

ORIGINAL HOUSE  
JOINT RESOLUTION  
NO. 0011

ENROLLED JOINT RESOLUTION NO. 1, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2005 GENERAL SESSION

A JOINT RESOLUTION requesting Congress to recognize past local expenditures as the local funding match for a flood control feasibility study in the Bear River Basin.

WHEREAS, the ongoing drought in the State of Wyoming and surrounding states has a profound impact throughout the area, including Bear River Basin. Bear Lake is the major reservoir for containing floodwaters of the Bear River within the Bear River Basin. The effects of drought in the Bear River Basin could be significantly reduced in the event alternative storage sites were available; and

WHEREAS, the Bear River Basin encompasses a portion of the State of Wyoming. Originating in Utah's Uintah Mountains, the Bear River crosses state boundaries five times, has tributaries in Idaho, Utah and Wyoming, and ultimately discharges into the Great Salt Lake; and

WHEREAS, the Bear River did not naturally divert into Bear Lake. The Utah Sugar Company and the Telluride Power Company first proposed diversion of the Bear River into Bear Lake for water storage in 1898. That project was taken over by Utah Power and Light for the purpose of producing hydropower. The project, which included a diversion dam on the Bear River, a canal, and a pumping station was completed in 1918; and

WHEREAS, a multi-state compact between the states of Idaho, Utah and Wyoming, known as the Bear River Compact, was entered into in 1958 and amended in 1980. The Compact governs the operation of Bear River and, for management purposes, the Compact divides the river into three segments. The three segments are known as the upper division, located in Utah and Wyoming, the central division, located in Wyoming and Idaho, and the lower

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division, located Idaho and Utah. The Bear River Commission, made up of three members from each of the Compact states, a Chairman appointed by the President of the United States, and engineer/manager, manage the day-to-day operation of the river; and

WHEREAS, as a result of two lawsuits against Utah Power and Light Company during the 1970's, which claimed damage to crops due to flooding along Bear River, the power company is under court order to keep Bear River within its banks. Based on the court order, in the event the irrigation season ends with Bear Lake above five thousand nine hundred eighteen (5,918) feet in elevation, water is released downstream to make room in Bear Lake for the spring runoff; and

WHEREAS, since the 1970's millions of acre-feet of water have been released from Bear Lake to provide capacity for flood control. The most recent releases were in 1997, 1998, and 1999; and

WHEREAS, lowering the elevation of Bear Lake for flood control potentially also impacts water users in the upper and central divisions. Under the Compact, storage allocations under the amended Bear River Compact located in the upper division are not allowed to fill whenever the elevation of Bear Lake is below five thousand nine hundred eleven (5,911) feet above sea level; and

WHEREAS, dredging has been necessary to provide water for irrigation releases from Bear Lake due to low lake levels; and

WHEREAS, if alternative storage sites were available, water that is usually available during the spring runoff could be stored and could prevent any flooding of the Bear River.

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The water could then be used for irrigation, domestic and commercial development and recreation. Alternative storage sites would provide for the conservation, preservation and best utilization of the water to which the state is entitled. This storage is desperately needed to allow residential, commercial and municipal development in the Bear River drainage without reducing irrigated agricultural lands; and

WHEREAS, the United States Army Corps of Engineers is the federal agency responsible for flood control. The Corps has indicated a willingness to conduct a feasibility study of possible water storage sites upstream of Bear Lake, which could be used for flood control of the Bear River. Costs of the study could range from six hundred thousand dollars (\$600,000.00) to two million dollars (\$2,000,000.00) depending on the areas the study would include. The study will require an equal match of federal and nonfederal funds. However, with congressional approval, past local expenditures may be used as the local match; and

WHEREAS, past local expenditures that have been made include one hundred seventy-four thousand dollars (\$174,000.00) by the State of Wyoming for the Cokeville Reservoir Project on Smith's Fork, three hundred fifty thousand dollars (\$350,000.00) by the State of Wyoming for the Bear River Plan, and over two million (\$2,000,000.00) of state funds from Idaho, Wyoming, and Utah throughout the Bear River Commission for stream gaging; and

WHEREAS, concerned citizens of the Bear River Drainage, including the Bear Lake County Commissions, the Bear Lake Regional Commission, Lake Watch, Inc., and Love Bear Lake, Inc., are asking for Congressional approval to recognize

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past expenditures as the local match to make the Corps of Engineers feasibility study possible.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That Congress is urged to pass and vote for legislation that will authorize and fund a feasibility study by the United States Corps of Engineers relating to the possibilities, benefits and costs of providing flood control above Bear Lake.

**Section 2.** That Congress is urged to allow and approve past local expenditures, equivalent to fifty percent of the total cost of the allowed and approved one hundred seventy-four thousand dollars (\$174,000.00) by the State of Wyoming for the Cokeville Reservoir Project on Smith's Fork, three hundred fifty thousand dollars (\$350,000.00) by the State of Wyoming for the Bear River Basin Plan and two million dollars (\$2,000,000.00) of state funds from Idaho, Wyoming and Utah for stream gaging.

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**Section 3.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk