

HOUSE JOINT RESOLUTION NO. HJ0011

Bear river compact.

Sponsored by: Representative(s) Davison, Hastert and
Thompson and Senator(s) Cooper

A Bill

for

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

4

5 WHEREAS, the ongoing drought in the State of Wyoming and
6 surrounding states has a profound impact throughout the
7 area, including Bear River Basin. Although inadequate,
8 during times of high water such as spring runoff, Bear Lake
9 is the major reservoir for containing floodwaters of the
10 Bear River within the Bear River Basin. The effects of
11 drought in the Bear River Basin would be significantly
12 reduced in the event alternative storage sites were
13 available; and

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15 WHEREAS, the Bear River Basin encompasses a portion of the
16 State of Wyoming. Originating in Utah's Uintah Mountains,

1 the Bear River crosses state boundaries five times, has
2 tributaries in Idaho, Utah and Wyoming, and ultimately
3 discharges into the Great Salt Lake; and

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

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14 WHEREAS, a multi-state compact between the states of Idaho,
15 Utah and Wyoming, known as the Bear River Compact, was
16 entered into in 1958 and amended in 1980. The Compact
17 governs the operation of Bear River and, for management
18 purposes, the Compact divides the river into three
19 segments. The three segments are known as the upper
20 division, located in Utah and Wyoming, the central
21 division, located in Wyoming and Idaho, and the lower
22 division, located Idaho and Utah. The Bear River
23 Commission, made up of three members from each of the
24 Compact states, a Chairman appointed by the President of

1 the United States, and engineer/manager, manage the day-to-
2 day operation of the river; and

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

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14 WHEREAS, since the 1970's millions of acres of water have
15 been released to provide capacity for flood control.
16 Releases carry the river as well as the surface water
17 removed from Bear Lake downstream to the Great Salt Lake
18 where the principle beneficiary is the Great Salt Lake
19 ecosystem. The most recent releases were in 1997, 1998,
20 and 1999; and

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22 WHEREAS, lowering the elevation of Bear Lake in the lowest
23 division for flood control also impacts water users in the
24 upper and central divisions. Under the Compact, Woodruff

1 Narrows Reservoir located in the upper division is not
2 allowed to fill whenever the elevation of Bear Lake is
3 below five thousand nine hundred eleven (5,911) feet above
4 sea level, affecting both ground and surface water in that
5 area. In addition, when Woodruff Narrows Reservoir is not
6 full, no water is available for irrigation in a ten (10)
7 mile stretch of river in the central division leaving
8 irrigators in that area without water for their crops; and
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10 WHEREAS, dredging has been necessary to provide water for
11 irrigation due to low lake levels; and

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13 WHEREAS, studies to date have shown that use of Bear Lake
14 for flood control has resulted in tons of suspended
15 sediment solids to be deposited in the lake during the
16 spring runoff. This is highly detrimental to the
17 ecosystem. Increases in algae blooms on Bear Lake due to
18 nitrates being carried in have been documented; and

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20 WHEREAS, in the event the water has not been released in
21 the interest of flood control, it is likely that Bear Lake
22 would now be full or nearly full. In that event, it is
23 probable that there would be no need to pump water out of
24 Bear Lake for irrigation because there would be enough

1 capacity to allow the water to flow out by gravity, there
2 would be no need to dredge in Bear Lake in that the
3 elevation of the lake would be high enough to make dredging
4 unnecessary, and an elevation above five thousand nine
5 hundred eleven (5,911) feet would allow upstream storage at
6 the Woodruff Narrows Reservoir; and

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8 WHEREAS, extremely low levels in Bear Lake could cause a
9 water emergency to be declared by the State of Utah. The
10 declaration would lead to closer scrutiny of the natural
11 flow rights administered under the interstate accounting
12 system. The lack of adequate storage water to supplement
13 natural flow could result in the curtailment of rights in
14 Wyoming; and

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16 WHEREAS, if alternative storage sites were available,
17 several hundred thousand acre feet of water would still be
18 in Bear Lake to mitigate the effects of the drought.
19 Provided adequate storage, water that is usually available
20 during the spring runoff, could be stored and prevent any
21 flooding of the Bear River. The water could then be used
22 for irrigation, domestic and commercial development and
23 recreation. A reservoir above the Bear Lake would allow
24 chemicals to be neutralized and suspended solids to settle

1 out that are now entering Bear Lake. Alternative storage
2 sites would provide for the conservation, preservation and
3 best utilization of the water to which the state is
4 entitled. This storage is desperately needed to allow
5 residential, commercial and municipal development in the
6 Bear River drainage without reducing irrigated agricultural
7 lands; and

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9 WHEREAS, flood control above Bear Lake would make possible
10 a policy that Bear Lake would be the first to fill and the
11 last to empty. This would provide more water for
12 irrigation, minimize fluctuations of lake levels, improve
13 spawning habitat for Bear Lake cutthroat trout, provide
14 boat launching capability at Idaho state parks, and allow
15 for the filling of Woodruff Narrows Reservoir. Flood
16 control above Bear Lake would greatly benefit the economy
17 of all three states in the Bear River drainage; and

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19 WHEREAS, the United States Army Corps of Engineers is the
20 federal agency responsible for flood control. The Corps
21 has indicated a willingness to conduct a feasibility study
22 of possible water storage sites upstream of Bear Lake,
23 which could be used for flood control of the Bear River.
24 Costs of the study could range from six hundred thousand

1 dollars (\$600,000.00) to two million dollars
2 (\$2,000,000.00) depending on the areas the study would
3 include. The study will require an equal match of federal
4 and nonfederal funds. However, with congressional
5 approval, past local expenditures may be used as the local
6 match; and

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8 WHEREAS, past local expenditures that have been made
9 include one hundred seventy-four thousand dollars
10 (\$174,000.00) by the State of Wyoming for the Cokeville
11 Reservoir Project on Smith's Fork, three hundred fifty
12 thousand dollars (\$350,000.00) by the State of Wyoming for
13 the Bear River Plan, and over two million (\$2,000,000.00)
14 of state funds from Idaho, Wyoming, and Utah throughout the
15 Bear River Commission for stream gaging; and

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17 WHEREAS, concerned citizens of the Bear River Drainage,
18 including the Bear Lake County Commissions, the Bear Lake
19 Regional Commission, Lake Watch, Inc., and Love Bear Lake,
20 Inc., are asking for Congressional approval to recognize
21 past expenditures as the local match to make the Corps of
22 Engineers feasibility study possible.

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

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

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10 **Section 2.** That Congress is urged to allow and
11 approve past local expenditures, equivalent to fifty
12 percent of the total cost of the allowed and approved one
13 hundred seventy-four thousand dollars (\$174,000.00) by the
14 State of Wyoming for the Cokeville Reservoir Project on
15 Smith's Fork, three hundred fifty thousand dollars
16 (\$350,000.00) by the State of Wyoming for the Bear River
17 Basin Plan and two million dollars (\$2,000,000.00) of state
18 funds from Idaho, Wyoming and Utah for stream gaging.

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

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(END)