

HOUSE JOINT RESOLUTION NO. HJ0011

Bear river compact.

Sponsored by: Representative(s) Davison, Hastert, Martin 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.

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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. Bear Lake is the major
8 reservoir for containing floodwaters of the Bear River
9 within the Bear River Basin. The effects of drought in the
10 Bear River Basin could be significantly reduced in the
11 event alternative storage sites were available; and

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13 WHEREAS, the Bear River Basin encompasses a portion of the
14 State of Wyoming. Originating in Utah's Uintah Mountains,
15 the Bear River crosses state boundaries five times, has

1 tributaries in Idaho, Utah and Wyoming, and ultimately
2 discharges into the Great Salt Lake; and

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

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13 WHEREAS, a multi-state compact between the states of Idaho,
14 Utah and Wyoming, known as the Bear River Compact, was
15 entered into in 1958 and amended in 1980. The Compact
16 governs the operation of Bear River and, for management
17 purposes, the Compact divides the river into three
18 segments. The three segments are known as the upper
19 division, located in Utah and Wyoming, the central
20 division, located in Wyoming and Idaho, and the lower
21 division, located Idaho and Utah. The Bear River
22 Commission, made up of three members from each of the
23 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 acre-feet of water
15 have been released from Bear Lake to provide capacity for
16 flood control. The most recent releases were in 1997,
17 1998, and 1999; and

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19 WHEREAS, lowering the elevation of Bear Lake for flood
20 control potentially also impacts water users in the upper
21 and central divisions. Under the Compact, storage
22 allocations under the amended Bear River Compact located in
23 the upper division are not allowed to fill whenever the

1 elevation of Bear Lake is below five thousand nine hundred
2 eleven (5,911) feet above sea level; and

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

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8 WHEREAS, if alternative storage sites were available, water
9 that is usually available during the spring runoff could be
10 stored and could prevent any flooding of the Bear River.
11 The water could then be used for irrigation, domestic and
12 commercial development and recreation. Alternative storage
13 sites would provide for the conservation, preservation and
14 best utilization of the water to which the state is
15 entitled. This storage is desperately needed to allow
16 residential, commercial and municipal development in the
17 Bear River drainage without reducing irrigated agricultural
18 lands; and

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

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

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

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18 WHEREAS, concerned citizens of the Bear River Drainage,
19 including the Bear Lake County Commissions, the Bear Lake
20 Regional Commission, Lake Watch, Inc., and Love Bear Lake,
21 Inc., are asking for Congressional approval to recognize
22 past expenditures as the local match to make the Corps of
23 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)