
26	436	444	456	463	479	505	523	477	399	349	251	221
27	436	444	456	464	479	505	523	475	398	346	247	221
28	436	445	456	465	480	505	523	474	396	342	243	221
29	436	446	456	465	480	505	521	472	394	339	241	221
30	436	446	457	465	---	505	520	468	392	335	241	220
31	436	---	457	465	---	506	---	470	---	332	239	---
MAX	441	446	457	465	480	506	524	519	466	389	328	239
MIN	436	435	447	458	465	481	506	468	392	332	239	220
Δ	5909.12	5909.28	5909.45	5909.58	5909.81	5910.21	5910.43	5909.65	5908.43	5907.47	5905.98	5905.67
Δ	-6	+10	+11	+8	+15	+26	+14	-50	-78	-60	-93	-19

CAL YR 1991..... -22

WTR YR 1992..... -222

Δ Elevation, in feet, at end of month.
Δ Change in contents, in thousands of acre-feet.

OCT 1 9 1994

Source = BEAR LAKE Tributary =
1102128 BEAR LAKE / OUID CREEK

Number of rights= 1 Sum Diversion Rate 4.37 CPS Sum Diversion Volume 0.00 AFA

Source = BEAR LAKE	Tributary = GREAT SALT LAKE
1100933 BEAR LAKE	GREAT SALT LAKE
1100917 BEAR LAKE	GREAT SALT LAKE
1100911 BEAR LAKE	GREAT SALT LAKE

Number of rights= 3 Sum Diversion Rate 4.90 CPS Sum Diversion Volume 0.00 AFA

Source = BLOOMINGTON CREEK Tributary = BEAR LAKE

NO.	LOCATION	SEX	DATE	WEIGHT	AGE
1100238	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/00	0.800
1100241	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/02	0.300
1100225	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/89	0.480
1100226	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/89	0.800
1100217	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.100
1100218	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	1.540
1100216	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.100
1100235	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/95	1.000
1100239	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/00	2.600
1100234	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/94	1.400
1100233	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	0.700
1100236	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/95	0.640
1104288	BLOOMINGTON CREEK	BEAR LAKE	S	05/01/90	0.600
1100208	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/64	13.600
1100219	BLOOMINGTON CREEK	BEAR LAKE	D	07/25/23	0.460
1100210	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/77	4.800
1100220	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/80	3.500
1100212	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.140
1100232	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	1.500
1100221	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	0.800
1100213	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.120
1100222	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/80	0.960
1100214	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.240
1100223	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	0.440
1100240	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/02	0.800
1100224	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/89	0.380
1100244	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/08	5.000
1100243	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/05	0.060
1100211	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.380
1100242	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/02	0.100
1100231	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	0.800
1100237	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/00	5.000
1100209	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/66	18.800

see top
p. 3

APPLICANTS
EXHIBIT
#3

Page No. 2 Summary of Water Rights with Source or Tributary = Bear Lake or Bear Lake Outlet
10/12/93

1100215	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/68	0.100	0.00
1100227	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/89	0.140	0.00
1100228	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	0.940	0.00
1100229	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	1.200	0.00
1100230	BLOOMINGTON CREEK	BEAR LAKE	D	05/01/90	2.000	0.00

Number of rights= 38 Sum Diversion Rate 73.72 CFS Sum Diversion Volume 0.00 AFA

Source = CENTER CREEK		Tributary = BEAR LAKE				
1100212	CENTER CREEK	BEAR LAKE	D	05/01/68	0.140	0.00
1100213	CENTER CREEK	BEAR LAKE	D	05/01/68	0.120	0.00
1100211	CENTER CREEK	BEAR LAKE	D	05/01/68	0.380	0.00
1100216	CENTER CREEK	BEAR LAKE	D	05/01/68	0.100	0.00

Number of rights= 4 Sum Diversion Rate 0.74 CFS Sum Diversion Volume 0.00 AFA

Source = FISH HAVEN CREEK		Tributary = BEAR LAKE				
1104022	FISH HAVEN CREEK	BEAR LAKE	S	05/18/71	29.600	0.00
1104321	FISH HAVEN CREEK	BEAR LAKE	S	06/28/34	0.300	0.00

Number of rights= 2 Sum Diversion Rate 29.90 CFS Sum Diversion Volume 0.00 AFA

Source = GEORGE FINDLAY CLAYHOLE SPRING		Tributary = BEAR LAKE				
1104046	GEORGE FINDLAY CLAYHOLE SPRING	BEAR LAKE	S	06/01/46	0.010	0.00

Number of rights= 1 Sum Diversion Rate 0.01 CFS Sum Diversion Volume 0.00 AFA

Source = INDIAN CREEK		Tributary = BEAR LAKE				
1100245	INDIAN CREEK	BEAR LAKE	D	04/01/98	2.350	0.00
1100246	INDIAN CREEK	BEAR LAKE	D	05/15/22	0.060	0.00
1104317	INDIAN CREEK	BEAR LAKE	S	06/28/34	0.130	0.00

Number of rights= 3 Sum Diversion Rate 2.54 CFS Sum Diversion Volume 0.00 AFA

Source = INDIAN SPRINGS		Tributary = BEAR LAKE				
1107303	INDIAN SPRINGS	BEAR LAKE	L	11/04/82	0.030	1.20

Number of rights= 1 Sum Diversion Rate 0.03 CFS Sum Diversion Volume 1.20 AFA

Source = LITTLE CREEK		Tributary = BEAR LAKE				
1101055	LITTLE CREEK	BEAR LAKE	D	03/11/93	75.500	0.00
1101056	LITTLE CREEK	BEAR LAKE	D	03/01/94	0.640	0.00

Number of rights= 2 Sum Diversion Rate 76.14 CFS Sum Diversion Volume 0.00 AFA

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OCT 19 1994

Page No. 3 Summary of Water Rights with Source or Tributary = Bear Lake or Bear Lake Outlet
10/12/93

Source = OVID CREEK Tributary = BEAR LAKE

1102128	OVID CREEK / BEAR LAKE	BEAR LAKE	L	06/05/62	4.370	0.00
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Number of rights= 1 Sum Diversion Rate 4.37 CFS Sum Diversion Volume 0.00 AFA

Source = PARIS CREEK

Tributary = BEAR LAKE OUTLET

1100066	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	14.000	0.00
1100081	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/78	10.000	0.00
1100080	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/78	2.000	0.00
1100070	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	5.000	0.00
1100072	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	0.750	0.00
1100068	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	9.500	0.00
1100079	PARIS CREEK	BEAR LAKE OUTLET	D	06/08/11	4.080	0.00
1100078	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/94	4.000	0.00
1100077	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/07	2.000	0.00
1100076	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/90	4.000	0.00
1100075	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/84	3.670	0.00
1100069	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/83	7.500	0.00
1100074	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	2.380	0.00
1100073	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	0.750	0.00
1100071	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/64	2.000	0.00
1100067	PARIS CREEK	BEAR LAKE OUTLET	D	05/01/83	16.000	0.00

Number of rights= 16 Sum Diversion Rate 87.63 CFS Sum Diversion Volume 0.00 AFA

Source = SPRING

Tributary = BEAR LAKE

1107376	SPRING	BEAR LAKE	P	05/01/89	8.000	0.00
1104269	SPRING	BEAR LAKE	S	05/01/40	0.320	0.00

Number of rights= 2 Sum Diversion Rate 8.32 CFS Sum Diversion Volume 0.00 AFA

Source = SPRING CREEK

Tributary = BEAR LAKE

1101052	SPRING CREEK	BEAR LAKE	D	03/01/94	0.970	73.00
1101055	SPRING CREEK	BEAR LAKE	D	03/11/93	75.500	0.00
1101046	SPRING CREEK	BEAR LAKE	D	03/01/94	0.270	21.00
1101044	SPRING CREEK	BEAR LAKE	D	03/01/94	2.040	0.00
1101043	SPRING CREEK	BEAR LAKE	D	03/01/94	2.120	0.00
1101049	SPRING CREEK	BEAR LAKE	D	03/01/94	0.320	30.00
1101054	SPRING CREEK	BEAR LAKE	D	03/01/94	0.650	0.00
1101048	SPRING CREEK	BEAR LAKE	D	03/01/94	2.570	0.00
1101045	SPRING CREEK	BEAR LAKE	D	03/01/94	5.350	0.00
1101053	SPRING CREEK	BEAR LAKE	D	03/01/94	1.630	0.00

Number of rights= 10 Sum Diversion Rate 91.42 CFS Sum Diversion Volume 317.00 AFA

Source = SPRINGS

Tributary = BEAR LAKE

1102155	SPRINGS	BEAR LAKE	L	09/12/58	0.000	200.00
1102077	SPRINGS	BEAR LAKE	L	06/14/20	0.040	0.00



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1104239	SPRINGS	BEAR LAKE	S	10/20/98	0.270	0.00
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Number of rights= 3 Sum Diversion Rate 0.31 CFS Sum Diversion Volume 200.00 AFA

Source = ST. CHARLES CREEK		Tributary = BEAR LAKE				
1104006	ST. CHARLES CREEK	BEAR LAKE	D	03/01/94	9.920	744.00
1104000	ST. CHARLES CREEK	BEAR LAKE	D	03/01/94	0.240	0.00
1101051	ST. CHARLES CREEK	BEAR LAKE	D	01/01/65	0.100	0.00
1104020	ST. CHARLES CREEK	BEAR LAKE	S	03/01/94	2.570	193.00
1101055	ST. CHARLES CREEK	BEAR LAKE	D	03/11/93	75.500	0.00
1101092	ST. CHARLES CREEK	BEAR LAKE	D	03/11/93	1.000	0.00
1101047	ST. CHARLES CREEK	BEAR LAKE	D	03/01/94	3.880	291.00
1104004	ST. CHARLES CREEK	BEAR LAKE	D	03/01/94	0.500	97.50
1104003	ST. CHARLES CREEK	BEAR LAKE	D	04/15/16	0.360	53.00
1104002	ST. CHARLES CREEK	BEAR LAKE	D	03/01/84	0.920	69.00
1104005	ST. CHARLES CREEK	BEAR LAKE	D	03/01/94	13.270	366.00
1107152	ST. CHARLES CREEK	BEAR LAKE	L	09/13/78	17.000	0.00

Number of rights= 12 Sum Diversion Rate 125.26 CFS Sum Diversion Volume 1813.50 AFA

Source = ST. CHARLES CREEK, BIG FORK		Tributary = BEAR LAKE				
1104019	ST. CHARLES CREEK, BIG FORK	BEAR LAKE	S	03/30/94	3000.000	0.00

30.00 ^{lbs}
3000.000

Number of rights= 1 Sum Diversion Rate 3000.00 CFS Sum Diversion Volume 0.00 AFA

Source = ST. CHARLES CREEK, N. FORK		Tributary = BEAR LAKE				
1104014	ST. CHARLES CREEK, N. FORK	BEAR LAKE	S	06/01/94	30.000	45.00

Number of rights= 1 Sum Diversion Rate 30.00 CFS Sum Diversion Volume 45.00 AFA

Source = UNNAMED DRAIN		Tributary = BEAR LAKE				
1104043	UNNAMED DRAIN	BEAR LAKE	S	04/26/69	1.000	0.00

Number of rights= 1 Sum Diversion Rate 1.00 CFS Sum Diversion Volume 0.00 AFA

Number of rights = 102 Sum Diversion Rate 3540.66 CFS Sum Diversion Volume ~~2376.70 AFA~~

less 16 for
Bear Lake Outlet
= 86

minus 1 duplication
of 11-02128
= 85

~~REMOVED~~

OCT 19 1994

↑ not applicable
since not all
diversions are
converted from cfs

DECREE

*Idaho
District
Decree*

This case came on to be further heard at this term, additional proof being submitted, and the cause further argued by counsel, and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED as follows, viz:

I.

1. That the Bear River is an inter-state stream with a large number of tributaries in the States of Utah, Wyoming and Idaho, said river rising in the Wasatch mountains in northeastern Utah and flowing in a general northerly direction through the States of Utah and Wyoming to a point on the boundary line between the States of Idaho and Wyoming near the town of Border in the State of Wyoming, into the State of Idaho, thence in a general northwesterly direction around the north end of Bear Lake (including North or Mud Lake) located in Bear Lake County, Idaho, and Rich County, Utah, to a point near the town of Alexander in said State of Idaho, thence in a general southerly direction through the States of Idaho and Utah, emptying into Great Salt Lake in said latter state.

That there is hereby drawn within the jurisdiction of this court, for distribution for beneficial uses, under and pursuant to the terms of this decree, all that portion of Bear River, as above described, commencing at a point directly north of Bear Lake in Section 34, Township 13 South, Range 44 East, Boise Meridian, which said point is marked and indicated by the "Stewart Dam," and headgates to the plaintiff's intake canal into Bear Lake Reservoir, known as the "Rainbow Canal," thence generally northwesterly through Idaho, to a point near the town of Alexander, thence in a general southerly direction to the boundary line between the States of Idaho and Utah, together with all intervening tributaries of the Bear River, which are decreed to constitute a single inter-dependent river system, to be administered under the terms of this decree.

2. Subject to the prior rights of the various defendants, as hereinafter decreed in the order of their respective priorities, the said plaintiff, the Utah Power & Light Company, has the right to divert at the Stewart Dam, as hereinbefore described, (and also in seasons of flood water through the "Dingle Inlet Canal" diverting from Bear River in the Northwest quarter of Section 17, Township 14 South, Range 45 East, Boise Meridian) and to impound and store in the Bear Lake Reservoir, consisting of Bear Lake and Mud or North Lake, in Rich County, Utah, and Bear Lake County, Idaho, all of the waters of Bear River to the extent of 5500 cubic feet per second of time, together with the waters naturally flowing into or arising in said lakes, all said waters to be stored in said Reservoir, and to be thereafter released from said reservoir at the said plaintiff's pleasure, through the plaintiff's embankment or "dyke" located within the lake meander lines, and extending from

OCT 19 1994

*EXHIBIT
#2*

Section 16 to Section 18, in Township 14 South, Range 44 East, Boise Meridian, by means of control works located therein at a point approximately North 64°15' East 8120 feet from the Southwest corner of Section 18, Township 14 South, Range 44 East, Boise Meridian, and to be thence conveyed through the plaintiff's outlet canal, extending generally northwardly from the said control works to a confluence with Bear River, near the center of Section 6, Township 13 South, Range 44 East, Boise Meridian, and thence down the natural channel of Bear River, for use at various points of diversion now existing, or which may hereafter be established by the plaintiff for the generation of electric power, and for such irrigation or other beneficial purposes, recognized by law, as the plaintiff may devote or dedicate said released stored waters, by use, sale, rental, or otherwise.

In its exercise of the rights herein defined, the plaintiff may, to the extent of its various appropriations, divert and impound in storage, the waters of Bear River and of Bear Lake at all times, and at all seasons of the year, when by so doing it does not interfere with the exercise of any prior rights fixed by this decree, and the waters released by it from storage may be conveyed through the natural channel of the river, and shall be protected under the provisions of this decree for the distribution designated by the plaintiff, as though kept and conveyed within an artificial channel, and the return of the waters to the river, after their various uses by the plaintiff, shall not be deemed an abandonment thereof, but it is recognized by this decree, and it shall be recognized by the officers charged with the administration hereof, that the plaintiff's rights in said waters continue throughout the portion of the stream brought under this decree for use both in Idaho and beyond the Utah-Idaho state line, and all parties to this suit, their heirs, executors, administrators, successors in interest and assigns, and the agents, servants and attorneys of said parties, their heirs, etc., are hereby perpetually enjoined and restrained from in any manner using or interfering with the use by the plaintiff of the said released stored waters, except with the consent and under the authority of the plaintiff, its successors or assigns.

In administering the rights of the plaintiff herein decreed and mentioned, the following considerations shall be observed and recognized:

For the purpose of regulating and controlling the flow of the river, and in the interest of conservation of the waters thereof, the plaintiff may, at any time, divert at its Stewart Dam, and through its Rainbow Canal (and in seasons of flood through the Dingle Inlet Canal) above mentioned, the entire flow of the waters of Bear River, provided it discharges at the same time through its outlet control works, (when there is need therefor to supply the rights of prior appropriators below), and into its outlet canal, and conveys thence to the natural channel of

OCT 19 1994

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Bear River, an equivalent amount of water, such quantity to be regarded as natural flow of the river, and not released stored water. In order to compensate for the natural yield of the Bear Lake area, including Bear Lake and Mud Lake, and the area between the lake meander line and Bear River, and mountainous slopes to the west, which area was formerly drained by a natural channel known and designated herein as the "natural outlet," as claimed in the cross bills of certain defendants, the plaintiff shall discharge from its reservoir, through its outlet works, (when required to supply the rights of prior appropriators below) a quantity of water sufficient to yield at a point in the plaintiff's outlet canal, at measuring devices to be installed by the plaintiff as near as practicable to the present bridge on the Montpelier-Ovid road, in the Southwest quarter of Section 7, Township 13 South, Range 44 East, Boise Meridian, the following amounts in addition to any amount of water then being discharged to equal diversions from Bear River, and regarded as "natural flow," to-wit:

From April 20 to July 1st of each year, 50 cubic feet per second;
From July 1st to July 15th of each year, 35 cubic feet per second;
From July 16th to Aug. 1st of each year, 25 cubic feet per second;
From Aug. 1st to Sept. 15th of each year, 15 cubic feet per second;

such quantity of water to be also regarded and distributed as "natural flow," and not "released stored water," and shall be full compensation for any interruption of natural flow from said Bear Lake area by the plaintiff's reservoir works.

In the delivery to the plaintiff of released stored water at its several power plants, now or hereafter established, or at such points of diversion for irrigation or other beneficial purposes as it may designate for such delivery, transit losses shall be computed as follows:

1½% of the net release from storage (after adjustments for natural flow as aforesaid), from the outlet works at dyke to points between Alexander and plaintiff's Grace Dam, situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, Boise Meridian;

An additional 1% from said Grace Dam to the headgate of the West Cache Canal Company, situate in the Southeast quarter of Section 25, Township 14 South, Range 39 East, Boise Meridian, and

An additional 1% from said West Cache headgate to the boundary line between Utah and Idaho.

In determining transit losses, or otherwise calculating the division of waters at the various principal points of diversion, as between natural flow of the river and released stored waters, a time lag of twenty-four hours shall be applied for the flow of released stored waters from the plaintiff's control works to points between Alexander and Grace Dam, and an additional twenty-four hours to points between West Cache headgates and the Utah-Idaho State line, and a proportionate time for intervening points of diversion.

OCT 19 1994

3. In addition to the storage rights of plaintiff, herein decreed, the waters of Bear River and its tributaries between the points hereinbefore described, as drawn within the jurisdiction of this court for distribution under this decree, are hereby allotted and decreed for the various beneficial uses herein specified, without waste, to the plaintiff and defendants, respectively, and their successors in title and interest, in the amounts, for the purposes, and with the priorities, established and prescribed by the "Schedule of Rights" hereinafter defined.

The rights herein decreed and recognized are designated and classified as "Power Rights," "Irrigation Rights" and "Domestic Rights," respectively, and shall have the following characteristics:

"Power Rights" include the right to divert and use water for the generation of electric power, and such rights of diversion and use are continuous throughout the year without limitation to time or season.

"Irrigation Rights" include the right to divert and use water for irrigation, culinary, domestic, and agricultural purposes connected therewith, throughout the irrigation season of each year, which is defined as that portion of each calendar year which commences on the 20th day of April and closes on the 30th day of September; subject to the qualification, however, that between the 20th and 30th days of April of each year, and the 15th and 30th days of September of each year, inclusive of each of said days, no irrigation appropriator shall divert or use more than 40 per cent of his or its allotment under the "Schedule of Rights" hereinafter prescribed, except as is hereinafter specifically provided in the "Schedule of Rights." The water allotted and decreed to the parties hereto for irrigation purposes is, and shall be, appurtenant to the land upon which the same has been applied and used, as described in the schedule; subject, however, to the rights of appropriators or shareholders in any appropriating canal company to change the place of diversion or use as provided by law when no damage or injury results to others, or to make any beneficial use of such waters, or any part thereof, which does not injure other appropriators.

"Domestic Rights" include the right to divert and use water during the non-irrigating season, that is to say, from the first day of October of each year to the 19th day of April following, both dates inclusive, under agricultural appropriations and through irrigation ditches, for general domestic uses, including watering stock and culinary purposes. Each irrigation right herein decreed shall include and imply as a part thereof a domestic right to the use, during the non-irrigating season, of such of the waters allotted for irrigation purposes as are necessary for such domestic purposes and such shall be the measure of said domestic rights, and the extent of use of water through irrigation canals in the non-irrigation season,

OCT 19 1994

until the amount shall be more definitely fixed under the reservation of jurisdiction hereinafter contained. Nothing herein contained shall affect specific allotments made in the schedule of rights under appropriations for domestic, culinary or other specific beneficial purposes, which rights are to be recognized and administered specifically as decreed.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Bear River, or any of its tributaries, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring device; *provided*, that in case of diversions through pipes for power purposes, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by calculations based on power output or current meter measurements.

OCT 19 1934

4. Subject to the power and duty of this court to supervise and enforce the administration of its decree from time to time as occasion may require, and to that end to appoint if necessary its commissioner for that purpose, for which jurisdiction is hereby expressly reserved, the administration of this decree shall be left in the first instance with the officials of the state of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the watermaster, or for the appointment of a commissioner, if necessary, to enforce any provision of this decree.

The watermaster or commissioner, or other official charged with the distribution of the waters of the Bear River and its tributaries subject to this decree, need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon application of any party, from time to time, as the irrigation season advances and necessity therefor arises. Such watermaster, commissioner, or other official, however, shall, after his appointment, have general supervision of the entire river, and of the tributary waters, and if called upon to administer the waters of any particular tributary he may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessary he may appoint assistants to administer any section of the main river, or any tributary thereof, provided always that any party hereto may invoke the powers of such watermaster, commissioner, or other official, to personally direct and supervise the administration of the waters of any section of the river, or of any tributary or tributaries, in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to secure to the several parties their rights hereunder, and failing to obtain proper action by such watermaster, commissioner or other official, may apply to the court for directions in the premises.

5. The plaintiff, Utah Power & Light Company, and the defendant, Utah-Idaho Sugar Company, have certain rights to the use of the waters of Bear River with points of diversion in Utah below the Utah-Idaho state line, which rights are included in the schedule of rights herein decreed. The inclusion of said rights in the said schedule is not to be construed as a decree *in rem*, establishing said rights, or as an adjudication of title to said rights, which have attached in a state or district beyond the jurisdiction of this court, but merely as a recognition of said rights to the extent that in the administration of that part of the river within the jurisdiction of this court, and the operation of this decree as hereinbefore defined, the watermaster, com-

OCT 19 1994

missioner or other official charged with the administration of the decree, shall see that there is delivered at the Utah state line such quantity of water as is necessary, together with natural increment below said Utah state line, to satisfy said rights in accordance with their dignity and priority as herein recognized.

OCT 19 1994

II.

("Schedule of Rights.")

c.f.s. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

ac. ft. is used throughout this schedule to designate a quantity of water sufficient to cover an area of one acre to a depth of one foot, or 43,560 cubic feet of water.

MAIN RIVER DIVERSIONS.

1. *Utah Power & Light Company*—Storage rights.

The plaintiff, Utah Power & Light Company, is entitled to divert from the main channel of Bear River, from the natural flow thereof, for storage purposes, the following amounts:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
0248 1911—March 1	3000 c.f.s.	Said water to be diverted from Bear River through what is known as the Rainbow and Dingle Inlet Canals, the headworks of which are located respectively in the Northeast quarter of Section 34, Township 13 South, Range 44 East, B.B.M., and the Northwest quarter of Section 17, Township 14 South, Range 45 East, B.B.M. in Bear Lake County, Idaho, and to be carried into and stored in what is known as the <u>Bear Lake Reservoir</u> and withdrawn therefrom from time to time as needed or required by said Utah Power & Light Company, or its successors in interest, for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah, and for irrigation purposes in what is generally known as Bear River Valley in said states.
0249 1912—Sept. 11	2500 c.f.s.	
From Bear Lake:		Said water to be stored in what is known as Bear Lake Reservoir, and withdrawn therefrom from time to time, as provided in the immediately preceding paragraph.
0250 1912—Sept. 1	300 c.f.s.	
From Mud Lake:		
0251 1912—Sept. 1	200 c.f.s.	

2. *E. P. Johnson, Albert Johnson and Hyrum L. Johnson:*

0252 (a) 1889—July 30 4 c.f.s.
 1905 April 20 to July 1 1.6 c.f.s.
 1905 July 2 to October 1 1.6 c.f.s.

Said water to be diverted from the main channel of Bear River at a point 50 feet West from the first railroad bridge Northwest of Novene Station on the Oregon Short Line R. R., and to be used for the irrigation of 160 acres in the West half of the Northeast quarter and the South-

14
 OCT 19 1994

HEARING 10/14/93

11-7406
5/13/93

PARTIES - IDAHO WATER RESOURCE BOARD - APPLICANT
MR. CLARENCE PARR, VICE CHAIRMAN

BEAR LAKE COUNTY COMMISSIONER
MR. RON LAW, COMMISSIONER

UTAH DIV OF WILDLIFE RESOURCES
MR. BRYCE NELSON

ID DEPT OF FISH & GAME

MR. RICHARD SCHULY

BEAR RIVER CANAL CO

MR. BRENT ROSE - 1130
MR. DAVID SMYER 7100

INTRO
EXPLAIN EARLIER PROCEEDING
PARTIES - NAME THEM
APPLICATION
LEGAL NOTICE
PUBLIC WITNESSES
STATEMENTS UNDER OATH
42-1503 FINDINGS

CLARENCE PARR - READ STATEMENT INTO RECORD

FRANK SHERMAN - EXHIBITS #1 - MAP

EXHIBITS #2 - COPY OF PORTIONS OF DETRAIN DECREE

EXHIBIT #3 - LIST OF EXISTING WATER RIGHTS

- RIGHTS SENIOR CANNOT BE AFFECTED - PRIORITY 5/13/93

- AESTHETICS, F&N

EXHIBIT #4 - USGS 1992 WATER YEAR

QUESTION CONCERNING INTENT OF 42-1501

RON LAW -

BEAR LAKE CO COMMISSIONER LETTER 2/19/93

TECH EXISTS TO DRAW LAKE BELOW 5902' ELEVATION

POWER CO. HAS INDICATED IT HAS NO PLANS FOR BELOW 5902'

BEAR LAKE IS A CREEK LAKE - MUD LAKE IS A LAKE - 10300 ITS ABILITY

2-STATE WATER BODY - EXPECT UTAH TO FOLLOW

CO. COMM REQUESTS APPL BE APPROVED

OCT 10 1994

FINDINGS

NOTICE OF APPEAL
DEPTA F&N

MIN

Bryce Nielson - UT Div of Wildlife Res - Read Statement

Several Endemic Species - Littoral Zone is used for
Spawning - Fully supports application

Dick Scully - To Dept of F&G - supports application -

Bare minimum - spawning Apr-May elevations - Bear Lake

Bonneville
cut throat - uses tributary streams - these are fully

appropriated - in spawning season - exposed sand flats - St

Charles Creek in 1992 - creek was isolated from lake -

contracted for channel construction to avoid spawning -

Brent Rose - Bear River Canal Co.

Irish GS, used notes of land - 900 ccs contract right - Co.

Does not object

OCT 19 1994

Jim Kimbal - RAT WILDLIFE BIOLOGIST - SUPPORTS THE EST OF 5902'
BUT IT DOES NOT FAR ENOUGH - SEND NEWSPAPER ARTICLE -

~~Jim~~ Kimbal #1

Scott Johnson - PACIFIC CORP/UP&L CO.

#5902' IS PRACTICAL LOWER LIMIT OF PUMPING PLANT

WILL NOT OPPOSE

Palala Laufford - LOVE BEAR LAKE - SUPPORTS APPLICATION -

PETITION TO CHANGE USE OF BEAR LAKE FOR STORAGE

Alan Harrison - BEAR LAKE REGIONAL COMMISSION

SUPPORTS ESTABLISHING MINIMUM 5902'

Frank Nishiguchi - FEELS EST LEVEL AT 5902' IS WORKABLE -

HIGHER LEVELS WOULD INTRUDE RIGHTS TO USE

Kirk Rich - ID DEPT OF PARKS & RECREATION SUPPORTS

5902' ELEVATION - SUPPORTS MULTIPLE USE CONCEPT -

LOSS OF USE WITH LOW WATER - LOSS OF 40% IN TERMS
OF USAGE

Dick Smith



Frank O. Nishiguchi

General Manager

BEAR RIVER WATER CONSERVANCY DISTRICT

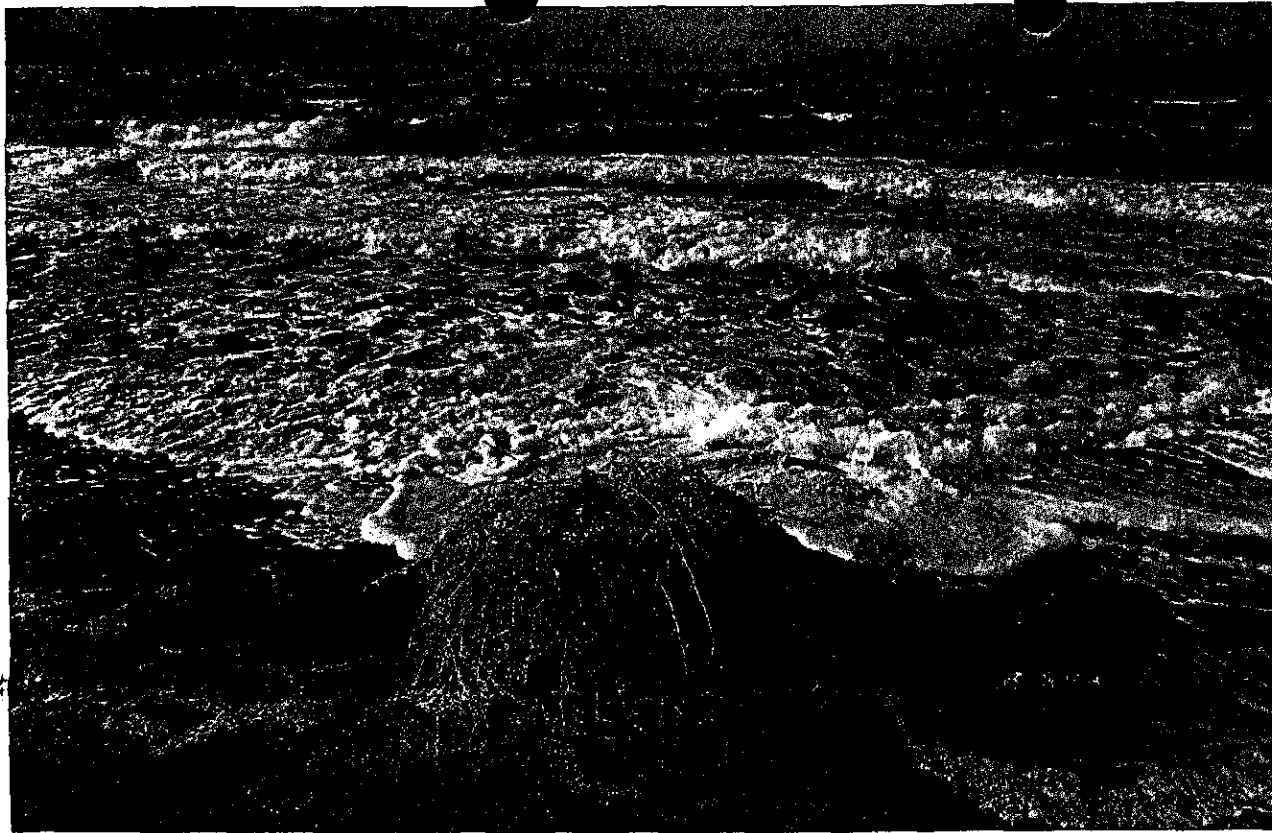
102 East Forest Street Brigham City, Utah 84302

Office (801) 723-7034 • Res. (801) 458-3737

FAX 724-2728

OCT 19 1994

Walker Lake



Craig Sallor/Gazette-Journal

TOO LITTLE, TOO LATE: A storm moves in over Walker Lake. Too many Walker River diversions are turning the lake into a salt swamp.

Death sentence: Aquatic life could die within 2 years

By Faith Bromner
GAZETTE-JOURNAL

The liquid jewel left behind by ancient Lake Lahontan is a welcome sight along the dreary road that connects Reno to Las Vegas. Each year, thousands of anglers stop and dip their lines into its cool waters and campers and picnickers sit on its shores and admire its raw high-desert beauty. Walker Lake is a major fueling stop each fall and spring for hundreds of migrating common loons. Its full-time resident feathered population includes pelicans, grebes and great blue herons. Three ancient native species of fish — the threatened Lahontan cutthroat trout, tui chub and Tahoe sucker — still slice through its blue-green depths.

But time is running out for all the living things that help make Walker Lake a state and national resource. Falling lake levels and an increase in the dissolved mineral content of the lake's water are slowly turning Walker Lake into a salt swamp.

For the seventh year in a row, not a drop of water has flowed from the Walker River to Walker Lake, despite last winter's healthy mountain snowpack. Even before the start of the six-year drought, the river's contribution to the lake fell far short of its annual evaporation rate, thanks to upstream diversions for agriculture.

Although the lake's decline has been documented since the late 1950s, when the Sacramento Perch and carp died out, only recently have scientists' cries of alarm become louder.

Nevada Department of Wildlife biologist Mike Sevon has calculated that under a worst-case scenario, the lake and most of its aquatic life will die in 1.9 years. If Nevadans are very lucky, they will have another 11.8 years.

"At this point in time, it may be too late to save the lake," said Sevon, who has watched Walker Lake decline since 1980. "But I feel it's important for the people of this state to know where they stand with Walker Lake and that the lake is very much in danger."

People are beginning to listen. Last fall, a group of alarmed Hawthorne residents and members of the Walker River Paiute Indian Tribe began meeting to discuss ways to save the lake. Sen. Harry Reid, D-Nev., joined the hunt for answers and has promised to use his influence to save the lake.

Details: 4-5A

The problem: Despite an abundant winter snowfall, Walker Lake continues to drop.

The solution: Farmers aren't convinced they need to change their ways.

Last month, a group representing farmers who irrigate from the Walker River and state officials traveled to Washington, D.C., to meet with Reid and the rest of the U.S. Senate delegation on water issues. "We'll save the lake," Reid said. "We can't let that marvel of nature die."

OCT 19 1994

on the verge of starvation and city's ruins.

"The population was so dense that they were not even able to ask for cigarettes or candy only begged for wheat flour," United Nations High Commissioner for Refugees spokeswoman dall Sachs.

One local official told the mission without such relief are going to be dead in the street, said Ron Redmond, a UN spokesman in Geneva who has access to the same field report.

"This was not much of a generation. The situation is very Redmond quoted Jerry Hulm, senior UNHCR official who accompanied the small convoy, including Spanish armored personnel carriers, as saying.

The U.N. delegation, headed by U.N. Civil Affairs chief Thornberry, found 55,000 people, 30,000 of them displaced — on the city's east side, Sachs said.

Bosnian Croats on Friday refused promises to allow Thomsen and members of the Spanish mission to enter the Muslim enclave. Croats and Muslims were

TRANER POOL ACCIDENT

Kids back in the swim after closure

By Courtney Brenn
GAZETTE-JOURNAL

Swimmers trickled back to Reno pools Saturday following a 24-hour safety closure, and crowds may have been due to the late season than chlorine.

"Getting toward the end of the summer it always dies like this," Linde, head lifeguard at I Pool, said when swimmer bared no more than a few days late Saturday afternoon.

But Traner swimming where an accidental chlorine emission sent 43 children to the hospital August, remained closed and is not expected to reopen until Monday, said Perry Hayden Jr., recreation supervisor.

City officials on Friday downed the Idlewild, North Moana pools for 24 hours. Tests revealed the chlorine level also could happen. Electricians on Friday installed "fail-safe switches" in the chlorine-injection systems.

WHITE HOUSE

Health care reform will aid U.S. economy, Clinton says

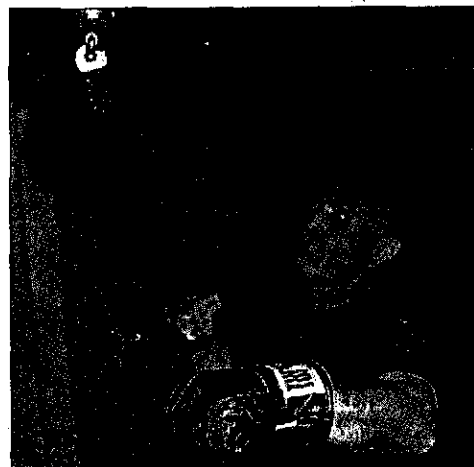
WASHINGTON — Stepping up a campaign for health care reform, President Clinton said in his weekly radio address Saturday that overhauling the nation's medical system not only will guarantee coverage for every American, but also is the next logical step toward lower deficits and economic revival.

But with many important decisions still to be made, the president offered no new details of his plan. Instead, he promoted the benefits of health care reform and

president's plan could push struggling small businesses over the edge and put people out of work."

The so-called employer mandate is quickly emerging as the most contentious element of Clinton's agenda — now that the White House has said it will not seek a broad-based tax.

In his radio address, taped before he left Washington for vacation, the president said that without comprehensive reform "we can't guarantee quality health care



Lane referees with heavyweights

By Mike Sion
GAZETTE-JOURNAL

The defendant is a child molester. He likes to fondle little girls. He's pleaded guilty to two counts. And he's a repeat offender.

Awaiting sentencing this morning in Washoe County District Court, Department 9, he cuts a forlorn figure: alone at the defense table, hand on chin. His fate is in the hands of Judge Mills Bee Lane III, who as Washoe County district attorney was known as "Maximum Mills."

During two terms as DA and as a deputy DA before that, Lane, 56, was a pitbull of a

THE SOLUTION

Fishermen and other lake advocates say there is an immediate need for water, and the best source for the water is agriculture. But the farmers aren't convinced they are the problem; the lake drops whether they grow crops or not, they say.



ANGLING: From his fishing boat, James Scott has seen the steady decline of Walker Lake since 1946.

Craig Sallor/Gazette-Journal

Walker: A river that doesn't go far enough

By Faith Bremner
GAZETTE-JOURNAL

Forty-seven years worth of fishing memories swept over James Scott one warm summer morning recently as he maneuvered his 14-foot aluminum motorboat along Walker Lake's rocky western shoreline.

Since 1946, when Scott first began trolling the waters off the cliffs that support U.S. Highway 95, he has seen the water levels rise and fall, fish disappear and beaches get bigger and drier.

Favorite old fishing haunts are now big boulders sitting hundreds of feet from the shore. Terraced beaches show the dropping shorelines of modern times while the wave-scarred cliffs high above the highway show Lake Lahontan's ice-age shoreline.

In old black-and-white photos he brought from home, a much younger Scott can be seen in his driveway in Hawthorne next to a long string of Sacramento perch, each one weighing 3 to 5 pounds. By the late 1950s, the perch and the carp were gone from the lake.

"Just before they disappeared, they became very unpleasant, the taste just wasn't there," said Scott, who came to Hawthorne fresh out of the Army in December 1945 on his way to Alaska and stayed.

"They were a very tasty fish but the last few that I caught I could hardly eat them. They developed large tumors in their stomachs and in their mouths."

Walker Lake has fallen 135 feet since 1882, 61 of those feet since Scott moved to town. As a result, concentrations of dissolved minerals in the lake are on the rise.

Scientists theorize the Walker Lake fishery will be gone within 1.9 years to 11.8 years, depending on how quickly the lake continues to decline and on how tolerant the lake's remaining fish are to the dissolved minerals.

Scott and his neighbors blame upstream farmers and the Walker River Irrigation District for the lake's decline. Farmers in Mason and Smith valleys are taking all the water, Scott said, without any consideration for the lake's needs.

No water has flowed from the Walker River into the lake for seven years, despite last winter's heavy snowfall. The Walker River watershed received 140 percent of normal snowfall last winter, Soil Conservation Service officials said.

"It's a sad commentary that there's an attitude that something as rare as a high desert lake in this country is allowed to die simply because of money," said Scott, who wants the courts to intervene and find an emergency infusion of water for the lake.

Last fall, Scott and other concerned

Hawthorne residents formed the Walker Lake Working Group. The group's aim is to reverse the lake's decline and to save the fishery. The working group estimates that out-of-county anglers spend \$809,000 a year in Hawthorne. Back in 1968, when the fishing was good, anglers pumped \$1.6 million into the local economy, the group says.

The working group's goal could put Hawthorne — whose main economic base is tourism and the Army ammunition depot — on a collision course with Mason Valley and Yerington, whose economy is based on agriculture.

"It's not fair that Mineral County gets sacrificed for Yerington," said Sherri Lamb, secretary for the working group.

Farmers on both sides of the state line say they are sympathetic to the lake's plight but they're not convinced they are to blame for its condition. There are 79,087 cultivated acres in Mason and Smith valleys that are served by the Walker River Irrigation District and another 43,788 acres in California near Bridgeport and in Antelope Valley that receive Walker River water, too.

The farmers blame the lake's problems on the drought and on the fact that the lake is a terminal lake that will eventually die anyway.

"I'm all for the people of Hawthorne and for Mother Nature but Walker Lake has gone down before agriculture even existed," Antelope Valley farmer Bruce Park said. "To blame agriculture is a little bit ignorant."

It's no mystery why Walker River is not flowing into Walker Lake this year. When the courts divided up the river in 1919, Walker Lake was considered a waste of water. The courts gave farmers entitlements to more water than what the river usually carries. In a non-drought year when the Sierra gets 100 percent of its normal snowpack, the river satisfies 86 percent of Nevada farmers' water rights.

"(Over-appropriating the river) was a common thing to do at the time," said Roger Bezaiff, the chief deputy water commissioner for the Walker River.

"They were eternal optimists."

"They didn't have years and years worth of the data that we have today."

Another reason that Walker River isn't flowing into the lake this year is that plants, ground-water aquifers and reservoirs in the Walker River watershed are recovering from six years of drought and are taking up more water than usual.

But even when things get back to normal, Walker Lake still won't get the water it needs to replace evaporation, Bezaiff said. Walker Lake is legally entitled to receive only the river's flood waters under a water right the state reserved for the lake in 1970.

"We don't get big, big water years very



AT RISK: These pelicans and other birds will stop feeding at Walker if the fish die off.

Craig Sallor/Gazette-Journal

often," Bezaiff said.

Caught between the irrigation district and Hawthorne is the Walker River Paiute Indian Tribe. There are 2,100 cultivated acres on the reservation that are entitled to receive 9,000 acre-feet of water each year.

Walker Lake is sacred to the tribe, whose name in Paiute is Agai Dicutta or trout eaters. Nevertheless, the tribe is seeking in federal district court to have its water allotment from the river increased to cultivate 10,000 acres on the reservation.

The reservation economy depends heavily on farming — a vocation the white man forced on the tribe to

"civilize" it. Traditionally the Agai Dicutta were hunters, gatherers and fishermen. Now the tribe is reluctant to give up its agrarian way of life.

"Why should we give up our livelihood?" said Elveda Martinez, the tribe's water resources coordinator.

"The lake means as much to us as anything."

"We'd send water down if we had it." Water for Walker Lake should come out of the upstream farmers' fields, Martinez said.

"Look at their big haystacks and look at our little haystacks and then tell me who you think should give up," Martinez said.

A time line

■ **1833:** Fur trapper and explorer Joseph Walker passes through the Walker and Carson river watersheds searching for a way across the Sierra. He finds the Walker River, but apparently does not come upon Walker Lake. He returns to the area in the 1840s as a guide for John C. Fremont's second expedition to map the western frontier.

■ **1860:** Hoc Mason settles in the Mason Valley with a herd of cattle driven over the Sierra from California. His Walker River Ranch passes to California cattle baron Henry Miller in the late 1880s.

■ **1919:** A lawsuit between two large cattle companies, Pacific Live Stock Co. and the Antelope Valley Land and Cattle Co., results in court decree 731 that divides up Walker River water. Farmers in Mason and Smith valleys form the Walker River Irrigation District for the purpose of building storage reservoirs.

■ **1921-1937:** Topaz Lake reservoir is created by enlarging a small natural lake called Alkali Lake. Capacity: 60,000 acre-feet.

■ **1924:** Bridgeport Reservoir is constructed by the Walker River Irrigation District. Capacity: 44,000 acre-feet.

■ **1935:** U.S. Indian Service constructs Weber Reservoir on the Walker River Paiute Indian Reservation. Capacity 13,000 acre-feet.

■ **1936:** Federal court issues new decree for the Walker River as a result of a lawsuit filed by the federal government on behalf of the Walker River Paiute Tribe. The new decree, called C-125, gives the tribe's water rights an 1859 priority date — the earliest on the river. Decree also grants the irrigation district the right to store 42,000 acre-feet in Bridgeport Reservoir.

■ **1970:** State of Nevada secures a water right for Walker Lake. Under the water right, the lake is entitled to receive only the flood waters of the Walker River. This action effectively put a stop to any new appropriations of Walker River water.

■ **1988:** California Trout Inc., a sport-fishing association, files a complaint with the California State Water Resources Control Board alleging the Walker River Irrigation District violated California fish protection laws when it emptied Bridgeport Reservoir. Mono County sues the irrigation district in Mono County Justice Court. The court convicts the irrigation district of violating California Fish and Game Code and requires the district to remove sediment deposited in the river and to maintain minimum river flows.

■ **1990:** California State Water Resources Control Board completes its hearing process and requires the irrigation district to maintain minimum stream flows and a minimum pool in Bridgeport Reservoir. Irrigation district sues the board in federal district court challenging its authority to impose state law on water rights granted by a federal court. The case remains pending.

Where to write, call

■ **Walker River Irrigation District**, P.O. Box 820, Yerington 89447, 463-3523.

■ **Walker River Paiute Indian Tribe**, P.O. Box 220, Schurz 89427, 773-2306.

■ **Walker Lake Working Group**, P.O. Box 867, Hawthorne 89415, 945-5896.

■ **Nevada Division of Water Planning**, 123 West Nye Lane, Carson City 89710, 687-3600.

■ **Nevada Outdoor Recreation Association**, P.O. Box 1245, Carson City 89702, 883-1169.

RESOLUTIONS

Some want to buy, lease water; Reid, state look elsewhere

By Faith Bremner
GAZETTE-JOURNAL

Almost everyone agrees that the solution to Walker Lake's condition is more water. The obvious source: upstream farmers who own and control the Walker River and its reservoirs.

But not everyone agrees on how soon the water should be moved from agriculture to the lake. Though some Hawthorne residents want emergency measures to get fresh water to the lake, area farmers say it's too early to talk about water buyouts.

The Walker Lake Working Group is raising money to hire a lawyer. The group favors some sort of a water-leasing or buy-out program.

"If it's going to be saved it will have to be done immediately," said Hawthorne resident James Scott, a member of the group.

State officials, on the other hand, are searching for a long-term legislative solution that could take years.

with private industry, former state Water Planner Reti Jesse talked about financial incentives for farmers to grow crops that use less water and to convert from flood irrigation to drip and sprinkler systems.

In the meantime, the lake may die, Jesse admitted.

"If the fish die, that's bad. But if we have an effective plan in place we can restore the fishery," Jesse said.

All the proposed solutions come with a big price tag, which will have to be paid by all the state's taxpayers, Jesse said. A program to buy up farmers' water rights for the lake would cost at least \$30 million.

"The people of Nevada have to decide this issue," said Jesse, who was supposed to hold hearings this fall on the state's water plan. The status of those hearings is up in the air until a new water planner is hired.

The Walker River farmers say they don't want to

walked out of talks three years ago on the Truckee River Negotiated Settlement and now face conservation requirements developed by other parties.

"We'd rather be a part of the solution," said Walker River Irrigation District Chairman Lee Ivey.

But it's too early to talk about buying up farmers' water rights, irrigation district General Manager Jim Weishauff said. The farmers aren't sure how the buyouts would affect their overall irrigation system.

Weishauff called for all the river's users to join in any future scientific studies so those studies don't become biased.

"Alarm shouldn't be one of the things that drives the solution on the lake," Weishauff said. "If it's 1.9 years, we'll all have to scramble. But I don't want to be told it's 1.9 years when it's 50 years."

Sen. Harry Reid, D-Nev., has met twice with federal agencies, such as the U.S. Fish and Wildlife Service and the Bureau of Land Management, and a \$1

of Indian Affairs' fiscal year 1994 budget to make the Walker River Paiute Indian Tribe's irrigation system more efficient. The increased efficiency will indirectly benefit the lake so long as the water is left in the river and not used to irrigate more land.

Charlie Watson, director of the Nevada Outdoor Recreation Association, has been after the BLM for more than four years to designate Walker Lake an Area of Critical Environmental Concern (ACEC). That, Watson said, would give the lake "legal standing as a unique treasure" and possibly qualify it for money under the Endangered Species Act and the National Environmental Policy Act.

BLM state director Billy Templeton said an ACEC designation would apply only to the lake's shoreline and by itself would not bring more water to the lake.

"We don't control the source of the problem with Walker Lake," Templeton said. But he admitted the designation could give the lake a public relations advantage.

"More people might notice," Templeton said.

Bear River/Bear Lake - Hydrologically, Where Would They Be Without Being Connected?

by

Norman E. Stauffer Jr., Ph.D., P.E., and Craig W. Miller, P.E.

Bear River/Bear Lake Model

A simplified model of the Bear River and Bear Lake was created to show the effects of not connecting the Bear River with Bear Lake. A map of the Bear River Basin showing the Bear River and Bear Lake is shown on Figure 1. A schematic of the simulation model is shown on Figure 2. The model operates on a monthly time step for the 70 year, 1923-1992 period. Reach gains were determined from historical flow data, at Alexander, Oneida, and Cutler Dam. The Flows at Cutler Dam were obtained by adding the Bear River Canal Company East and West Side canals to the Bear River at Collinston immediately below the dam. Monthly precipitation and evaporation estimates were made for Bear Lake. The model was then operated assuming that water from the Bear River would not be diverted into Bear Lake.

If Bear River flows were not stored in Bear Lake, historical irrigation diversions and return flows would have been affected from Bear Lake to the Great Salt Lake. The detail required to model this in depth is beyond the scope of this study. An approximation was used to back out the historical Bear Lake storage releases for irrigation. This was accomplished by distributing in percentages the flow changes from historical values during the irrigation season to the simulated land areas shown on Figure 2. These percentages are shown in Table 1. The return flows from the flow changes, positive and negative, were returned to the river with a 50 percent assumed depletion. Return flows to the river were lagged, 50 percent in the month of diversion, 30 percent one month later and 20 percent two months later.

Table 1. Assumed Distribution of Flow Differences from Bear Lake during the Irrigation Season to the Simulated Land Areas.

Land Area	Percent of Flow Difference From Bear Lake Diverted to Land Areas
Bear River at Alexander to Oneida.	10 %
Bear River at Oneida to Collinston	25 %
Bear River at Cutler Dam	65 %

OCT 19 1994

JDF:EG
EXHIBIT
#1

Bear Lake Without Bear River

The model simulated the historical hydrograph of Bear Lake and an estimated hydrograph without diversions from the Bear River for the 70 year period. These hydrographs are shown on Figure 3. Since natural flow into the lake is nearly equal to lake evaporation, the model predicts Bear Lake would spill about three out of every nine water years. Nevertheless, most years the lake would approach spilling. During the dry period of the 1930s, the model predicts lake levels would only have dropped about six feet instead of 21 feet, approximately 30 percent of the historical fluctuation. Because Bear Lake stages would remain higher without Bear River storage and diversions, about 4,000 additional acre-feet of water would have been evaporated annually from Bear Lake. Table 2 summarizes some of the model simulation results for Bear Lake Elevations.

Table 2. Simulated Model Results for Bear Lake Elevations.

	Bear Lake Stage	
	With Bear Lake Irrigation Storage	Without Bear Lake Irrigation Storage
Average	5915.65	5922.00
Maximum	5923.65	5923.65
Minimum	5902.02	5917.44
Standard Deviation	4.62	1.58
Average Annual Fluctuation	3.33	1.02

Records of Bear Lake stage before it was used for a storage reservoir were made at Fish Haven by the U.S. Geological Survey. The record starts in October 1903 and goes to June 1906. There was no record for the spring and summer of 1904. The data is shown on Figure 4. It is not possible to tell from the 1903-1906 record what the absolute lake stage may have been since the record only shows changes relative to a datum of unknown elevation. The U.S. Geological Survey reported an observer, who had lived at the lake 33 years, said that 20 or 30 years earlier the surface of the lake had been about 3.5 feet higher. A definite high-water mark confirmed this report. This would make an observed fluctuation of about five feet on Bear Lake prior to construction of the inlet and outlet canals. This is consistent with the results of the simulation model.

Research related to U.S. Geological Survey Quadrangle Sheets surveyed in 1909 and 1910 show the high water level at that time to be near the present day high lake level of 5923.65 Utah Power and Light Datum. This is documented in a paper entitled "Bear Lake History and Operation" by Wallace N. Jibson, July 5, 1971.

Since evaporation from the lake surface nearly equals the natural flow into the lake, dissolved minerals from the natural inflow would be concentrated by about seven times before being discharged to the Bear River. Electrical conductivities of the Bear River were slightly lower, about 650 umho/cm or 420 mg/l total dissolved solids (TDS), than mid-Bear Lake values, about 700 umho/cm or 460 mg/l TDS in 1984. The natural inflow had roughly half the electrical conductivity of the Bear River inflow to the lake; 350 umho/cm or 220 mg/l TDS from Big Creek and 320 umho/cm or 210 mg/l TDS from Swan Creek. Assuming that these are typical values, if the connection between Bear Lake and the Bear River were eliminated, Bear Lake salinity could be expected to at least triple. Despite an expected rise in salinity, since total phosphorus levels in the Bear River are about seven times higher than the tributary inflow to Bear Lake, the aesthetic qualities of the lake might remain about the same if Bear River irrigation water were no longer stored in Bear Lake.

Bear River Without Bear Lake

The model simulated the historical monthly flows of the Bear River at Alexander, Oneida, and Cutler Dam for the 70 year period. The model was used to estimate the flows at these three points assuming no diversions to Bear Lake and only natural spills from Bear Lake. These hydrographs are shown on Figures 5 through 7. Without Bear Lake storage and diversions, peak average monthly flood flows would have been approximately 67 percent higher at Alexander, 65 percent higher at Oneida, and 25 percent higher at Cutler Dam. Flows in the summer and fall would have been significantly lower, unable to meet irrigation requirements. A summary of the model results for Bear River flows at Alexander, Oneida, and Cutler Dam are shown in Table 3.

Table 3. Simulated Model Results for Bear River Flows at Alexander, Oneida, and Cutler Dam including the East and West Side Canals.

Average Monthly Flows by River Station	With Bear Lake Irrigation Storage		Without Bear Lake Irrigation Storage	
	Peak Flow (cfs)	Minimum Flow (cfs)	Peak Flow (cfs)	Minimum Flow (cfs)
Bear River at Alexander	3724	62	5155	~0
Bear River at Oneida	4069	57	6255	~0
Bear River at Cutler Dam	7998	352	9915	~0

Conclusions

Make your own!



OCT 1 6 1984

BEAR RIVER BASIN MAP

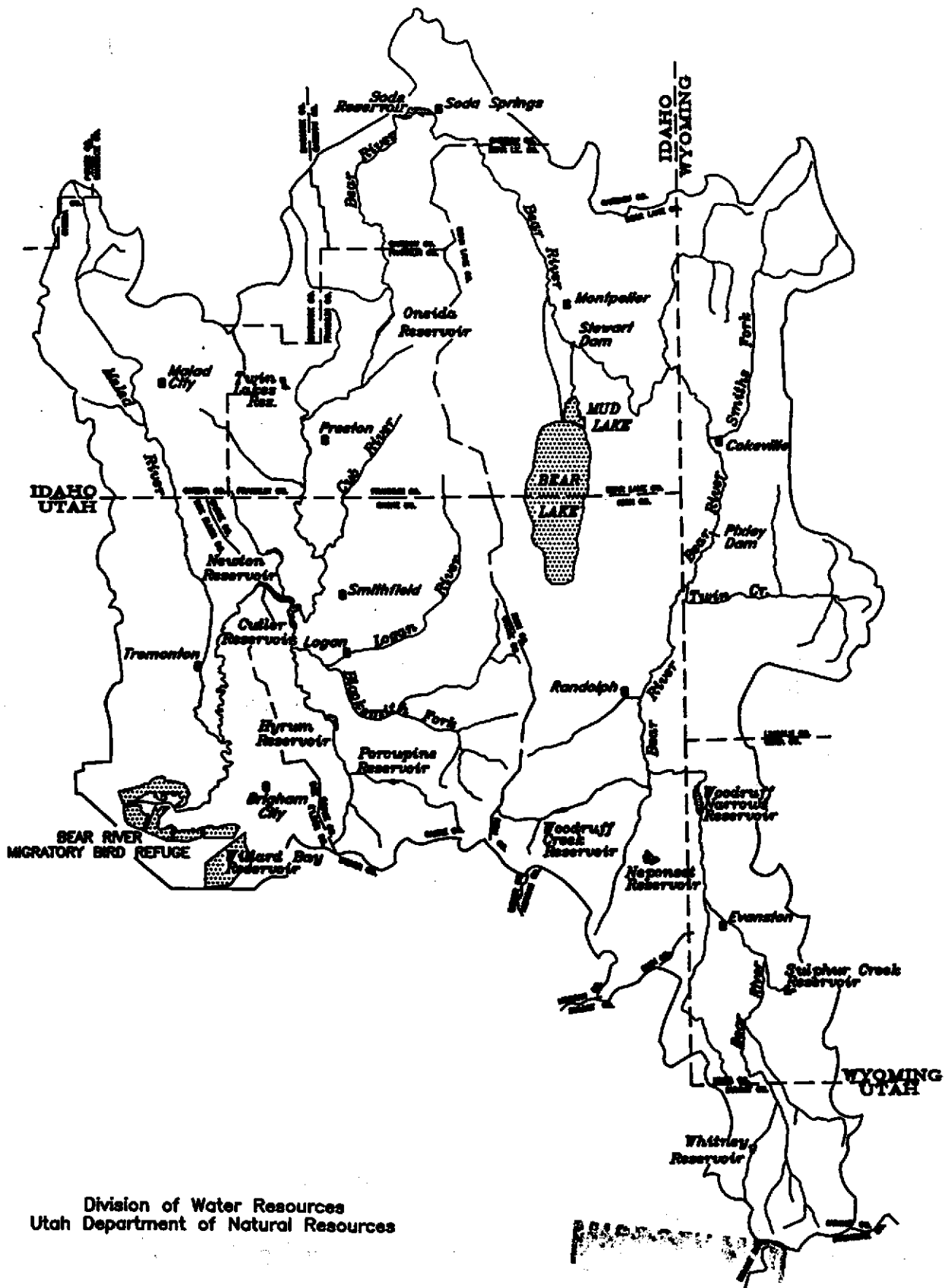
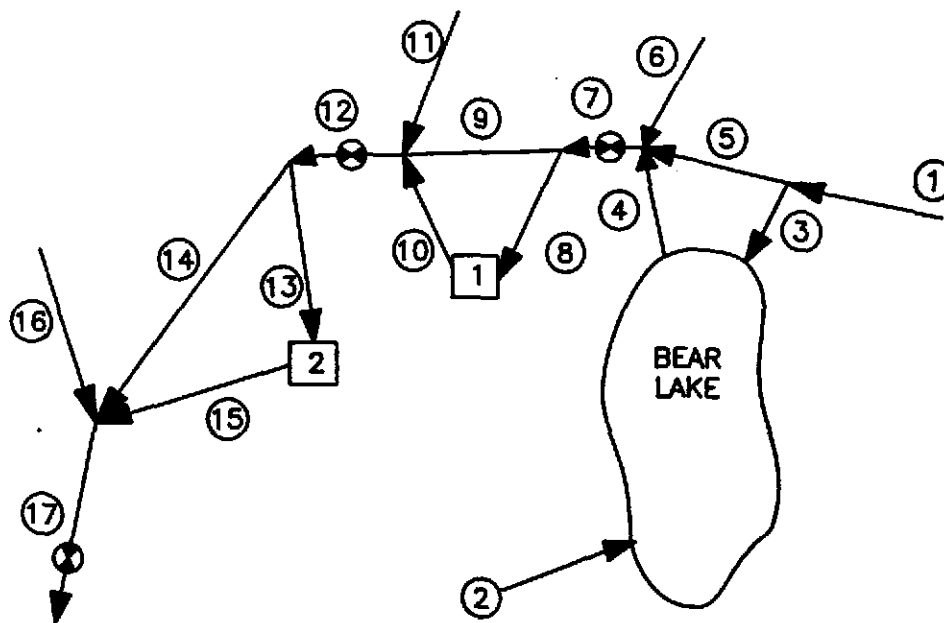


Figure 1. Bear River Basin Map.

BEAR LAKE SIMULATION MODEL



QX	MODEL FLOW LOGIC DESCRIPTION
1	Bear River Above Bear Lake
2	Ungaged Bear Lake Inflow
3	Rainbow Inlet Canal Near Dingle, Idaho
4	Bear Lake Outlet Canal Near Paris, Idaho
5	Bear Lake Bypass
6	Alexander Reach Gain
7	Bear River at Alexander, Idaho
8	Bear Lake Flow Difference to Land Area 2
9	Bear River Between Alexander and Oneida
10	Land Area 1 Return Flow
11	Oneida Reach Gain
12	Bear River at Oneida, Idaho
13	Bear Lake Flow Difference to Lane Area 2
14	Bear River Below Oneida
15	Land Area 2, Return Flow
16	Collinston Reach Gain
17	Bear River at Collinston, Utah East and West Side Canals.

Legend
① - Flow Number 1 (QX 1)
1 - Irrigated Land Area Number 1
⊗ - USGS Gaging Station

Figure 2. Model Schematic.

OCT 19 1994

Bear Lake Hydrograph

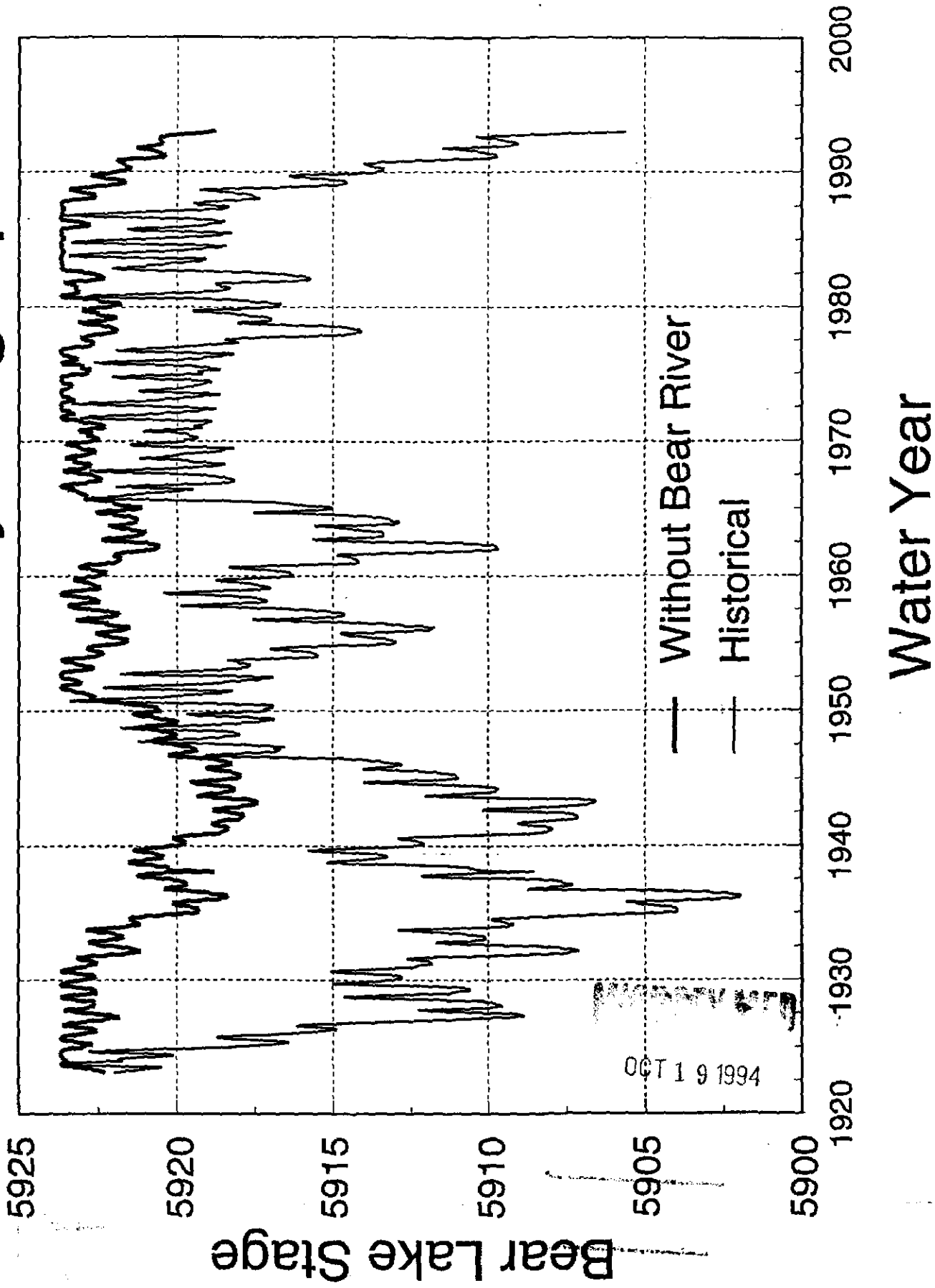


Figure 3. Bear Lake Hydrographs With and Without Bear Lake Irrigation Storage.

Bear Lake at Fishhaven

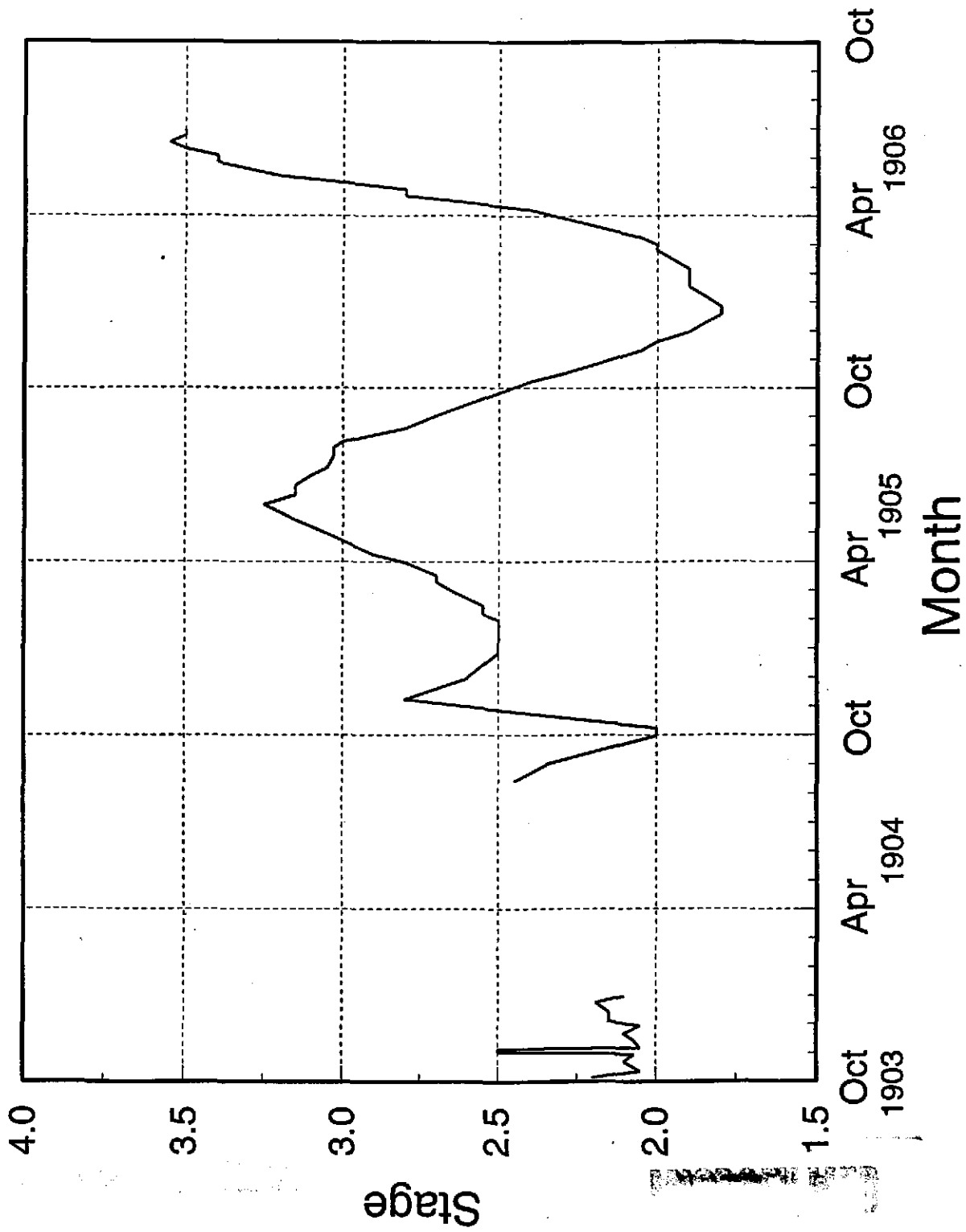


Figure 4. Bear Lake at Fishhaven.

Bear River at Alexander

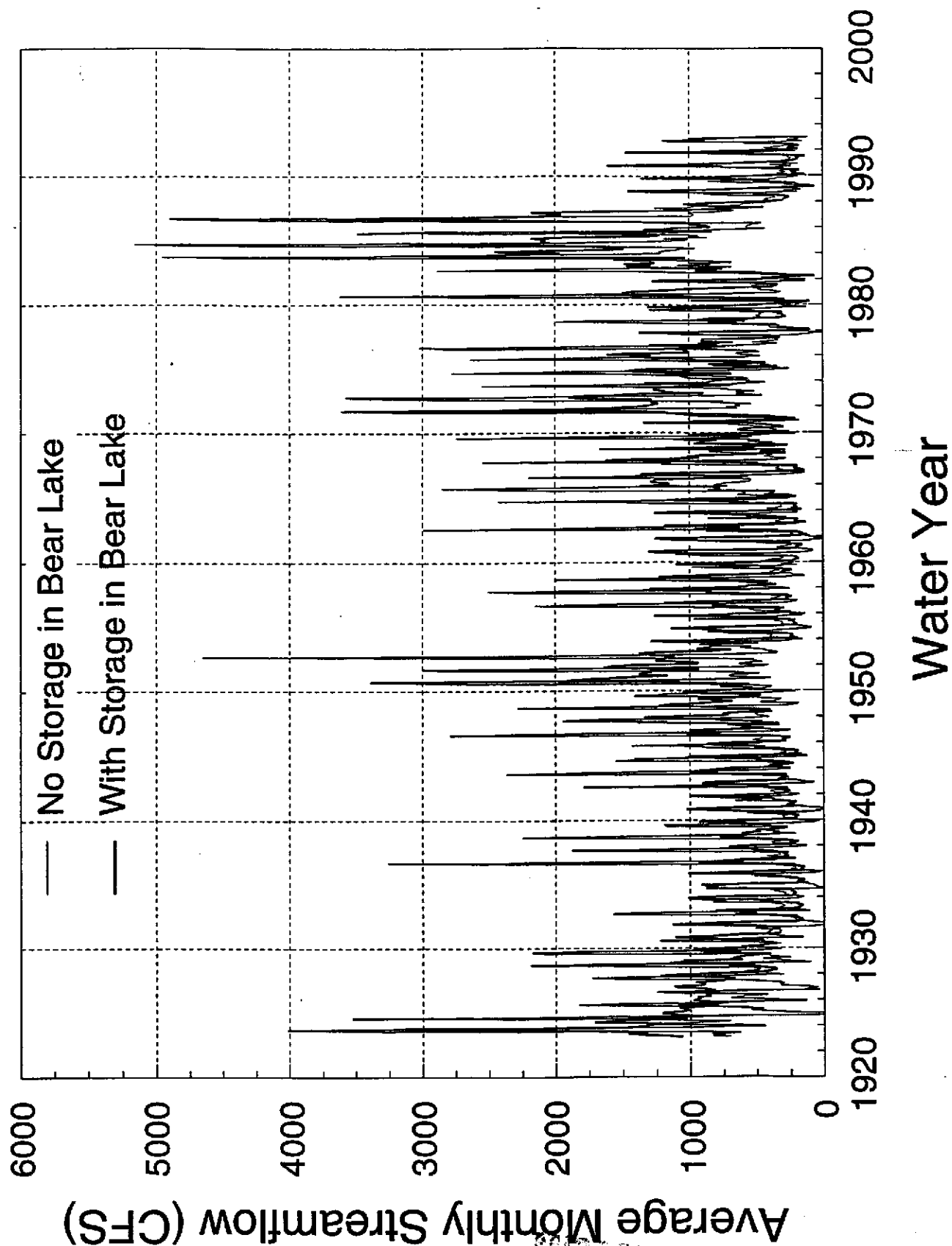


Figure 5. Bear River at Alexander, Idaho With and Without Bear Lake Irrigation Storage.

OCT 19 1994

Bear River at Oneida

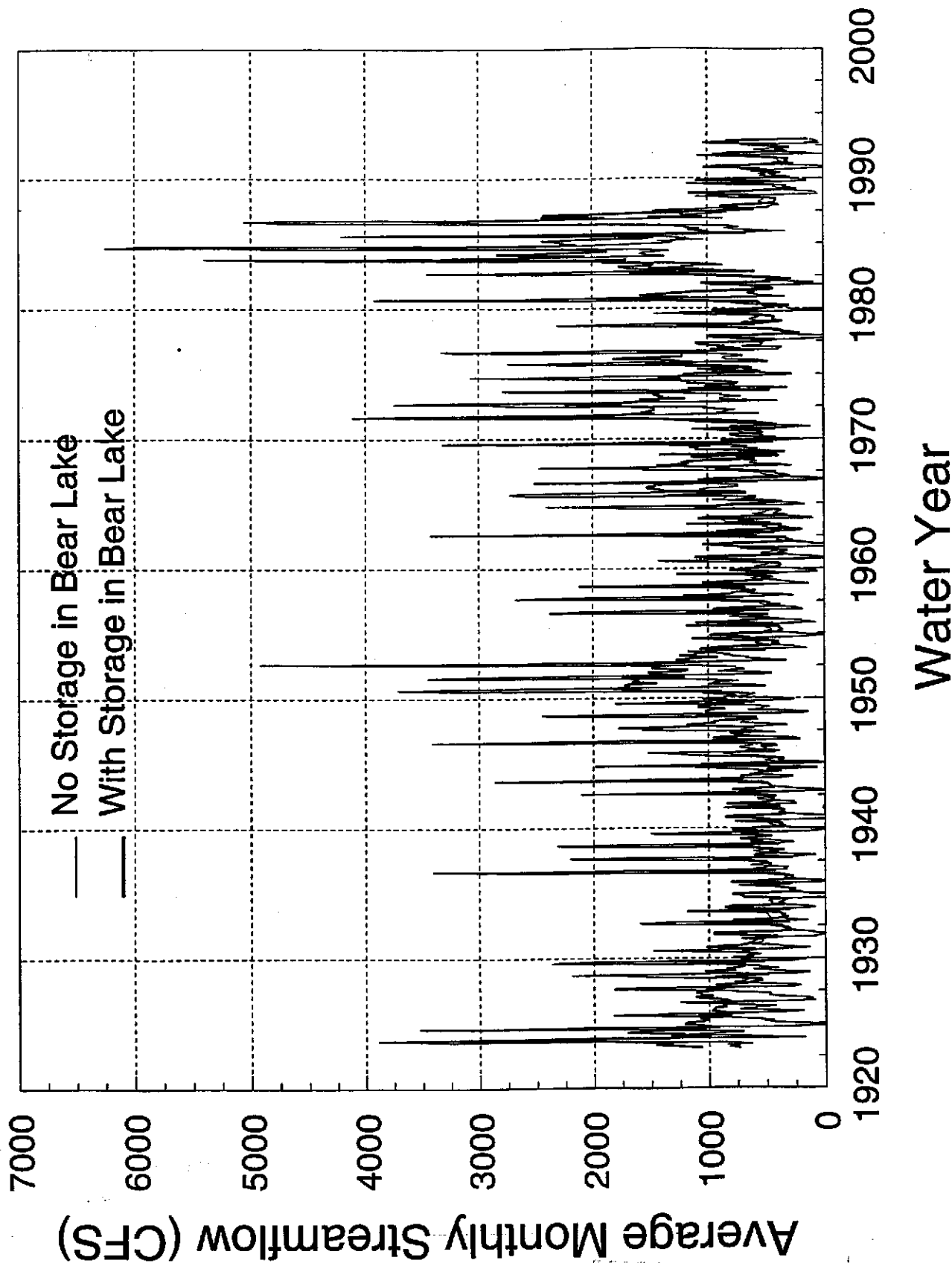


Figure 6. Bear River at Oneida, Idaho With and Without Bear Lake Irrigation Storage.

OCT 19 1994

Bear River at Collinston

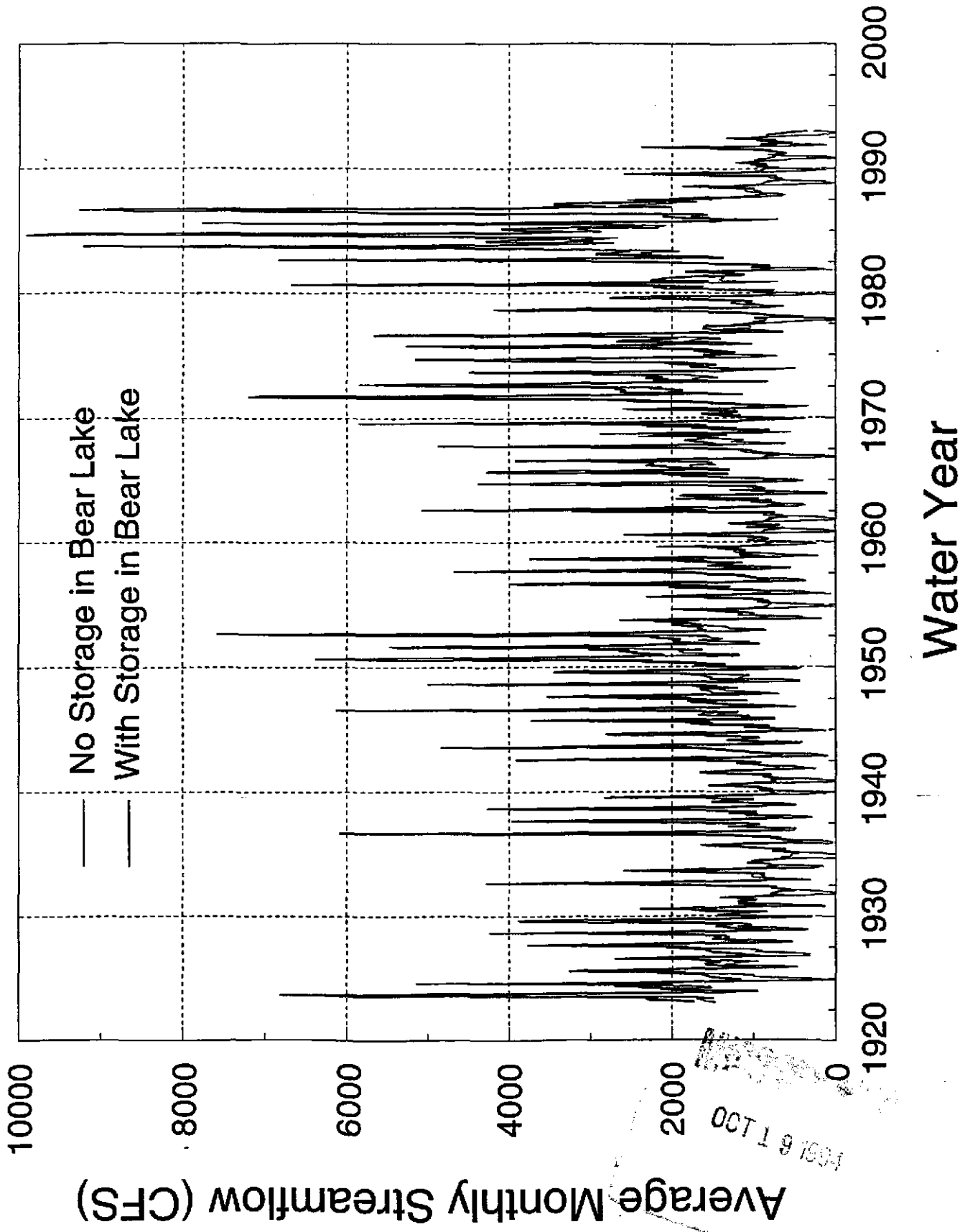
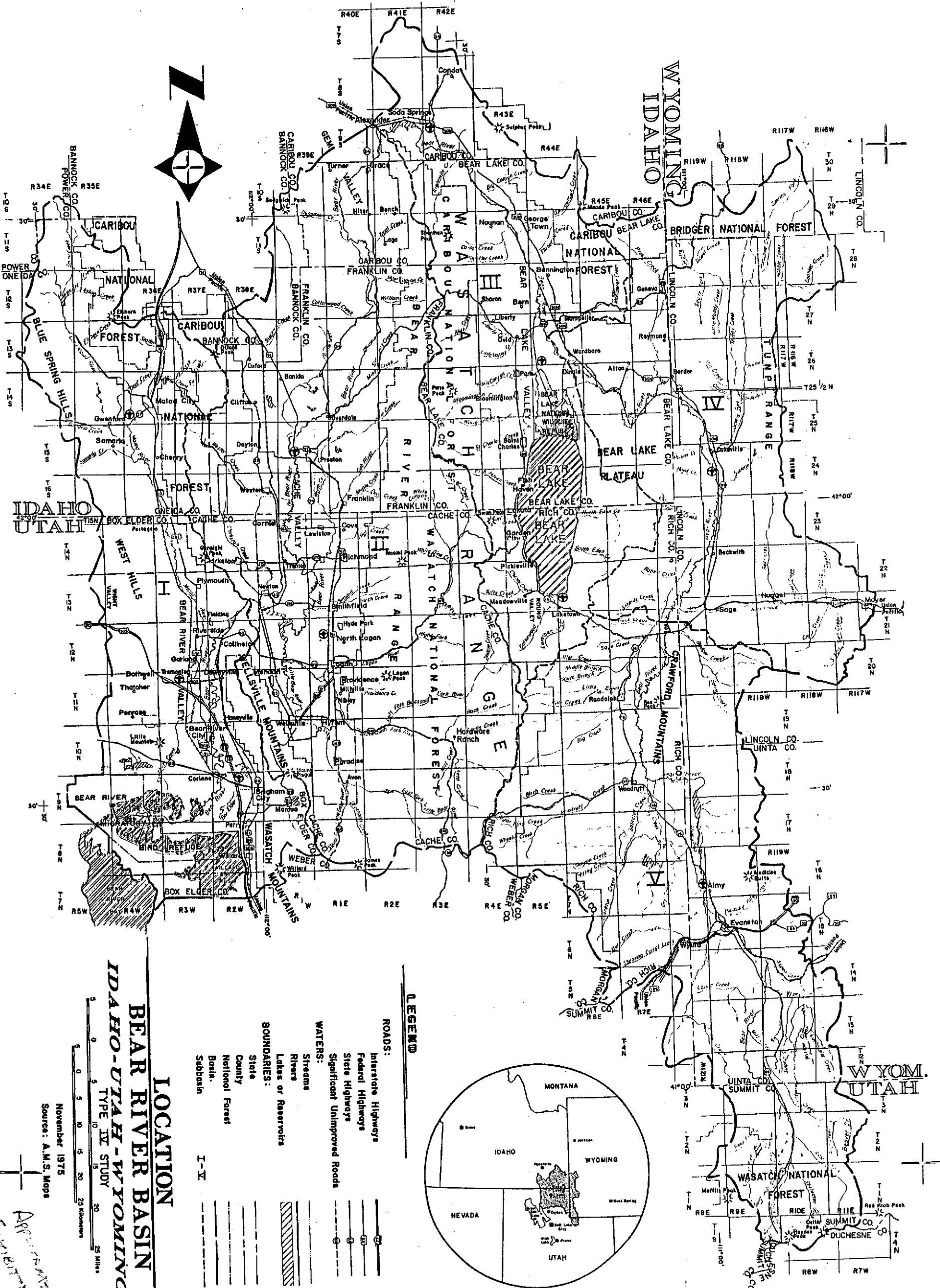


Figure 7. Bear River at Collinston, Utah With and Without Bear Lake Irrigation Storage.



LEGEND

ROADS:

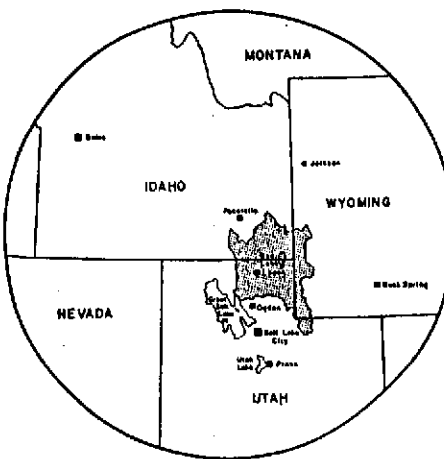
WATERS:

BOUNDARIES:

LOCATION

BEAR RIVER BASIN
IDAHO-UTAH-WYOMING
TYPE IV STUDY

November 1975
Source: A.M.S. Maps



LOCATION MAP

*Keith PA**FRANK*

October 9, 1993

To Whom It May Concern:

Re: Minimum Lake Level Application For Bear Lake No.
11-07406

West Cache Irrigation Company supplies water to some 300 users in Southern Idaho and Northern Utah, irrigating approximately 15,000 acres.

The negative impact of dry seasons on farmers is staggering. When taxes cannot be paid, supplies and equipment not purchased or repaired, and families lose homes and jobs, the ripple effect through the economy is tragic. If such a condition is experienced by other larger canal companies, the losses will be tremendous, and will eventually negatively impact the entire area.

The Bear River Compact legally establishes an elevation to which the Bear Lake can be drawn for irrigation purposes, and was ratified by all three states. The low elevation of the lake adversely affects the economy around the lake, but that would only be a small percentage of the effect a "dry" season would cause on the users below the lake.

Wise and prudent regulation of this natural reservoir can benefit all, and I seriously urge you to allow Utah Power and Light Company its right to draw the lake down to elevation 5902.

Sincerely,

Joseph G. Larsen

Joseph G. Larsen, President
West Cache Irrigation
Box 94
Newton, Utah 84327

RECEIVED
OCT 19 1994



IDAHO FISH & GAME

REGION 5

1345 Barton Road
Pocatello, ID 83204-1817
(208) 232-4703

October 6, 1993

Frank Sherman
Idaho Department of Water Resources
Boise, ID
FAX NO: 208-327-7866

Dear Mr. Sherman,

This letter is a petition to intervene and become a full party relative to Bear Lake County's application for a minimum lake level at Bear Lake. I represent the Idaho Department of Fish and Game in this petition. Our agency is the state's expert on fish and wildlife resources and my comments at the October 14, 1993 hearing will concern the effects of lake level on these resources.

Sincerely,


Richard Scully
Regional Fishery Manager

Post-It™ brand fax transmittal memo 7871		# of pages >
To	Frank Sherman	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	
208-327-7866		

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



OCT 19 1994



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Timothy H. Provan
Division Director

P.O. Box 231
Garden City, Utah 84028-0231
801-946-8501

October 7, 1993

RE: Minimum Lake Level Application for Bear Lake No. 11-07406

I would like to formally request a notice of appearance at the October 14, 1993, 1:30 pm hearing at the Paris Courthouse.

Bryce R. Nielson
Fisheries Biologist
Utah Wildlife Resources
Garden City, UT 84028

Thank you for the opportunity to participate.

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	Dept Water Res	From	Bryce Nielson
Co.	Paris	Co.	Wildlife Res
Dept.		Phone #	(801) 946-8501
Fax #	(208) 327-7866	Fax #	1

OCT 1 1993

RECEIVED

OCT 07 1993

Department of Water Resources
EDWARD W. CLYDE
(1917-1991)

TELEPHONE
(801) 322-2516
FAX (801) 521-6280

CLYDE, PRATT & SNOW

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

ONE UTAH CENTER, SUITE 1000
201 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84111-2208

ELLIOTT LEE PRATT
RODNEY G. SNOW
STEVEN E. CLYDE
THEODORE BOYER, JR.
EDWIN C. BARNES
GARY L. PAXTON
NEIL A. KAPLAN*
D. BRENT ROSE
JAMES L. WARLAUMONT
STEPHEN B. DOXEY
ANNELI R. SMITH
STEVEN G. SHAPIRO

* ALSO ADMITTED IN WASHINGTON, D.C.

October 6, 1993

VIA FEDERAL EXPRESS

Mr. Gary Spackman
State of Idaho
Department of Water Resources
1301 North Orchard Street,
Statehouse Mail
Boise, Idaho 83720-9000

Re: Minimum Lake Level Application for Bear Lake No. 11-0746

Dear Mr. Spackman:

In behalf of Bear River Canal Company, I am enclosing herewith for filing a Notice of Appearance in the above-referenced action. Bear River Canal Company desires to become a full party to the action.

Please call me if you have any questions or comments with regard to enclosed. Thank you.

Very truly yours,

CLYDE, PRATT & SNOW, P.C.



D. Brent Rose

cc: David Styer

OCT 19 1994

D. Brent Rose
Clyde, Pratt & Snow, P.C.
One Utah Center, Suite 1000
201 South Main Street
Salt Lake City, Utah 84111-2208
Telephone (801) 322-2516

Attorneys for Bear River Canal Company

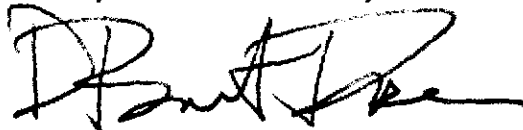
BEFORE THE IDAHO WATER RESOURCE BOARD
STATE OF IDAHO

In the Matter of Water Right	*	NOTICE OF APPEARANCE OF
No. 11-07406, Application of	*	BEAR RIVER CANAL COMPANY
Bear Lake County Commission	*	

Bear River Canal Company, 275 North 1600 East, Tremonton, Utah 84337, by and through its legal counsel, D. Brent Rose of Clyde, Pratt & Snow, 201 South Main Street, Suite 1000, Salt Lake City, Utah 84111-2208, hereby files its Notice of Appearance in the above-entitled matter and requests that it become a full party to the action.

DATED this 6th day of October, 1993.

CLYDE, PRATT & SNOW, P.C.



D. Brent Rose
Attorneys for Bear River
Canal Company

RECORDED

OCT 19 1994

DWIGHT L. COCHRAN
Chairman - Montpelier

KEITH MARTINDALE
Bern

RONALD LAW
Montpelier

JOAN P. EBORN — CLERK

BEAR LAKE COUNTY
BOARD OF COMMISSIONERS
STATE OF IDAHO

P.O. BOX 190, PARIS, IDAHO 83261 (208) 945-2212

October 1, 1993

RECEIVED
OCT 06 1993
Department of Water Resources

State of Idaho
Department of Water Resources
Attn: Gary Spackman
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Minimum Lake Level Application for Bear Lake No. 11-07406

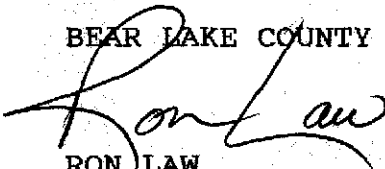
Dear Mr. Spackman:

Please accept this letter, as Bear Lake County's official notice of appearance, and request to become a full party to the action at a hearing scheduled for October 14, 1993, in regards to our previous application for approval of a minimum lake level.

Thank you so much for the opportunity to participate in this very important hearing which has and will continue to have a definite effect upon the residents of Bear Lake County.

Sincerely,

BEAR LAKE COUNTY



RON LAW
Commissioners

RL/jpe

OCT 19 1994

NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake

Application No: 11-07406

Proposed Priority: May 19, 1993

Minimum Lake Level and Period of Use: Elevation of 5602 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Purpose of Minimum Flow: Recreation, aesthetics, and fish and wildlife habitat.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing. Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mall, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER
RESOURCES

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 25260

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Resine Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for One consecutive Time Only, commencing with the issue dated September 16, 1993, and ending with the issue dated September 16, 1993.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 14 day of October in the year of 1993, before me, a Notary Public, personally appeared Linda Capps McGuire, known and identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls

My commission expires: 5/19/94

OCT 19 1994

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake

Application No.: 11-07406

Proposed Priority: May 13, 1993

Minimum Lake Level and Period of Use: Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Purpose of Minimum Flow: Recreation, aesthetics, and fish and wildlife habitat.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

**R. Keith Higginson, Director
IDAHO DEPT OF
WATER RESOURCES**

Legal No. 4658 — Published September 16 and 23, 1993.

No 4658

RECEIVED

SEP 30 1993

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 16, 1993, and ending

with the issue of September 23, 1993

Rosa S. Moosman
Fees, \$86.90

Subscribed and sworn to before me this 29th day

of September, 1993

Sherry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires Aug 15, 1997

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources

SEP 29 1993

LEGAL ADVERTISING INVOICE

Amount Due
District Office

75.36

Account Number 100564		Identification NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL/BEAR LAKE	
Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates September 16, 23, 1993
State of Idaho Department of Water Resources 900 N. Skyline Drive Idaho Falls, Idaho 83402-1718		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 5874

LEGAL NOTICE NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake
Application No: 11-07406
Proposed Priority: May 13, 1993
Minimum Lake Level and Period of Use:

Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Purpose of Minimum Flow: Recreation, aesthetics, and fish and wildlife habitat.

Place of Use: Bear Lake, located in T15S, R43E, T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301

LEGAL NOTICES

North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. KEITH HIGGINSON,

Director

IDAHO DEPT OF WATER

RECOURCES

Pub. September 16, 23, 1993 5874

CAROL PAYNE-CULPAN

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

xx consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 16, 19 93

and ending with the issue of SEPTEMBER 23, 19 93

Carol Payne-Culpan

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 23RD day of SEPTEMBER 1993 before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

BOISE, ID

Residing at

My commission expires:

11-27-93

OCT 18 1993



PO BOX 633, BOISE, ID 83701
(208) 343-7481

EXECUTIVE DIRECTOR

Wendy L. Wilson
Boise

BOARD OF DIRECTORS

Gail Ater
Gooding

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Pocatello

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Idaho Falls

Wlodek Szczepanowski
Challis

Curtis Webb
Twin Falls

September 27, 1993

RECEIVED

SEP 28 1993

Department of Water Resources

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Mr. Spackman:

Idaho Rivers United wishes to submit the following comments relative to five applications for minimum streamflows in northern Idaho and one minimum lake level application for Bear Lake.

Pack River No. 96-08717 - We support the requested minimum of 129 cfs from November 1 but only until April 15. We recommend the IWRB and IDWR adopt a higher minimum flow of 350 cfs from April 15 to June 30 for recreational whitewater boating. The purpose of the higher minimum is to protect the river for recreational purposes.* We support the request of 129 cfs from July 1 to July 31, and a flow request of 54 cfs from August 1 through October 31. Those flows will provide the minimum needed for fish and wildlife values.

Kootenai River No. 98-07705 - Idaho Rivers United supports the request for 5340 cfs year round to provide the minimum needed for fish and wildlife values, with the following change: From May 15 to July 15 the IWRB and IDWR should adopt a minimum flow of 10,000 cfs to provide the minimum flow for recreational whitewater boating.*

Moyie River No. 98-07704 - We recommend that the IWRB and IDWR amend their request of 354 cfs from April 1 to July 31 to a flow of 900 cfs from April 15 to June 30 to provide the minimum streamflow needed to protect recreational whitewater boating. This flow request is based on information provided by Peter Grubb, River Odysseys West, on the segment from Cooper Creek to Meadow Creek immediately upstream from the segment under consideration. I also have personal experience floating both of these sections as a commercial river guide and private boater and believe the charts Peter Grubb developed accurately reflect the minimum flow needed.* I have enclosed copies of data Peter Grubb provided me on the Moyie. The flow request of 149 cfs from August 1 through March 31 is acceptable.

Coeur d'Alene River No. 98-07705 - I note that the water right number recorded for the Coeur d'Alene and the Kootenai River are the same. I am certain this must be a typographical error by the Department. According to my records, the correct number is 94-07341. We support the minimum streamflow requests of 1018 cfs from November 1 to June 30 and 413 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. I am unable to substantiate the needed minimum for a recreational flow. However, should data or relevant information become available, we will petition the Department and the Board for a higher flow to protect recreational whitewater boating.

Spokane River No. 95-08780 - We support the minimum flow requests of 2495 cfs from November 1 to June 30 and 951 cfs from July 1 to October 31 to protect fish and wildlife values, recreation and aesthetics. We are unable to substantiate the necessary minimum for recreational whitewater boating at this time. If additional information becomes available we will petition the Department and the Board for a higher minimum to protect that use.

*Amended requests are based on information obtained from "Idaho Whitewater, the complete river guide," by Don McClaran and Greg Moore, 1989, and personal knowledge of the affected stream segments.

Idaho Rivers United also supports the minimum lake level request for Bear Lake. We believe this will aid in protecting the integrity of the lake, its water quality, fishery and recreation.

Many of our members use and enjoy the waters of these stream segments for fishing, whitewater recreation, viewing or to merely see a river in its free flowing state. Historically, southern Idaho rivers have been dammed, diverted, and dewatered for irrigation, mining, hydropower and industrial uses. Our fish are dying, our streams are dry, and our water quality is abysmal in the Snake River basin in many places. Hydropower projects have marred the landscape and visually impaired many of our scenic wonders like Shoshone Falls and Twin Falls.

Some opponents of minimum streamflows will attempt to convince the department that these flows will impede their economic development. I'd like to remind the Department that the fish were here first, as were the Native Americans. It is imperative that minimum streamflows are adopted on all streams in the state. This is an opportunity to prevent the decimation of north Idaho streams, unlike what has occurred in much of southern Idaho. Maintaining the integrity of the riverine ecosystem is of utmost importance! We support the efforts of the Board to protect Idaho's river resources.

Sincerely,

Marti L. Bridges

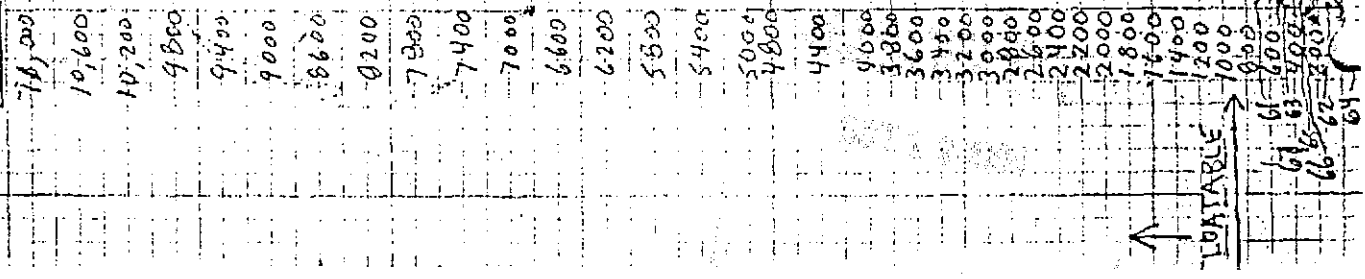
Marti L. Bridges
Water Policy Director

RECEIVED
JUL 1 8 1991
WATER POLICY DIVISION
IDAHO DEPARTMENT OF LAND & WATER

By Peter Grubb ©
River days West

Noyie River Flows 1961-1967

SPS



MOYIE WATER FLOW INFORMATION

Power plant reading seems to be generally 3/10ths of a foot lower than yellow gauge stick on Bonners Ferry Municipal Dam. So, if yellow gauge reads 2.3, power plant should tell you 2'. Based on this, if you call power plant and they say river is at 1.7, then it should be runnable. We do know that it is runnable when power plant reading is 2' and gauge reading is 2.25.

(However, on 5/25/92, 9:00am N. Mertz saw gauge water level was just covering black line marked 2 ft, and the Powerplant told me 2.1)

Power Plant Gauge Reading

CFS

1'	309
1½'	576
2'	899
2½'	1265
3'	1680
3½'	2150
4'	2653
4½'	3198
5'	3781
5½'	4393
6'	5023
6½'	5701
7'	6413
7½'	7119
8'	7852
8½'	

In 1992, we ran it at 2.2 - pretty bony - rocks on river left immed. after Hole in the Wall are easy to get stuck on when boat full of water

From past experience we know that an unrunnable water level is around 7'. No trips should be attempted above 6' without prior scouting. If logs are frequent in river, cancel trip. Danger lies in lack of eddies and possible log jam at the old Eileen Dam.

Prepared by Peter Grubb

MOYIE RIVER
MAY 28 1992

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 092393 INVOICE No. L00381702
Account No. 446600 11-406
Description 81702NOTICE
Times 1 Lines 43
ab Lines _____
\$ 64.50

RECEIVED

SEP 27 1993

Department of Water Resources
Eastern District Office

SOLD TO:

ID. DEPT OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALLS
ID 83402

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF HEARING

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, _____ time(s). Publication beginning on 092393 DAY for 1 consecutive DAY, the first publication thereof being on the 092393, and the last publication thereof being on the 092393, and said _____

NOTICE OF HEARING

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23
day of September 1993

Ray Reed
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF HEARING FOR APPLI
MINIMUM LAKE LEVEL**

Notice is hereby given that the Idaho Water Resc application for permit to appropriate water to the Resources, proposing to appropriate water for a mi Lake. The application is further described as follows:

Source: _____
Application No.: _____
Proposed Priority: _____
Minimum Lake Level and
Period of Use: _____

Bear Lake
11-07406
May 13, 1993

Elevation (sea level,
and Light (January 1 to
Recreation, and wildlife
Bear Lake,
T15S, R44E
R44E; B.M.,

go to bed
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Purpose of Minimum Flow:
Place of Use:

The Director of the Department of Water Resources hearing in the Bear Lake County Courthouse. 7 East beginning at 1:30 p.m. on Thursday, October 14, 1993, hearing evidence in regard to the application. The pursuant to the provisions of Section 42-1503, Idaho Director will also conduct a hearing for public testimony at the same location.

The hearing will be conducted in a facility which meets the requirements of the Americans with Disabilities Act. accommodations in order to attend, participate in, or, if necessary, please advise the department within fourteen (14) days of the hearing.

Any party who wishes to formally appear in the proceedings of presenting evidence of cross examining witnesses appearance with the Director at the Department of Water Resources, 1301 North Orchard Street, Boise, Idaho 83725, to the hearing. Other parties may informally present testimony without filing a notice of appearance. Written comments may also be submitted to the Department prior to the hearing.

If issued, this permit will be subject to all prior water rights. R. Keith
IDAHO DEPT OF W,
Published statewide on September 16 & 23, 1993.

OCT 19 1993

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 092393 INVOICE No. L00381702
Account No. 446600 11-07406
Description 81702NOTICE
Times 1 Lines 43

**LEGAL ADVERTISING
INVOICE**

RECEIVED

Tab Lines

\$ 64.50

SOLD TO:
ID. DEPT OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALLS
ID 83402

SEP 27 1993

Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

81702
**NOTICE OF HEARING FOR APPLICATION FOR
MINIMUM LAKE LEVEL**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake
Application No.: 11-07406
Proposed Priority: May 13, 1993
Minimum Lake Level and
Period of Use:

Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31. Recreation, aesthetics, and fish and wildlife habitat. Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

Purpose of Minimum Flow:

Place of Use:

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director at the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Published statewide on September 16 & 23, 1993.

Karen J. Lewis, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the EWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and as been so published uninterrupted for said period; that the

NOTICE OF HEARING

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, time(s). Publication began on 092393, or once a DAY for 1 consecutive DAY, the first publication thereof being on the 092393, and the last publication thereof being on the 092393, and said

NOTICE OF HEARING

as so published in the regular and entire issue of said newspaper and in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23

day of September 1993

Ray Raul

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

OCT 19 1994

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 091693 INVOICE No. L00381702
Account No. 446600 7406
Description 81702NOTICE
Times 1 Lines 38
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURCES
900 N. SKYLINE DR.
IDAHO FALLS
ID 83402

\$ 57.00

RECEIVED

SEP 24 1993

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF HEARING

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 1 time(s). Publication be-
ing on 091693
DAY for 1 consecutive DAYS, the first
publication thereof being on the 091693, and the last pub-
lication thereof being on the 091693, and said

NOTICE OF HEARING

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 21
day of September 1993

Roy Roul
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF HEARING FOR APPLICATIO
MINIMUM LAKE LEVEL**

Notice is hereby given that the Idaho Water Resource
application for permit to appropriate water to the De
Resources, proposing to appropriate water for a minimum
Lake. The application is further described as follows:

Source: Bear Lake
Application No.: 11-07406
Proposed Priority: May 13, 1993
Minimum Lake Level and
Period of Use:

Purpose of Minimum Flow:

Place of Use:

Elevation of 5902 f
sea level, based o
and Light Company
January 1 through D
Recreation, aesthet
and wildlife habitat.
Bear Lake, located in
T15S, R44E; T16S,
R44E; B.M., Bear Lak

The Director of the Department of Water Resources will
hearing in the Bear Lake County Courthouse, 7 East Center, 1
beginning at 1:30 p.m. on Thursday, October 14, 1993, for the
hearing evidence in regard to the application. The hearing
pursuant to the provisions of Section 42-1503, Idaho Code. In a
Director will also conduct a hearing for public testimony at 7:00
evening at the same location.

Any party who wishes to formally appear in the proceeding for
of presenting evidence of cross examining witnesses should file
appearance with the Director at the Department of Water Resou
house Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5)
to the hearing. Other parties may informally present their views
ments without filing a notice of appearance. Written informal
comments may also be submitted to the Department of Water
prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higgins

IDAHO DEPT OF WATER RE

Published statewide on September 16 & 23, 1993.

OCT 19 1994

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 091693 INVOICE No. L00381702
Account No. 446600 07406
Description 81702NOTICE
Times 1 Lines 38
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

ID DEPT. OF WATER RESOURCES
900 N. SKYLINE DR.
IDAHO FALLS
ID 83402

\$ 57.00

RECEIVED

SEP 24 1993

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month of Water Resources
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only. Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**81702
NOTICE OF HEARING FOR APPLICATION FOR
MINIMUM LAKE LEVEL**

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake
Application No.: 11-07406
Proposed Priority: May 13, 1993
Minimum Lake Level and
Period of Use:

Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31. Recreation, aesthetics, and fish and wildlife habitat. Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

Purpose of Minimum Flow:

Place of Use:

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director at the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director

IDAHO DEPT OF WATER RESOURCES

Published statewide on September 16 & 23, 1993.

Karen J. Lewis

, being duly sworn,

and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF HEARING

Attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 1 time(s). Publication began on 091693

DAY for 1 consecutive DAYS, or once a publication thereof being on the 091693, and the last publication thereof being on the 091693, and said

NOTICE OF HEARING

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 21

day of September 1993

Ray Raul

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

OCT 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 23, 1993

RE: Minimum Lake Level Application for Bear Lake No. 11-07406

Dear Interested Party:

The Idaho Department of Water Resources will conduct a hearing on Thursday, October 14, 1993, to determine whether a minimum lake level for Bear Lake should be approved. The hearing will commence at the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department.

The enclosed fact sheet describes the application. Also enclosed is a brochure which describes the minimum flow procedures.

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become full party to the action. A full party may call and cross examine witnesses.

If you do not wish to become a full party, you may testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,

Gary Spackman
Gary Spackman

Enclosures

RECEIVED
SEP 23 1993

OCT 1 9 1993

**MINIMUM LAKE LEVEL
Fact Sheet**

Water Right No. 11-07406

Source: Bear Lake

Applicant: Idaho Water Resource Board

Requesting Agency: Bear Lake County Commission

Date Filed: May 13, 1993

Minimum Level: Elevation 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

Purpose: Recreation, aesthetics, fish and wildlife habitat.

Hearing Location and Time: Thursday, October 14, 1993, Bear Lake County Courthouse, large courtroom, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. General testimony may also be accepted at an evening meeting scheduled for 7:00 p.m. at the same location.

RECEIVED
OCT 14 1993

Ron Law
Bear Lake Cnty Commission
618 N 6th
Montpelier, ID 83254

Jim Kimbal
PO Box 145
St Charles, ID 83272

Reid Boulton
PO Box 125
St Charles, ID 83272

Dondrey Secrist
PO Box 55
St Charles, ID 83272

Currie Lockett
Friends of Bear River
PO Box 99
Thatcher, ID 83283

Richard Capener
PO Box 85
Riverside, UT 84334

Bear River Canal Co
275 N 1600 E
Tremonton, UT 84337

David Styer
Bear River Water Cons Dist
Tremonton, UT 84337

Carly Burton
Utah Power & Light Co
1407 W North Temple
Slt Lke Cty, UT 84140

Ron Moosman
News Examiner
PO Box 278
Montpelier, ID 83254

Mark Reece
The Herald Journal
75 W 300 N
Logan, UT 84321

Bryan Easl
KUSU - FM
University Hill
Logan, UT 84321

VaLein E Rich
PO Box 592
St Charles, ID 83272

Sheila Sharpe
621 Williams
Montpelier, ID 83254

Jack Barnett
Bear River Commission
106 W 500 S
Bountiful, UT 84010

Scott Flandro
Utah St Lands & Forestry
355 W N Temple Ste 400
Salt Lake City, UT 84180

Dwight Cochran
Bear Lake Cnty Commission
492 S 7th
Montpelier, ID 83254

Frank J Bartlome
314 N 9th
Montpelier, ID 83254

Larry Anderson
Divison of Water Resources
1636 W North Temple #310
Salt Lake City, UT 84116

Allen Harrison
Bear Lake Regional Comm
2661 US Hwy 89
Fish Haven, ID 83287

Mayor Bryce Nielson
1407 Chokecherry Dr
Garden City, UT 84028

Health and Welfare
DEQ
Statehouse Mail
Boise, ID 83720

Jeff Fassett
Wyoming State Engineer
1636 W North Temple, #200
Salt Lake City, UT 84116

Rodney Wallentine
Bear River Commission
105 E 2nd N
Paris, ID 83261

Floyd J Jensen
Bear River Commission
1580 W 3200 S
Preston, ID 83263

J D Williams
State Auditor
Statehouse Mail
Boise, ID 83720

Max Rigby
2205 Last Chance Lane
Grace, ID 83241

Stewart Buttars
3479 W 1600 S
Weston, ID 83286

Con Alder
335 N 300 W
Malad, ID 83252

John Thomas Jr
Rt1 Box 69
Grace, ID 83241

Larry E Riley

3800 W 600 S
Logan, UT 84321

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JAN 10 1977
QUT 2 5-3004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 20, 1993

RE: Minimum Lake Level Application for Bear Lake No. 11-07406

Dear Interested Party:

The Idaho Department of Water Resources will conduct a hearing on Thursday, October 14, 1993, to determine whether a minimum lake level for Bear Lake should be approved. The hearing will commence at the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. The hearing will recess at the close of formal testimony, but will reconvene at 7:00 p.m. for the taking of public testimony.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department.

The enclosed fact sheet describes the application. Also enclosed is a brochure which describes the minimum flow procedures.

A notice of appearance must be filed with the Department at least five (5) days prior to the hearing if you want to become full party to the action. A full party may call and cross examine witnesses.

If you do not wish to become a full party, you may testify informally without filing a notice of appearance. Written comments may also be filed with the Department prior to the hearing.

Sincerely,

Gary Spackman
Gary Spackman

Enclosures

RECEIVED
SEP 22 1993

OCT 13 1993

Mary Luckachick
Parks & Recreation
Statehouse Mail
Boise, ID 83720

Sen Dennis S Hansen
2612 Second Bridge Rd
Soda Springs, ID 83276

Rep Robert C Geddes
7235 N 2600 W
Preston, ID 83263

Marti Bridges
Idaho Rivers United
PO Box 633
Boise, ID 83701

Rep John H Tippets
65 E Center
Bennington, ID 83254

Sen Mary Ellen Lloyd
162 Hawthorne
Pocatello, ID 83204

Cindy Robertson
Dept of Fish & Game
Statehouse Mail
Boise, ID 83720

Rep John Alexander
3537 Conlin
Pocatello, ID 83201

Rep Millie L Flandro
109 Mountain Dr
Pocatello, ID 83201

Susan Martin
US Fish & Wildlife Svc
4696 Overland Rd Rm 576
Boise, ID 83705

Sen Evan Frasure
946 Beth
Pocatello, ID 83201

Rep Elaine Hofman
216 S 16th Ave
Pocatello, ID 83201

Clarence Parr
Rt 2 Box 2128
Hayburn, ID 83336

Rep Pete Black
2249 Cassia
Pocatello, ID 83201

Sen C E Bilyeu
11076 N Philbin Rd
Pocatello, ID 83202

Dave F Rydalch
Rt 2 Box 108
St Anthony, ID 83445

Rep Albert M Johnson
12350 N Philbin Rd
Pocatello, ID 83202

Rep Jim Christiansen
PO Box 458
Aberdeen, ID 83210

RECEIVED
OCT 16 1994

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for minimum lake level in Bear Lake. The application is further described as follows:

Location: Bear Lake

Application No.: 11-07406

Filed Priority: May 13, 1993

Minimum Lake Level and
Flow:

Elevation of 590 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Minimum Flow:

Recreation, aesthetics, and fish and wildlife habitat.

Location of Lake:

Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a hearing in the Bear Lake County Courthouse, 7 East Center, Bear Lake, beginning at 1:00 p.m. on Thursday, October 14, 1993, for purpose of hearing evidence in regard to the application. In addition, the Director will also conduct a hearing for public comment at 4:00 p.m. on the evening at the same location.

The hearing will be held pursuant to the provisions of Section 11-110, Idaho Code, and the adopted Rules of Procedure of the Board.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you are unable to attend in order to attend, please advise the Director of the Department of Water Resources prior to the hearing.

Interested parties may appear in the proceeding for the purpose of presenting evidence, examining witnesses, and cross-examining witnesses. The Director of the Department of Water Resources, 1001 North Orchard, Boise, Idaho 83725, will hold the hearing prior to the hearing. Interested parties may, in writing, present their views and comments on the application to the Director of the Department of Water Resources prior to the hearing.

OCT 19 1994

Comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

Published _____, 1993

RECEIVED

OCT 19 1994

MINIMUM STREAMFLOW APPLICATION

PROCESSING CHECKLIST

<u>Action</u>	<u>Assigned to</u>	<u>Initials/date</u>
1. Min flow app filed	IWRB	
2. Review app in S.O.	Permit Sec Sup	<u>WJ 5-24-93</u>
3. Index app in S.O. Make copy for W.A. Bur ✓ Make copy for Wtr Plan Bur ✓	Records Chief	<u>OK 6-8-93</u>
4. Update summary report	Records Chief	<u>OK 6-8-93</u>
5. Send orig app to region ✓ and copy to Pub. Info Off. ✓	Records Chief	<u>OK 6-8-93</u>
6. Advise S.O. of ident no.	Region	<u>AI 7-23-93</u>
7. Send copy of app to F&G, H&W, Parks & Rec. (mandatory)	Region	<u>7-30-93 LB</u>
8. Send press release that app has been filed	PIO	<u>7-19-93</u>
9. Contact riparian land owners	Requestor	
10. Prepare visual aids (Location, water rts, hydrol)	Wtr Plan Bur	
11. Provide notice of Bd's public meeting by legal notice and press release-PIO	Wtr Plan Bur	
12. Send copy of press release of Bd's public meeting to:	Wtr Plan Bur	
a. IDWR Board members		
b. Local legislators		
c. Watermaster		
d. Water right holders		
e. Riparian owners		
13. Send notice to each water right holder on MSF reach of the Board's public info mtg	Wtr Plan Bur	
14. Hold Bd's public meeting	IWRB and Wtr Plan Bur	
15. Advertise legal notice of Director's hearing (S.O. prepare notice, region advertise)	Permit Sec Sup Region	<u>AI 7-27-93</u>

- | | | |
|--|----------------|-------|
| 16. Provide copy of mess rel
to:
a. IDWR Board members
b. Local Legislators
c. Watermaster
d. Water right holders
e. Riparian owners | Permit Sec Sup | _____ |
| 17. Hold hearing (mandatory) | Permit Sec Sup | _____ |
| 18. Prepare and issue PMDO | Permit Sec Sup | _____ |
| 19. Prepare and issue FMDO | Permit Sec Sup | _____ |
| 20. Send info to legislature
by the 5th legislative day. | Permit Sec Sup | _____ |
| 21. Document water right file
of legislative action | Permit Sec Sup | _____ |

09-Sep-1993

THE NEWS EXAMINER
PO BOX 278
MONTPELIER ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 4, 1993.

Yours truly,

Rita Bodell
Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED
OCT 19 1993

09-Sep-1993

THE TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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Please send the affidavit of publication and publication billing to this office before October 4, 1993.

Yours truly,

Rita Bodell
Rita Bodell
Secretary/Office Coordinator

Encl.

[Faint stamp]
OCT 18 1994

09-Sep-1993

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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Please send the affidavit of publication and publication billing to this office before October 4, 1993.

Yours truly,

Rita Bodell
Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED
OCT 19 1993

09-Sep-1993

THE IDAHO STATESMEN
PO BOX 40
BOISE ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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Yours truly,

Rita Bodell
Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED
OCT 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNORK. KEITH HIGGINSON
DIRECTORTRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 9/8/93TO: Rita BodellFROM: Gary SpackmanDOCUMENT DESCRIPTION: Minimum streamflow notice
Please publish statewide on Sept 16 & 23, 1993.
(3rd & 4th Thurs.)

COVER SHEET + _____ PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES

Rita - Please proofread. Thanks,
Gary

RECEIVED

OCT 18 1994

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source:	Bear Lake
Application No:	11-07406
Proposed Priority:	May 13, 1993
Minimum Lake Level and Period of Use:	Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.
Purpose of Minimum Flow:	Recreation, aesthetics, and fish and wildlife habitat.
Place of Use:	Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Published statewide on September 16 & 23, 1993.

3071 9 1993

R. Keith Higginson, Director
IDAHO DEPT OF WATER RESOURCES

Published statewide on September 16 & 23, 1993.

**NOTICE OF HEARING
FOR APPLICATION FOR
MINIMUM LAKE LEVEL**

OK
Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source: Bear Lake

Application No.: 11-07406

Proposed Priority: May 13, 1993

Minimum Lake Level and Period of Use: Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.

Purpose of Minimum Flow: Recreation, aesthetics, and fish and wildlife habitat.

Place of Use: Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, be-

ginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
IDAHO DEPT OF WATER RE-
SOURCES

Legal No. 4658 — Published Sep-
tember 16 and 23, 1993. *Bear Lake*

OCT 12 1993

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source:	Bear Lake
Application No.:	11-07406
Proposed Priority:	May 13, 1993
Minimum lake level and period of use:	Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.
Purpose Minimum Flow:	Recreation, aesthetics, and fish and wildlife habitat.
Place of use:	Bear Lake, located in T15S, R43E; T15S, R44E; T15S, R43E; T15S, R44E; E.M., Bear Lake County.

The Idaho Department of Water Resources will hold a public hearing at the Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 10 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing at 7:00 p.m. in the evening at the same location.

All persons who wish to appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should appear in person with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, five (5) days prior to the hearing. Other persons may orally present their views and comments without appearing in person. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to the water rights.

MICHAEL KEN

OCT 19 1994

R. Keith Higginson, Director
Idaho Department of Water Resources

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

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Application No:	11-07406
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Place of Use:	Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence of cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

RECEIVED

OCT 17 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Lewiston Morning Trib. FROM: Lita

DOCUMENT DESCRIPTION: LEGAL PUBLICATION FOR MINIMUM LAKE LEVEL

TOTAL NUMBER OF PAGES (Including this page): 3

The underlined paragraph was inadvertently left off. Please insert it in the next publication which will be September 23. If this is not possible or if you have any questions, please call me at 525-7161.

*
* BILLING ADDRESS: _____
* _____
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* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
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SEP 19 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Id. State Senate FROM: R. Fa

DOCUMENT DESCRIPTION: LEGAL PUBLICATION FOR MINIMUM LAKE LEVEL

TOTAL NUMBER OF PAGES (Including this page): 3

The underlined paragraph was inadvertently left off. Please insert it in the next publication which will be September 23. If this is not possible or if you have any questions, please call me at 525-7161.

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SEP 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: News Examiner

FROM: Rita

DOCUMENT DESCRIPTION: LEGAL PUBLICATION FOR MINIMUM LAKE LEVEL

TOTAL NUMBER OF PAGES (Including this page): 3

The underlined paragraph was inadvertently left off. Please insert it in the next publication which will be September 23. If this is not possible or if you have any questions, please call me at (525-7161)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Times News

FROM: Rita

DOCUMENT DESCRIPTION: LEGAL PUBLICATION FOR MINIMUM LAKE LEVEL

TOTAL NUMBER OF PAGES (Including this page): 3

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 9/8/93

TO: Rita Bodell

FROM: Gary Spackman

DOCUMENT DESCRIPTION: Minimum streamflow notice

Please publish statewide on Sept 16 & 23, 1993
(3rd & 4th Thurs.)

COVER SHEET + _____ PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES

Rita - Please proofread. Thanks.

Gary

OCT 19 1993

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM LAKE LEVEL

Notice is hereby given that the Idaho Water Resource Board submitted an application for permit to appropriate water to the Department of Water Resources, proposing to appropriate water for a minimum lake level in Bear Lake. The application is further described as follows:

Source:	Bear Lake
Application No.:	11-07406
Proposed Priority:	May 13, 1993
Minimum Lake Level and Period of Use:	Elevation of 5902 feet above mean sea level, based on Utah Power and Light Company's datum from January 1 through December 31.
Purpose of Minimum Flow:	Recreation, aesthetics, and fish and wildlife habitat.
Place of Use:	Bear Lake, located in T15S, R43E; T15S, R44E; T16S, R43E; T16S, R44E; B.M., Bear Lake County.

The Director of the Department of Water Resources will hold a public hearing in the Bear Lake County Courthouse, 7 East Center, Paris, Idaho, beginning at 1:30 p.m. on Thursday, October 14, 1993, for the purpose of hearing evidence in regard to the application. In addition, the Director will also conduct a hearing for public testimony at 7:00 p.m. in the evening at the same location.

The hearing will be held pursuant to the provisions of Section 42-1503, Idaho Code, and the adopted Rules of Procedure of the Department.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the hearing, please advise the Department within fourteen (14) days prior to the hearing.

Any party who wishes to formally appear in the proceeding for the purpose of presenting evidence or cross examining witnesses should file a notice of appearance with the Director of the Department of Water Resources, Statehouse Mail, 1301 North Orchard Street, Boise, Idaho, 83706, five (5) days prior to the hearing. Other parties may informally present their views and comments without filing a notice of appearance. Written informal views and

00:18:54

comments may also be submitted to the Department of Water Resources prior to the hearing.

If issued, this permit will be subject to all prior water rights.

R. Keith Higginson, Director
Idaho Department of Water Resources

Published _____, 1993

APR 13 1994
307-2-8394

30-Jul-1993

ID DEPT OF FISH & GAME
REGION 5
1345 BARTON RD
POCATELLO ID 83201

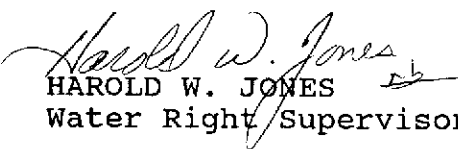
RE: Application for Permit No. 11-07406 Idaho Water Resource
Board

Dear Sir:

We are enclosing a copy of the application that may be of
interest to your department. Please review the application and
submit any comments you may have to our Department as soon as
possible.

If we may be of further assistance, please feel free to contact
us.

Respectfully submitted,


HAROLD W. JONES
Water Right Supervisor

HWJ/rb
enc

RECEIVED
JUL 31 1993
RST (S 1234)

30-Jul-1993

KIRK RICH
BEAR LAKE STATE PARK
BOX 297
PARIS ID 83261

RE: Application for Permit No. 11-07406 Idaho Water Resource
Board

Dear Mr. Rich:

We are enclosing a copy of the application that may be of
interest to your department. Please review the application and
submit any comments you may have to our Department as soon as
possible.

If we may be of further assistance, please feel free to contact
us.

Respectfully submitted,


HAROLD W. JONES *rb*
Water Right Supervisor

HWJ/rb
enc

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30-Jul-1993

DEQ-IDHW
POCATELLO FIELD OFFICE
224 S ARTHUR
POCATELLO ID 83204

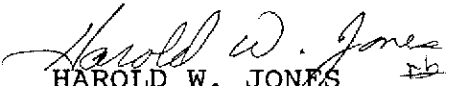
RE: Application for Permit No. 11-07406 Idaho Water Resource
Board

Dear Mr. Moran:

We are enclosing a copy of the application that may be of
interest to your department. Please review the application and
submit any comments you may have to our Department as soon as
possible.

If we may be of further assistance, please feel free to contact
us.

Respectfully submitted,


HAROLD W. JONES *rb*
Water Right Supervisor

HWJ/rb
enc

RECEIVED
JUL 30 1993
POCATELLO FIELD OFFICE

Attendance

IWRB - Information Meeting
Bear Lake Minimum Level
Montpelier 7-28-93

Name	Organization/Address	Phone #
Lyle Apki	Bear River Canal Co 801	279-8528
Ron Law	BEAR LAKE COUNTY	847-0820
Milton Wiman	Bear River Canal Co 801	744-2276
Jim Kimbel	Beach Front Owner Box 145 St Charles 83272	945-2375
Geoff Boutton	Bear Lake Box 125 " "	945-2785
DONALD G. SECRIST	Bear Lake Ranch P.O. Box 55 " "	945-2817
Curtis Lockett	Friends of Bear River	801-763-2622
Richard Capener	Bear River Canal Co.	801-458-3720
Steve Parrish	Bear River Canal Co	801-257-5077
J. Ole Nelson	" " " "	257-3249
Jim Summers	" " " "	854-3620
David B. Styer	Bear River Water Loss Dist	257-5925 - Bad no.
Carly Sutton	Utah Power & Light	801-220-2174
Karen Mosman	News - Admin	847-0552
R. Halkbrook	UP&L Co.	801-452-438
Bryan A. Earl	KUSU Fm Logan	(801) 750-3107
Tadman E. Kirk	No 392 Bear Lake	945-2574
Chris Tate	"	"
Mark Beebe	HERALD JOURNAL - LOGAN	752-2121
Norrell Grandy	Colo. Eggs Co.	
Sheila Sharpe	Home Owner - Bear Lake	847-3480
Jack Barnett	Bear River Compact - Beautiful VA	(801) 292-4662

Alan Henson
 301-257-5077

IWRB - Information Meeting
Bear Lake Minimum Level
Montpelier 7-28-93

[illegible]

**PACIFICORP'S POSITION STATEMENT
IDAHO WATER RESOURCE BOARD APPLICATION
TO ESTABLISH A MINIMUM BEAR LAKE LEVEL**

PacifiCorp, doing business as Utah Power, has operated the Bear Lake-Bear River system since the early 1900's. During the early part of this century the system was operated primarily for irrigation and power production. The Dietrich and Kimball decrees of the early 1920's granted Utah Power the exclusive right to divert and store Bear River's water in Bear Lake and to release such stored waters for irrigation and power production below Bear Lake. After the Bear River Compact was enacted in 1958 Utah Power modified its operation to reflect recreation, flood control and fish and wildlife concerns within the Bear Lake-Bear River system.

The lake has fluctuated from a low of 5902.0 feet to 5923.65 feet since the early 1900's. The 5902.0 level occurred only once at the end of the drought of the 1930's. Since that time the lake has experienced two severe drought cycles, the early 1960's and the 1987-1992 drought. The lake dropped to 5905.4 feet by November 1992 as a result of the recent drought.

PacifiCorp will not object to the establishment of a minimum lake level at Bear Lake provided that the level is 5902.0 feet or lower. PacifiCorp would strongly object to a minimum lake level higher than 5902 because any higher level established would, in effect, be a taking of PacifiCorp's water rights and would severely interfere with PacifiCorp's delivery of Bear Lake storage water to contracted downstream irrigators.

OCT 19 1994

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

Release 93-91

BEAR LAKE MINIMUM LEVEL MEETING
SET FOR WEDNESDAY IN MONTPELIER

For Immediate Release
Boise, Idaho - July 21, 1993

For Media Information:
Dick Larsen - 327-7933

Should a minimum water level be established for Bear Lake and, if so, why and what will be the impact?

Those are just some of the questions the Idaho Water Resource Board hopes to answer for area residents at a special public information meeting Wednesday evening in Montpelier.

The Board has applied for a water right that would set the minimum Bear Lake water level at 5,902 feet above sea level. The Board says a minimum level is needed to protect recreation, and aesthetics, ~~fisheries and wildlife habitat~~ at the lake, and came at the request for the Bear Lake County commissioners.

The meeting starts at 7:30 p.m. in the Allred Center at the Bear Lake County Fairgrounds in Montpelier.

-30-30-30-

RECEIVED
JUL 22 1993

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

Release 93-89

IDAHO WATER RESOURCE BOARD
SETS EASTERN IDAHO MEETING

For Immediate Release
Boise, Idaho - July 19, 1993

For Media Information:
Dick Larsen - 327-7933

A proposed minimum lake level for Bear Lake will be among the items to be discussed during the regular meeting of the Idaho Water Resource Board (IWRB) set for July 29 in Fish Haven, Idaho.

The Board wants to establish a minimum lake water level of 5,902 feet above sea level. The Board says the minimum level is needed to protect recreation, aesthetics, fisheries and wildlife habitat at the lake.

The Board will hold a special public information meeting about the Bear Lake minimum level proposal in Montpelier on Wednesday (July 28). The meeting will start at 7:30 p.m. in the Allred Building at the Bear Lake County Fairground.

In its July 29 regular meeting, which starts at 8:30 a.m. at the Bear Lake West in Fish Haven on the west side of Bear Lake, the Board also will hear reports on water rentals for salmon recovery efforts, comprehensive state water plans, and the emergency drought relief program.

Proposed water legislation for the 1994 legislative session also will be discussed. The Board also will review and act on a variety of requests for loans and grants.

-more-more-

2001 1 5 1934

Citizens who want to attend either the special public information meeting or the regular Board meeting but who may need special accommodations due to a disability should let the IWRB know at least five days in advance so arrangements can be made. Contact Debi Cline, 327-7910.

-30-30-30-

No 4622

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. Moorman

being duly sworn,

poses and says:

That he is the Editor of THE
NEWS-EXAMINER, a weekly newspaper published at Mont-
pelier, in the County of Bear Lake and State of Idaho; and
said paper has been and is in general circulation in the
County aforesaid, and in the vicinity of Montpelier; that the
advertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 1 con-
secutive weeks in the regular and entire issue of said paper
during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with

July 22, 1993, and ending
with the issue of July 22, 1993

Rosa S. Moorman

for \$19.95

Subscribed and sworn to before me this 30th day

of July, 1993
Sherry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

PUBLIC INFORMATION MEETING, BEAR LAKE MINIMUM LEVEL

The Idaho Water Resource Board will hold a public information meeting at 7:30 p.m. in the Allred Bldg., Bear Lake County Fairgrounds, Montpelier, on Wednesday, July 28, 1993.

Board staff will provide information about the application filed by the Board for a minimum lake level for Bear Lake. If approved, the application would prevent withdrawals in Idaho that would result in a lake level lower than the historic minimum of 5,902 feet above sea level.

Individuals who want to attend the meeting but who may need special assistance due to a disability should contact Frank Sherman, IDWR in Boise, 327-7985, at least five days in advance so arrangements can be made.

Legal No. 4622—Published July 22, 1993.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 14, 1993

Editor
The News-Examiner
Montpelier, ID
FAX: 847-1204

Dear Editor:

Please publish the following legal notice in the July 22 edition of the News-Examiner.

PUBLIC INFORMATION MEETING, BEAR LAKE MINIMUM LEVEL

The Idaho Water Resource Board will hold a public information meeting at 7:30 p.m. in the Allred Bldg., Bear Lake County Fairgrounds, Montpelier, on Wednesday July 28, 1993.

Board staff will provide information about the application filed by the Board for a minimum lake level for Bear Lake. If approved, the application would prevent withdrawals in Idaho that would result in a lake level lower than the historic minimum of 5,902 feet above sea level.

Individuals who want to attend the meeting but who may need special assistance due to a disability should contact Frank Sherman, IDWR in Boise, 327-7985, at least five days in advance so arrangements can be made.

Following publication, please submit the invoice and affidavit of publication to:

Idaho Department of Water Resources
Attn: Frank Sherman
1301 N. Orchard
Boise, ID

Thank you.

Dick Larsen
DICK LARSEN
Public Information Officer

RECEIVED
JUL 19 1993

NEWS RELEASE

Statehouse Mail, Boise, Idaho 83720

Release 93-70

IWRB WANTS TO ESTABLISH
BEAR LAKE MINIMUM WATER LEVEL

For Immediate Release
Boise, Idaho - June 16, 1993

For More Information:
Dick Larsen, 327-7933

The Idaho Water Resource Board has applied for a water right which would establish a year round minimum water level in Bear Lake, according to state water officials.

A minimum lake water level of 5,902 feet above mean sea level would be set if the water right is granted. The Board says the minimum level is necessary to protect recreation, aesthetics, fisheries and wildlife habitat at the lake.

Existing water rights and pumps now allow the lake to be drawn down to the 5,902 level. If approved, the Board's water right would block any new water withdrawals from the lake in Idaho that could drop the water level below the minimum. It is uncertain what the granting of the water right could mean for future new uses of water in the Utah half of the lake.

The Board has scheduled a special public meeting to describe the elements of the application to area residents. The meeting will be held July 28 at 7:30 p.m. in the Allred Center at the Bear Lake County Fairgrounds in Montpelier.

-more-more-

Bear Lake Minimum Level - Page 2

The Board filed the application at the request of the Bear Lake County commissioners. The application also has the support of the Idaho Department of Parks and Recreation.

Commissioners were worried that lowered lake levels could have "tremendous ecological consequences" for fish and aquatic life. They also noted that the natural beauty of the area will suffer if lake levels are allowed to decline. At the time of the petition from the County, the lake was at its lowest level since 1936.

Formal public hearings will have to be held later by the Idaho Department of Water Resources before the application can be approved. The state legislature must also review approved minimum lake levels before they can take effect.

A minimum lake level water right cannot affect other water rights, permits or applications with earlier priority dates.

Individuals who want to attend the meeting and who may need special assistance due to a disability should contact Frank Sherman, Idaho Department of Water Resources in Boise, at least five days in advance so arrangements can be made. Sherman's phone number is 327-7985.

Nam NG
Kell.

RECEIVED

APR 19 1993

Department of Water Resources

IDAHO DEPARTMENT OF LANDS

1910 NW BLVD, STE 201, COEUR D'ALENE, ID 83814-2615

STANLEY F. HAMILTON
DIRECTOR

April 16, 1993

BOARD OF LAND
COMMISSIONERS
CECIL D. ANDRUS
Governor
PETE T. CENARRUSA
Secretary of State
LARRY ECHOHAWK
Attorney General
J.D. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't of Public
Instruction

Utah Power and Light Company
1407 W North Temple, Room 182
Salt Lake City, UT 84140

Gentlemen:

Re: Encroachment Permit L-11-S-131C

Enclosed is subject permit in accordance with the application filed with this office. Please comply with all special terms and conditions.

You are required to record this original permit with the respective Idaho county. The assigned number must be readily available upon inspection of this encroachment.

Thank you for your cooperation.

Sincerely,



W. R. PITMAN, PE, Administrator
Idaho Lake Protection Act

WRP/mc

enclosures

c: Department of Health & Welfare, Pocatello
Division of Environmental Quality, Pocatello
Department of Fish & Game, Pocatello
US Army Corps of Engineers - Idaho Falls & Walla Walla, WA
Department of Water Resources, Boise
US Coast Guard - Seattle, WA
Eastern Idaho Area

OCT 19 1994

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

STANLEY F. HAMILTON
DIRECTOR

ENCROACHMENT PERMIT NO. L-11-S-131C

Permission is hereby granted to UTAH POWER AND LIGHT COMPANY
of 1407 W North Temple Rm 182, Salt L. City, UT 84140 to dredge 74,000
cy from 100' w x 2,000' l channel to elevation 5,895' for irrigation
obligations from Lifton pumping station to access water to elevation 5,902'
located: Bear Lake, Section 16, Township 15 South, Range 44 East,
Boise Meridian, Bear Lake County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the enclosed permit tag is displayed on the outermost area of the encroachment.
8. This permit is valid only through 16th day of April, 1994.

BOARD OF LAND
COMMISSIONERS
CECIL D. ANDRUS
Governor
PETE T. CENARRUSA
Secretary of State
LARRY ECHOHAWK
Attorney General
J.D. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't of Public
Instruction

OCT 1 9 1994

April 16, 1993

Page two

9. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.
10. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
11. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
12. The permittee shall comply with the requirements of the Idaho Department of Health and Welfare for waste water discharge related to this project.
13. Dredged material must be so placed and contained above elevation 5,923.65 as to prevent return of material or excess water into either Bear Lake or Mud Lake.
14. The State of Idaho reserves the right to inspect the dredging operation and stop work if, in the State's opinion, unacceptable turbidity levels are produced.
15. Permittee shall contract a qualified consultant to conduct a dredging-associated monitoring program involving both lake and Lifton Station discharge water quality (turbidity and suspended sediment minimum) regardless of the type of dredging (suction or drag line). The monitoring program shall be satisfactory to the Division of Environmental Quality (DEQ), and no dredging shall commence until monitoring provisions and appropriate action levels are established with DEQ. This agreement shall be made a part of this permit.
16. Permittee shall design and install a fish migration barrier at the causeway to prevent cutthroat trout from ascending the inlet structure and thus loss of Bear Lake cutthroat from Bear Lake. The engineer-designed fish migration barrier shall meet approval of the Idaho Department of Fish and Game.
17. Permittee shall design and install a fish migration barrier at the Lifton Station to prevent cutthroat trout from leaving Bear Lake when water is being diverted into or out of Bear Lake. The fish migration barrier shall meet approval of the Idaho Department of Fish and Game.
18. No water is to be pumped out of Bear Lake below the 5,902 foot elevation.
19. Exercise all necessary and required safety precautions and warnings while the operations permitted constitute a hazard to people and animals using the dry bed of the lake or to people using the water for wading, swimming, or boating. Warning signs and/or buoys shall be placed in location to alert the public.
20. Permittee may construct a temporary access dike and place clean, nonwater-contaminating mats on this dike through the shallow water for facilitating encroachment access by dredging equipment. Dike to be removed when 1993 dredging operation is completed.
21. Permittee may temporarily store dredged material on the dry bed of the lake with the understanding this dredged material will be transferred to permanent storage above the high water line of the lake as the material dries out.

OCT 18 1994

April 16, 1993

Page three

22. Permittee will temporarily establish settling ponds to trap and filter water draining from the dredged material temporarily stored on the dry bed of the lake. When dredging efforts are completed, these settling pond areas will be restored to normal lake bed level.
23. This permit becomes effective upon payment of Seven Thousand Four Hundred Dollars (\$7,400) for 74,000 cubic yards of dredged material at \$.10/cubic yard and upon signature by appropriate representatives of the department that payment has been received.
24. Dredged materials being stockpiled close to the lakeshore must be shaped into a natural appearing landform to diminish their visual impact. It must be far enough removed so it will not slough, blow, or flow back onto the lakebed or have a restraint installed to prevent any such occurrence.
25. If the dredged material is stockpiled away from the lake where it can all be measured at the end of the project, a refund can be made should the total amount taken be less than 74,000 cubic yards.
26. Permittee shall comply with all State of Idaho laws pertaining to control of noxious weeds should they establish and grow in the material dredged from the lake.
27. Idaho Department of Lands reserves the right to impose additional restrictions at any time should the department deem it necessary for resource protection.
28. No other use of the subject land is permitted other than those activities identified in this permit.
29. Permittee shall indemnify and shall hold harmless and free from liability the permittor for any injuries to persons or damage to property occurring as a result of the use authorized under this permit.

FOR THE DIRECTOR

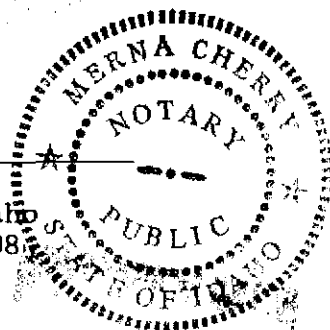
By: Will Pitman
W. R. PITMAN, PE, Administrator
Idaho Lake Protection Act

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 16th day of

April, 1993.

Merna Cherry
Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98



OCT 18 1994

UTAH POWER

NORTH TEMPLE OFFICE

1407 WEST NORTH TEMPLE • SALT LAKE CITY, UTAH 84140

November 17, 1992

Mr. Ray Kagel
Army Corps of Engineers
1820 E. 17th St.
Suite 350
Idaho Falls, Idaho 83404

Subject: Encroachment Permit NPW No. 071-OYC-1-003260
Maintenance dredging of the channel to the Lifton
Pumping Station in Bear Lake

Gentlemen:

Utah Power & Light Company requests authorization to expand the dredging operation permit to maintain the existing channel to the Lifton Pumping Station at Bear Lake. In 1988 a maintenance dredging permit was issued for a 10-year period (see attached permit). In June 1992 UP&L applied to modify the existing permit to extend the depth of the existing channel. Using a drag line, approximately 4500 cubic yards of material was removed to open the channel to a depth required to maintain the flow to the Lifton Pumping Station to meet downstream irrigation demands throughout the summer.

Utah Power & Light Company requests authorization to proceed with the dredging to a point approximately 5000 feet into the lake to an elevation of 5895 feet. The existing permit authorizes dredging a channel 3000 feet in length to an elevation of 5906 feet. This work will allow the Bear Lake level to be drawn down to an elevation of 5902. The proposed dredging will require excavation of an additional 74,000 cubic yards of material. The proposed channel bottom is at elevation 5895 which will allow sufficient channel capacity to provide the required flow to reach the pumps when the lake is at the minimum elevation of 5902.

We would like to begin our dredging operations in 1993 as early as possible before it is necessary to begin pumping to meet irrigation demands so that turbidity problems are minimized downstream of the Lifton Station. UP&L would like to receive authorization to begin dredging before March 1, 1993. UP&L is requesting a 10-year maintenance permit to insure that the existing channel is continuously maintained in such a manner as to keep turbidity at a minimum and maintain adequate flow.

Enclosed is the permit application. If you have any questions, please contact Craig Cox at (801) 220-2557 or Carly Burton at (801) 220-2174.

Sincerely,

Craig E. Cox

Craig E. Cox, Ph.D.
Sr. Environmental Analyst

RECEIVED

NOV 20 1992

CEC:ph
404 Permits 5.5

PACIFICORP ELECTRIC OPERATIONS

Department of Lands
Idaho Falls, Idaho

RECEIVED

NOV 20 1992

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND

Department of Lands
Idaho Falls, Idaho

STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS

SEPARATE PERMIT DECISIONS MUST
BE RECEIVED FROM BOTH THE STATE
OF IDAHO AND THE CORPS OF
ENGINEERS PRIOR TO START OF
WORK

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

PLEASE TYPE OR PRINT

1. Corps of Engineers # _____ Date Received _____	2. State of Idaho # _____ Date Received _____
--	--

The applicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - Boise _____,
Coeur d'Alene _____, Twin Falls _____, Idaho Falls X; ID Dept. Lands - Boise X, Coeur d'Alene _____;
Corps of Engineers - Walla Walla X.

3. Applicant <u>UTAH POWER & LIGHT</u> Mailing Address <u>1407 West No. Temple</u> <u>Salt Lake City, Utah</u> Work Phone (801) <u>220-2557</u> Home () _____ Date of Application <u>November 12, 1992</u>	4. Authorized Agent <u>L-11-S-131C</u> Mailing Address <u>CDA office received Dec 12, 1992</u> Work Phone () _____ Home () _____
---	--

5. Location where proposed activity exists or will occur.
Waterway Bear Lake Tributary of: _____
St. Charles/Lifton Pumping Plant Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.) _____
In or near city of town _____ *(See pamphlet)
Bear Lake Idaho 83272 16 15 S, 44 E.
County State Zip Code 1/4 1/4 Section Township Range

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms. If additional space is needed, use a separate sheet or Section 16 (Remarks).

Describe the proposed activity in detail: _____
See attached letter

Describe construction methods and equipment: _____
See attached letter

Length of project along the stream or extension into lake or reservoir: 200' wide X 3000' long channel

Stream gradient: N/A

Will material be placed waterward of ordinary high water mark? NO

Will material be placed in adjacent wetlands? NO

Type of fill material: clay/sand (i.e. sand, etc.) Material Source: lake bed

Volume of material to be placed: 74,000 (cubic yards)

Will excavation be required? yes Disposal Site Location: Upland

Method of diverting flow, if needed: N/A

Method of controlling turbidity: Use of dikes and siphons to allow settling and dewatering of sediments in an upland site.

7. Size and Capacity of proposed bridge or culvert and area of drainage served (sq. miles): 0.0719 1994
(Idaho Department of Water Resources requirement.)

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings.

9. Purpose and intended use: Maintenance Dredging

Commercial _____ Public _____ Private _____ Other X

10. Proposed Starting Date As early as possible in 1993 Estimated Duration 10 Years

11. If any portion of the activity is complete, indicate month and year of completion N/A
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

N/A

13. LEGAL OWNER IF
OTHER THAN APPLICANT

MAILING ADDRESS

CITY, STATE,
ZIP CODE

PHONE

AREA
WORK()

AREA
HOME()

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency

Type of Approval

Identification No.

Date of Application

Date of Approval

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No X (If "Yes" explain)

16. Remarks or additional information: UP&L RECEIVED A MAINTENANCE DREDGING PERMIT
NUMBER 071-OYC-1-003260 ON JUNE 1, 1988.

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work. UTAH POWER & LIGHT.

Nov. 18, 1992
Date

Craig E. Cox
Signature of Applicant (REQUIRED)

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date

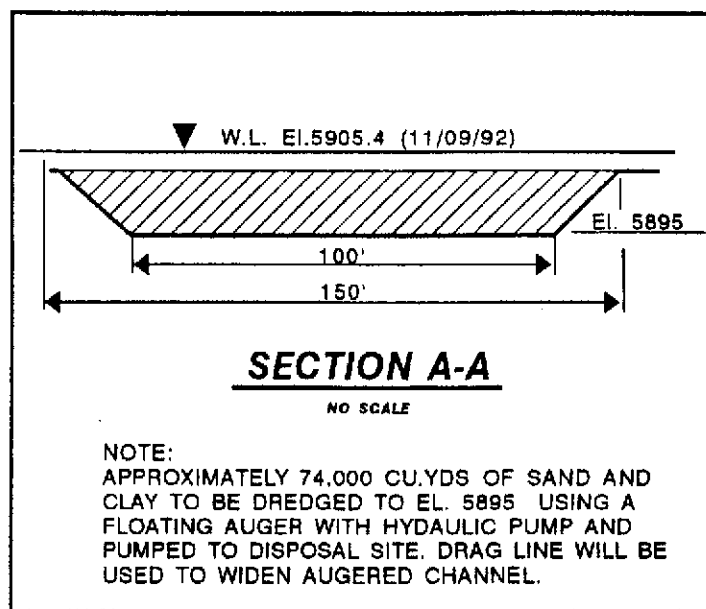
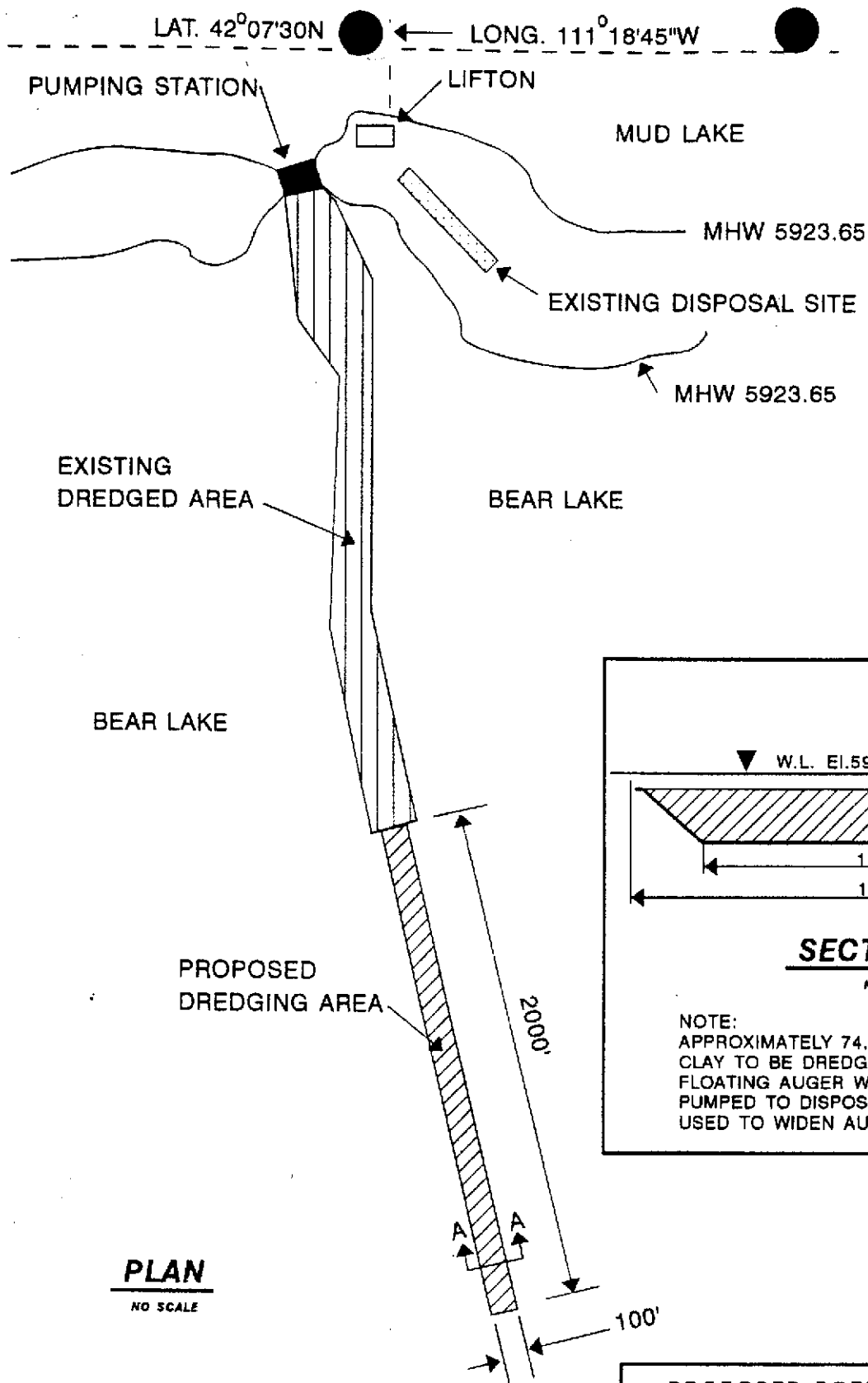
Signature of Authorized Agent (if applicable)

Signature of Applicant (if applicable)

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND PROCESSING FEE WITH APPLICATION

OCT 14 1994



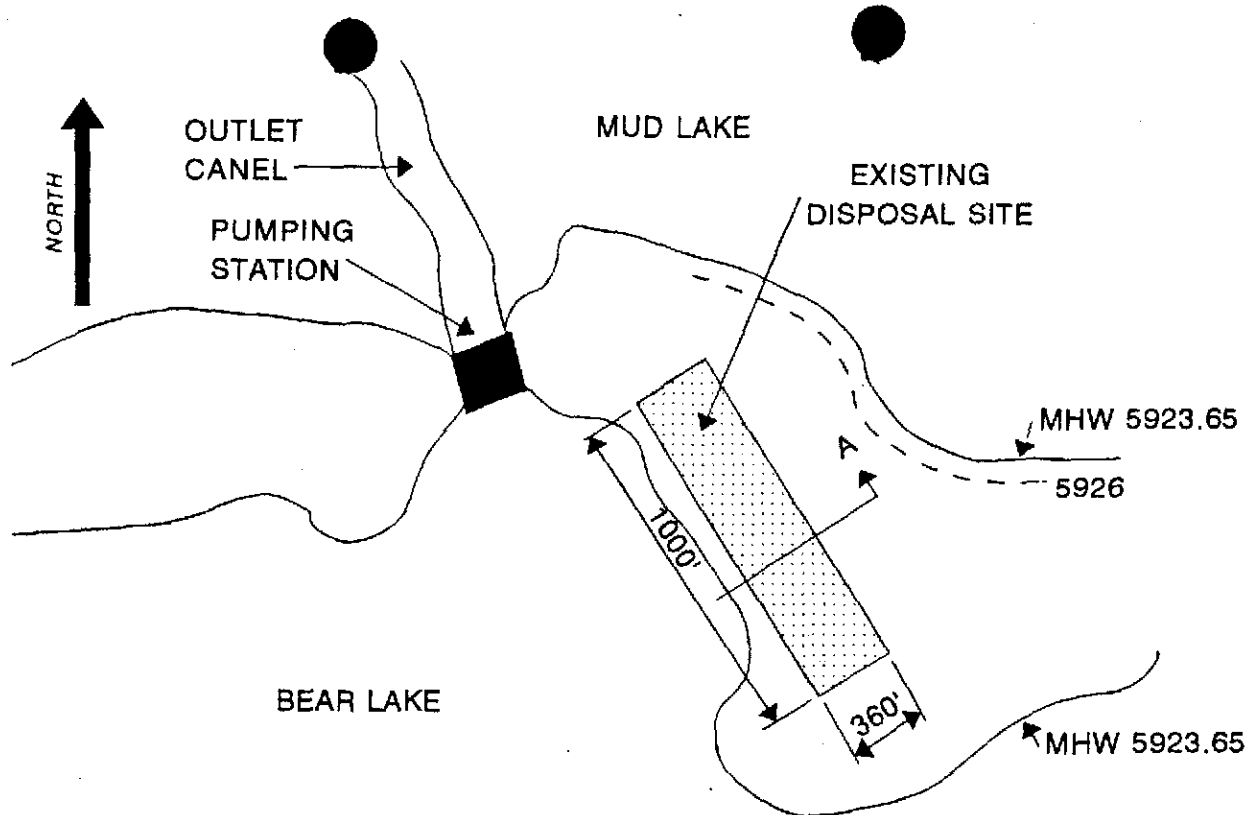
PURPOSE: MAINTENANCE OF CHANNEL TO PUMPING STATION.

DATUM: MAXIMUM WATER EL. 5923.65 (UP&L)

**PROPOSED DREDGING AND DISPOSAL
IN BEAR LAKE AT LIFTON, IDAHO
COUNTY OF BEAR LAKE, STATE OF IDAHO**

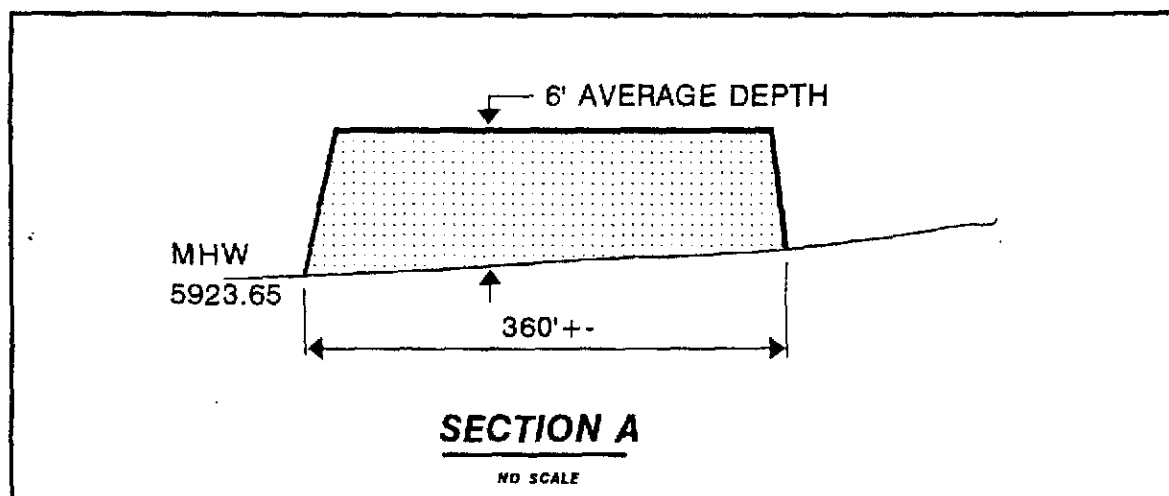
**APPLICATION BY UTAH POWER & LIGHT CO.
SHEET 1 OF 2 11/09/92**

OCT 1 1994



PLAN

NO SCALE



SECTION A

NO SCALE

SUPPLEMENT TO
DREDGING AND DISPOSAL APPLICATION OF
11/09/92
SHOWING PLAN AND SECTION ELEVATION
OF DISPOSAL SITE

BY UTAH POWER & LIGHT CO.
SHEET 2 OF 2 11/09/92

001 1 8 1994

RECEIVED

APR - 5 1993

Idaho Department of Water Resources

RA
Phone
P.O. Box 22
Fish Haven, Idaho
83287
March 30, 1993

Mr. Ron Law,
Commissioner, Bear Lake County
Paris Idaho 83261

Dear Mr. Law,

We have noted in the media your position with regards to the protection of Bear Lake below the 5902 level.

You have our unconditional support of this position. As long-time residents on the lake shore, we have been vitally concerned about the level of the lake and the potential destruction of the pristine qualities of this natural body of water.

Please let us know what further we might do to lend support to the Application for Protection. We sincerely urge Utah to follow Idaho's lead in doing everything necessary to assure future protection of Bear Lake.

Sincerely,

Phyllis H. Holmgren
Phyllis Holmgren

cc: Keith Higginson, Director
Idaho Water Resources Dept.

Bob Fotheringham, Area Engineer
Utah Division of Water Rights

Phyllis H. Holmgren
OCT 1 9 1994



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

March 18, 1993

RECEIVED

MAR 26 1993

Department of Water Resources

Mr. Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Mr. Higginson:

We understand the Idaho Water Resources Board, at their March 17, 1993 meeting, approved a petition by the Bear Lake County Commission to establish a minimum level for Bear Lake at 5,902' msl. We also understand this is the same level identified in the Bear River Compact as the "accepted minimum elevation" of the storage reservoir.

Recent studies by Utah State University indicate that receding lake levels in the 1990s have significantly reduced spawning habitat and numbers of the endemic Bear Lake sculpin. Further exposure of the rocky substrate habitat around the lake as a result of drawdowns could have serious consequences relative to the viability of this species, especially if the lake level is held below 5,914' msl for consecutive years as has been the recent case.

Since 1915, lake levels dropped to 5,902' msl on only one occasion (1935). Lake levels have ranged from 5,913' to 5,905' msl the last three years. To maintain viable biological populations at the lake, we believe minimum levels should be around 5,916' msl. At this level, riparian plant communities remain intact, rocky substrates necessary for survival of some endemic species are inundated, and access to tributary streams by spawning runs of fish are assured.

We have cooperated in a long-term research project with the Utah Department of Natural Resources on the enhancement of Bear Lake cutthroat populations at Bear Lake. This fish is a unique strain of the Bonneville cutthroat trout which is classified as a Species of Special Concern by our Department. These fish have suffered natural spawning failures for three consecutive years (1990, 1991, 1992) in St. Charles Creek (Bear Lake's most significant spawning tributary), because low lake levels prevented their entrance into this stream. In 1992 we attempted to solve this problem by dredging a channel, but continued drawdown of the lake left it several hundred feet from the lake shore. A lake level of at least 5,916' msl is needed to prevent the channel of this stream from spreading as it enters the lake, and thereby restricting access for spawning cutthroat trout.

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

OCT 19 1994



**IDAHO DEPARTMENT
OF
PARKS & RECREATION**

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

FRANKLIN E. BOTELER, Ph.D.
Deputy Director

**IDAHO PARK AND
RECREATION BOARD**

Robert M. Haakenson
Region One

Thomas L. Neal
Region Two

Sheila Robertson
Region Three

Glenn Shewmaker
Region Four

Ren E. Thomson
Region Five

Monte Q. Later
Region Six

STATEHOUSE MAIL
BOISE, IDAHO 83720-8000
(208) 327-7444
FAX (208) 327-7406

Street Address
7800 Fairview Ave.

Equal Opportunity Employer

March 16, 1993

Mr. Keith Higginson, Director
Members of the Water Resource Board

SUBJECT: Bear Lake Minimum Lake Level

Dear Sirs:

The staff of IDPR has been involved in various conversations and meetings with county commissioners, Bear Lake Regional Commission members, representatives of resource agencies and other elected officials on the subject of establishing a minimum pool in Bear Lake.

IDPR shares the communities concerns about the dropping lake level. This has caused a sever loss of recreational opportunities and has created negative economic impacts on the community.

Bear Lake County Commissioners are proposing establishing a minimum lake level of 5902' under the instream stream flow statue, Idaho Code 42-1501 through 42-1505. We support this course of action as a way to protect Idaho's interests at Bear Lake.

Sincerely,

Yvonne S. Ferrell
Director

f:\wpl\iwrb.mar

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OCT 19 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 4, 1993

Mr. Ron Law, Chairman
Board of Commissioners
Bear Lake County
P.O. Box 190
Paris, Idaho 83261

Dear Mr. ^{Law} Law:

The purpose of this letter is to advise you that your February 19, 1993, letter to the Idaho Water Resource Board requesting that a minimum lake level be established at Bear Lake will be an agenda item at the March 17 meeting of the Board in Boise, Idaho.

You or your representatives are invited to attend the Board meeting to support and explain the request. If you are unable to attend you may wish to call a board member to convey your views on this matter. The Board meeting will be at the Idaho Department of Water Resource, 1301 North Orchard, Boise, starting at 8:30 a.m.

Please call me if I can be of any assistance.

Sincerely,


R. KEITH HIGGINSON
Director

RKH:dc

cc: Board Members


OCT 19 1994

DWIGHT L. COCHRAN
Chairman - Montpelier

KEITH MARTINDALE
Bern

RONALD LAW
Montpelier

JOAN P. EBORN — CLERK

BEAR LAKE COUNTY
BOARD OF COMMISSIONERS
STATE OF IDAHO

RECEIVED

FEB 24 1993

Department of Water Resources

P.O. BOX 190, PARIS, IDAHO 83261 (208) 945-2212

February 19, 1993

Idaho Water Resources Board
1301 North Orchard
Boise, Idaho 83706

RE: Waters in Bear Lake

Dear Gentlemen:

Bear Lake County is extremely concerned about the waters of Bear Lake. The lake level is at its lowest point since 1936, and from all indications will recede even further. Bear Lake is an important resource to the State of Idaho and especially to us here in Bear Lake County. Our local economy has been adversely affected by the low levels of the lake due to the drastic decline of recreational use. We're concerned that a further reduction of water in the lake will have tremendous ecological consequences for the fish and aquatic life that are found there. The aesthetic beauty is gradually deteriorating and the once popular recreation spot is now losing its appeal to the general public.

As other states struggle with increasing demands for water and are constantly looking for new sources and supplies, we fear that Bear Lake may become a target for diverting waters to those areas.

Therefore, pursuant to Idaho Code 42-1504, Bear Lake County hereby petitions the Idaho Water Resource Board to consider in accordance with Idaho Code 42-1503, the appropriation of a minimum stream flow (lake level) of the unappropriated waters of Bear Lake below elevation 5902. We feel the above action is necessary to provide adequate protection for those waters and alleviate the concerns of the public.

We feel the most beneficial use for those waters are to remain in the lake, where they will sustain the fish and aquatic life that reside there, preserve the aesthetic beauty of the area, maintain the excellent water quality, provide tremendous recreational opportunities and contribute significantly to the local economy rather than to see them put to some consumptive use down stream.

OCT 19 1994

We implore you to take the appropriate actions necessary to protect those waters in Bear Lake below 5902, and certainly feel it is in the best interest of the people of this state to do so.

Sincerely,

BEAR LAKE COUNTY COMMISSIONERS

Dwight L. Cochran

Dwight L. Cochran, Chairman

Ron Law

Ron Law

Keith Martindale

Keith Martindale

RL/jpe

MAILED 10

OCT 19 1994