



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

RECEIVED

JAN 21 1999

Department of Water Resources
Eastern Region

January 15, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: BEAR RIVER GROUND WATER MANAGEMENT AREA

Dear Interested Party:

Enclosed for your review is a Preliminary Order Designating the Bear River Ground Water Management Area. Also enclosed is an explanation of actions and time frames in which parties may respond to the order. Note that the initial actions available to parties include the filing of a petition for reconsideration, briefs or exceptions to the order.

As a brief summary of this matter, on May 14, 1997, PacifiCorp and the Bear River Water Users Association, Inc. submitted petitions to the department asking the department to either establish a moratorium in the Bear River Basin against the approval of additional appropriations of water which propose new consumptive uses of water or in the alternative to designate a Ground Water Management Area.

On July 2, 1997, the department conducted public information meetings in Preston and Soda Springs to receive comment on the petitions. Between the two alternatives, nearly all comments submitted to the department favored the designation of a management area which would allow Idaho to develop and use Idaho's share of any unappropriated water in the Bear River Basin with provisions to protect existing water rights and opposed the declaration of a moratorium against the approval of new uses.

The department has also sent a copy of the preliminary order as information to potentially interested parties in Bear Lake, Caribou and Franklin Counties.

If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: IDWR - Eastern Region

SCANNED
AUG 2 8 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

January 15, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Applications for Permits for Diversion and Use of Surface Water and Ground Water Within the Bear River Drainage and Great Basin Tributaries

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary

order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

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.

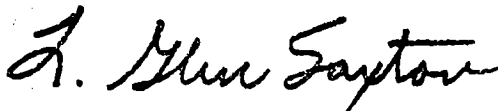
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." and last name "Saxton" clearly legible.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMITS FOR DIVERSION AND USE OF)
SURFACE AND GROUND WATER WITHIN)
THE BEAR RIVER DRAINAGE AND GREAT)
BASIN TRIBUTARIES)
_____)

PRELIMINARY ORDER
DESIGNATING THE BEAR
RIVER GROUND WATER
MANAGEMENT AREA

The Director of the Department of Water Resources (Director), having responsibility for administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1997, PacifiCorp doing business in Idaho as Utah Power & Light Company (Petitioner) filed a petition with the Idaho Department of Water Resources (IDWR or Department) seeking the following actions:

- a. Establishment of a moratorium on the issuance of, or further action on, permits or applications to appropriate ground or surface water in the Bear River and Bear Lake Basin located within the state of Idaho.
- b. In the alternative, if the Director does not order a moratorium, establishment of a Ground Water Management Area in the Bear River and Bear Lake Basin located within the state of Idaho, and propose and adopt a management plan, including establishment of a procedure whereby applicants demonstrate that their application will not adversely impact existing vested water rights, or replace water or mitigate for impairment of the existing vested water rights of Petitioner and its contract holders due to applicants' proposed uses.
- c. Require accurate measurement and annual reporting of all surface and ground water uses in the Bear River and Bear Lake Basin located within the state of Idaho.
- d. Order that all pending and future applications, and all applications or permits for which proof of beneficial use has not yet been made pursuant to the Department's rules, be subject to the moratorium of the Ground Water Management Area and plan.

2. On May 14, 1997, Bear River Water Users Association, Inc. (Petitioner) submitted a petition requesting the Director to:

- a. Establish a moratorium in the Bear River Basin, as defined in the Bear River Compact, and suspend the issuance and further action on all permits or applications pursuant to section 42-1805(7), Idaho Code, to the extent necessary to protect prior vested surface water rights in the Bear River Basin in Idaho, except to the extent that the applicant for a new diversion and/or depletion establishes by competent evidence that the proposed use will not impair existing water rights or provides compensation of replacement water in accordance with the Conjunctive Management Rules.
- b. Additionally, or in the alternative, if a moratorium is not established, a "Ground Water Management Area" should be established pursuant to section 42-233b, Idaho Code, for the Bear River Basin, as defined in the Bear River Compact. In conjunction therewith, new applications for permits within the management area should be approved by the Director only after he has determined on an individual case-by-case basis that sufficient water is available and that the holders of other prior vested water rights will not be injured by the proposed appropriation. As a part thereof, the Director should require that all water right holders within the management area report withdrawals of ground water and provide other necessary information for the purpose of assisting him in determining available ground water supplies and regulating their usage, together with their depletions and other impacts upon surface water rights.
- c. That the Department prepare and implement a plan to monitor and evaluate ground water diversions and depletions in the Bear River Basin.
- d. That all future applications to appropriate water within the Bear River Basin be subject to the foregoing.
- e. That action on all pending applications to appropriate water within the Bear River Basin be stayed until this petition has been acted upon.

3. Notice of the petitions was given and meetings were held in Preston and Soda Springs, Idaho on July 2, 1997, to disseminate information about the petitions and obtain public comments on the proposed actions. Written comments were accepted until August 1, 1997.

4. The comments received at the public meetings and in writing opposed the imposition of a moratorium on water right development but recognized the need to protect prior rights to use the water of Bear River. Most of those commenting supported the

establishment of a Ground Water Management Area provided the ensuing management policy would allow the development and use of Idaho's share of any unappropriated water in the Bear River Basin, with requirements adequate to protect prior water rights.

5. A study in the Bear River drainage by Dion (1969) shows that the ground water and surface water in the Bear River drainage generally are directly interconnected. The geology of the valley floor has been characterized as being mostly "unconsolidated basin-fill deposits of Quaternary age ... and younger alluvium." Diversion and use of water from a tributary stream or well will impact the total water supply available in the system.

6. A study done by the U.S. Geological Survey, published in 1994 by the Utah Department of Natural Resources (Technical Bulletin No. 108) found that withdrawal and use of ground water from the Cache Valley caused a reduction in flow in Bear River.

7. Approximately six (6) applications for permit which propose irrigation or other consumptive uses are pending in IDWR Administrative Basin 11 and eight (8) applications for permit are pending in IDWR Administrative Basin 13. Most of the applications have been protested by the Petitioners and other holders of senior priority water rights which allege injury due to the reduction in the amount of water available to the senior priority rights.

8. On February 1, 1982, the Department issued an administrative directive that the Department would not approve applications for permit which propose diversion of surface water from the Bear River and tributaries between April 15 and October 15 for new consumptive uses. The order applies to IDWR Administrative Basins 11 and 13.

9. On October 21, 1991, the Department designated the Bancroft-Lund Ground Water Management Area which includes part of the northern portion of IDWR Administrative Basin 13 and a part of IDWR Administrative Basin 29 (Portneuf River Basin).

10. There is surplus and unappropriated surface water and ground water in the Bear River Basin in Idaho. However, at times during nearly every year, the flow of Bear River is not adequate to satisfy all existing water rights from the river. Because surface flows are generally fully appropriated during the peak irrigation demand periods and additional depletion caused by ground water withdrawal will further reduce flows to the river and springs, it is anticipated that new appropriations from ground water will need to provide replacement water or other mitigation to prevent injury to existing rights from interconnected surface water sources.

11. The Bear River Compact as Amended in 1978 apportioned the first 125,000 acre feet of additional future depletion of water from the Bear River, including ground water tributary to Bear River for use in Idaho. However, new development using the compact apportionment can not injure prior water rights in Idaho or rights with a priority earlier than January 1, 1976 in Utah.

12. The Petitioners verbally described that the area of the Bear River Basin to which the petitions were intended to apply corresponds to IDWR Administrative Basins 11 and 13.

CONCLUSIONS OF LAW

1. Section 42-233b, Idaho Code, provides in pertinent part as follows:

"Ground water management area" is defined as any ground water basin or designated part thereof which the director of the department of water resources has determined may be approaching the conditions of a critical ground water area.

...

Applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured.

2. Section 42-233a, Idaho Code, provides in pertinent part as follows:

"Critical ground water area" is defined as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the then current rates of withdrawal, or rates of withdrawal projected by consideration of valid and outstanding applications and permits, as may be determined and designated, from time to time, by the director of the department of water resources.

3. Sections 42-201 and 42-229, Idaho Code, require a permit to appropriate water from surface and ground water sources in Idaho. Section 42-227, Idaho Code, exempts domestic purposes from the permit requirement. Section 42-111, Idaho Code, defines domestic purposes as follows:

- a. The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half ($\frac{1}{2}$) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
- b. Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

4. Diversion and use of ground water for new consumptive purposes in the Bear River Basin reduces the amount of surface water available to supply prior water rights.

5. In connection with the supervision and control of the exercise of ground water rights, the Director has the authority, pursuant to section 42-237a(g), Idaho Code, to determine the areas of the state having a common ground water supply and if it is determined that the flow of a stream is affected by withdrawal of ground water to administer the ground water and surface water conjunctively.

6. Policy 1F of the State Water Plan dated January 1997, adopted by the Idaho Water Resource Board provides that,

"It is the policy of Idaho that where evidence of hydrologic connection exists between ground and surface water, that they be managed as a single resource."

7. The Director is authorized to order the installation and maintenance of measuring devices and to require measurement and reporting of water withdrawals in accordance with Chapter 7, Title 42, Idaho Code.

8. The request to establish a moratorium on the issuance of permits to appropriate water in the Bear River Basin should be denied because a long-term or permanent moratorium would delay or pre-empt development authorized by the Bear River Compact. The request to stop further development under existing permits should likewise be denied.

9. The Director should designate a ground water management area and should make provision for a management plan to be developed using an advisory group with representation from water user and citizen group interests within IDWR Administrative Basins 11 and 13. The management plan should incorporate requirements for measuring and reporting of water withdrawals as determined necessary by the Director with the advice of the advisory group.

10. The Bear River Ground Water Management Area should exclude the part of the Bancroft-Lund Ground Water Management Area that is within IDWR Administrative Basin 13.

ORDER

IT IS, THEREFORE HEREBY ORDERED as follows:

1. The Petitioner's request to establish a moratorium on the issuance or further action on permits to appropriate water in the Bear River Basin is **DENIED**.

2. The Petitioner's request for designation of a ground water management area in the Bear River Basin is **APPROVED**. The area included in the Bear River Ground Water Management Area (BRGWMA) is that part of the Bear River Basin covered by IDWR Administrative Basins 11 and 13, excluding therefrom the area encompassed by the Bancroft-Lund Ground Water Management Area.

3. Management of water appropriations within the management area shall be guided by a management plan adopted by the Director of IDWR. An advisory committee of representative water user and citizen group interests within IDWR Administrative Basins 11 and 13 will be selected to assist in drafting of the plan. The advisory committee and IDWR will consider the following matters in preparation of a management plan:

- a. The requirements and conditions needed to protect existing water rights as applications for new consumptive uses from ground water are approved.
- b. The need for policies to encourage development and use of water supply systems to provide water for multiple ownership subdivisions rather than individual wells for each residence or business.
- c. Appropriate requirements for measuring and reporting of water withdrawals by new and existing uses from surface and ground water sources.
- d. The need to designate areas of drilling concern to protect ground water quantity and quality.

4. The Bear River Water Management Advisory Committee is hereby created with the following membership and responsibilities:

- a. Committee membership: One (1) member from each of the Petitioners, two (2) members from the pending applicants for permits to appropriate ground water, one (1) member representing each of the counties included within the BRGWMA (Bear Lake, Caribou, and Franklin), two (2) members representing municipalities, two (2) members representing citizen groups within the BRGWMA. IDWR will ask for nominations from the various entities as the committee is formed. The Director of IDWR or his designee will chair the advisory committee meetings.
- b. Responsibilities: The advisory committee will meet at the call of the Director of IDWR at a location in the BRGWMA to provide guidance in the preparation of a management plan. The entities represented by the members are responsible for the costs and expenses incurred by the members in attending the meetings and otherwise serving on the committee.

5. All applications proposing new consumptive uses of ground water, whether now pending or filed in the future are to be held without action to approve or deny until a management plan is adopted as herein provided.

6. This order does not affect the authorization to continue development of any existing approved application (permit).

7. This order does not apply to any application proposing a non-consumptive use of water as the term is used in section 42-605A, Idaho Code.

8. This order does not apply to applications for drilling permits to replace or deepen existing wells having valid existing water rights nor to applications for transfer of existing water rights.

9. This order does not change or affect the administration of any area within the Bear River drainage that as been previously designated as a ground water management area pursuant to section 42-233b, Idaho Code.

Dated this 11TH day of JANUARY, 1999.


NORMAN C. YOUNG
Administrator

CERTIFICATE OF MAILING

I DO HEREBY CERTIFY that on the 15th day of January 1999, a true and correct copy of the foregoing **PRELIMINARY ORDER** was forwarded, by regular U.S. Mail, to the parties listed below:

MITCHELL GREER
SHEPHERD ENGINEERING
203 S GARFIELD AVE
POCATELLO ID 83204

DELVIN HUMBLE
540 E 480 N
SODA SPRINGS ID 83276

ALAN GIESBRECHT
DEQ REGIONAL OFFICE
224 S ARTHUR
POCATELLO ID 83204

OLEAN W PARKER
PO BOX 216
MONTPELIER ID 83254

PACIFICORP
C O JODY L WILLIAMS
KRUSE LANDA & MAYCOCK
50 W BROADWAY STE 800
SALT LAKE CITY UT 84101

EVAN O KOLLER
12693 N 5800 W
CORNISH UT 84320

ELDON & BETTY ANN BINGHAM
PO BOX 68
DAYTON ID 83232

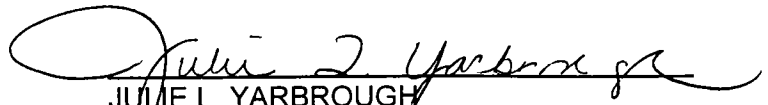
MARC GIBBS
LAST CHANCE CANAL CO
632 HWY 34
GRACE ID 83241

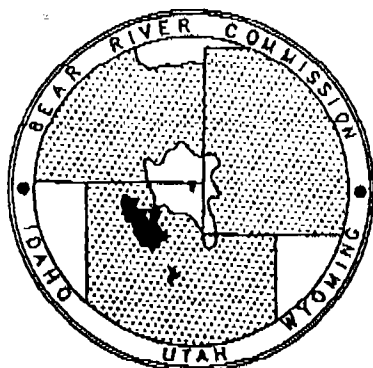
BEAR RIVER WATER USERS ASSN
C O RANDALL C BUDGE
RACINE OLSON NYE COOPER
& BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

PHIL OLSEN
BEAR LAKE WATCH
PO BOX 177
GARDEN CITY UT 84028

NORMAN MECHAM
PO BOX 242
GARDEN CITY UT 84028

ALAN CARTER
306 MAPLE CR
FRANKLIN ID 83237


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

received
77-05-98**BEAR RIVER COMMISSION**108 West 500 South, Suite 101
Bountiful, UT 84010-8232
(801) 292-4662
(801) 524-6320 (fax)**MEMORANDUM BR98-78**

TO: The Operations Committee

FROM: Jack A. Barnett, Engineer-Manager

SUBJECT: UPDATE OF PROPOSED CHANGES TO LOWER
DIVISION WATER DELIVERY SCHEDULE NO. 1

DATE: October 30, 1998

COMMISSION MEMBERSChair

Denise Wheeler

Idaho MembersKarl J. Dreher
Rodney Wallentine
Don W. GilbertUtah MembersD. Larry Anderson
Blair Francis
Charles W. HolmgrenWyoming MembersGordon W. Fassett
James Crompton
John A. Teichert**ENGINEER-MANAGER**Jack A. Barnett
Suite 101
108 West 500 South
Bountiful, UT 84010

As we indicated in an earlier memo, we have been working with representatives from the State of Utah and the State of Idaho as we sort through the many suggested minor changes to Water Delivery Schedule No. 1 of the Lower Division Procedures. We believe now that under the direction of the states we have resolved all of the issues that have been raised to date and have tabulated the suggested changes on the attached Water Delivery Schedule No. 1.

You will recall that at the Commission meeting in April, the Commission acted to adopt Water Delivery Schedule No. 1 based on the draft which was last revised on February 25, 1998. With its adoption in April, all future changes can only be made with the approval of the Operations Committee. Hence, we have underlined each of suggested changes on the attached schedule, and we anticipate that Bill Ondrechen from the Idaho Department of Water Resources and Will Atkin from the Utah Division of Water Rights will be present at the Operations Committee meeting on November 17 to explain each of the suggested changes. We are greatly appreciative of Bill's and Will's efforts in meticulously chasing the many questions which have been raised.

You will recognize that from time to time there will be additional suggested minor changes to the water delivery schedule, particularly with respect to title and contract update information. However, we felt it most important to press to resolve all of the various issues which were raised in public meetings and via public comments last spring before these issues are

SCANNED
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Memorandum BR98-78
October 30, 1998
Page 2

forgotten. We will presume that this is the final version of the draft to be reviewed by the Operations Committee on November 17. If additional questions are raised between now and then, we will simply bring them to the November 17 meeting for discussion.

np
attachment

cc: TAC Members
Management Committee
Jody Williams
Bill Ondrechen
Will Atkin

Water Delivery Schedule No. 1

Lower Division Main Stem Bear River

WATER RIGHT	NOTE	PRIORITY YR	FLOW M D (CFS)	OWNER
11-01012		1869 6 1	1.6	ALLEMAN, L.
13-00966		1879 5 1	2.2	GENTILE VALLEY (HARRIS, A. W.)
25-6299		1880 05 01	3.0	» Reese, Lee
25-6300		1880 05 01	1.5	» Reese, Lee
25-7522		1880 05 01	0.5	» <u>Reese, Tom. change to Jennie P. Reese</u>
13-00970		1880 5 1	6.5	» NELSON DITCH CO.
13-00969A		1882 5 1	3.5	SMITH-BOSEN
13-00969B		1882 5 1	2.0	W. SMITH PUMP
13-00973		1882 5 1	13.0	» <u>RIVERDALE PRESTON IRRIGATION CO. delle "Preston"</u>
13-00621		1883 5 7	0.8	» HOGAN, DEAN S.
13-00971		1883 6 10	3.0	» RIVERDALE PRESTON IRRIGATION CO.
13-00975		1883 7 10	5.0	» WEST CACHE IRR. CO. (BATTLE CREEK)
13-00681B		1884 5 2	1.0	» HOGAN, DEAN S.
13-00682B		1884 5 2	0.5	» HOGAN, DEAN S.
13-00683		1884 5 2	0.5	» HOGAN, DEAN S.
29-2856		1889 03 01	333.0	» Bear River Canal Company
11-00254		1889 5 1	24.0	BUDGE LAND & LIVESTOCK CO.
11-00255		1889 5 1	2.0	BUDGE LAND & LIVESTOCK CO.
11-00256		1889 5 1	2.5	BUDGE LAND & LIVESTOCK CO.
13-00959		1889 6 1	33.0	» GENTILE VALLEY IRRIGATION CO. LTD.
13-00953	1	1889 7 30	4.0	JOHNSON, E. P.
25-7523		1889	0.5	» <u>Reese, Jennie</u>
29-1912	1	1880	30.0	Bear River Silt Lands Company
25-6467		1894 05 01	0.5 *	» Goodwin, Robert W.
25-6881		1894 05 01	*	<u>Sorensen, Gary change to Valoran A. & Colleen L. Samuelson</u>
13-00954	1	1895 3 21	2.4	WISER PUMP
29-3481		1895 08 12	4.5	Gilbert, Robert
13-00991C		1897 3 1	200.0	» LAST CHANCE CANAL CO. LTD.
13-00964		1898 8 31	1.0	GENTILE VALLEY (ELLSMORE)
13-00965		1898 8 31	0.9	GENTILE VALLEY (HARRIS)
25-3505		1899 09 12	1.5	» Munk Jorgensen Pump Company
13-00974		1899 9 12	186.0	» WEST CACHE IRRIGATION CO.
11-00253		1900 5 1	1.5	ALLEMAN, L.
13-00960B		1901 2 23	2.6	» SKABELAND, DAVID
13-00960D		1901 2 23	2.0	» WANLASS PUMP
13-00960E		1901 2 23	26.2	» GENTILE VALLEY (THATCHER IRR. CO.)
13-00960F		1901 2 23	4.2	» <u>WHITE, LOYAL W., change to DAVID SKABELAND</u>
29-2857		1901 5 14	133.0	» Bear River Canal Company
13-00992C		1901 5 14	240.0	» LAST CHANCE CANAL CO. LTD.
29-3698	1	1902	(2000 AF)	US Fish & Wildlife Service
29-3739	1	1902	75.2	Bear River Club

SCANNED
AUG 26 2004

Water Delivery Schedule No. 1

Lower Division Main Stem Bear River

WATER RIGHT	NOTE	PRIORITY YR M D	FLOW (CFS)	OWNER
13-00972		1902 6 10	6.5	» RIVERDALE PRESTON IRRIGATION CO.
29-1855	P	1903 12 01	270.0	Pacificorp dba Utah Power (Cutler)
13-00981		1904 4 18	12.0	» GENTILE VALLEY (BARTLOME)
29-2633		1904 06 01	95.0	» Bear River Canal Company
11-02006	1	1905 10 5	0.8	DREWERY, HARRY
13-00957	P	1905 12 28	500.0	UTAH POWER & LIGHT CO. (Grace)
29-2146	P	1906 12 01	135.0	Pacificorp dba Utah Power (Cutler)
13-00958	P	1908 7 6	500.0	UTAH POWER & LIGHT CO. (Grace)
29-2147	P	1908 12 01	135.0	Pacificorp dba Utah Power (Cutler)
13-00955		1909 8 9	138.2	BENCH B CANAL
13-00956		1909 12 31	25.6	BENCH B CANAL
13-00967	P	1910 6 17	1000.0	UTAH POWER & LIGHT CO. (Oneida)
11-00262		1910 7 29	54.0	» LAST CHANCE CANAL CO.
13-00968	P	1911 1 18	1500.0	UTAH POWER & LIGHT CO. (Oneida)
11-00248		1911 3 1	3000.0	UTAH POWER & LIGHT CO. (Stewart)
11-00249		1912 9 11	2500.0	UTAH POWER & LIGHT CO. (Stewart)
29-2148	P	1912 12 02	500.0	Pacificorp dba Utah Power (Cutler)
29-2858		1914 05 01	43.0	» Bear River Canal Company
13-02310	1	1914 5 6	0.3	OREGON SHORT LINE RAILROAD CO.
13-02066		1914 12 11	100.0	» CUB RIVER IRRIGATION CO.
25-3031		1915 05 04	2.0	» Larson, Leland U. & Joanne R.
25-5132		1916	6.0	» West Cache Irrigation Company
25-7045		1916	4.0 *	» Hoffman, A. Alton (etux)
25-7046		1916	*	» <u>Thain, Paul change to Thain Dairy, Inc.</u>
13-00962	P	1916 3 9	1500.0	UTAH POWER & LIGHT CO. (Cove)
<u>13-00963</u>	P	<u>1916 3 9</u>	<u>(4000 AF)</u>	<u>UTAH POWER & LIGHT CO. (Cove)</u>
25-6236		1916 05 15	3.0	» Munk Jorgenson Pump Company
25-6322		1917 05 01	3.0 *	» Munk, Robert A.
25-6323		1917 05 01	*	» Tarbet, George
25-6324		1917 05 01	*	» Fisher, John Lee
25-6915		1917 05 01	2.0 *	» Reese, Lowell S.
25-6939		1917 05 01	*	» Ballard, R. Mel Roy
25-6914		1917 05 01	2.0	» Allen, John E.
25-6910		1917 05 01	2.0 *	» Ballard, R. Mel Roy
25-6911		1917 05 01	*	» Ballard, M. Landell
25-6912		1917 05 01	*	» Ballard, Nolan R.
25-6913		1917 05 01	*	» Ballard, Kenneth R.
25-6318		1917 05 01	7.0 *	» Benson-Bear Lake Irrigation Company
EX 581		1917 05 01	*	» Lee Johnson
EX 802		1917 05 01	*	» W. D. Johnson
EX 1194		1917 05 01	*	» Jim Watterson

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WATER RIGHT	NOTE	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
25-8346		1917	05	01	*	» Sam Hilton
25-5087		1917	06	15	5.0	» King Irrigation Co.
25-6890		1917	07	05	4.9 *	» <u>Spackman, Perry, et al.</u>
25-6891		1917	07	05	*	» Butters, Lloyd
25-6892		1917	07	05	*	» <u>Spackman, LeRoy change to Robert L. Spackman & Lloyd Butters</u>
25-6893		1917	07	05	*	» <u>Spackman, Robert L. and Linda T.</u>
29-995		1917	08	02	2.0	Lazy "B" Cattle & Land Company
29-1589		1917	08	02	3.5	Anderson, Verl H.
25-6624		1918			3.0	» Goodwin, Robert W.
25-6626		1918	05	01	3.0 *	Utah Power & Light (Irr.)
25-6627		1918	05	01	*	» Simmonds, Jerry
25-6628		1918	05	01	*	» <u>Simmonds, Grant change to Jerry Simmonds</u>
<u>25-9944</u>		<u>1918</u>	<u>05</u>	<u>01</u>	*	» <u>Brough, Laura</u>
25-6625		1918	05	01	*	» Pitcher, Larry
25-3517		1918	05	01	6.0 *	» Hoffman, A. Alton (etux)
25-6908		1918	05	01	*	» <u>Cronquist, Heber Carl (Larry Falslev) change to Larry Falslev</u>
25-6909		1918	05	01	*	» Falslev, Rulon
29-993	1	1918	09	04	0.2	Whitaker, Lloyd N.
25-6925		1919			4.0	» Hill Irrigation Company
25-3040		1919	05	01	1.5 *	» Goodwin, Robert W.
25-6882		1919	05	01	*	<u>Sorensen, Gary change to Valoran A. & Colleen L. Samuelson</u>
25-7441		1919	05	01	0.2	Pitcher, Larry
25-4523		1919	06	01	1.2	» Smithfield West Bench Irrigation Company
25-8332		1919	06	01	0.7	» Hansen, W. A. & Lucinda (Jr.)
25-8178		1919	06	01	1.7	» <u>Larkin, Coe R. (Trustee) change to Clair & LaRon Larkin</u>
25-8167		1919	06	01	0.8	» Marchant, A. George, et ux
25-8723		1919	06	01	0.6	» Wheeler, Allen
25-6319		1919	06	01	0.9	» Falslev, Larry
25-6320		1919	06	01	1.6	» Falslev, LaRon
29-996		1919	12	09	3.0	Worwood, Garry and Barbara, J.T.
29-1539		1920	01	07	1.1	Petersen, Earl Lewis
29-1001		1920	02	17	3.5	Holmgren & Anderson
25-3041		1920	03	03	3.0	» Larson, Leland U. & Joanne R.
25-6301		1920	05	01	2.0	» Griffiths, Robert
25-3518		1920	06	01	2.2	» Wood, Walter L. (etux)
29-1003		1920	06	08	1.9	Thompson, Robert Neil & Gayla S.
29-1789		1920	06	08	1.9	Fridal, Keith R.
29-2649		1920	06	08	1.9	Thompson, Lindon
25-6917		1920	06	12	2.0	» Wood Irrigation Company
25-6923		1920	06	17	2.5	Wheeler, Ray H. (etux)
25-5977		1922			2.5	» Falslev, Harold N.

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WATER RIGHT	NOTE	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
11-02081	P	1922	6	12	1500.0	UTAH POWER & LIGHT CO. (Soda)
29-1506	P	1923	12	19	2500.0	Pacificorp dba Utah Power (Cutler)
29-991		1924	09	13	1.2	Ferry, Miles Y. (Todd Yeates)
29-1010		1925	06	22	3.5	Hansen, Wesley R. (Royal Norman)
29-2149		1925	07	22	1.5	Hatch, Amos E.
29-2451		1925	07	22	2.5 *	Canadian Goose Club
29-2452		1925	07	22	*	Thompson, Grant L.
29-2453		1925	07	22	3.5	Barker, DeVerl
13-02111	1	1926	3	29	0.2	NELSON, TAYLOR
25-7047		1927			2.0 *	» Ballard, R. Mel Roy
25-7049		1927			*	» Reese, Lowell
25-7048		1927			2.0	» Allen, John
29-1014		1928	11	11	1000.0	USA Fish & Wildlife Service
29-238		1928	12	14	3.0	Barfus, Phil
25-3058		1929	06	10	1.0	» Munk, A. Robert
25-7813		1930			2.5	» Wheeler, Regan
25-6023		1932	03	00	2.3	» Watterson, Joseph L.
13-02148		1943	03	09	0.3	» JENSEN, FLOYD
11-01102	1	1945	6	1	3.0	LOVELAND, RICHARD
25-3264		1955	10	08	1.9	» Allen, John E.
25-3266		1955	10	11	(72 AF)	» Spackman, LeRoy
25-9827	1	1955	10	11	2.0	Utah Power & Light (Irr.)
29-1169		1955	10	25	1.9	Cutler, Newell B.
25-3259		1955	11	10	3.0	» <u>Rigby, William F. change to J. Murray & Arlene T Rigby</u>
25-3260		1955	11	10	3.0	» Rigby, J. Murray
29-1177		1955	12	21	1.5	McMurdie, Clifford H.
11-01101		1956	6	1	1.6	WALLENTINE, CLOYD
29-1178		1956	01	14	3.0 *	Hammons, Sherie Rae
29-1180		1956	01	14	*	Hammons, Sherie Rae
29-1179		1956	01	14	*	Hammons, Sherie Rae
29-1183		1956	05	11	2.0	Lazy "B" Cattle & Land Company
25-3296		1956	07	23	3.0	» Falslev, Larry J.
29-1195		1957	03	29	2.0	Selman, Harold
25-3311		1957	09	04	2.0	» Falslev, Harold N.
29-1200		1957	09	18	1.5	Peterson, Earl Lewis
29-1215	1	1958	12	02	2.0	Adams, Golden V.
29-1187	1	1959	08	20	1.0	Haycock, Warren C. & Norma H.
29-2632	1	1959	08	20	1.0	Payne, DeVerl and Irene I., Trustees
25-3358		1960	01	06	2.0	» Rigby, Golden H.
29-1263		1960	03	10	1.8	Hansen, W. Eugene & Jeanine S.
11-01103		1960	6	1	1.5	HARDCASTLE, LEON

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WATER RIGHT	NOTE	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
25-3379		1960	08	29	2.0 *	» Johnson, Norval
25-3461		1960	08	29	*	» <u>Johnson, Norval change to W.D. Johnson</u>
25-3462		1960	08	29	*	» <u>Johnson, Norval change to Lee Johnson</u>
25-3382		1960	09	27	3.1	» Bullen, Eva J. and Betty Bullen Knight
29-3609		1966	01	11	10.0	Bear River Silt Lands Company, et al.
25-4550	1	1966	04	04	3.0	<u>Neeley, Lewis H. change to Larry Falslev</u>
29-1483		1966	04	20	3.0	Richards, Lynn H. & Christy H.
25-4647		1966	07	12	2.0	» Reese Clark Pump & Irrigation Company
13-07129		1967	04	10	2.0	JENSEN, FLOYD
25-4911	1	1969	06	06	0.7	» Gossner, Edwin O.
29-1647		1971	07	06	2.0	J. Y. Ferry & Sons (Incorporated)
13-07048		1973	6	21	1.8	» PORTER, TERRY
25-6017		1973	07	26	2.0 *	» Jean S. Nelson Trust, et al
25-9828		1973	07	26	*	Utah Power & Light (Irr.)
25-6083		1973	12	07	0.5	» Pitcher, Larry
13-07069		1974	1	14	1.0	» PORTER, TERRY
25-6167		1974	03	19	1.5	» <u>Larkin, Coe R. change to Clair & LaRon Larkin</u>
29-1898		1974	07	25	1.0	Fridal, Keith
13-07081		1974	07	31	0.6	» HODGES
25-6262		1974	09	17	2.5	» Cowley, Joseph E.
25-6274		1974	11	06	0.0	» Reese, Lee
25-6349	1	1975	03	07	0.8	» Hansen, Willard A. (Jr.)
25-6366	1	1975	04	17	2.8	» Western Dairyman Cooperative Inc.
25-6691		1975	11	03	3.8	» Bullen, Reed
25-6838		1976	03	16	1.8 *	Buttars, Lloyd et ux
25-8211		1976	03	16	*	<u>Spackman, LeRoy change to Robert L. Spackman & Lloyd Buttars</u>
25-8212		1976	03	16	*	<u>Spackman, Robert L. change to Perry Spackman, et al.</u>
25-8213		1976	03	16	*	» <u>Spackman, Vaughan change to Robert L. and Linda T. Spackman</u>
29-2034		1976	04	02	1.0	Selman, Harold (Inc.)
25-6852		1976	04	16	0.4	Utah Power & Light (Irr.)
25-6855		1976	04	21	2.0	» M. J. & H. W. Ballard Pump
25-6856		1976	04	21	0.2	» Ballard, Mel Roy
25-6861		1976	05	04	2.0	Hoffman, A. Alton
25-6874		1976	05	21	1.7	<u>Thain, Paul change to Thain Dairy Inc.</u>
25-6975		1976	07	20	0.5	Larson, Leland U. & Joanne R.
25-6978		1976	07	23	2.0	» Marchant, Raymond V.
25-7162		1977	02	02	1.1	» Dorius, Weeks, and Taggart
25-7174		1977	02	15	0.7	» Griffin, Duane W.
25-7329		1977	03	31	0.5	» Benson, Dale V.
25-6688		1977	10	22	2.0	<u>Hansen, Orris Mae change to Wilson Kalmar Robbins</u>
25-8015	1	1979	06	13	(24 AF)	» Dorius, Floyd

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WATER RIGHT	NOTE	PRIORITY			FLOW (CFS)	OWNER
		YR	M	D		
25-8128		1980	02	04	3.4	» Rich & Rich (C/O Wayne R. Rich)
13-07279		1980	5	3	25.0	» CUB RIVER IRRIGATION CO.
13-07288	P	1980	5	30	440.0	» LAST CHANCE CANAL CO. LTD.
25-8183		1980	07	22	1.6	» Rich & Rich
29-2549	3	1980	12	22	150.0	» Bear River Canal Company
13-07297	P	1981	2	11	220.0	LAST CHANCE CANAL CO. LTD.
25-8263		1981	03	24	4.0	» Munk, A. Robert
25-8268		1981	04	09	1.5	» Seamons, Russell S.
25-8272		1981	04	14	1.5	» Lindley, William
29-2725		1981	04	22	50.0	» Bear River Canal Company
25-8297		1981	06	23	0.7	» Benson, Dale
25-8389		1982	06	10	2.0	» Rasmussen, Max J.
25-8397		1982	07	26	3.0	» Munk, Robert
29-2976	P	1983	10	28	900.0	» Bear River Canal Company
25-8724	1	1986	03	11	1.8	» Wheeler, Allan
29-3321		1987	06	11	300.0	» Bear River Canal Company
25-8949		1988	12	21	1.5	» Archibald, Cecil
25-8991		1989	06	24	2.0	» Rigby, Mark L.
25-9014		1989	10	20	6.0	» Stewart, Paul
25-7323		1990	08	29	5.0	Rasmussen Farms --- lapsed. delete from list

Idaho unadjudicated claimed rights which only receive natural flow when the river is not in regulation, but which thereafter receive stored water under contracts with Utah Power.

» INGLET, ALEX P.
 » JOHNSON, B., to be deleted?
 » LAMONT, BRUCE
 » STEPHENS, LYLE C., to be changed to Clyde Cook

Water users who do not receive main stem Bear River natural flow but who do have contracts with Utah Power for stored water which is diverted from the main stem of the Bear River. Such use of stored water will be regulated pursuant to contracts and storage allocations to protect main stem Bear River natural flow water rights.

» FOSTER, RON to be added to list
 » PANTER, RON to be changed to Lawrence Fox
 » KUNZ, D., to be deleted?
 » KUNZ, S & R, to be deleted (they claim no storage usage - Ovid Creek issue)
 » TWIN LAKES PUMPS, to be removed from the box (no longer has contract)
 » WHITNEY, C. (move to box above)

Diversion and use of Bear Lake storage water by PacifiCorp or its lessees on lands owned by PacifiCorp which do not have a main stem Bear River natural flow water right

PACIFICORP - KUNZ, CHARLES
 PACIFICORP - KUNZ, PARLEY
 PACIFICORP - KUNZ, PAUL
 PACIFICORP - SODA GOLF

Notes: Owners appearing in upper case letters divert water in Idaho and those with lower case letters divert water in Utah.

» denotes holder of storage contract with Utah Power

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WATER	NOTE	PRIORITY	FLOW	
RIGHT		YR M D	(CFS)	OWNER

* denotes diversion shared with other water right(s)

- 1 water rights not included in accounting models
- 2 ~~water rights which can only divert when the river stage is high, not included in the accounting models (footnote to be deleted)~~
- 3 ~~water right for winter use only, this footnote to be changed to footnote 2 which is to be deleted~~
- 4 ~~power right~~

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