

Utah State University

DigitalCommons@USU

Elusive Documents

U.S. Government Documents (Utah Regional
Depository)

1979

Granting the Consent of Congress to the Amended Bear River Compact Between the States of Utah, Wyoming and Idaho

Mr. Bayh

Mr. Kennedy

Follow this and additional works at: https://digitalcommons.usu.edu/elusive_docs



Part of the [Environmental Sciences Commons](#)

Recommended Citation

Bayh, Mr. and Kennedy, Mr., "Granting the Consent of Congress to the Amended Bear River Compact Between the States of Utah, Wyoming and Idaho" (1979). *Elusive Documents*. Paper 94.
https://digitalcommons.usu.edu/elusive_docs/94

This Report is brought to you for free and open access by the U.S. Government Documents (Utah Regional Depository) at DigitalCommons@USU. It has been accepted for inclusion in Elusive Documents by an authorized administrator of DigitalCommons@USU. For more information, please contact digitalcommons@usu.edu.



87TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 96-526

GRANTING THE CONSENT OF CONGRESS TO THE AMENDED BEAR RIVER COMPACT BETWEEN THE STATES OF UTAH, WYOMING AND IDAHO

DECEMBER 18 (legislative day, DECEMBER 15), 1979.—Ordered to be printed

Mr. BAYH (for Mr. KENNEDY), from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1489]

The Committee on the Judiciary, to which was referred the bill S. 1489 granting the consent of Congress to the amended Bear River Compact between the States of Utah, Wyoming and Idaho, having considered same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this amended compact is to remove controversy over the distribution and use of the waters of the Bear River. It will provide for efficient use of water by establishing an equitable apportionment of the Bear River's waters among the compacting states. It will promote interstate comity and allow additional development of the water resources.

STATEMENT

The original Bear River Compact between the States of Utah, Wyoming and Idaho became effective on March 17, 1958. That agreement, however, did not divide the direct flow or storable water below Bear Lake between Idaho and Utah. The area above Bear Lake in all three states can accommodate additional water use and storage.

The amended Bear River Compact, which is the result of 10 years of negotiations between the affected states, will permit modifications to the existing compact to allow additional development of water storage facilities and enhance stabilization of water use in the area. The revised compact will retain provisions requiring a review at intervals not exceeding twenty years to allow future revisions to be made as they are necessary.

GEOGRAPHIC SETTING

The Bear River is an interstate water flow which drains an area of 4,776,000 acres including 1,725,000 in Idaho, 2,092,000 in Utah, and 959,000 in Wyoming. Its headwaters are only 90 miles from its mouth; yet it covers over 500 miles in a circuitous course before reaching the Great Salt Lake. It makes five stateline crossings in three states.

The Bear River is the largest tributary to the Great Salt Lake and the largest river in the North American Continent that does not reach the ocean. It has a mean annual water supply of approximately 2.9 million acre feet.

There are 5 hydroelectric plants on the Bear River and over 500 irrigation organizations supplying irrigation water for half-a-million acres of land.

SUMMARY OF AMENDED BEAR RIVER COMPACT

Amended Bear River Compact Provisions

The Amended Bear River Compact, as ratified in 1979 by the States of Idaho, Utah, and Wyoming, provides the following changes to the 1958 Compact.

I. Lower Division below Stewart Dam (Bear Lake)

1. Allocates the waters below Stewart Dam between Utah and Idaho, but states that water delivery will be based on priority of rights without regard to state boundary lines for all of those rights where water was applied to beneficial use prior to January 1, 1976.

2. The water not applied to beneficial use prior to January 1, 1976, is allocated as follows:

A. Idaho is granted the first right to develop and deplete 125,000 acre-feet, including groundwater, in the Lower Division.

B. Utah is granted the right to develop and deplete 275,000 acre-feet, including groundwater, in the Lower Division.

C. The next 150,000 acre-feet of water depletion, including groundwater, will be divided equally between Utah and Idaho.

D. All water in excess of the above allocations will be split between Utah and Idaho, with Idaho receiving 30% and Utah 70%.

II. Upper and Central Division (above Bear Lake)

(All present rights remain in force as stated in the 1958 Compact.)

1. Additional storage granted above Bear Lake is 74,500 acre-feet, of which 4,500 acre-feet is granted to Idaho, and 35,000 acre-feet is granted each to Utah and Wyoming. This storage, including groundwater development, is subject to an annual depletion limit of 28,000 acre-feet—of which Idaho is allocated 2,000 acre-feet, and Utah and Wyoming 13,000 acre-feet each. Upper Basin states will not be allowed to store this water when Bear Lake is below elevation 5911 feet.

2. When Bear Lake is full and overflowing, additional water can be stored in the Upper and Central Divisions. These 'Bear Lake spills' are allocated as follows: 6 percent to Idaho, 47 percent to Utah, and 47 percent to Wyoming.

DISCUSSION

Similar legislation pending in the other body, H.R. 4320, passed by a voice vote on November 27, 1979.

The Department of Interior reports that it has no objection to enactment of S. 1489 as reflected in the following letter to the Committee.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 15, 1979.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 14898, a bill to consent to the amended Bear River Compact between the State of Utah, Idaho, and Wyoming.

We would have no objection to the enactment of this legislation.

S. 1489 would give Congressional approval to a compact between the States of Idaho, Utah and Wyoming concerning the distribution and use of the waters of the Bear River.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GUY MARTIN,
Assistant Secretary.

The Governors of Wyoming and Utah have advised the Committee that the States involved have duly ratified the Amended Compact and recommend enactment as reflected in the following communications:

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, September 20, 1979.

ALAN K. SIMPSON,
U.S. Senator, 6205 Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR SIMPSON: The Bear River Compact was negotiated and drafted by representatives of Idaho, Utah and Wyoming with subsequent ratification by the Legislatures of these States, followed by Legislative consent of the National Congress. It became effective upon signature by the President of the United States on March 17, 1958, following which, a Commission was appointed to administer the Compact.

A specific provision of the Compact provides for review and amendment process at intervals not to exceed twenty years with any proposed amendments requiring ratification by the Legislatures of the signatory States and Congressional consent. The present Compact did not divide either the direct flow or storable water between Idaho and Utah below Bear Lake, nor was ground water required to be accounted for, and the residents above Bear Lake were of the opinion that a larger percentage of the supply from the Upper Basin should be allocated for use in that area.

In order to resolve these issues, a negotiating committee, consisting of representatives of the three states was established in 1969 at which time, work was initiated toward reaching an acceptable agreement. Over the years, this effort was continued with many proposals being analyzed, until in 1976, negotiations had proceeded to the point that an acceptable proposal had been drafted and a public hearing on the proposal was held in each of the three states during November of 1977. Due to some concerns by irrigation districts in Idaho and the Utah Power and Light Company as to how their operations might be affected, an attempt to have the modifications ratified by the states Legislatures was not undertaken.

Discussions were continued and through further review and explanation during regular public meetings of the Bear River Commission, the concerns appeared to have been satisfactorily alleviated and public hearings were again held in the three states in December, 1978. After receiving generally favorable reaction, at the public hearings, a revised Compact was presented to the 1978 Sessions of the States' Legislatures and in all cases, after thorough consideration by the responsible committees, the revised Compact was duly ratified.

Of principal interest to Wyoming is the provision to authorize additional storage in the amount of 35,000 acre-feet per year, which will be limited to a yearly depletion of 13,000 acre-feet. All existing rights established as of January 1, 1976, are protected in the proposed Compact changes and the provisions of the original Compact are retained. Further modifications will still be able to be effected in the event experience with the revised Compact and future conditions indicate such to be necessary.

The proposed revisions have received intensive evaluation and it is our considered recommendation that the revised Compact be ratified by Congress and your efforts in this behalf are appreciated.

Sincerely,

ED HERSCHLER,

Governor.

GEORGE L. CHRISTOPULOS,

State Engineer.

MAILGRAM

NOVEMBER 23, 1979.

HON. ORRIN G. HATCH,
*U.S. Senate, Russell Senate Office Building,
Washington, D.C.*

DEAR ORRIN: The Bear River Interstate Water Compact (S. 1489) is currently under consideration by the Senate Judiciary Committee where it has been since July of this year. This compact was patiently and carefully negotiated between the States of Utah, Wyoming, and Colorado and any delay in obtaining congressional consent will disrupt our water planning efforts and hold up water development projects. I would appreciate your help, as a member of the Judiciary Committee, in expediting this matter.

Sincerely,

SCOTT M. MATHESON.

Governor State of Utah.

RULE XXIX (COST AND IMPACT STATEMENT)

In compliance with Senate rules, the Committee determines that no additional cost to the Government would be incurred as a direct result of enactment of this legislation. The Committee further finds that this legislation will have no detrimental regulatory, privacy or paperwork impact or require issuance of additional regulations for its implementation.

(ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)

SIGNED BY GOVERNOR

DATE: 3-6-79

CHAPTER NO: 151

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

AN ACT to amend W.S. 41-12-101 relating to the Bear River Compact; providing for an amended compact; providing for an equitable apportionment of the waters among the compacting states; defining developable water in the lower division; changing the date of reports from annual to biennial; allocating waters in the lower division between the states of Idaho and Utah; granting additional storage rights to Utah, Wyoming and Idaho in the upper division; limiting consumptive uses in the upper division; making other minor changes in the existing compact; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 41-12-101 is amended to read:

41-12-101. Generally. Ratification and approval is hereby given to the Bear River Compact as signed at Salt Lake City, in the state of Utah, on the 22nd day of December, A.D., 1978, by George L. Christopulos, the state engineer of the state of Wyoming, and others, which compact was also signed by the duly authorized commissioners of the states of Idaho and Utah, and approved by the representative of the United States, which Bear River Compact is in full as follows:

BEAR RIVER COMPACT

The state of Idaho, the state of Utah, and the state of Wyoming, acting through their respective commissioners after negotiations participated in by a representative of the United States of America appointed by the president, have agreed to an amended Bear River Compact as follows:

ARTICLE I

A. The major purposes of this compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; to promote

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

interstate comity; to accomplish an equitable apportionment of the waters of the Bear River among the compacting states.

B. The physical and all other conditions peculiar to the Bear River constitute the basis for this compact. No general principle or precedent with respect to any other interstate stream is intended to be established.

ARTICLE II

As used in this compact the term

1. "Bear River" means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;

2. "Bear Lake" means Bear Lake and Mud Lake;

3. "Upper division" means the portion of Bear River from its source in the Uinta Mountains to and including Pixley Dam, a diversion dam in the southeast quarter of section 25, township 23 north, range 120 west, sixth principal meridian, Wyoming;

4. "Central division" means the portion of the Bear River from Pixley Dam to and including Stewart Dam, a diversion dam in section 34, township 13 south, range 44 east, Boise base and meridian, Idaho;

5. "Lower division" means the portion of the Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;

6. "Upper Utah section diversions" means the sum of all diversions in second-feet from the Bear River and the tributaries of Bear River joining the Bear River upstream from the point where the Bear River crosses the Utah-Wyoming state line above Evanston, Wyoming; excluding the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

7. "Upper Wyoming section diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming state line above Evanston, Wyoming, to the point where the Bear River crosses the Wyoming-Utah state line east of Woodruff, Utah, and including the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

8. "Lower Utah section diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Wyoming-Utah state line east of Woodruff, Utah, to the point where the Bear River crosses the Utah-Wyoming state line northeast of Randolph, Utah;

9. "Lower Wyoming section diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming state line northeast of Randolph to and including the diversion at Pixley Dam;

10. "Commission" means the Bear River commission, organized pursuant to article III of this compact;

11. "Water user" means a person, corporation, or other entity having a right to divert water from the Bear River for beneficial use;

12. "Second-foot" means a flow of one cubic foot of water per second of time passing a given point;

13. "Acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;

14. "Biennium" means the 2-year period commencing on October 1 of the first odd numbered year after the effective date of this compact and each 2-year period thereafter;

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

15. "Water year" means the period beginning October 1 and ending September 30 of the following year;

16. "Direct flow" means all water flowing in a natural watercourse except water released from storage or imported from a source other than the Bear River watershed;

17. "Border gauging station" means the stream flow gauging station in Idaho on the Bear River above Thomas Fork near the Wyoming-Idaho boundary line in the northeast quarter of the northeast quarter of section 15, township 14 south, range 46 east, Boise base and meridian, Idaho;

18. "Smiths Fork" means a Bear River tributary which rises in Lincoln County, Wyoming and flows in a general southwesterly direction to its confluence with Bear River near Cokeville, Wyoming;

19. "Grade Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a westerly direction and in its natural channel is tributary to Smiths Fork in section 17, township 25 north, range 118 west, sixth principal meridian, Wyoming;

20. "Pine Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, emerging from its mountain canyon in section 34, township 25 north, range 118 west, sixth principal meridian, Wyoming, and in its natural channel is tributary to Smiths Fork in section 36, township 25 north, range 119 west, sixth principal meridian, Wyoming;

21. "Bruner Creek" and "Pine Creek Springs" means Smiths Fork tributaries which rise in Lincoln County, Wyoming, in sections 31 and 32, township 25 north, range 118 west, sixth principal meridian, and in their natural channels are tributary to Smiths Fork in section 36, township 25 north, range 119 west, sixth principal meridian, Wyoming;

22. "Spring Creek" means a Smiths Fork tributary which

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

rises in Lincoln County, Wyoming, in sections 1 and 2, township 24 north, range 119 west, sixth principal meridian, Wyoming, and flows in a general westerly direction to its confluence with Smiths Fork in section 4, township 24 north, range 119 west, sixth principal meridian, Wyoming;

23. "Sublette Creek" means the Bear River tributary which rises in Lincoln County, Wyoming and flows in a general westerly direction to its confluence with Bear River in section 20, township 24 north, range 119 west, sixth principal meridian, Wyoming;

24. "Hobble Creek" means the Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a general south-westerly direction to its confluence with Smiths Fork in section 35, township 28 north, range 118 west, sixth principal meridian, Wyoming;

25. "Hilliard East Fork Canal" means that irrigation canal which diverts water from the right bank of the east fork of Bear River in Summit County, Utah, at a point west 1,310 feet and north 330 feet from the southeast corner of section 16, township 2 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming state line into the southwest quarter of section 21, township 12 north, range 119 west, sixth principal meridian, Wyoming;

26. "Lannon Canal" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, east 1,480 feet from the west quarter corner of section 19, township 3 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming state line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

27. "Lone Mountain Ditch" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, north 1,535 feet and east 1,120 feet from

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

the west quarter corner of section 19, township 3 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming state line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

28. "Hilliard West Side Canal" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, at a point north 2,190 feet and east 1,450 feet from the south quarter corner of section 13, township 3 north, range 9 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming state line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

29. "Francis Lee Canal" means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the northeast quarter of section 30, township 18 north, range 120 west, sixth principal meridian, Wyoming, and runs in a westerly direction across the Wyoming-Utah state line into section 16, township 9 north, range 8 east, Salt Lake base and meridian, Utah;

30. "Chapman Canal" means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the northeast quarter of section 36, township 16 north, range 121 west, sixth principal meridian, Wyoming, and runs in a northerly direction crossing over the low divide into the Saleratus drainage basin near the southeast corner of section 36, township 17 north, range 121 west, sixth principal meridian, Wyoming and then in a general westerly direction crossing the Wyoming-Utah state line;

31. "Neponset Reservoir" means that reservoir located principally in sections 34 and 35, township 8 north, range 7 east, Salt Lake base and meridian, Utah, having a capacity of 6,900 acre-feet.

ARTICLE III

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

A. There is hereby created an interstate administrative agency to be known as the "Bear River Commission" which is hereby constituted a legal entity and in such name shall exercise the powers hereinafter specified. The commission shall be composed of nine commissioners, three commissioners representing each signatory state, and if appointed by the president, one additional commissioner representing the United States of America who shall serve as chairman, without vote. Each commissioner, except the chairman, shall have one vote. The state commissioners shall be selected in accordance with state law. Six commissioners who shall include two commissioners from each state shall constitute a quorum. The vote of at least two-thirds of the commissioners when a quorum is present shall be necessary for the action of the commission.

B. The compensation and expenses of each commissioner and each adviser shall be paid by the government which he represents. All expenses incurred by the commission in the administration of this compact, except those paid by the United States of America, shall be paid by the signatory states on an equal basis.

C. The commission shall have power to:

1. Adopt by-laws, rules, and regulations not inconsistent with this compact;
2. Acquire, hold, convey or otherwise dispose of property;
3. Employ such persons and contract for such services as may be necessary to carry out its duties under this compact;
4. Sue and be sued as a legal entity in any court of record of a signatory state, and in any court of the United States having jurisdiction of such action;

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

5. Cooperate with state and federal agencies in matters relating to water pollution of interstate significance;

6. Perform all functions required of it by this compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in cooperation with others, including state and federal agencies.

D. The commission shall:

1. Enforce this compact and its orders made hereunder by suit or other appropriate action;

2. Compile a report covering the work of the commission and expenditures during the current biennium, and an estimate of expenditures for the following biennium and transmit it to the president of the United States and to the governors of the signatory states on or before July 1 following each biennium.

ARTICLE IV

Rights to direct flow water shall be administered in each signatory state under state law, with the following limitations:

A. When there is a water emergency, as hereinafter defined for each division, water shall be distributed therein as provided below.

1. Upper division

a. When the divertible flow as defined below for the upper division is less than 1,250 second-feet, a water emergency shall be deemed to exist therein and such divertible flow is allocated for diversion in the river sections of the division as follows:

Upper Utah section diversions - 0.6 percent,

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

percent, Upper Wyoming section diversions - 49.3
percent, Lower Utah section diversions - 40.5
percent. Lower Wyoming section diversions - 9.6

Such divertible flow shall be the total of the following five items:

- (1) Upper Utah section diversions in second-feet,
- (2) Upper Wyoming section diversions in second-feet,
- (3) Lower Utah section diversions in second-feet,
- (4) Lower Wyoming section diversions in second-feet,
- (5) The flow in second-feet passing Pixley Dam.

b. The Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal, which divert water in Utah to irrigate lands in Wyoming, shall be supplied from the divertible flow allocated to the Upper Wyoming section diversions.

c. The Chapman, Bear River, and Francis Lee Canals, which divert water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Utah, shall be supplied from the divertible flow allocated to the Upper Wyoming section diversions.

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

d. The Beckwith Quinn West Side Canal, which diverts water from the main stem of Bear River in Utah to irrigate lands in both Utah and Wyoming, shall be supplied from the divertible flow allocated to the Lower Utah section diversions.

e. If for any reason the aggregate of all diversions in a river section of the upper division does not equal the allocation of water thereto, the unused portion of such allocation shall be available for use in the other river sections in the upper division in the following order: (1) In the other river section of the same state in which the unused allocation occurs; and (2) In the river sections of the other state. No permanent right of use shall be established by the distribution of water pursuant to this paragraph e.

f. Water allocated to the several sections shall be distributed in each section in accordance with state law.

2. Central division

a. When either the divertible flow as herein-after defined for the central division is less than 870 second-feet, or the flow of the Bear River at Border Gauging Station is less than 350 second-feet, whichever shall first occur, a water emergency shall be deemed to exist in the central division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and from the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho state line near Border shall be limited for the benefit of the state of Idaho, to not exceeding forty-three (43) percent of the divertible flow. The remaining fifty-seven (57) percent of the divertible flow shall be available for use in Idaho in the central division, but if any portion of such allocation is not used

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

therein it shall be available for use in Idaho in the lower division.

The divertible flow for the central division shall be the total of the following three items:

(1) Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, and Smiths Fork and all the tributaries of Smiths Fork above the mouth of Hobbble Creek including Hobbble Creek, and the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho state line near border, Wyoming.

(2) Diversions in second-feet in Idaho from the Bear River main stem from the point where the river crosses the Wyoming-Idaho state line near Border to Stewart Dam including West Fork Canal which diverts at Stewart Dam.

(3) Flow in second-feet of the Rainbow Inlet Canal and of the Bear River passing downstream from Stewart Dam.

b. The Cook Canal, which diverts water from the main stem of the Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the divertible flow allocated to Wyoming.

c. Water allocated to each state shall be distributed in accordance with state law.

3. Lower division

a. When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, covering water applied to beneficial use prior to January 1, 1976, any water user in Utah may file a petition with the commission alleging that by reason of diversions in Idaho he is

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the commission. If the commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by the commission without regard to the boundary line for all or any part of the division, and during such emergency, water shall be delivered in accordance with such schedules by the state official charged with the administration of public waters.

B. The commission shall have authority upon its own motion ((1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this compact and which encroach upon water rights in a lower state, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before state administrative officials or by court proceedings.

C. When the flow of water in an interstate tributary across a state boundary line is insufficient to satisfy water rights on such tributary in a lower state, any water user may file a petition with the commission alleging that by reason of diversions in an upstream state he is being deprived of water to which he is justly entitled and that by reason thereof a water emergency exists, and requesting distribution of water under the direction of the commission. If the commission finds that a water emergency exists and that interstate control of water of such tributary is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to the state boundary line. The state officials in charge of water distribution on interstate tributaries may appoint and fix the compensation and expenses of a joint water commissioner for each tributary. The proportion of the compensation and expenses to be paid by each state shall be determined by the ratio between the number of acres therein which are irrigated by diversions from such tributary, and the total number of acres irrigated from such tributary.

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

D. In preparing interstate water delivery schedules the commission, upon notice and after public hearings, shall make findings of fact as to the nature, priority and extent of water rights, rates of flow, duty of water, irrigated acreages, types of crops, time of use, and related matters; provided that such schedules shall recognize and incorporate therein priority of water rights as adjudicated in each of the signatory states. Such findings of fact shall, in any court or before any tribunal, constitute prima facie evidence of the facts found.

E. Water emergencies provided for herein shall terminate on September 30 of each year unless terminated sooner or extended by the commission.

ARTICLE V

A. Water rights in the lower division acquired under the laws of Idaho and Utah covering water applied to beneficial use prior to January 1, 1976, are hereby recognized and shall be administered in accordance with state law based on priority of rights as provided in Article IV, paragraph A.3. Rights to water first applied to beneficial use on or after January 1, 1976, shall be satisfied from the respective allocations made to Idaho and Utah in this paragraph and the water allocated to each state shall be administered in accordance with state law. Subject to the foregoing provisions, the remaining water in the lower division, including ground water tributary to the Bear River, is hereby apportioned for use in Idaho and Utah as follows:

(1) Idaho shall have the first right to the use of such remaining water resulting in an annual depletion of not more than 125,000 acre-feet;

(2) Utah shall have the second right to the use of such remaining water resulting in an annual depletion of not more than 275,000 acre-feet;

(3) Idaho and Utah shall each have an additional right to deplete annually on an equal basis, 75,000 acre-feet of

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

the remaining water after the rights provided by subparagraphs (1), and (2) above have been satisfied;

(4) Any remaining water in the lower division after the allocations provided for in subparagraphs (1), (2), and (3) above have been satisfied shall be divided; thirty (30) percent to Idaho and seventy (70) percent to Utah.

B. Water allocated under the above subparagraphs shall be charged against the state in which it is used regardless of the location of the point of diversion.

C. Water depletions permitted under provisions of subparagraphs (1), (2), and (3), and (4) above, shall be calculated and administered by a commission-approved procedure.

ARTICLE VI

A. Existing storage rights in reservoirs constructed above Stewart Dam prior to February 4, 1955 are as follows:

Idaho	324 acre-feet
Utah	11,850 acre-feet
Wyoming	2,150 acre-feet

Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more under this paragraph for use in Utah and Wyoming; and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One-half of the 35,500 acre-feet of additional storage right above Stewart Dam so

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

granted to Utah and Wyoming is hereby allocated to Utah, and the remaining one-half thereof is allocated to Wyoming.

B. In addition to the rights defined in paragraph A. of this article, further storage entitlements above Stewart Dam are hereby granted. Wyoming and Utah are granted an additional right to store in any year 70,000 acre-feet of Bear River water for use in Utah and Wyoming to be divided equally; and Idaho is granted an additional right to store 4,500 acre-feet of Bear River water in Wyoming or Idaho for use in Idaho. Water rights granted under this paragraph and water appropriated, including ground water tributary to Bear River, which is applied to beneficial use on or after January 1, 1976, shall not result in an annual increase in depletion of the flow of the Bear River and its tributaries above Stewart Dam of more than 28,000 acre-feet in excess of the depletion as of January 1, 1976. Thirteen thousand (13,000) acre-feet of the additional depletion above Stewart Dam is allocated to each of Utah and Wyoming, and two thousand (2,000) acre-feet is allocated to Idaho.

The additional storage rights provided for in this paragraph shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam; provided, however, there shall be no diversion of water to storage above Stewart Dam under this paragraph B. when the water surface elevation of Bear Lake is below 5,911.00 feet, Utah Power & Light Company datum (the equivalent of elevation 5,913.75 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947). Water depletions permitted under this paragraph B. shall be calculated and administered by a commission-approved procedure.

C. In addition to the rights defined in article VI, paragraphs A. and B., Idaho, Utah and Wyoming are granted the right to store and use water above Stewart Dam that otherwise would be

ORIGINAL SENATE
FILE NO. 182

STANLEY JAMISON
SRI .OM EJJY

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

bypassed or released from Bear Lake at times when all other direct flow and storage rights are satisfied. The availability of such water and the operation of reservoir space to store water above Bear Lake under this paragraph shall be determined by a commission-approved procedure. The storage provided for in this paragraph shall be subordinate to all other storage and direct flow rights in the Bear River. Storage rights under this paragraph shall be exercised with equal priority on the following basis: six (6) percent thereof to Idaho; forty-seven (47) percent thereof to Utah; and forty-seven (47) percent thereof to Wyoming.

D. The waters of Bear Lake below elevation 5,912.91 feet, Utah Power & Light Company Bear Lake datum (the equivalent of elevation 5915.66 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation. The water of such reserve shall not be released solely for the generation of power, except in emergency, but after release for irrigation it may be used in generating power if not inconsistent with its use for irrigation. Any water in Bear Lake in excess of that constituting the irrigation reserve may be used for the generation of power or for other beneficial uses. As new reservoir capacity above the Stewart Dam is constructed to provide additional storage pursuant to paragraph A. of this article, the commission shall make a finding in writing as to the quantity of additional storage and shall thereupon make an order increasing the irrigation reserve in accordance with the following table:

Additional storage acre-feet	Lake surface elevation Utah Power & Light Company Bear Lake datum
5,000	5,913.24
10,000	5,913.56
15,000	5,913.87
20,000	5,914.15
25,000	5,914.41
30,000	5,914.61

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

35,500	5,914.69
36,500	5,914.70

E. Subject to existing rights, each state shall have the use of water, including ground water, for ordinary domestic, and stock watering purposes, as determined by state law and shall have the right to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 acre-feet, without deduction from the allocation made by paragraphs A., B. and C. of this article.

F. The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited.

ARTICLE VII

It is the policy of the signatory states to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this compact, to investigate, plan, construct, and operate such projects without regard to state boundaries, provided that water rights for each such project shall, except as provided in article VI, paragraphs A. and B. thereof, be subject to rights theretofore initiated and in good standing.

ARTICLE VIII

A. No state shall deny the right of the United States of America, and subject to the conditions hereinafter contained, no state shall deny the right of another signatory state, any person or entity of another signatory state, to acquire rights to the use of water or to construct or to participate in the construction and use of diversion works and storage reservoirs with appurtenant works, canals, and conduits in one state for use of water in another state, either directly or by exchange. Water rights acquired for out-of-state use shall be appropriated

ORIGINAL SENATE
FILE NO. 182

STANLEY SANDERS
SEN. JIM SMITH

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

in the state where the point of diversion is located in the manner provided by law for appropriation of water for use within such state.

B. Any signatory state, any person or any entity of any signatory state, shall have the right to acquire in any other signatory state such property rights as are necessary to the use of water in conformity with this compact by donation, purchase, or, as hereinafter provided through the exercise of the power of eminent domain in accordance with the law of the state in which such property is located. Any signatory state, upon the written request of the governor of any other signatory state for the benefit of whose water users property is to be acquired in the state to which such written request is made, shall proceed expeditiously to acquire the desired property either by purchase at a price acceptable to the requesting governor, or if such purchase cannot be made, then through the exercise of its power of eminent domain and shall convey such property to the requesting state or to the person, or entity designated by its governor provided, that all costs of acquisition and expenses of every kind and nature whatsoever incurred in obtaining such property shall be paid by the requesting state or the person or entity designated by its governor.

C. Should any facility be constructed in a signatory state by and for the benefit of another signatory state or persons or entities therein, as above provided, the construction, repair, replacement, maintenance and operation of such facility shall be subject to the laws of the state in which the facility is located.

D. In the event lands or other taxable facilities are acquired by a signatory state in another signatory state for the use and benefit of the former, the users of the water made available by such facilities, as a condition precedent to the use thereof, shall pay to the political subdivisions of the state in which such facilities are located, each and every year during which such rights are enjoyed for such purposes, a sum of money equivalent to the average of the amount of taxes annually

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

levied and assessed against the land and improvements thereon during the ten years preceding the acquisition of such land. Said payments shall be in full reimbursement for the loss of taxes in such political subdivision of the state.

E. Rights to the use of water acquired under this article shall in all respects be subject to this compact.

ARTICLE IX

Stored water, or water from another watershed may be turned into the channel of the Bear River in one state and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of the Bear River in another state either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchanges shall not be permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid. Water from another watershed or source which enters the Bear River by actions within a state may be claimed exclusively by that state and use thereof by that state shall not be subject to the depletion limitations of articles IV, V and VI. Proof of any claimed increase in flow shall be the burden of the state making such claim, and it shall be approved only by the unanimous vote of the commission.

ARTICLE X

A. The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed.

Name of canal	Date of primary	Primary right		Lands irrigated	State
		priority	second-feet		
				Acres	

Hilliard East Fork.	1914		28.00	2,644	Wyoming

ORIGINAL SENATE
FILE NO: 182

STATES JOURNAL
MAY 10 1979

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

Name of canal	Date of priority	Primary right second-feet	Lands irrigated Acres	State
Chapman.....	8-13-86	16.46	1,155	Wyoming
	8-13-86	98.46	6,892	Utah
	4-12-12	.57	40	Wyoming
	5-3-12	4.07	285	Utah
	5-21-12	10.17	712	Utah
	2-6-13	.79	55	Wyoming
Francis Lee.....	8-28-05	134.00 *		
	1879	2.20	154	Wyoming
	1879	7.41	519	Utah

*Under the right as herein confirmed not to exceed 134 second-feet may be carried across the Wyoming-Utah state line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes. The storage right in Neponset Reservoir is for 6,900 acre-feet which is a component part of the irrigation right for the Utah lands listed above.

All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the state in which the point of diversion is located, are recognized and confirmed.

B. All interstate rights shall be administered by the state in which the point of diversion is located and during times of water emergency, such rights shall be filled from the allocations specified in article IV hereof for the section in which the point of diversion is located, with the exception that the diversion of water into the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal shall be under the administration of Wyoming. During times of water emergency these canals and the Lone Mountain Ditch shall be supplied from the allocation specified in article IV for the Upper Wyoming section diversions.

ORIGINAL SENATE
FILE NO. 182

SENATE JOURNAL
FILE NO. 117

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

ARTICLE XI

Applications for appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the state in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another state of water to which he is entitled, nor shall any such application be approved if the effect thereof will be an increase in the depletion of the flow of the Bear River and its tributaries beyond the limits authorized in each state in articles IV, V and VI of this compact. The official of each state in charge of water administration shall, at intervals and in the format established by the commission, report on the status of use of the respective allocations.

ARTICLE XII

Nothing in this compact shall be construed to prevent the United States, a signatory state or political subdivision thereof, person, corporation, or association, from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under state or federal law or under this compact.

ARTICLE XIII

Nothing contained in this compact shall be deemed:

1. To affect the obligations of the United States of America to the Indian tribes;
2. To impair, extend or otherwise affect any right or power of the United States, its agencies or instrumentalities involved herein; nor the capacity of the United States to hold or acquire additional rights to the use of the water of the Bear River;
3. To subject any property or rights of the United States to the laws of the states which were not subject thereto

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

prior to the date of this compact;

4. To subject any property of the United States to taxation by the states or any subdivision thereof, nor to obligate the United States to pay any state or subdivision thereof for loss of taxes.

ARTICLE XIV

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

ARTICLE XV

This compact may be terminated at any time by the unanimous agreement of the signatory states. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XVI

Should a court of competent jurisdiction hold any part of this compact to be contrary to the constitution of any signatory state or to the constitution of the United States, all other severable provisions of this compact shall continue in full force and effect.

ARTICLE XVII

This compact shall be in effect when it shall have been ratified by the legislature of each signatory state and consented to by the congress of the United States of America. Notice of ratification by the legislature of the signatory states shall be given by the governor of each signatory state to the governor of each of the other signatory states and to the

ORIGINAL SENATE
FILE NO. 182

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

president of the United States of America, and the president is hereby requested to give notice to the governor of each of the signatory states of approval by the congress of the United States of America.

IN WITNESS WHEREOF, the commissioners and their advisers have executed this compact in five originals, one of which shall be deposited with the general services administration of the United States of America, one of which shall be forwarded to the governor of each of the signatory states, and one of which shall be made a part of the permanent records of the Bear River commission.

Done at Salt Lake City, Utah, this 22nd day of December 1978. For the State of Idaho:

For the State of Idaho:

Clifford J. Skinner	/s/ Clifford J. Skinner
J. Daniel Roberts	/s/ J. Daniel Roberts
Don W. Gilbert	/s/ Don W. Gilbert

For the State of Utah:

S. Paul Holmgren	/s/ S. Paul Holmgren
Simeon Weston	/s/ Simeon Weston
Daniel F. Lawrence	/s/ Daniel F. Lawrence

For the State of Wyoming:

George L. Christopoulos	/s/ George L. Christopoulos
John A. Teichert	/s/ John A. Teichert
J. W. Myers	/s/ J. W. Myers

Approved:

/s/ Wallace N. Jibson
Wallace N. Jibson
Representative of the
United States of America

Attest:

/s/ Daniel F. Lawrence
Daniel F. Lawrence
Secretary of the Bear River
Compact Commission

ORIGINAL SENATE
FILE NO. 182

STATES JOURNAL
281 NOV 21 1979

ENROLLED ACT NO. 41, SENATE

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

President of the Senate

Speaker of the House

Governor

TIME APPROVED: _____

DATE APPROVED: _____

(ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)

SIGNED BY GOVERNOR

DATE: 3-6-79

CHAPTER NO: 151

State of Idaho



Department of State.

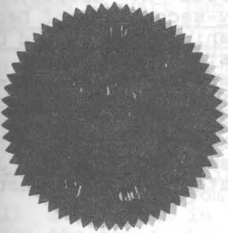
CERTIFICATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho and legal custodian of the Seal of said State and all acts of the Legislature of the State of Idaho, do hereby certify that the annexed is a full, true, and complete copy of SENATE BILL NO. 1162 as received and filed in this office on the sixth day of April, 1979, at 10:30 a.m., and that the same appears of record in this office.

IN WITNESS THEREOF, I hereunto set my hand and affix the Great Seal of the State of Idaho this seventeenth day of September, 1979.

Pete T. Cenarrusa

Secretary of State



IN THE SENATE
S BILL NO. 1162
BY STATE AFFAIRS COMMITTEE

1
2 AN ACT
3 RATIFYING AND APPROVING THE INTERSTATE COMPACT RELATING TO
4 THE WATERS OF THE BEAR RIVER ENTERED INTO AT THE CITY OF
5 SALT LAKE CITY, UTAH, ON THE TWENTY-SECOND DAY OF
6 DECEMBER, 1978, BY COMMISSIONERS REPRESENTING THE STATES
7 OF IDAHO, UTAH, AND WYOMING; THE IDAHO COMMISSIONERS
8 ACTING PURSUANT TO AUTHORITY GRANTED BY ARTICLE XIV OF
9 THE RATIFIED BEAR RIVER COMPACT APPEARING AT SECTION
10 42-3402, IDAHO CODE, SUBJECT, HOWEVER, TO APPROVAL BY
11 APPROPRIATE LEGISLATIVE ACTION BY THE STATES OF UTAH AND
12 WYOMING AND CONSENT BY APPROPRIATE LEGISLATIVE ENACTMENT
13 BY THE CONGRESS OF THE UNITED STATES; AND DECLARING AN
EMERGENCY.

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 42-3402, Idaho Code, be, and
16 the same is hereby amended to read as follows:

17 42-3402. BEAR RIVER COMPACT RATIFIED. Ratification and
18 approval is hereby given to the Bear River Compact as signed
19 at the city of Salt Lake City, in the state of Utah on the
20 ~~fourth-day-of-February, 1955, by Fred M. Geeper, Melvin~~
21 ~~Hauridsen and Mark R. Kulp,~~ twenty-second day of December,
22 1978, by Clifford J. Skinner, J. Daniel Roberts and Don W.
23 Gilbert, commissioners of the state of Idaho, acting
24 pursuant to authority granted by ~~chapter 90 of the Idaho~~
25 ~~Session Laws of 1943~~ article XIV of the ratified Bear River
26 Compact appearing at section 42-3402, Idaho Code, and the
27 commissioners representing the state of Utah, the state of
28 Wyoming and approved by ~~E. O. Larsen~~ Wallace N. Jibson,
29 Representative of the United States, which compact is in
30 full as follows:

31 AMENDED BEAR RIVER COMPACT

32 The state of Idaho, the state of Utah, and the state of
33 Wyoming, acting through their respective commissioners after
34 negotiations participated in by a representative of the
35 United States of America appointed by the President, have
36 agreed to a an amended Bear River Compact as follows:

37 ARTICLE I

1 A. The major purposes of this compact are to remove the
2 causes of present and future controversy over the
3 distribution and use of the waters of the Bear River; to
4 provide for efficient use of water for multiple purposes; to
5 permit additional development of the water resources of Bear
6 River; and to promote interstate comity; and to accomplish
7 an equitable apportionment of the waters of the Bear River
8 among the compacting states.

9 B. The physical and all other conditions peculiar to
10 the Bear River constitute the basis for this compact. No
11 general principle or precedent with respect to any other
12 interstate stream is intended to be established.

13 ARTICLE II

14 As used in this compact the term

15 1. "Bear River" means the Bear River and its
16 tributaries from its source in the Uinta Mountains to its
17 mouth in Great Salt Lake;

18 2. "Bear Lake" means Bear Lake and Mud Lake.

19 3. "Upper Division" means the portion of Bear River
20 from its source in the Uinta Mountains to and including
21 Pixley Dam, a diversion dam in the Southeast Quarter of
22 Section 25, Township 23 North, Range 120 West, Sixth
23 Principal Meridian, Wyoming;

24 4. "Central Division" means the portion of the Bear
25 River from Pixley Dam to and including Stewart Dam, a
26 diversion dam in Section 34, Township 13 South, Range 44
27 East, Boise Base and Meridian, Idaho;

28 5. "Lower Division" means the portion of the Bear River
29 between Stewart Dam and Great Salt Lake, including Bear Lake
30 and its tributary drainage;

31 6. "Upper Utah Section Diversions" means the sum of all
32 diversions in second-feet from the Bear River and the
33 tributaries of the Bear River joining the Bear River
34 upstream from the point where the Bear River crosses the
35 Utah-Wyoming State line above Evanston, Wyoming; excluding
36 the diversions by the Hilliard East Fork Canal, Lannon
37 Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

38 7. "Upper Wyoming Section Diversions" means the sum of
39 all diversions in second-feet from the Bear River main stem
40 from the point where the Bear River crosses the Utah-Wyoming
41 State line above Evanston, Wyoming, to the point where the
42 Bear River crosses the Wyoming-Utah State line east of
43 Woodruff, Utah, and including the diversions by the Hilliard
44 East Fork Canal, Lannon Canal, Lone Mountain Ditch, and
45 Hilliard West Side Canal;

46 8. "Lower Utah Section Diversions" means the sum of all

- 1 diversions in second-feet from the Bear River main stem from
2 the point where the Bear River crosses the Wyoming-Utah
3 State line east of Woodruff, Utah, to the point where the
4 Bear River crosses the Utah-Wyoming State line northeast of
5 Randolph, Utah;
- 6 9. "Lower Wyoming Section Diversions" means the sum of
7 all diversions in second-feet from the Bear River main stem
8 from the point where the Bear River crosses the Utah-Wyoming
9 State line northeast of Randolph to and including the
10 diversion at Pixley Dam;
- 11 10. "Commission" means the Bear River Commission,
12 organized pursuant to Article III of this compact;
- 13 11. "Water user" means a person, corporation, or other
14 entity having a right to divert water from the Bear River
15 for beneficial use;
- 16 12. "Second-foot" means a flow of one cubic foot of
17 water per second of time passing a given point;
- 18 13. "Acre-foot" means the quantity of water required to
19 cover one acre to a depth of one foot, equivalent to 43,560
20 cubic feet;
- 21 14. "Biennium" means the 2-year period commencing on
22 July--1 October 1 of the first odd numbered year after the
23 effective date of this compact and each 2-year period
24 thereafter;
- 25 15. "Water year" means the period beginning October 1
26 and ending September 30 of the following year;
- 27 16. "Direct flow" means all water flowing in a natural
28 watercourse except water released from storage or imported
29 from a source other than the Bear River watershed;
- 30 17. "Border Gaging Station" means the stream flow
31 gaging station in Idaho on the Bear River above Thomas Fork
32 near the Wyoming-Idaho boundary line in the Northeast
33 Quarter of the Northeast Quarter of Section 15, Township 14
34 South, Range 46 East, Boise Base and Meridian, Idaho;
- 35 18. "Smiths Fork" means a Bear River tributary which
36 rises in Lincoln County, Wyoming and flows in a general
37 southwesterly direction to its confluence with Bear River
38 near Cokeville, Wyoming;
- 39 19. "Grade Creek" means a Smiths Fork tributary which
40 rises in Lincoln County, Wyoming and flows in a westerly
41 direction and in its natural channel is tributary to Smiths
42 Fork in Section 17, Township 25 North, Range 118 West, Sixth
43 Principal Meridian, Wyoming;
- 44 20. "Pine Creek" means a Smiths Fork tributary which
45 rises in Lincoln County, Wyoming, emerging from its mountain
46 canyon in Section 34, Township 25 North, Range 118 West,
47 Sixth Principal Meridian, Wyoming, and in its natural
48 channel is tributary to Smiths Fork in Section 36, Township
49 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;

1 21. "Bruner Creek" and "Pine Creek Springs" means
2 Smiths Fork tributaries which rise in Lincoln County,
3 Wyoming, in Sections 31 and 32, Township 25 North, Range 118
4 West, Sixth Principal Meridian, and in their natural
5 channels are tributary to Smiths Fork in Section 36,
6 Township 25 North, Range 119 West, Sixth Principal Meridian,
7 Wyoming;

8 22. "Spring Creek" means a Smiths Fork tributary which
9 rises in Lincoln County, Wyoming, in Sections 1 and 2,
10 Township 24 North, Range 119 West, Sixth Principal Meridian,
11 Wyoming, and flows in a general westerly direction to its
12 confluence with Smiths Fork in Section 4, Township 24 North,
13 Range 119 West, Sixth Principal Meridian, Wyoming;

14 23. "Sublette Creek" means the Bear River tributary
15 which rises in Lincoln County, Wyoming and flows in a
16 general westerly direction to its confluence with Bear River
17 in Section 20, Township 24 North, Range 119 West, Sixth
18 Principal Meridian, Wyoming;

19 24. "Hobble Creek" means the Smiths Fork tributary
20 which rises in Lincoln County, Wyoming and flows in a
21 general southwestly direction to its confluence with Smiths
22 Fork in Section 35, Township 28 North, Range 118 West, Sixth
23 Principal Meridian, Wyoming;

24 25. "Hilliard East Fork Canal" means that irrigation
25 canal which diverts water from the right bank of the East
26 Fork of Bear River in Summit County, Utah, at a point West
27 1,310 feet and North 330 feet from the Southeast corner of
28 Section 16, Township 2 North, Range 10 East, Salt Lake Base
29 and Meridian, Utah, and runs in a northerly direction
30 crossing the Utah-Wyoming State line into the Southwest
31 Quarter of Section 21, Township 12 North, Range 119 West,
32 Sixth Principal Meridian, Wyoming;

33 26. "Lannon Canal" means that irrigation canal which
34 diverts water from the right bank of the Bear River in
35 Summit County, Utah, East 1,480 feet from the West Quarter
36 corner of Section 19, Township 3 North, Range 10 East, Salt
37 Lake Base and Meridian, Utah, and runs in a northerly
38 direction crossing the Utah-Wyoming State line into the
39 South Half of Section 20, Township 12 North, Range 119 West,
40 Sixth Principal Meridian, Wyoming;

41 27. "Lone Mountain Ditch" means that irrigation canal
42 which diverts water from the right bank of the Bear River in
43 Summit County, Utah, North 1,535 feet and East 1,120 feet
44 from the West Quarter corner of Section 19, Township 3
45 North, Range 10 East, Salt Lake Base and Meridian, Utah, and
46 runs in a northerly direction crossing the Utah-Wyoming
47 State line into the South Half of Section 20, Township 12
48 North, Range 119 West, Sixth Principal Meridian, Wyoming;

49 28. "Hilliard West Side Canal" means that irrigation

1 canal which diverts water from the right bank of the Bear
2 River in Summit County, Utah, at a point North 2,190 feet
3 and East 1,450 feet from the South Quarter corner of Section
4 13, Township 3 North, Range 9 East, Salt Lake Base and
5 Meridian, Utah, and runs in a northerly direction crossing
6 the Utah-Wyoming State line into the South Half of Section
7 20, Township 12 North, Range 119 West, Sixth Principal
8 Meridian, Wyoming;

9 29. "Francis Lee Canal" means that irrigation canal
10 which diverts water from the left bank of the Bear River in
11 Uinta County, Wyoming, in the Northeast Quarter of Section
12 30, Township 18 North, Range 120 West, Sixth Principal
13 Meridian, Wyoming, and runs in a westerly direction across
14 the Wyoming-Utah State line into Section 16, Township 9
15 North, Range 8 East, Salt Lake Base and Meridian, Utah;

16 30. "Chapman Canal" means that irrigation canal which
17 diverts water from the left bank of the Bear River in Uinta
18 County, Wyoming, in the Northeast Quarter of Section 36,
19 Township 16 North, Range 121 West, Sixth Principal Meridian,
20 Wyoming, and runs in a northerly direction crossing over the
21 low divide into the Saleratus drainage basin near the
22 Southeast corner of Section 36, Township 17 North, Range 121
23 West, Sixth Principal Meridian, Wyoming and then in a
24 general westerly direction crossing the Wyoming-Utah State
25 line;

26 31. "Neponset Reservoir" means that reservoir located
27 principally in Sections 34 and 35, Township 8 North, Range 7
28 East, Salt Lake Base and Meridian, Utah, having a capacity
29 of 6,900 acre-feet.

30

ARTICLE III

31 A. There is hereby created an interstate administrative
32 agency to be known as the "Bear River Commission" which is
33 hereby constituted a legal entity and in such name shall
34 exercise the powers hereinafter specified. The commission
35 shall be composed of nine commissioners, three commissioners
36 representing each signatory state, and if appointed by the
37 President, one additional commissioner representing the
38 United States of America who shall serve as chairman,
39 without vote. Each commissioner, except the chairman, shall
40 have one vote. The state commissioners shall be selected in
41 accordance with state law. Six commissioners who shall
42 include two commissioners from each state shall constitute a
43 quorum. The vote of at least two thirds of the commissioners
44 when a quorum is present shall be necessary for the action
45 of the commission.

46 B. The compensation and expenses of each commissioner
47 and each adviser shall be paid by the government which he

1 represents. All expenses incurred by the commission in the
 2 administration of this compact, except those paid by the
 3 United States of America, shall be paid by the signatory
 4 states on an equal basis.

5 C. The commission shall have power to:

- 6 1. Adopt by-laws, rules, and regulations not
- 7 inconsistent with this compact;
- 8 2. Acquire, hold, convey or otherwise dispose of
- 9 property;
- 10 3. Employ such persons and contract for such services
- 11 as may be necessary to carry out its duties under this
- 12 compact;
- 13 4. Sue and be sued as a legal entity in any court of
- 14 record of a signatory state, and in any court of the
- 15 United States having jurisdiction of such action;
- 16 5. Cooperate with state and federal agencies in matters
- 17 relating to water pollution of interstate significance;
- 18 6. Perform all functions required of it by this compact
- 19 and do all things necessary, proper or convenient in the
- 20 performance of its duties hereunder, independently or in
- 21 cooperation with others, including state and federal
- 22 agencies.

23 D. The commission shall:

- 24 1. Enforce this compact and its orders made hereunder
- 25 by suit or other appropriate action;

26 ~~2. Annually--compile--a-report-covering-the-work-of-the~~
 27 ~~commission--for--the--water--year--ending--the--previous~~
 28 ~~September--30--and--transmit--it--to--the--President--of--the~~
 29 ~~United--States--and--to--the--governors--of--the--signatory~~
 30 ~~states--on--or--before--April--1--of--each--year;~~

31 Compile a report covering the work of the commission and
 32 expenditures during the current biennium, and an
 33 estimate of expenditures for the following biennium and
 34 transmit it to the President of the United States and to
 35 the governors of the signatory states on or before July
 36 1 following each biennium.

37 ~~3. Prepare--and--transmit--to--the--governors--of--the~~
 38 ~~signatory--states,--and--to--the--President--of--the--United~~
 39 ~~States--on--or--before--a--date--to--be--determined--by--the~~
 40 ~~commission,--a--report--of--expenditures--during--the--current~~
 41 ~~biennium,--and--an--estimate--of--requirements--for--the~~
 42 ~~following--biennium.~~

43 ARTICLE IV

44 Rights to direct flow water shall be administered in
 45 each signatory state under state law, with the following
 46 limitations:

- 47 A. When there is a water emergency, as hereinafter

- 1 defined for each division, water shall be distributed
2 therein as provided below.
- 3 1. Upper Division
- 4 a. When the divertible flow as defined below for
5 the Upper Division is less than 1,250 second-feet,
6 a water emergency shall be deemed to exist therein
7 and such divertible flow is allocated for diversion
8 in the river sections of the Division as follows:
9 Upper Utah Section Diversions--0.6 per cent,
10 Upper Wyoming Section Diversions--49.3 per cent,
11 Lower Utah Section Diversions--40.5 per cent,
12 Lower Wyoming Section Diversions--9.6 per cent.
13 Such divertible flow shall be the total of the
14 following five items:
- 15 (1) Upper Utah Section Diversions in
16 second-feet,
17 (2) Upper Wyoming Section Diversions in
18 second-feet,
19 (3) Lower Utah Section Diversions in
20 second-feet,
21 (4) Lower Wyoming Section Diversions in
22 second-feet,
23 (5) The flow in second-feet passing Pixley
24 Dam.
- 25 b. The Hilliard East Fork Canal, Lannon Canal,
26 Lone Mountain Ditch, and Hilliard West Side Canal,
27 which divert water in Utah to irrigate lands in
28 Wyoming, shall be supplied from the divertible flow
29 allocated to the Upper Wyoming Section Diversions.
- 30 c. The Chapman, Bear River, and Francis Lee
31 Canals, which divert water from the main stem of
32 Bear River in Wyoming to irrigate lands in both
33 Wyoming and Utah, shall be supplied from the
34 divertible flow allocated to the Upper Wyoming
35 Section Diversions.
- 36 d. The Beckwith Quinn West Side Canal, which
37 diverts water from the main stem of Bear River in
38 Utah to irrigate lands in both Utah and Wyoming,
39 shall be supplied from the divertible flow
40 allocated to the Lower Utah Section Diversions.
- 41 e. If for any reason the aggregate of all
42 diversions in a river section of the Upper Division
43 does not equal the allocation of water thereto, the
44 unused portion of such allocations shall be
45 available for use in the other river sections in
46 the Upper Division in the following order:
- 47 (1) In the other river section of the same
48 state in which the unused allocation occurs;
49 and (2) In the river sections of the other

1 state. No permanent right of use shall be
2 established by the distribution of water
3 pursuant to this paragraph e.

4 f. Water allocated to the several sections shall
5 be distributed in each section in accordance with
6 state law.

7 2. Central Division

8 a. When either the divertible flow as hereinafter
9 defined for the Central Division is less than 870
10 second-feet, or the flow of the Bear River at
11 Border Gaging Station is less than 350 second-feet,
12 whichever shall first occur, a water emergency
13 shall be deemed to exist in the Central Division
14 and the total of all diversions in Wyoming from
15 Grade Creek, Pine Creek, Bruner Creek and Pine
16 Creek Springs, Spring Creek, Sublette Creek, Smiths
17 Fork, and all the tributaries of Smiths Fork above
18 the mouth of Hobble Creek including Hobble Creek,
19 and from the main stem of the Bear River between
20 Pixley Dam and the point where the river crosses
21 the Wyoming-Idaho state line near border shall be
22 limited for the benefit of the state of Idaho, to
23 not exceeding forty-three (43) per cent of the
24 divertible flow. The remaining fifty-seven (57) per
25 cent of the divertible flow shall be available for
26 use in Idaho in the Central Division, but if any
27 portion of such allocation is not used therein it
28 shall be available for use in Idaho in the Lower
29 Division.

30 The divertible flow for the Central Division shall be
31 the total of the following three items:

32 (1) Diversions in second-feet in Wyoming
33 consisting of the sum of all diversions from
34 Grade Creek, Pine Creek, Bruner Creek and Pine
35 Creek Springs, Spring Creek, Sublette Creek,
36 and Smiths Fork and all the tributaries of
37 Smiths Fork above the mouth of Hobble Creek
38 including Hobble Creek, and the main stem of
39 the Bear River between Pixley Dam and the
40 point where the river crosses the
41 Wyoming-Idaho state line near Border, Wyoming.

42 (2) Diversions in second-feet in Idaho from
43 the Bear River main stem from the point where
44 the river crosses the Wyoming-Idaho state line
45 near Border to Stewart Dam including West Fork
46 Canal which diverts at Stewart Dam.

47 (3) Flow in second-feet of the Rainbow Inlet
48 Canal and of the Bear River passing downstream
49 from Stewart Dam.

1 b. The Cook Canal, which diverts water from the
2 main stem of the Bear River in Wyoming to irrigate
3 lands in both Wyoming and Idaho, shall be
4 considered a Wyoming diversion and shall be
5 supplied from the divertible flow allocated to
6 Wyoming.

7 c. Water allocated to each state shall be
8 distributed in accordance with state law.

9 3. Lower Division

10 a- When the flow of water across the Idaho-Utah
11 boundary line is insufficient to satisfy water rights in
12 Utah, covering water applied to beneficial use prior to
13 January 1, 1976, any water user in Utah may file a
14 petition with the commission alleging that by reason of
15 diversions in Idaho he is being deprived of water to
16 which he is justly entitled, and that by reason thereof,
17 a water emergency exists, and requesting distribution of
18 water under the direction of the commission. If the
19 commission finds a water emergency exists, it shall put
20 into effect water delivery schedules based on priority
21 of rights and prepared by the commission without regard
22 to the boundary line for all or any part of the
23 division, and during such emergency, water shall be
24 delivered in accordance with such schedules by the state
25 official charged with the administration of public
26 waters.

27 B. The commission shall have authority upon its own
28 motion (1) to declare a water emergency in any or all river
29 divisions based upon its determination that there are
30 diversions which violate this compact and which encroach
31 upon water rights in a lower state, (2) to make appropriate
32 orders to prevent such encroachments, and (3) to enforce
33 such orders by action before state administrative officials
34 or by court proceedings.

35 C. When the flow of water in an interstate tributary
36 across a state boundary line is insufficient to satisfy
37 water rights on such tributary in a lower state, any water
38 user may file a petition with the commission alleging that
39 by reason of diversions in an upstream state he is being
40 deprived of water to which he is justly entitled and that by
41 reason thereof a water emergency exists, and requesting
42 distribution of water under the direction of the commission.
43 If the commission finds that a water emergency exists and
44 that interstate control of water of such tributary is
45 necessary, it shall put into effect water delivery schedules
46 based on priority of rights and prepared without regard to
47 the state boundary line. The state officials in charge of
48 water distribution on interstate tributaries may appoint and
49 fix the compensation and expenses of a joint water

1 commissioner for each tributary. The proportion of the
2 compensation and expenses to be paid by each state shall be
3 determined by the ratio between the number of acres therein
4 which are irrigated by diversions from such tributary, and
5 the total number of acres irrigated from such tributary.

6 D. In preparing interstate water delivery schedules the
7 commission, upon notice and after public hearings, shall
8 make findings of fact as to the nature, priority and extent
9 of water rights, rates of flow, duty of water, irrigated
10 acreages, types of crops, time of use, and related matters;
11 provided that such schedules shall recognize and incorporate
12 therein priority of water rights as adjudicated in each of
13 the signatory states. Such findings of fact shall, in any
14 court or before any tribunal, constitute prima facie
15 evidence of the facts found.

16 E. Water emergencies provided for herein shall
17 terminate on ~~October 15~~ September 30 of each year unless
18 terminated sooner or extended by the commission.

19 ARTICLE V

20 A. Water rights in the Lower Division acquired under
21 the laws of Idaho and Utah covering water applied to
22 beneficial use prior to January 1, 1976, are hereby
23 recognized and shall be administered in accordance with
24 state law based on priority of rights as provided in article
25 IV, paragraph A3. Rights to water first applied to
26 beneficial use on or after January 1, 1976, shall be
27 satisfied from the respective allocations made to Idaho and
28 Utah in this paragraph and the water allocated to each state
29 shall be administered in accordance with state law. Subject
30 to the foregoing provisions, the remaining water in the
31 Lower Division, including ground water tributary to the Bear
32 River, is hereby apportioned for use in Idaho and Utah as
33 follows:

34 (1) Idaho shall have the first right to the use of such
35 remaining water resulting in an annual depletion of not
36 more than 125,000 acre-feet.

37 (2) Utah shall have the second right to the use of such
38 remaining water resulting in an annual depletion of not
39 more than 275,000 acre-feet.

40 (3) Idaho and Utah shall each have an additional right
41 to deplete annually on an equal basis, 75,000 acre-feet
42 of the remaining water after the rights provided by
43 subparagraphs (1) and (2) above have been satisfied.

44 (4) Any remaining water in the Lower Division after the
45 allocations provided for in subparagraphs (1), (2), and
46 (3) above have been satisfied shall be divided; thirty
47 (30) percent to Idaho and seventy (70) percent to Utah.

1 B. Water allocated under the above subparagraphs shall
2 be charged against the state in which it is used regardless
3 of the location of the point of diversion.

4 C. Water depletions permitted under provisions of
5 subparagraphs (1), (2), (3), and (4) above, shall be
6 calculated and administered by a commission-approved
7 procedure.

8

ARTICLE WVI

9 A. Existing storage rights in reservoirs heretofore
10 constructed above Stewart Dam prior to February 4, 1955 are
11 as follows:

12 Idaho 324 acre-feet
13 Utah 11,850 acre-feet
14 Wyoming 2,150 acre-feet

15 Additional rights are hereby granted to store in any
16 water year above Stewart Dam, 35,500 acre-feet of Bear River
17 water and no more under this paragraph for use in Utah and
18 Wyoming; and to store in any water year in Idaho or Wyoming
19 on Thomas Fork 1,000 acre-feet of water for use in Idaho.
20 Such additional storage rights shall be subordinate to, and
21 shall not be exercised when the effect thereof will be to
22 impair or interfere with (1) existing direct flow rights for
23 consumptive use in any river division and (2) existing
24 storage rights above Stewart Dam, but shall not be
25 subordinate to any right to store water in Bear Lake or
26 elsewhere below Stewart Dam. One half of the 35,500
27 acre-feet of additional storage right above Stewart Dam so
28 granted to Utah and Wyoming is hereby allocated to Utah, and
29 the remaining one half thereof is allocated to Wyoming, but
30 in order to attain the most beneficial use of such
31 additional storage consistent with the requirements of
32 future water development projects, the three commissioners
33 for Utah and the three commissioners for Wyoming are hereby
34 authorized, subject to ratification by the legislature of
35 Utah and the legislature of Wyoming, to modify by written
36 agreement the allocations of such additional storage.

37 B. In addition to the rights defined in paragraph A of
38 this article, further storage entitlements above Stewart Dam
39 are hereby granted. Wyoming and Utah are granted an
40 additional right to store in any year 70,000 acre-feet of
41 Bear River water for use in Utah and Wyoming to be divided
42 equally; and Idaho is granted an additional right to store
43 4,500 acre-feet of Bear River water in Wyoming or Idaho for
44 use in Idaho. Water rights granted under this paragraph and
45 water appropriated, including ground water tributary to Bear
46 River, which is applied to beneficial use on or after
47 January 1, 1976, shall not result in an annual increase in

1 depletion of the flow of the Bear River and its tributaries
2 above Stewart Dam of more than 28,000 acre-feet in excess of
3 the depletion as of January 1, 1976. Thirteen thousand
4 (13,000) acre-feet of the additional depletion above Stewart
5 Dam is allocated to each of Utah and Wyoming, and two
6 thousand (2,000) acre-feet is allocated to Idaho.

7 The additional storage rights provided for in this
8 paragraph shall be subordinate to, and shall not be
9 exercised when the effect thereof will be to impair or
10 interfere with (1) existing direct flow rights for
11 consumptive use in any river division and (2) existing
12 storage rights above Stewart Dam, but shall not be
13 subordinate to any right to store water in Bear Lake or
14 elsewhere below Stewart Dam; provided, however, there shall
15 be no diversion of water to storage above Stewart Dam under
16 this paragraph B when the water surface elevation of Bear
17 Lake is below 5,911.00 feet, Utah Power & Light Company
18 datum (the equivalent of elevation 5,913.75 feet based on
19 the sea level datum of 1929 through the Pacific Northwest
20 Supplementary Adjustment of 1947). Water depletions
21 permitted under this paragraph B shall be calculated and
22 administered by a commission-approved procedure.

23 C. In addition to the rights defined in article VI,
24 paragraphs A and B, Idaho, Utah and Wyoming are granted the
25 right to store and use water above Stewart Dam that
26 otherwise would be bypassed or released from Bear Lake at
27 times when all other direct flow and storage rights are
28 satisfied. The availability of such water and the operation
29 of reservoir space to store water above Bear Lake under this
30 paragraph shall be determined by a commission-approved
31 procedure. The storage provided for in this paragraph shall
32 be subordinate to all other storage and direct flow rights
33 in the Bear River. Storage rights under this paragraph shall
34 be exercised with equal priority on the following basis: six
35 (6) percent thereof to Idaho; forty-seven (47) percent
36 thereof to Utah; and forty-seven (47) percent thereof to
37 Wyoming.

38 D. The waters of Bear Lake below elevation 5,912.91
39 feet, Utah Power & Light Company Bear Lake datum (the
40 equivalent of elevation 5,915.66 feet based on the sea level
41 datum of 1929 through the Pacific Northwest Supplementary
42 Adjustment of 1947) shall constitute a reserve for
43 irrigation. The water of such reserve shall not be released
44 solely for the generation of power, except in emergency, but
45 after release for irrigation it may be used in generating
46 power if not inconsistent with its use for irrigation. Any
47 water in Bear Lake in excess of that constituting the
48 irrigation reserve may be used solely for the generation of
49 power or for other beneficial uses. As new reservoir

1 capacity above the Stewart Dam is constructed to provide
 2 additional storage pursuant to paragraph A of this article,
 3 the commission shall make a finding in writing as to the
 4 quantity of additional storage and shall thereupon make an
 5 order increasing the irrigation reserve in accordance with
 6 the following table:

		Lake Surface elevation Utah Power & Light Company Bear Lake datum
7	Additional storage	
8	acre-feet	
9	5,000	5,913.24
10	10,000	5,913.56
11	15,000	5,913.87
12	20,000	5,914.15
13	25,000	5,914.41
14	30,000	5,914.61
15	35,500	5,914.69
16	36,500	5,914.70

17
 18 G-E. Subject to existing rights, each state shall have
 19 the use of water, including ground water, for farm-and-ranch
 20 ordinary domestic, and stock watering purposes, and--subject
 21 to as determined by state law and shall have the right to
 22 impound water for such purposes in reservoirs having storage
 23 capacities not in excess, in any case, of 20 acre-feet,
 24 without deduction from the allocation made by paragraphs A,
 25 B, and C of this article.

26 D-F. The storage rights in Bear Lake are hereby
 27 recognized and confirmed subject only to the restrictions
 28 hereinbefore recited.

29

ARTICLE ~~V~~VII

30 It is the policy of the signatory states to encourage
 31 additional projects for the development of the water
 32 resources of the Bear River to obtain the maximum beneficial
 33 use of water with a minimum of waste, and in furtherance of
 34 such policy, authority is granted within the limitations
 35 provided by this compact, to investigate, plan, construct,
 36 and operate such projects without regard to state
 37 boundaries, provided that water rights for each such project
 38 shall, except as provided in article ~~V~~VI, paragraphs A and B
 39 thereof, be subject to rights theretofore initiated and in
 40 good standing.

41

ARTICLE ~~V~~VIII

42 A. No state shall deny the right of the United States
 43 of America, and subject to the conditions hereinafter
 44 contained, no state shall deny the right of another
 45 signatory state, any person or entity of another signatory

1 state, to acquire rights to the use of water or to construct
2 or to participate in the construction and use of diversion
3 works and storage reservoirs with appurtenant works, canals,
4 and conduits in one state for use of water in another state,
5 either directly or by exchange. Water rights acquired for
6 out-of-state use shall be appropriated in the state where
7 the point of diversion is located in the manner provided by
8 law for appropriation of water for use within such state.

9 B. Any signatory state, any person or any entity of any
10 signatory state, shall have the right to acquire in any
11 other signatory state such property rights as are necessary
12 to the use of water in conformity with this compact by
13 donation, purchase, or, as hereinafter provided through the
14 exercise of the power of eminent domain in accordance with
15 the law of the state in which such property is located. Any
16 signatory state, upon the written request of the governor of
17 any other signatory state for the benefit of whose water
18 users property is to be acquired in the state to which such
19 written request is made, shall proceed expeditiously to
20 acquire the desired property either by purchase at a price
21 acceptable to the requesting governor, or if such purchase
22 cannot be made, then through the exercise of its power of
23 eminent domain and shall convey such property to the
24 requesting state or to the person, or entity designated by
25 its governor provided, that all costs of acquisition and
26 expenses of every kind and nature whatsoever incurred in
27 obtaining such property shall be paid by the requesting
28 state or the person or entity designated by its governor.

29 C. Should any facility be constructed in a signatory
30 state by and for the benefit of another signatory state or
31 persons or entities therein, as above provided, the
32 construction, repair, replacement, maintenance and operation
33 of such facility shall be subject to the laws of the state
34 in which the facility is located.

35 D. In the event lands or other taxable facilities are
36 acquired by a signatory state in another signatory state for
37 the use and benefit of the former, the users of the water
38 made available by such facilities, as a condition precedent
39 to the use thereof, shall pay to the political subdivisions
40 of the state in which such facilities are located, each and
41 every year during which such rights are enjoyed for such
42 purposes, a sum of money equivalent to the average of the
43 amount of taxes annually levied and assessed against the
44 land and improvements thereon during the ten years preceding
45 the acquisition of such land. Said payments shall be in full
46 reimbursement for the loss of taxes in such political
47 subdivision of the state.

48 E. Rights to the use of water acquired under this
49 article shall in all respects be subject to this compact.

1 ARTICLE ~~VII~~IX

2 Stored water, or water from another watershed may be
 3 turned into the channel of the Bear River in one state and a
 4 like quantity, with allowance for loss by evaporation,
 5 transpiration, and seepage, may be taken out of the Bear
 6 River in another state either above or below the point where
 7 the water is turned into the channel, but in making such
 8 exchange the replacement water shall not be inferior in
 9 quality for the purpose used or diminished in quantity.
 10 Exchanges shall not be permitted if the effect thereof is to
 11 impair vested rights or to cause damage for which no
 12 compensation is paid. Water from another watershed or source
 13 which enters the Bear River by actions within a state may be
 14 claimed exclusively by that state and use thereof by that
 15 state shall not be subject to the depletion limitations of
 16 articles IV, V and VI. Proof of any claimed increase in flow
 17 shall be the burden of the state making such claim, and it
 18 shall be approved only by the unanimous vote of the
 19 commission.

20 ARTICLE ~~IX~~X

21 A. The following rights to the use of Bear River water
 22 carried in interstate canals are recognized and confirmed.

23		Date of	Primary right	Lands irrigated	
24	Name of canal	priority	second-feet	Acres	State
25	Hilliard East Fork	1914	28.00	2,644	Wyoming
26	Chapman	8-13-86	16.46	1,155	Wyoming
27		8-13-86	98.46	6,892	Utah
28		4-12-12	.57	40	Wyoming
29		5-3-12	4.07	285	Utah
30		5-21-12	10.17	712	Utah
31		2-6-13	.79	55	Wyoming
32		8-28-05	134.00 ¹		
33	Francis Lee	1879	2.20	154	Wyoming
34		1879	7.41	519	Utah

35 ¹Under the right as herein confirmed not to exceed 134
 36 second-feet may be carried across the Wyoming-Utah state
 37 line in the Chapman Canal at any time for filling the
 38 Neponset Reservoir, for irrigation of land in Utah and for
 39 other purposes. The storage right in Neponset Reservoir is
 40 for 6,900 acre-feet which is a component part of the
 41 irrigation right for the Utah lands listed above.

42 All other rights to the use of water carried in
 43 interstate canals and ditches, as adjudicated in the state
 44 in which the point of diversion is located, are recognized
 45 and confirmed.

1 B. All interstate rights shall be administered by the
 2 state in which the point of diversion is located and during
 3 times of water emergency, such rights shall be filled from
 4 the allocations specified in article IV hereof for the
 5 section in which the point of diversion is located, with the
 6 exception that the diversion of water into the Hilliard East
 7 Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard
 8 West Side Canal shall be under the administration of
 9 Wyoming. During times of water emergency these canals and
 10 the Lone Mountain Ditch shall be supplied from the
 11 allocation specified in article IV for the Upper Wyoming
 12 Section Diversions.

13 ARTICLE XXI

14 Applications for appropriation, for change of point of
 15 diversion, place and nature of use, and for exchange of Bear
 16 River water shall be considered and acted upon in accordance
 17 with the law of the state in which the point of diversion is
 18 located, but no such application shall be approved if the
 19 effect thereof will be to deprive any water user in another
 20 state of water to which he is entitled, nor shall any such
 21 application be approved if the effect thereof will be an
 22 increase in the depletion of the flow of the Bear River and
 23 its tributaries beyond the limits authorized in each state
 24 in articles IV, V and VI of this compact. The official of
 25 each state in charge of water administration shall, upon the
 26 filing of an application affecting Bear River water,
 27 ~~transmit a copy thereof to the commission~~ at intervals and
 28 in the format established by the commission, report on the
 29 status of use of the respective allocations.

30 ARTICLE XXII

31 Nothing in this compact shall be construed to prevent
 32 the United States, a signatory state or political
 33 subdivision thereof, person, corporation, or association,
 34 from instituting or maintaining any action or proceeding,
 35 legal or equitable, for the protection of any right under
 36 state or federal law or under this compact.

37 ARTICLE XXIII

38 Nothing contained in this compact shall be deemed
 39 1. to affect the obligations of the United States of
 40 America to the Indian tribes;
 41 2. to impair, extend or otherwise affect any right or
 42 power of the United States, its agencies or
 43 instrumentalities involved herein; nor the capacity of the

1 United States to hold or acquire additional rights to the
2 use of the water of the Bear River;

3 3. to subject any property or rights of the United
4 States to the laws of the states which were not subject
5 thereto prior to the date of this compact;

6 4. to submit any property of the United States to
7 taxation by the states or any subdivision thereof, nor to
8 obligate the United States to pay any state or subdivision
9 thereof for loss of taxes.

10 ARTICLE ~~XIII~~XIV

11 At intervals not exceeding twenty years, the commission
12 shall review the provisions hereof, and after notice and
13 public hearing, may propose amendments to any such
14 provision, provided, however, that the provisions contained
15 herein shall remain in full force and effect until such
16 proposed amendments have been ratified by the legislatures
17 of the signatory states and consented to by congress.

18 ARTICLE ~~XIV~~XV

19 This compact may be terminated at any time by the
20 unanimous agreement of the signatory states. In the event of
21 such termination all rights established under it shall
22 continue unimpaired.

23 ARTICLE ~~XV~~XVI

24 Should a court of competent jurisdiction hold any part
25 of this compact to be contrary to the constitution of any
26 signatory state or to the Constitution of the United States,
27 all other severable provisions of this compact shall
28 continue in full force and effect.

29 ARTICLE ~~XVI~~XVII

30 This compact shall be in effect when it shall have been
31 ratified by the legislature of each signatory state and
32 consented to by the congress of the United States of
33 America. Notice of ratification by the legislatures of the
34 signatory states shall be given by the governor of each
35 signatory state to the governor of each of the other
36 signatory states and to the President of the United States
37 of America, and the President is hereby requested to give
38 notice to the governor of each of the signatory states of
39 approval by the congress of the United States of America.

40 IN WITNESS WHEREOF, The commissioners and their advisors
41 have executed this compact in five originals, one of which

1 shall be deposited with the General Services Administration
 2 of the United States of America, one of which shall be
 3 forwarded to the governor of each of the signatory states,
 4 and one of which shall be made a part of the permanent
 5 records of the Bear River Commission.

6 Done at Salt Lake City, Utah, this 4th-day--of--February
 7 1955 22nd day of December 1978.

8 For the State of Idaho:

9 Fred-M--Geepor

Mark-R--Kulp

10 Fred-M--Geepor

Mark-R--Kulp

11 Melvin-Lauridsen

/s/ Don W. Gilbert

12 Melvin-Lauridsen

13 /s/ Clifford J. Skinner

14 /s/ J. Daniel Roberts

15 For the State of Utah:

16 George-B--Clyde

Alenze-F--Hopkin

17 George-B--Clyde

Alenze-F--Hopkin

18 J--Lorenne-Weidmann

E--M--Van-Orden

19 J--Lorenne-Weidmann

E--M--Van-Orden

20 A--V--Smeeth

Orsen-A--Christensen

21 A--V--Smeeth

Orsen-A--Christensen

22 Lawrence-B--Jehnsen

/s/ David F. Lawrence

23 Lawrence-B--Jehnsen

24 /s/ S. Paul Holmgren

25 /s/ Simeon Weston

26 For the state of Wyoming:

27 E--C--Bishop

Emil-C--Gradert

28 E--C--Bishop

Emil-C--Gradert

29 H--T--Persen

S--Reed-Dayten

30 H--T--Persen

S--Reed-Dayten

31 Heward-B--Black

/s/ John A. Teichert

32 Heward-B--Black

33 /s/ George L. Christopoulos

34 /s/ J. W. Myers

35 Approved:

36 E--O--Larsen

E--J--Skeen

37 E--O--Larsen

E--J--Skeen

38 /s/ Wallace N. Gibson

/s/ Daniel F. Lawrence

39 Representative of the United
 40 States of America

Secretary of the Bear River
 Compact Commission

41 SECTION 2. The compact set forth in section 1 of this
 42 act shall not become operative unless and until it has been
 43 ratified and approved by appropriate legislative enactment
 44 by the states of Utah and Wyoming and has been consented to
 45 by the Congress of the United States. The governor of Idaho
 46 shall give notice of ratification and approval of this
 47 compact by the Idaho legislature to the governor of Utah, to
 48 the governor of Wyoming and to the president of the United

1 States.

2 SECTION 3. An emergency existing therefor, which
3 emergency is hereby declared to exist, this act shall be in
4 full force and effect on and after its passage and approval.

Approved: _____
 Governor of Wyoming
 Approved: _____
 Governor of Utah
 Approved: _____
 Governor of Idaho
 Approved: _____
 Governor of Montana
 Approved: _____
 Governor of New Mexico
 Approved: _____
 Governor of Arizona
 Approved: _____
 Governor of Nevada
 Approved: _____
 Governor of California
 Approved: _____
 Governor of Oregon
 Approved: _____
 Governor of Washington
 Approved: _____
 Governor of Alaska
 Approved: _____
 Governor of Hawaii

STATEMENT OF PURPOSE

Bear River Compact

S 1162

Purpose

The purpose of this bill is to ratify an amended Bear River Compact. The bill also sets out the steps that must be followed to make the Compact fully operative.

Fiscal Impact

No fiscal impact on state appropriations is anticipated. The statewide impact is the continued operation of a system for managing the use of water among the states of Idaho, Utah and Wyoming in the most beneficial manner possible.

Pat Anderson
GOVERNOR


APPROVED BY THE GOVERNOR ON THE 27th DAY OF OCTOBER 1964

RECEIVED & FILED

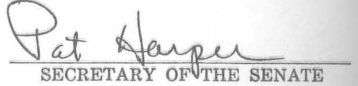
THIS BILL PASSED THE SENATE ON THE 16TH DAY OF MARCH


 PRESIDENT OF THE SENATE

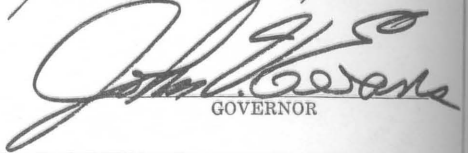
THIS BILL PASSED THE HOUSE OF REPRESENTATIVES ON THE 23RD
 DAY OF MARCH


 SPEAKER OF THE HOUSE
 OF REPRESENTATIVES

I HEREBY CERTIFY THAT THE WITHIN SENATE BILL NUMBER
1162 ORIGINATED
 IN THE SENATE DURING THE 1ST SESSION
 OF THE 45TH LEGISLATURE OF THE STATE OF IDAHO.


 SECRETARY OF THE SENATE

THIS BILL RECEIVED BY THE GOVERNOR ON THE 26TH
 DAY OF March 1979, AT 1:53P M. O'CLOCK, AND APPROVED
 ON THE 5TH DAY OF April 1979, AT 3:00P M. O'CLOCK.


 GOVERNOR

RECEIVED & FILED
April 6, 1979 10:30am
Ch. 322 -

PETE T. CENARRIGA
 SECRETARY OF STATE

AMENDED BEAR RIVER COMPACT

1979

GENERAL SESSION

Enrolled Copy

S. B. No. 255

By Miles Cap Ferry

Kenneth Pace

Charles W. Bullen

AN ACT AMENDING SECTION 73-16-2, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 161, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 161, LAWS OF UTAH 1957; RELATING TO THE WATERS OF THE BEAR RIVER; PROVIDING FOR AN EQUITABLE APPORTIONMENT OF THE WATERS AMONG THE COMPACTING STATES; CHANGING THE DATE OF REPORTS FROM ANNUAL TO BIENNIAL; ALLOCATING WATERS IN THE LOWER DIVISION BETWEEN THE STATES OF IDAHO AND UTAH; GRANTING ADDITIONAL STORAGE RIGHTS TO UTAH, WYOMING, AND IDAHO IN THE UPPER DIVISION; LIMITING CONSUMPTIVE USES IN THE UPPER DIVISION; AND MAKING OTHER MINOR CHANGES IN THE EXISTING COMPACT.

Be it enacted by the Legislature of the State of Utah:

Section 1. Section 73-16-2, Utah Code Annotated 1953, as enacted by Chapter 161, Laws of Utah 1955, as amended by Chapter 161, Laws of Utah 1957, is amended to read:

73-16-2. The text of [~~said-compact~~] the Bear River Compact is as follows:

AMENDED BEAR RIVER COMPACT

The State of Idaho, the State of Utah and the State of Wyoming, acting through their respective Commissioners after negotiations participated in by a representative of the United States of America appointed by the President, have agreed to [a] an Amended Bear River Compact as follows:

ARTICLE I

S. B. No. 255

A. The major purposes of this Compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; [and] to promote interstate comity ; and to accomplish an equitable apportionment of the waters of the Bear River among the compacting States.

B. The physical and all other conditions peculiar to the Bear River constitute the basis for this Compact. No general principle or precedent with respect to any other interstate stream is intended to be established.

ARTICLE II

As used in this Compact the term

1. "Bear River" means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;

2. "Bear Lake" means Bear Lake and Mud Lake;

3. "Upper Division" means the portion of Bear River from its source in the Uinta Mountains to and including Pixley Dam, a diversion dam in the Southeast Quarter of Section 25, Township 23 North, Range 120 West, Sixth Principal Meridian, Wyoming;

4. "Central Division" means the portion of Bear River from Pixley Dam to and including Stewart Dam, a diversion dam in Section 34, Township 13 South, Range 44 East, Boise Base and Meridian, Idaho;

5. "Lower Division" means the portion of the Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;

6. "Upper Utah Section Diversions" means the sum of all diversions in second-feet from the Bear River and the tributaries of the Bear River joining the Bear River upstream from the point where the Bear River crosses the Utah-Wyoming

S. B. No. 255.

State line above Evanston, Wyoming; excluding the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

7. "Upper Wyoming Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming, to the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, and including the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

8. "Lower Utah Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, to the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph, Utah;

9. "Lower Wyoming Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph to and including the diversion at Pixley Dam;

10. "Commission" means the Bear River Commission, organized pursuant to Article III of this Compact;

11. "Water user" means a person, corporation, or other entity having a right to divert water from the Bear River for beneficial use;

12. "Second-foot" means a flow of one cubic foot of water per second of time passing a given point;

13. "Acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;

14. "Biennium" means the 2-year period commencing on [July 1] October 1 of the first odd-numbered year after the effective date of this Compact and each 2-year period thereafter;

S. B. No. 255

15. "Water year" means the period beginning October 1 and ending September 30 of the following year;
16. "Direct flow" means all water flowing in a natural watercourse except water released from storage or imported from a source other than the Bear River watershed;
17. "Border Gaging Station" means the stream flow gaging station in Idaho on the Bear River above Thomas Fork near the Wyoming-Idaho boundary line in the Northeast Quarter of the Northeast Quarter of Section 15, Township 14 South, Range 46 East, Boise Base and Meridian, Idaho;
18. "Smiths Fork" means a Bear River tributary which rises in Lincoln County, Wyoming, and flows in a general southwesterly direction to its confluence with Bear River near Cokeville, Wyoming;
19. "Grade Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, and flows in a westerly direction and in its natural channel is tributary to Smiths Fork in Section 17, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming;
20. "Pine Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, emerging from its mountain canyon in Section 34, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming, and its natural channel is tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;
21. "Bruner Creek" and "Pine Creek Springs" means Smiths Fork tributaries which rise in Lincoln County, Wyoming, in Sections 31 and 32, Township 25 North, Range 118 West, Sixth Principal Meridian, and in their natural channels are tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;
22. "Spring Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, in Sections 1 and 2, Township

S. B. No. 255

24 North, Range 119 West, Sixth Principal Meridian, Wyoming, and flows in a general westerly direction to its confluence with Smiths Fork in Section 4, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

23. "Sublette Creek" means the Bear River tributary which rises in Lincoln County, Wyoming, and flows in a general westerly direction to its confluence with Bear River in Section 20, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

24. "Hobble Creek" means the Smiths Fork tributary which rises in Lincoln County, Wyoming, and flows in a general southwesterly direction to its confluence with Smiths Fork in Section 35, Township 28 North, Range 118 West, Sixth Principal Meridian, Wyoming;

25. "Hilliard East Fork Canal" means that irrigation canal which diverts water from the right bank of the East Fork of Bear River in Summit County, Utah, at a point West 1,310 feet and North 330 feet from the Southeast corner of Section 16, Township 2 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the Southwest Quarter of section 21, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

26. "Lannon Canal" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, East 1,480 feet from the West Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

27. "Lone Mountain Ditch" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, North 1,535 feet and East 1,120 feet from the West

S. B. No. 255

Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

28. "Hilliard West Side Canal" means [the] that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, at a point North 2,190 feet and East 1,450 feet from the South Quarter corner of Section 13, Township 3 North, Range 9 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

29. "Francis Lee Canal" means that irrigation canal which diverts water from the left bank of the Bear River in [Utah] Uinta County, Wyoming, in the Northeast Quarter of Section 30, Township 18 North, Range 120 West, Sixth Principal Meridian, Wyoming, and runs in a westerly direction across the Wyoming-Utah State line into Section 16, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah;

30. "Chapman Canal" means that irrigation canal which diverts water from the left bank of the Bear River in [Utah] Uinta County, Wyoming, in the Northeast Quarter of Section 36, Township 16 North, Range 121 West, Sixth Principal Meridian, Wyoming, and runs in a northerly direction crossing over the low divide into the Saleratus drainage basin near the Southeast corner of Section 36, Township 17 North, Range 121 West, Sixth Principal Meridian, Wyoming, and then in a general westerly direction crossing the Wyoming-Utah State line;

31. "Neponset Reservoir" means that reservoir located principally in Sections 34 and 35, Township 8 North, Range 7 East, Salt Lake Base and Meridian, Utah, having a capacity of 6,900 acre-feet.

ARTICLE III

A. There is hereby created an interstate administrative agency to be known as the "Bear River Commission" which is hereby constituted a legal entity and in such name shall exercise the powers hereinafter specified. The Commission shall be composed of nine Commissioners, three Commissioners representing each signatory State, and if appointed by the President, one additional Commissioner representing the United States of America who shall serve as chairman, without vote. Each Commissioner, except the chairman, shall have one vote. The State Commissioners shall be selected in accordance with State law. Six Commissioners who shall include two Commissioners from each State shall constitute a quorum. The vote of at least two-thirds of the Commissioners when a quorum is present shall be necessary for the action of the Commission.

B. The compensation and expenses of each Commissioner and each adviser shall be paid by the government which he represents. All expenses incurred by the Commission in the administration of this Compact, except those paid by the United States of America, shall be paid by the signatory States on an equal basis.

C. The Commission shall have power to:

1. Adopt bylaws, rules, and regulations not inconsistent with this Compact;
2. Acquire, hold, convey or otherwise dispose of property;
3. Employ such persons and ~~enter into~~ contract for such services as may be necessary to carry out its duties under this Compact;
4. Sue and be sued as a legal entity in any court of record of a signatory State, and in any court of the United States having jurisdiction of such action;
5. Co-operate with State and Federal agencies in matters relating to water pollution of interstate significance;

S. B. No. 255

6. Perform all functions required of it by this Compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in co-operation with others, including State and Federal agencies.

D. The Commission shall:

1. Enforce this Compact and its orders made hereunder by suit or other appropriate action;

[2.---Annually---compile---a---report---covering---the---work---of---the---Commission---for---the---water---year---ending---the---previous---September---30---and---transmit---it---to---the---President---of---the---United---States---and---to---the---Governors---of---the---signatory---States---on---or---before---April---1---of---each---year.]

2. Compile a report covering the work of the Commission and expenditures during the current biennium, and an estimate of expenditures for the following biennium and transmit it to the President of the United States and to the Governors of the signatory States on or before July 1 following each biennium.

[3.---Prepare---and---transmit---to---the---Governors---of---the---signatory---States,---and---to---the---President---of---the---United---States---on---or---before---a---date---to---be---determined---by---the---Commission,---a---report---of---expenditures---during---the---current---biennium,---and---an---estimate---of---requirements---for---the---following---biennium.]

ARTICLE IV

Rights to direct flow water shall be administered in each signatory State under state law, with the following limitations:

A. When there is a water emergency, as hereinafter defined for each division, water shall be distributed therein as provided below.

1. Upper Division.

a. When the divertible flow as defined below for the upper division is less than 1,250 second-feet, a water emergency shall be deemed to exist therein and such

S. B. No. 255

divertible flow is allocated for diversion in the river sections of the Division as follows:

- Upper Utah Section Diversions - 0.6 per cent,
- Upper Wyoming Section Diversions - 49.3 per cent,
- Lower Utah Section Diversions - 40.5 per cent,
- Lower Wyoming Section Diversions - 9.6 per cent.

Such divertible flow shall be the total of the following five items:

- (1) Upper Utah Section Diversions in second-feet,
- (2) Upper Wyoming Section Diversions in second-feet,
- (3) Lower Utah Section Diversions in second-feet,
- (4) Lower Wyoming Section Diversions in second-feet,
- (5) The flow in second-feet passing Pixley Dam.

b. The Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal, which divert water in Utah to irrigate lands in Wyoming, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

c. The Chapman, Bear River, and Francis Lee Canals, which divert water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Utah, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

d. The Beckwith Quinn West Side Canal, which diverts water from the main stem of Bear River in Utah to irrigate lands in both Utah and Wyoming, shall be supplied from the divertible flow allocated to the Lower Utah Section Diversions.

e. If for any reason the aggregate of all diversions in a river section of the Upper Division does not equal the allocation of water thereto, the unused portion of such allocation shall be available for use in the other river sections in the Upper Division in the following

S. B. No. 255

order: (1) In the other river section of the same State in which the unused allocation occurs; and (2) in the river sections of the other State. No permanent right of use shall be established by the distribution of water pursuant to this paragraph e.

f. Water allocated to the several sections shall be distributed in each section in accordance with State law.

2. Central Division.

a. When either the divertible flow as hereinafter defined for the Central Division is less than 870 second-feet, or the flow of the Bear River at Border Gaging Station is less than 350 second-feet, whichever shall first occur, a water emergency shall be deemed to exist in the Central Division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and from the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border shall be limited for the benefit of the State of Idaho, to not exceeding forty-three (43) per cent of the divertible flow. The remaining fifty-seven (57) per cent of the divertible flow shall be available for use in Idaho in the Central Division, but if any portion of such allocation is not used therein it shall be available for use in Idaho in the Lower Division.

The divertible flow for the Central Division shall be the total of the following three items:

(1) Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek,

S. B. No. 255

Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, and Smiths Fork and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border, Wyoming.

- (2) Diversions in second-feet in Idaho from the Bear River main stem from the point where the river crosses the Wyoming-Idaho State line near Border to Stewart Dam including West Fork Canal which diverts at Stewart Dam.
- (3) Flow in second-feet of the Rainbow Inlet Canal and of the Bear River passing downstream from Stewart Dam.

b. The Cook Canal, which diverts water from the main stem of the Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the divertible flow allocated to Wyoming.

c. Water allocated to each State shall be distributed in accordance with State law.

3. Lower Division.

a. When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, covering water applied to beneficial use prior to January 1, 1976, any water user in Utah may file a petition with the Commission alleging that by reason of diversions in Idaho he is being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by

S. B. No. 255

the Commission without regard to the boundary line for all or any part of the Division, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

B. The Commission shall have authority upon its own motion (1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this Compact and which encroach upon water rights in a lower State, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before State administrative officials or by court proceedings.

C. When the flow of water in an interstate tributary across a State boundary line is insufficient to satisfy water rights on such tributary in a lower State, any water user may file a petition with the Commission alleging that by reason of diversions in an upstream State he is being deprived of water to which he is justly entitled and that by reason thereof a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds that a water emergency exists and that interstate control of water of such tributary is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to the State boundary line. The State officials in charge of water distribution on interstate tributaries may appoint and fix the compensation and expenses of a joint water commissioner for each tributary. The proportion of the compensation and expenses to be paid by each State shall be determined by the ratio between the number of acres therein which are irrigated by diversions from such tributary, and the total number of acres irrigated from such tributary.

D. In preparing interstate water delivery schedules the Commission, upon notice and after public hearings, shall make

S. B. No. 255

findings of fact as to the nature, priority and extent of water rights, rates of flow, duty of water, irrigated acreages, types of crops, time of use, and related matters; provided that such schedules shall recognize and incorporate therein priority of water rights as adjudicated in each of the signatory States. Such findings of fact shall, in any court or before any tribunal, constitute prima facie evidence of the facts found.

E. Water emergencies provided for herein shall terminate on ~~October-15~~ September 30 of each year unless terminated sooner or extended by the Commission.

ARTICLE V

A. Water rights in the Lower Division acquired under the laws of Idaho and Utah covering water applied to beneficial use prior to January 1, 1976, are hereby recognized and shall be administered in accordance with State law based on priority of rights as provided in Article IV, paragraph A3. Rights to water first applied to beneficial use on or after January 1, 1976, shall be satisfied from the respective allocations made to Idaho and Utah in this paragraph and the water allocated to each State shall be administered in accordance with State law. Subject to the foregoing provisions, the remaining water in the Lower Division, including ground water tributary to the Bear River, is hereby apportioned for use in Idaho and Utah as follows:

(1) Idaho shall have the first right to the use of such remaining water resulting in an annual depletion of not more than 125,000 acre-feet.

(2) Utah shall have the second right to the use of such remaining water resulting in an annual depletion of not more than 275,000 acre-feet.

(3) Idaho and Utah shall each have an additional right to deplete annually on an equal basis, 75,000 acre-feet of the remaining water after the rights provided by subparagraphs (1), and (2) above have been satisfied.

S. B. No. 255

(4) Any remaining water in the Lower Division after the allocations provided for in subparagraphs (1), (2), and (3) above have been satisfied shall be divided; thirty (30) percent to Idaho and seventy (70) percent to Utah.

B. Water allocated under the above subparagraphs shall be charged against the State in which it is used regardless of the location of the point of diversion.

C. Water depletions permitted under provisions of subparagraphs (1), (2), and (3), and (4) above, shall be calculated and administered by a Commission-approved procedure.

ARTICLE [W] VI

A. Existing storage rights in reservoirs [heretofore] constructed above Stewart Dam prior to February 4, 1955, are as follows:

Idaho	324 acre-feet
Utah	11,850 acre-feet
Wyoming	2,150 acre-feet

Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more under this paragraph for use in Utah and Wyoming; and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One-half of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining one-half thereof is allocated to Wyoming[~~but in order to attain the most beneficial use of such additional storage consistent with the requirements of future water development~~]

S. B. No. 255

~~projects,--the--three--Commissioners--for--Utah--and--the--three
Commissioners--for--Wyoming--are--hereby--authorized,--subject--to
ratification--by--the--legislature--of--Utah--and--the--legislature--of
Wyoming,--to--modify--by--written--agreement--the--allocations--of--such
additional--storage].~~

B. In addition to the rights defined in Paragraph A of this Article, further storage entitlements above Stewart Dam are hereby granted. Wyoming and Utah are granted an additional right to store in any year 70,000 acre-feet of Bear River water for use in Utah and Wyoming to be divided equally; and Idaho is granted an additional right to store 4,500 acre-feet of Bear River water in Wyoming or Idaho for use in Idaho. Water rights granted under this paragraph and water appropriated, including ground water tributary to Bear River, which is applied to beneficial use on or after January 1, 1976, shall not result in an annual increase in depletion of the flow of the Bear River and its tributaries above Stewart Dam of more than 28,000 acre-feet in excess of the depletion as of January 1, 1976. Thirteen thousand (13,000) acre-feet of the additional depletion above Stewart Dam is allocated to each of Utah and Wyoming, and two thousand (2,000) acre-feet is allocated to Idaho.

The additional storage rights provided for in this Paragraph shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam; provided, however, there shall be no diversion of water to storage above Stewart Dam under this Paragraph B when the water surface elevation of Bear Lake is below 5,911.00 feet, Utah Power & Light Company datum (the equivalent of elevation 5,913.75 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947). Water

S. B. No. 255

depletions permitted under this Paragraph B shall be calculated and administered by a Commission-approved procedure.

C. In addition to the rights defined in Article VI, Paragraphs A and B, Idaho, Utah and Wyoming are granted the right to store and use water above Stewart Dam that otherwise would be bypassed or released from Bear Lake at times when all other direct flow and storage rights are satisfied. The availability of such water and the operation of reservoir space to store water above Bear Lake under this paragraph shall be determined by a Commission-approved procedure. The storage provided for in this Paragraph shall be subordinate to all other storage and direct flow rights in the Bear River. Storage rights under this Paragraph shall be exercised with equal priority on the following basis: six (6) percent thereof to Idaho; forty-seven (47) percent thereof to Utah; and forty-seven (47) percent thereof to Wyoming.

[B-] D. The waters of Bear Lake below elevation 5,912.91 feet, Utah Power and Light Company Bear Lake datum (the equivalent of elevation 5,915.66 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation. The water of such reserve shall not be released solely for the generation of power, except in emergency, but after release for irrigation it may be used in generating power if not inconsistent with its use for irrigation. Any water in Bear Lake in excess of that constituting the irrigation reserve may be used ~~solely~~ for the generation of power or for other beneficial uses. As new reservoir capacity above the Stewart Dam is constructed to provide additional storage pursuant to paragraph A of this Article, the Commission shall make a finding in writing as to the quantity of additional storage and shall thereupon make an order increasing the irrigation reserve in accordance with the following table:

S. B. No. 255

Additional Storage Acre-feet	Lake surface elevation
	Utah Power & Light Company Bear Lake datum
5,000	5,913.24
10,000	5,913.56
15,000	5,913.87
20,000	5,914.15
25,000	5,914.41
30,000	5,914.61
35,500	5,914.69
36,500	5,914.70

[E-] E. Subject to existing rights, each State shall have the use of water, including groundwater, for [~~from--farm--and ranch~~] ordinary domestic, and stock watering purposes, [~~and subject-to~~] as determined by State law and shall have the right to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 acre-feet, without deduction from the allocation made by [~~paragraph~~] paragraphs A, B, and C of this Article.

[D-] F. The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited.

ARTICLE [V-] VII

It is the policy of the signatory States to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this Compact, to investigate, plan, construct, and operate such projects without regard to State boundaries, provided that water rights for each such project shall, except as provided in Article [V] VI, [~~paragraph~~] paragraphs A and B, thereof, be subject to rights theretofore initiated and in good standing.

S. B. No. 255

ARTICLE [V+] VIII

A. No State shall deny the right of the United States of America, and subject to the conditions hereinafter contained, no State shall deny the right of another signatory State, any person or entity of another signatory State, to acquire rights to the use of water or to construct or to participate in the construction and use of diversion works and storage reservoirs with appurtenant works, canals, and conduits in one State for use of water in another State, either directly or by exchange. Water rights acquired for out-of-state use shall be appropriated in the State where the point of diversion is located in the manner provided by law for appropriation of water for use within such State.

B. Any signatory State, any person or any entity of any signatory State, shall have the right to acquire in any other signatory State such property rights as are necessary to the use of water in conformity with this Compact by donation, purchase, or, as hereinafter provided through the exercise of the power of eminent domain in accordance with the law of the State in which such property is located., Any signatory State, upon the written request of the Governor of any other signatory State for the benefit of whose water users property is to be acquired in the State to which such written request is made, shall proceed expeditiously to acquire the desired property either by purchase at a price acceptable to the requesting Governor, or if such purchase cannot be made, then through the exercise of its power of eminent domain and shall convey such property to the requesting State or to the person, or entity designated by its Governor provided, that all costs of acquisition and expenses of every kind and nature whatsoever incurred in obtaining such property shall be paid by the requesting State or the person or entity designated by its Governor.

S. B. No. 255

C. Should any facility be constructed in a signatory State by and for the benefit of another signatory State or persons or entities therein, as above provided, the construction, repair, replacement, maintenance and operation of such facility shall be subject to the laws of the State in which the facility is located.

D. In the event lands or other taxable facilities are acquired by a signatory State in another signatory State for the use and benefit of the former, the users of the water made available by such facilities, as a condition precedent to the use thereof, shall pay to the political subdivisions of the State in which such facilities are located, each and every year during which such rights are enjoyed for such purposes, a sum of money equivalent to the average of the amount of taxes annually levied and assessed against the land and improvements thereon during the ten years preceding the acquisition of such land. Said payments shall be in full reimbursement for the loss of taxes in such political subdivision of the State.

E. Rights to the use of water acquired under this Article shall in all respects be subject to this Compact.

ARTICLE [V~~III~~] IX

Stored water, or water from another watershed may be turned into the channel of the Bear River in one State and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of the Bear River in another State either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchanges shall not be permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid. Water from another watershed or source which enters the Bear River by actions within a State may be claimed exclusively by that State and use thereof by that

S. B. No. 255

State shall not be subject to the depletion limitations of Articles IV, V and VI. Proof of any claimed increase in flow shall be the burden of the State making such claim, and it shall be approved only by the unanimous vote of the Commission.

ARTICLE [IX] X

A. The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed.

Name of Canal	Date of priority	Primary right second-feet	Lands irrigated Acres	State
Hilliard East Fork	1914	28.00	2,644	Wyoming
Chapman	8-13-86	16.46	1,155	Wyoming
	8-13-86	98.46	6,892	Utah
	4-12-12	.57	40	Wyoming
	5-3-12	4.07	285	Utah
	5-21-12	10.17	712	Utah
	2-6-13	.79	55	Wyoming
	8-28-05	134.00 ¹		
Francis Lee	1879	2.20	154	Wyoming
	1879	7.41	519	Utah

¹ Under the right as herein confirmed not to exceed 134 second-feet may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes. The storage right in Neponset Reservoir is for 6,900 acre-feet, which is a component part of the irrigation right for the Utah lands listed above.

All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the State in which the point of diversion is located, are recognized and confirmed.

B. All interstate rights shall be administered by the State in which the point of diversion is located and during times of

S. B. No. 255

water emergency, such rights shall be filled from the allocations specified in Article IV hereof for the Section in which the point of diversion is located, with the exception that the diversion of water into the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal shall be under the administration of Wyoming. During times of water emergency these canals and the Lone Mountain Ditch shall be supplied from the allocation specified in Article IV for the Upper Wyoming Section Diversions.

ARTICLE [X] XI

Applications for appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the state in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another state of water to which he is entitled, nor shall any such application be approved if the effect thereof will be an increase in the depletion of the flow of the Bear River and its tributaries beyond the limits authorized in each State in Articles IV, V and VI of this Compact. The official of each State in charge of water administration shall, ~~[upon the filing of an application affecting Bear River water, transmit a copy thereof to the Commission]~~ at intervals and in the format established by the Commission, report on the status of use of the respective allocations.

ARTICLE [X] XII

Nothing in this Compact shall be construed to prevent the United States, a signatory State or political subdivision thereof, person, corporation, or association, from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under State or Federal law or under this Compact.

S. B. No. 255

ARTICLE [XIII] XIII

Nothing contained in this Compact shall be deemed

1. To affect the obligations of the United States of America to the Indian tribes;
2. To impair, extend or otherwise affect any right or power of the United States, its agencies or instrumentalities involved herein; nor the capacity of the United States to hold or acquire additional rights to the use of the water of the Bear River;
3. To subject any property or rights of the United States to the laws of the States which were ~~not~~ not subject thereto prior to the date of this Compact;
4. To subject any property of the United States to taxation by the States or any subdivision thereof, nor to obligate the United States to pay any State or subdivision thereof for loss of taxes.

ARTICLE [XIV] XIV

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

ARTICLE [XV] XV

This Compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE [XVI] XVI

Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or to the Constitution of the United States, all other

S. B. No. 255

severable provisions of this Compact shall continue in full force and effect.

ARTICLE [~~XVI~~] XVII

This Compact shall be in effect when it shall have been ratified by the Legislature of each signatory State and consented to by the Congress of the United States of America. Notice of ratification by the legislatures of the signatory States shall be given by the Governor of each signatory State to the Governor of each of the other signatory States and to the President of the United States of America, and the President is hereby requested to give notice to the Governor of each of the signatory States of approval by the Congress of the United States of America.

IN WITNESS WHEREOF, The Commissioners and their advisers have executed this compact in five originals, one of which shall be deposited with the General Services Administration of the United States of America, one of which shall be forwarded to the Governor of each of the signatory States, and one of which shall be made a part of the permanent records of the Bear River Commission.

[Done--at--Salt--Lake--City,--Utah,--this--4th--day--of--February, 1955.]

[For--the--State--of--Idaho:]

{s}--Fred--M.--Cooper-----{s}--Mark--R.--Kulp]

{s}--Melvin--Lauridsen]

[For--the--State--of--Utah:]

{s}--George--D.--Glyde-----{s}--Alonso--F.--Hopkin]

{s}--J.--Lorenzo--Weidmann-----{s}--E.--M.--Van--Orden]

{s}--A.--V.--Smeeth-----{s}--Orson--A.--Christensen]

{s}--Lawrence--B.--Johnson]

[For--the--State--of--Wyoming:]

{s}--L.--C.--Bishop-----{s}--Emil--C.--Gradert]

{s}--H.--T.--Person-----{s}--G.--Reed--Dayton]

S. B. No. 255

~~[(s)--Howard-B--Black]~~

~~[Approved-----Attest:]~~

~~[(s)--Er-O--Larsen-----] (s)--Er-J--Skeen]~~

~~[Representative-of-the-----Secretary-of-the-Bear-River]~~

~~[United-States-of-America-----Compact-Commission]~~

Done at Salt Lake City, Utah, this 22nd day of December, 1978.

For the State of Idaho:

(s) Clifford J. Skinner (s) Don W. Gilbert

(s) J. Daniel Roberts

For the State of Utah:

(s) S. Paul Holmgren (s) Daniel F. Lawrence

(s) Simeon Weston

For the State of Wyoming:

(s) George L. Christopoulos (s) John A. Teichert

(s) J. W. Myers

Approved:

Attest:

Wallace N. Jibson

Daniel F. Lawrence

Representative of the

Secretary of the Bear River

United States of America

Commission

