

# MEMORANDUM

**To:** Bear River Water User  
**From:** State Water District 11  
**Date:** 2/1/2005  
**Subject:** Diversion Inventory Update

This will be the first time in 90 plus years that our down stream neighbors should be able to physically show and account for all of their diversion's. So I believe it's not a matter of if, but when during the 2005 irrigation season that either our down stream neighbors or some body else will want to know, who the current water right owner is for every point of diversion in District #11 and if it has a permanent measuring devices installed that meets State Code 42-701 for water meters. Since the last inventory of Bear River Water Right's in District #11 was done in 1981. I need to have a current inventory showing the location, type of structure, method and type of measuring devise for each Bear River Water Right's existing current point of diversion. In order to achieve and help insure the accuracy for the inventory update. I am requiring that every diversion point meet's Idaho State Code 42-701 with a current 2005 inventory in order to legally divert their Bear River Water Right during the 2005 irrigation season. I would appreciate it, if you could call me at 852-1385 to schedule a time so were able to inventory your point of diversion before the irrigation season starts.

Sincerely,



Pete Peterson

District 11 Water Master

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## SUMMARY OF BEAR LAKE/BEAR RIVER OPERATION FOR 2004 AND FORECASTS FOR 2005

### 2004 Bear Lake Operation

Low elevation (Fall of 2003)	5904.10	November 10, 2003
High elevation	5905.72	May 16, 2004
Low elevation	5903.09	October 27, 2004
Bear Lake Irrigation Allocation	85,000 Ac. Ft. -	
April Runoff Forecast	17,000 Ac. Ft. (7%) - April through July	
Rainbow Inlet Canal (April-July)	15,356 Ac. Ft.	
Outlet Canal period of release	May 18 to September 2	
Outlet Canal total release^	99,508 Ac. Ft.	
Outlet Canal storage release*	77,049 Ac. Ft.	
Storage Saved	7,951 Ac. Ft.	

\* As computed by PacifiCorp (note that the difference between the total release and the storage release is natural flow per Dietrich Decree for Mud Lake and Bear Lake Tributaries plus Rainbow Canal inflows)

Dietrich Decree Natural Flow from Lake and Bear Lake Tributaries:

April 20<sup>th</sup> to July 1<sup>st</sup> 50 CFS; July 1<sup>st</sup> to July 15<sup>th</sup> 35 CFS; July 16<sup>th</sup> to Aug 1<sup>st</sup> 25 CFS;  
Aug. 1<sup>st</sup> to Sept. 15<sup>th</sup> 15 CFS

"System Loss" volume^ 10,866 Ac. Ft.

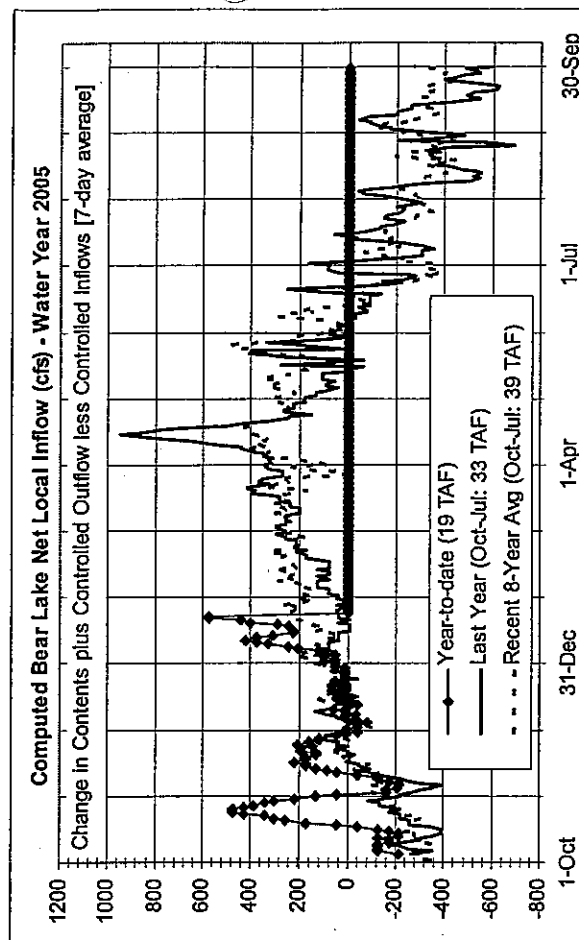
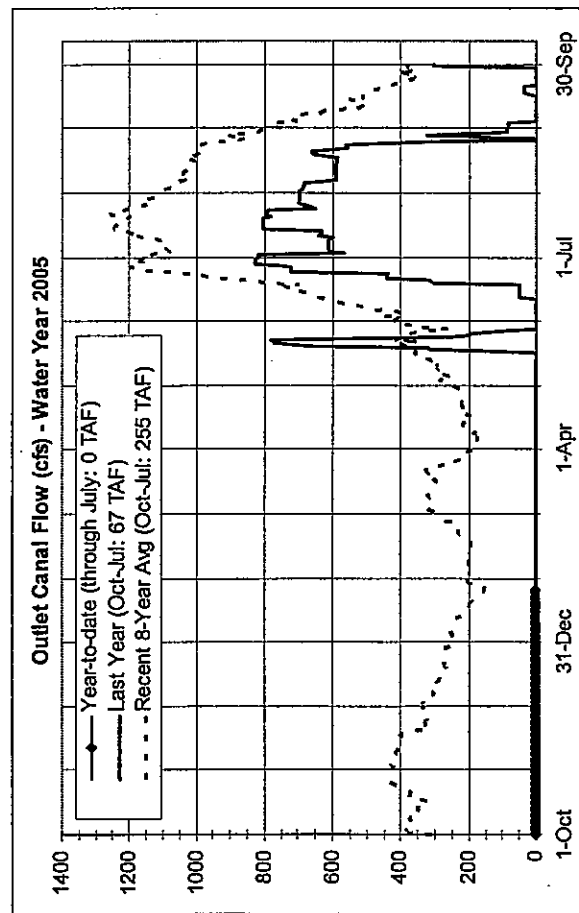
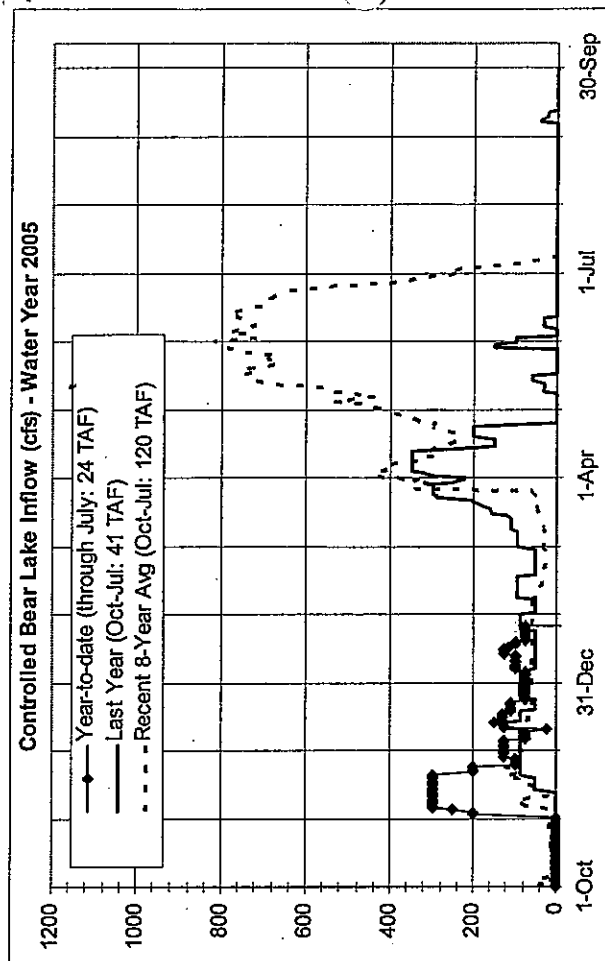
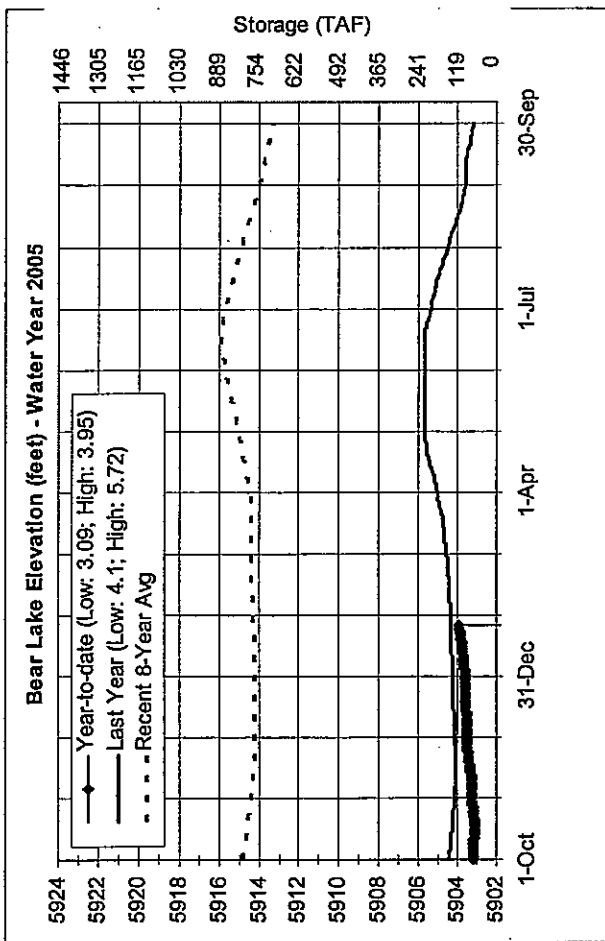
^ Due to uncontrolled flow from (welcome) rain events. Whenever water flows below Cutler during the irrigation season any storage water in the system at Cutler is the first water out. Natural flow goes to irrigators.

### 2005 Bear Lake Elevation and Irrigation Allocation Forecast

Bear Lake Elevation as of January 30, 2005 5904.03

Forecast % Exceedance	NRCS Runoff April-July Volume (TAF)	Spring Maximum Elevation	Irrigation Storage Allocation (TAF)
90	50	5905.4	75
70	88	5905.9	99
50	120	5906.3	115
30	157	5906.8	134
10	221	5907.6	157

# Graphs Comparing 2005 Water Year (labeled "Year-to-Date") to 2004 Water Year and Recent 8-year Average



George



## Fact Sheet on Snake River Water Agreement

May 15, 2004

- Since 1998, the Nez Perce Tribe, the United States, the State of Idaho, and local communities and water users in Idaho have engaged in mediation as part of the Snake River Basin Adjudication (SRBA) to resolve the claims of the Nez Perce Tribe in the Snake River.
- The SRBA is the legal inventory of about 150,000 water rights in 38 of Idaho's 44 counties. The Nez Perce dispute has been the biggest outstanding dispute in the Snake River Basin.
- The parties have now agreed on a "Term Sheet" that will guide the settlement of this case, and that provides the responsibilities of the parties over the 30 year term of the agreement.
- The components in the Term Sheet as follows:
  - **NEZ PERCE TRIBAL COMPONENT** which, among other things, quantifies the Tribe's on-reservation, consumptive use reserved water right at 50,000 acre feet a year with a priority date of 1855; establishes a \$50 million multiple-use water and fisheries resources trust fund; provides \$23 million for the design and construction of a water supply and sewer system on the reservation; transfers management authority of Kooskia National Fish Hatchery to the Tribe; and transfers a portion of Bureau of Land Management-administered land within the reservation valued at \$7 million to the Tribe.
  - **SALMON/CLEARWATER HABITAT MANAGEMENT AND RESTORATION INITIATIVE** which, among other things, provides that instream flows will be established and held by the Idaho Water Resources Board for selected streams of importance to the Tribe; requires the State of Idaho to administer a cooperative agreement under the Endangered Species Act; and establishes a Habitat Fund to provide funding for habitat improvement projects.
  - **SNAKE RIVER FLOW COMPONENT** which, among other things, provides that certain minimum flows will be decreed by the SRBA Court to the ID Water Resources Board; requires the State of Idaho to extend the provisions of State law for the term of the agreement to allow the Bureau of Reclamation to lease up to 427,000 acre feet of water from ID water banks for flow augmentation; and allows Reclamation to acquire up to 60,000 acre feet of consumptive natural flow water rights from the Snake River, with compensation to local communities for impacts caused by this acquisition.
- State and Federal legislation and Tribal approval will be necessary to implement the provisions of the Term Sheet. In addition, a final consent decree must be entered by the SRBA court.