



State Engineer's Office

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GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

POLICY MEMORANDUM

TO: Bear River Basin Water Users and their Representatives
FROM: Patrick T. Tyrrell, State Engineer
SUBJECT: Process for Requesting Assignment of Unallocated Original Bear River Compact Storage
DATE: July 10, 2017

The original Bear River Compact of 1958 and the Amended Bear River Compact of 1978, in conjunction with the Bylaws of the Bear River Compact Commission, various court decrees, and the laws of the States of Wyoming, Idaho, and Utah, establish the framework under which the waters of the Bear River are divided. This framework controls how the waters of the Bear River are distributed to water users in Wyoming, Idaho, and Utah as the river threads its way in and out of state lines, eventually terminating in the Great Salt Lake.

The 1958 Bear River Compact allocated 17,750 acre-feet (AF) of additional storage to Wyoming water users in the Bear River Basin.¹ This has been termed "Original Compact Storage," or OCS. Facilities that receive a storage permit from the Wyoming State Engineer's Office indicating they have been awarded OCS under the terms of the 1958 Compact are exempt from storage restrictions when the elevation of Bear Lake (located in Utah – Idaho) drops below a surface elevation of 5,911 feet. Appropriators who receive a storage right other than OCS may be regulated off when Bear Lake drops below elevation 5,911 feet.

As of the date of this memorandum, 4,100 AF of OCS is available for allocation to Wyoming water users. It is the intent of the Wyoming State Engineer to allocate up to 1,100 AF of the remaining OCS water to small water users/projects (less than 100 AF) in the basin. The remaining 3,000 AF of OCS will be reserved for larger projects.

This memo only pertains to the 1,100 AF of OCS set aside for small water projects. The State Engineer will consider the following criteria when awarding requests for the 1,100 AF of OCS in the basin:

- All applicants must demonstrate a need for OCS and the ability to put the requested allocation to immediate and continued beneficial use.
- To confirm an applicant's ability to construct their project, applicants are required to provide information regarding their financial ability to complete the proposed work (e.g. - financial statements, documentation of capital resources, planned assessments, or intent and plan to seek grants and/or loans to cover total estimated project costs).

¹ This Original Compact Storage allocation is in addition to 2,150 AF of recognized storage rights in reservoirs constructed above Stewart Dam prior to February 4, 1955.

- All requests are subject to the State Engineer’s determination of sufficient and reliable water supply.
- Preference will be given to storage requests for projects located within the Central Division of Wyoming.²
- Requests to exchange 1978 Amended Compact Storage for 1958 Original Compact Storage may be considered subject to the State Engineer’s discretion.

General Provisions for Requesting OCS:

- All requests must be submitted in writing with the required documentation (see below).
- Requests may be granted for either new or existing storage facilities. All new storage projects requesting OCS must be completed within 3 years of the date the application is approved with the possibility of one (and only one) 2-year extension for good cause shown, or the OCS award will be rescinded.
- The maximum amount of small water project OCS to be awarded to any single appropriator or project is 100 AF.

Documentation Requirements:

For new applications:

- 1) Completed application for new storage (SW-3).
- 2) Letter requesting the amount of water to be allocated as part of Wyoming’s 1958 Original Bear River Compact Storage apportionment.
- 3) Documentation as to the applicant’s financial ability to complete the project (available capital, planned assessments, WWDC grants or loans, etc.).
- 4) Proposed schedule for completion.
- 5) List of other water rights associated with the project and proof of historic water use.

For applications to convert existing storage rights:

- 1) Letter of petition requesting conversion. Letter must indicate existing storage permit(s) and amount to convert to OCS.
- 2) If any additional construction work or upgrades are necessary, documentation as to the applicant’s financial ability to complete the project (see above) and schedule for completion.
- 3) List of other water rights associated with the project and proof of historic water use.

The deadline to submit requests for OCS allocation is September 30, 2017. Following application review, if the 1,100 AF of OCS has not been fully allocated by December 31, 2017, the terms of this policy memo may be continued, modified or terminated at the discretion of the State Engineer.

If you have any questions or need clarification, please feel free to contact either:

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 River Basin Coordinator
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² The 4,100 AF of OCS were initially earmarked for a storage project located in the Smith’s Fork drainage. This project ultimately was not constructed and its OCS allocation was released for reallocation on October 1, 2016.