

A G E N D A

Meeting of the Bear River Compact Commission to be held at  
Evanston, Wyoming, December 19, 1950.

1. Presentation of report of Engineering Committee  
by W. V. Iorns. June 15, 1949

2. Presentation of report of Legal Committee by  
E. J. Skeen. Nov. 21, 1950

3. Consideration of the appointment of a Draft-  
ing Committee.

4. Discussion of investigation work for the next  
two years and the financial arrangements for the same.

5. Procedure to be followed in future compact  
negotiations

Vernon Tracy attended meeting

MINUTES OF MEETING OF  
BEAR RIVER COMPACT COMMISSION  
Evanston, Wyoming, December 19, 1950

Meeting No. 3

A meeting of the Bear River Compact Commission was held at the County Court House, Evanston, Wyoming, on December 19, 1950. The following official representatives of the United States and the States of Idaho, Utah and Wyoming were present.

United States

E. O. Larson, Federal Representative and Chairman  
of Compact Commission

Idaho

Fred M. Cooper, Compact Commissioner  
W. J. Hunter, Compact Commissioner  
E. N. Humphrey, Assistant State Reclamation Engineer

Utah

Joseph M. Tracy, Compact Commissioner  
Clinton D. Vernon, Attorney General of Utah

Wyoming

L. C. Bishop, Compact Commissioner  
David P. Miller, Assistant Compact Commissioner  
E. B. Hitchcock, Assistant Compact Commissioner  
Norman B. Gray, Attorney General of Wyoming  
H. T. Person, Advisor

Federal Agencies

W. V. Iorns, U. S. G. S.  
M. T. Wilson, U. S. G. S.  
E. K. Thomas, Bureau of Reclamation  
E. J. Skeen, Bureau of Reclamation  
A. C. Lankford - Meeting Secretary - Bureau of  
Reclamation

A list of other persons in attendance is attached.

The meeting was called to order by the Chairman at 10:10 a.m. The minutes of the Preston, Idaho meeting held on December 13-14, 1948, were read and approved.

Chairman Larson then outlined the plan of the meeting stating that unless other suggestions were made the Commission would hear first the replies that had been received from the various Federal Agencies regarding the interests of those Agencies in Bear River to be followed by presentation of the reports of the Engineering Committee and the Legal Committee. After these reports the other items on the agenda would be considered.

Mr. Bishop suggested that any questions arising in the minds of listeners during the reading of the two committee reports be held until close of the presentations in an effort to have the reports presented in an orderly manner.

The Chairman requested the Secretary to read the replies from Federal Agencies stating that the replies as read would be mimeographed and distributed to all members of the Commission. Replies from U. S. Corps of Engineers, Bureau of Reclamation, Bureau of Mines, Bureau of Land Management, Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs, Bonneville Power Administration, Department of Interior, Division of Power, Geological Survey, Federal Power Commission, and Department of Agriculture, were read. Copies of these replies are attached hereto.

Mr. Iorns presented the report of the Engineering Committee, dated June 15, 1949, explaining the conclusions reached by the Committee on the questions submitted at the Preston meeting. He stated that the answer to question No. 4 is deficient in that one line has **been omitted** (due to typographical error) and information to be entered therein will be furnished members of the Commission.

Mr. Iorns referred to the following supplemental reports which have been prepared by the U. S. G. S. stating that the reports are preliminary and not for public release. Copies were distributed to members of the Commission and will later be furnished to the members of the Legal Committee. The supplemental reports are: 1. "Analysis of Bear Lake Storage" dated September 12, 1950; 2. "Historical Reports on Bear River" dated December 13, 1950; 3. "Water Rights in the Bear River Basin" dated December 16, 1950; 4. "Analysis of Bear River Water Rights, Water Rights and Supplies, and Suggested Methods of Compact Apportionment" dated December 16, 1950.

Mr. Iorns advised that another report, which is being prepared and will be available in approximately 30 days, will cover the subject of "Stream Flow Depletions and Consumptive Use in Bear River Basin".

Chairman Larson then called upon Mr. Skeen to present the report of the Legal Committee which was dated No. 21, 1950.

After copies of the report were distributed to all persons present, Mr. Skeen outlined the report to the meeting.

Mr. Bishop explained matters of decrees and adjudication of water rights in Wyoming where a number of permits with priorities earlier than 1926 were not listed in the 1926 report because they had not been adjudicated at that time.

Mr. Skeen stated that water right decrees are binding only upon the parties to the suits. Decrees entered in one state do not bind water users in other states who are not parties to the suit. Mr. Skeen advised that these Compact negotiations are unique because there are more water rights in the Bear River than there is water available, which makes the drafting of a Compact most difficult.

Mr. L. B. Johnson raised the question of why the Legal Committee's report (Part IV) presented comments on the present proposed draft Compact since it was agreed at the previous meeting at Preston, Idaho, that previous drafts of a proposed Compact would be disregarded in preparation of a new draft of the Compact. Chairman Larson stated that comments were merely submitted for the information of the Commission in considering any Compact provisions.

Mr. Bishop raised the question, "Did not the U. S. Supreme Court ignore the appropriation doctrine in its decisions on the two cases referred to in the Legal Committee Report". Mr. Skeen replied that the Court probably considered the appropriation doctrine which it had referred to as the guiding doctrine of the decisions in the two cases, but did not follow the appropriation doctrine strictly.

The meeting adjourned at 12:30 for lunch.

The Chairman reconvened the meeting at 1:45 p.m. and Mr. Bishop announced that Mr. H. T. Person had been appointed to replace Mr. R. D. Goodrich as Wyoming representative on the Engineering Committee and as Engineer Advisor to the Wyoming Commissioner.

Mr. Tracy moved that the Commission approve the reports of the Legal and Engineering Committees and thank the Committee members for a thorough job. Mr. Bishop suggested that the motion be amended to approve the reports "in principle". The suggestion was accepted by Mr. Tracy and motion was then seconded by Mr. Bishop and approved unanimously.

The Chairman then called for further questions on the Engineering and Legal reports from members of the Commission or from the floor. There were no questions so the Chairman asked for the views of members of the Commission regarding the appointment of a drafting committee to

draft a proposed Compact. Mr. Bishop questioned the value of appointing the drafting committee at this time, but after further discussion on the situation he moved that a drafting committee be appointed to draft a proposed Compact providing for storage of an additional 100,000 acre-feet for upper river irrigation uses. Mr. Cooper stated that it does not appear that the Commission is in a position at this time to specifically state the amount of storage water available for upper river uses. Mr. Humphrey and Mr. Tracy replied to questions by the Chairman as being in favor of appointing a drafting committee. Mr. Bishop suggested that any drafting committee give consideration to the need for reservoirs for watering of livestock.

Mr. Cooper moved that a drafting committee (composed of two men from each State) be appointed by members of the Commission to analyze information, review reports, and prepare a tentative draft of a proposed Compact, with two representatives of the Federal Government (to be designated by the Chairman) to serve as advisors to the Committee. Mr. Bishop seconded the motion and it was passed unanimously. Drafting Committee members were designated as follows: for Wyoming, Mr. Bishop designated Mr. Gray and Mr. Person; for Idaho, Mr. Humphrey tentatively designated Mr. Cooper and Mr. Merrill; for Utah, Mr. Tracy designated Mr. Vernon and Mr. Roskelly. The Federal advisors designated by Mr. Larson are Mr. Iorns and Mr. Skeen.

Chairman Larson designated Mr. Vernon as temporary Chairman of the Drafting Committee to call the Committee together and initiate plans for drafting a proposed Compact.

The Chairman raised the question as to the date for the next meeting of the Commission. After a discussion of probable dates, Mr. Bishop moved that the Commission hold its next meeting on March 20-21, 1951, in Salt Lake City, in the Governor's Board Room. Motion seconded by Mr. Cooper, passed unanimously.

The Chairman called on Mr. Iorns to discuss investigation work for the next two fiscal years and the necessary financial arrangements if the work is to continue. Mr. Iorns reviewed the investigating program carried on the past two fiscal years with costs divided equally between the three States and matched by funds from the U. S. G. S. with a small amount contributed by the Bureau of Reclamation. During the past two years each of the States Idaho, Utah, and Wyoming have contributed \$11,027.79 and the Geological Survey has matched these funds with \$33,083.37. The Bureau of Reclamation has contributed approximately \$2,750. Utah and Idaho each contributed an additional \$500 to make up the deficiency caused by failure of Bureau of Reclamation to provide \$4,332 as agreed upon at the previous meeting of December 13-14, 1948, in Preston, Idaho.

Mr. Iorns then reviewed the letter sent to the three State Engineers on October 18, 1950, by the U. S. G. S. recommending an investigation program for the next two fiscal years. In the letter of October 18, 1950, two plans had been submitted for consideration by the States

as follows: First plan provided that the entire Bear River Basin program costs, excluding Malad Basin in Idaho, be divided equally between the three States, each State cooperating with the Geological Survey and Geological Survey providing matching funds for the total amounts contributed by the States. Under this plan each of the three States would contribute \$5,991.66 for Fiscal Year 1952 and would contribute \$5,325 for Fiscal Year 1953.

Under the second proposed plan to be carried on under cooperation with the Geological Survey, each State would pay 1/3 of the cost of those gaging stations classed as Compact Stations, a proportionate share of development stations when another State has interests, and all of the cost of those stations classed as State Stations. The Chairman asked for the wishes of the Commission as to continuance of the investigation program outlined by Mr. Iorns. Mr. Bishop moved that the three States continue the stream gaging programs as outlined by Mr. Iorns and that they adopt proposed plan number one which provided for equal contribution of funds by each of the States with the total State funds to be matched by the Geological Survey. Motion was seconded by Mr. Tracy and passed unanimously.

Chairman Larson then referred to the program of special investigations carried on by Geological Survey during the past two fiscal years and asked for wishes of the Commission members regarding the continuance of this program. Special investigations have been costing \$10,000 each year with 1/2 contributed equally by the States and 1/2 by the Geological Survey. Mr. Tracy raised the question as to the need for continuing these investigations. Mr. Bishop stated that he believed the special investigations under Mr. Iorns should be continued until a compact is approved. Mr. Cooper moved that the Geological Survey be requested to continue the special investigations on the same basis as in the past. Motion seconded by Mr. Bishop and approved unanimously.

Chairman Larson announced that the next meeting will be devoted to consideration of the proposed draft of Compact to be prepared by the Drafting Committee and any related matters.

Mr. L. B. Johnson was recognized from the floor and suggested that it might have been a good gesture to include a figure on storage in Bear Lake for upper river uses in the draft of the Compact as suggested by Mr. Bishop. Mr. Bishop replied that the other Commission members had not accepted his suggestion but Mr. Johnson should be assured that the matter would be given full consideration by the Commission in reviewing any proposed Compact. Chairman Larson also assured Mr. Johnson that this matter and all other matters affecting the interest of water users would continue to be given full consideration by the Commission.

Meeting adjourned 3:30 p.m.

ATTENDANCE AT EVANSTON, WYOMING MEETING

O. S. Baird	Soda Springs, Idaho	Idaho Commission Advisor
Emil C. Gradert	Fort Bridger, Wyoming	Assistant Compact Commissioner
E. R. Hamblin	Fort Bridger, Wyoming	Uintah County Commissioner
S. Reed Dayton	Cokeville, Wyoming	Member Wyoming Commission Cokeville
Fred Coles	Evanston, Wyoming	
T. H. Jackson	Randolph, Utah	Upper Bear River Water Users Association
Leo McKinnon		
Wilford M. Burton	Salt Lake City, Utah	Deseret Livestock Company
Ashby Boyle	Salt Lake City, Utah	U. & I. Sugar Company
Collins T. Cannon	Salt Lake City, Utah	U. & I. Sugar Company
O. A. Christensen	Garland, Utah	U. & I. Sugar Company Canal
L. B. Johnson	Randolph, Utah	Upper Bear River Water Users Association
Clarence W. Cook	Evanston, Wyoming	Hilliard East Fork Canal Co.
F. Gerald Irvine	Salt Lake City, Utah	Utah Power & Light Company

COPY

DEPARTMENT OF THE ARMY  
Office of the Chief of Engineers  
Washington

In reply refer to ENGWF

29 April 1949

Mr. E. O. Larson  
Federal Representative and Chairman  
of the Bear River Compact Commission  
Bureau of Reclamation, Region 4  
Salt Lake City 8, Utah

Dear Mr. Larson:

Further reference is made to your letter of 24 January 1949 addressed to the Secretary of the Army requesting information on the present water rights and plans of development the Department of the Army might have in the Bear River Basin, Idaho, Utah and Wyoming. Reference is also made to the reply to your letter by the Acting Chief of Engineers on 16 February 1949 in which he stated that your letter had been referred to the Division Engineer, South Pacific Division, for information on the most recent developments in the Bear River Basin. It was also stated in this letter that this information together with my comments would be forwarded to the Secretary of the Army to be included in his reply to your letter. The information from the Division Engineer has now been received.

I have been directed by the Secretary of the Army to prepare the views of the Department of the Army on this matter.

Preliminary investigations made in connection with the survey report on Bear River indicate that flood problems in this basin are local in extent, and that any recommendations for flood control improvements would probably be limited to relatively minor local protection projects. It is apparent that single purpose reservoirs constructed for flood control would not be feasible in this basin. Consideration will be given in the report to the flood control elements that might be justified in multiple-purpose reservoirs under consideration by the Bureau of Reclamation.

In view of the foregoing it is concluded that the interests of the Department of the Army will in no way be affected by the division of stream flow being considered by the Bear River Compact Commission, and therefore no special provisions are considered necessary for the protection of such interests. Also, available information indicates that there are no Bear River water rights appurtenant to military installations.

Sincerely yours,

/s/ Lewis A. Pick  
Major General  
Chief of Engineers

cc: E. K. Thomas



COPY

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Washington 25, D. C.

Attention: 701

April 20, 1949

Mr. E. A. Larson,  
Federal Representative and Chairman  
of the Bear River Compact Commission,  
P. O. Box 360,  
Salt Lake City 8, Utah.

Dear Mr. Larson:

In response to your request of January 24, 1949, I am transmitting herewith a statement headed "Interests of the Agencies of the Department of the Interior in the Bear River Commission Proceedings." This statement although general in nature will serve to acquaint you with the extent of the interests of the various agencies of the Department. Some of these agencies are vitally concerned in the compact negotiations and will for that reason probably wish to follow the compact negotiations closely.

I feel that it would be advisable for me to attend the next meeting of the Compact Commission. In the meantime, I would appreciate your keeping me advised of the meetings of the Engineering and Legal Advisory Committees, which I understand meet at frequent intervals.

Very truly yours,

/s/ N. B. Bennett, Jr.,  
Liaison Officer for the Department,  
Bear River Compact Commission.

Enclosure 476

Interests of the Agencies of the Department  
of the Interior in the Bear River Commission Proceedings

Bureau of Reclamation: Mr. Wesley Nelson, Assistant Commissioner, advises by memorandum dated March 11, 1949, that:

"The interests of the Bureau of Reclamation in this area center around the operation and maintenance of existing Federal Reclamation projects, including all features thereof and the construction, operation, and maintenance of additional Federal Reclamation projects in that basin to the end of accomplishing the fullest practicable and economical development of the basin's waters and other resources for irrigation, power, and other uses. The planning of such developments would be immeasurably facilitated if the water supply could be apportioned by a compact and the Bureau of Reclamation, therefore, views present efforts at a compact with utmost interest. In fact, the Bureau considers such a compact to be virtually a prerequisite for further development and formulation of detailed final plans for the future. It is hoped that negotiation and ratification of a compact may be completed at the earliest practicable date.

"Potential projects for the Bear River Basin are now being studied and analyzed, and the results of such studies will be incorporated in the Departmental basin report which is now in the course of preparation for the Bonneville Basin."

Bureau of Mines: Mr. Thomas H. Miller, Assistant Director, advises by memorandum dated April 5, 1949, that:

"Since the apportionment of the water of the Bear River and its tributaries has no adverse effect on minerals activities, the Bureau of Mines has no comment thereon."

Bureau of Land Management: Mr. Robert K. Coote, Assistant Chief, Division of Land Planning, Bureau of Land Management, advises by memorandum dated April 7, 1949, as follows:

"The Bureau of Land Management has extensive plans to carry on soil and moisture conservation works consisting of check dams and stock water reservoirs within the Cumberland Unit of the Muddy Creek S&M Area. It is not likely that this work will have significant influence on the total water discharge of the Bear River. However, it does appear desirable that specific stipulations be made in the compact which would provide for the necessary domestic and livestock water development and prevention of soil erosion on public land areas."

Fish and Wildlife Service: By memorandum dated February 28, 1949, Mr. Albert M. Day, Director, advises that he has designated Mr. John C. Gatlin, Regional Director, Box 1306, Albuquerque, New Mexico, to represent the Fish and Wildlife Service in any and all negotiations pertaining to the Interstate Compact for the Bear River. He further advises that the Fish and Wildlife Service is vitally concerned in the compact due to the management of the Bear River National Wildlife Refuge for which a water right certificate in the amount of 600 second-feet has been granted by the State of Utah.

Mr. Gatlin by memorandum dated March 16, 1949, a copy of which was sent Mr. Larson, sets forth the interests of the Fish and Wildlife Service in present water rights and future development, as follows:

"The Bear River Migratory Bird Refuge, located in Box Elder County, Utah, was established and developments thereon authorized by the Act of Congress, April 23, 1928. The purpose of the development was to improve conditions at the mouth of Bear River where tremendous losses of waterfowl and other migratory birds occurred from outbreaks of botulism. To date, over \$500,000 has been spent for the refuge development, and the botulism factor has decreased considerably resulting in a large annual reduction in losses of birds.

"To make the refuge operative, a water supply was needed; consequently, a water filing of 1,000 second-feet was made under application No. 10527 and granted under Appropriation No. 2067 to the United States in 1928 by the State of Utah. The water is used on the Bear River delta on the northeast side of Great Salt Lake, and is the lowest downstream use on the river. The furthest upstream diversion from the main river channel is located in S. 18, T9N, R2W, where a control structure in a natural overflow channel regulates the flow into one of the impoundment systems of the refuge.

"Downstream from this point of diversion are other points of diversion from the main river channel to maintain other impoundments on the refuge, all of which are located on the salt flats adjoining Great Salt Lake. The water has been put to beneficial use each year during the spring, summer, and fall months, in maintaining the refuge for the purpose for which it was created.

#### "FUTURE DEVELOPMENT

Future development desirable for the operation of the Bear River Migratory Bird Refuge is to provide stabilized water levels for the impoundments. In the hot and dry summer months, stream flow in the Bear River has reached a low of 20 second-feet, and is generally below the requirements necessary to take care of evaporation losses from the impoundments, a factor which contributes to the losses of birds from botulism. To aid in reducing the botulism factor, a water supply capable of maintaining pond levels is necessary during the summer months, especially in July, August, and September when severe botulism outbreaks cause the greatest losses of birds. A storage reservoir on the Bear River has been proposed to provide an adequate water supply to maintain pond levels during the summer months.

"The proposed storage reservoir is to be located below Cutler Dam and in the vicinity of Deweyville, Utah. The dam would be about 65 feet high, 600 feet long, and would create a reservoir of about 2,600 surface acres with about 66,000 acre-feet usable storage. Except during exceptionally dry seasons, these stored waters, used to supplement stream flows of the Bear River at its entrance to the refuge, should be sufficient to maintain the water levels of the ponds on the Refuge."

National Park Service: Mr. A. E. Demaray, Associate Director, states in a memorandum dated March 31, 1949, that:

"The proposed development of the Bear River includes a plan to import waters of Green River. Such transmountain, or interbasin diversions are integrated with plans of the Bureau of Reclamation to impound the flood waters of the Green and Yampa Rivers in Dinosaur National Monument, and the availability of water for exportation from the Green to the Bear River is predicated on the storing of spring flows in Dinosaur National Monument for summer use and exportation. First form withdrawals of necessary lands along the Green and the Yampa Rivers are older than the withdrawals for the same area of Dinosaur National Monument, and are still in effect. Any reservoir in the National Monument will destroy certain values for which the area was established. This service is working with the Bureau of Reclamation to see that the final selection of the necessary dam and reservoir site is based on full consideration of recreational and conservation values as well as irrigation and hydroelectric power needs.

"Senate Bill 2032, which was introduced in the 79th Congress and reintroduced with modifications in the 80th Congress as Senate Bill 945, was to authorize the construction of a large dam and reservoir on Bear River for use in connection with wildlife preservation. Because of the large amount of water involved, the project was protested by the Bureau of Reclamation, although sponsored by the Fish and Wildlife Service. The bill is being introduced again in the 81st Congress, 1st Session (s. 601). The National Park Service is not directly interested in the project; but it is interested in the related consideration of water rights, as they relate to relative jurisdiction of the United States and the several states, and as they relate to the relative preferential values of rights for different purposes. This service is naturally opposed to any attempt to assign general preferential values to the use of water for any purposes, throughout a state or river basin, when such action is not necessary and may be in conflict with the true interests of many local areas. The precedent could be of dangerous national significance.

"The National Park Service, therefore, is primarily interested in the possible features of the proposed Bear River Compact which may relate to importation and storage of waters of the Green River, and in features which may relate to definition or interpretation of the water laws of the interested states or to definition of Federal rights and interests in water."

Mr. Demaray also advises that since the National Park interests are primarily concerned in water right features, Mr. A. van V. Dunn, Chief of the Water Resources Branch, National Park Service, has been designated to keep in touch with Mr. Bennett.

Bureau of Indian Affairs: Mr. J. H. Provinse, Assistant Commissioner, advises by letter dated April 7, 1949, that:

"The Bureau of Indian Affairs has no interest in this compact as there is no Indian land within the watershed of the stream."

Bonneville Power Administration: Mr. Edwin C. Hannum, Program Coordinator, advises by memorandum dated April 1, 1949, that the Bonneville Power Administration has no specific information which would be of concern to the Bear River Compact Commission. However, BPA advises that since the Bear River basin is contiguous to the Columbia River basin drainage area, that it will be interested in developments in the negotiations of this compact.

Division of Power: Mr. E. P. Eardley by memorandum dated March 10, advises that it is not directly concerned with the negotiations and has no special comments to make.

Geological Survey: Mr. C. G. Paulsen, Chief Hydraulic Engineer, advises by memorandum dated February 23, 1949, that:

"The Geological Survey has no vested interests which would be affected by an interstate compact on Bear River. It is, however, interested in the proposed Bear River Compact both specifically and generally. Field representatives of the Survey have participated extensively in investigations fundamental to preliminary drafting of the Bear River Compact and in preliminary negotiations among the interests in the Bear River Basin in the same connection. The Geological Survey will be pleased to be of any practicable help in activities pursuant to the furtherance of this compact from the standpoint both of its general and special knowledge of the subject."

Compiled by Water Resources  
Subcommittee, April 13, 1949

C O P Y

FEDERAL POWER COMMISSION

WASHINGTON 25

April 26, 1949

Mr. E. O. Larson, Federal Representative and  
Chairman of the Bear River Compact Commission  
Department of the Interior  
Post Office Box 360  
Salt Lake City 8, Utah

Dear Mr. Larson:

Your letter of January 24, 1949, acknowledged by the Commission on February 14, 1949, requested statements and suggestions to aid you in the negotiations of a proposed interstate compact for the equitable division and apportionment of the water of Bear River and its tributaries in Idaho, Utah, and Wyoming, and in your subsequent making of a report to the Congress on the proceedings and on any compact entered into by those states. You requested, specifically, to be advised on the present water rights and on any plans of development in which the Commission is interested within the Bear River Basin in the three states. You also requested suggestions as to appropriate provisions for protection of the Commission's interests and advice with respect to basic principles for the division of the water.

The Federal Power Commission does not engage directly in developments requiring the acquisition of water rights. The Commission's interest in water rights is in seeing that they are protected when they attach to developments under major licenses issued by this Commission. Such developments with their water rights are subject to recapture by the United States at the expiration of the license.

The attached tabulation gives pertinent data with respect to water rights for the six projects in the Bear River watershed under major licenses issued by this Commission.

When the draft of the compact is completed, the Commission will be glad to review it and offer any suggestions that may be appropriate.

Sincerely yours,

/s/ Nelson Lee Smith

Chairman

Inclosure No. 5480:  
Tabulation

WATER RIGHTS - PROJECTS ON BEAR RIVER AND ITS TRIBUTARIES

IDAHO, UTAH, AND WYOMING

Page 1 of 3

Licensed Project Number	Project Name	State	Stream	License	Date License Issued	Application Number for Water Use
20	Soda	Idaho	Bear River	Utah Power & Light Co.	July 5, 1923	No. 22060
472	Oneida	Idaho	Bear River	Utah Power & Light Co.	June 13, 1927	No. 9073 No. 10192
486	Logan	Utah	Logan River	Utah Power & Light Co.	June 13, 1927	No. 8025
703	Paris	Idaho	Paris Creek	Utah Power & Light Co.	June 13, 1927	No. 8266
946	Hyrum City	Utah	Blacksmith Fork	Hyrum City	Nov. 27, 1929	-
1740	Cokeville	Wyoming	Pine Creek	California-Pacific Utilities Co.	May 10, 1944	-

WATER RIGHTS - PROJECTS ON BEAR RIVER AND ITS TRIBUTARIES

IDAHO, UTAH, AND WYOMING

Page 2 of 3

Licensed Project Number	No. of Permit, License or Certificate	Date of State Approval	Date of Bureau of Reclamation Certification	Amount of Diversion C.F.S.	Remarks
20	-	-	July 3, 1922	1,500	See Note "A"
472	No. 6308 No. 7255	July 7, 1910 Nov. 14, 1917 April 29, 1911	June 19, 1923 May 26, 1920	1,000 1,500	See Note "B"
486	Cert. No. 1306	Jan. 12, 1924	-	125 and 200	See Note "C"
703	No. 6032	May 4, 1910 Nov. 14, 1917	- Jan. 24, 1924	70 -	
946	-	May 4, 1929	-	85	See Note "D"
1740	No. 14122	May 22, 1916	-	18	See Note "E"

Note "A": Approval of Application No. 22060 is implied by the following statement on Application No. 22060: "I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby certify the above and foregoing to be a full, true, and correct copy of application for permit to appropriate the public waters of the State of Idaho, No. 22060; that the same is in proper form and will be regularly passed to permit and entered upon the records of the Department of Reclamation, Boise, Idaho." Signed and sealed July 3, 1922. The Commission has no record that the application actually "passed to permit."



WATER RIGHTS - PROJECTS ON BEAR RIVER AND ITS TRIBUTARIES

IDAHO, UTAH, AND WYOMING

Page 3 of 3

---

- Note "B": These rights are confirmed by final decree in the case of Utah Power & Light Co. vs. The Last Chance Canal Co., Ltd., et al, equity case No. 203 in the District Court of the United States for the District of Idaho, Eastern Division.
- Note "C": Also by Final Decree in the case of Utah Power & Light Company vs. Richmond Irrigation Company, et al, in the District Court of the First Judicial District of the State of Utah, in and for the County of Cache. Under the provisions of said decree, applicant herein is authorized to divert and use 200 cubic feet per second of the flow of Logan River for power purposes.
- Note "D": Approval date for Project No. 946 was obtained from "Application for License", received by the Federal Power Commission on June 20, 1929, as recorded under "Exhibit 'E'." There is no subsequent information of record available in Commission's files.
- Note "E": Application for license filed with the Commission by Western States Utilities Company, on July 30, 1940, states under Exhibit "E": "This plant has been operated since 1917 by authority of General Land Office permit Evanston 05772." Permit Evanston 05772 is dated August 23, 1917.

COPY

U. S. DEPARTMENT OF AGRICULTURE  
Washington, D. C.

April 4, 1949

Mr. E. O. Larson  
Chairman, Bear River Compact  
Commission, Bureau of Reclamation  
Department of the Interior  
Post Office Box 360  
Salt Lake City 8, Utah

Dear Mr. Larson:

Reference is made to your request of January 24, 1949, for information with respect to water rights of interest to the Department of Agriculture in the Bear River Basin.

Water rights acquired by the Department and plans for future development that will require additional rights are presently confined exclusively to activities of the Forest Service. We are appending hereto a list of acquired rights, rights being perfected and estimated future needs by the Forest Service in the Bear River Basin.

In addition to our interest in water rights in connection with Forest Service activities, the Department has a major interest in the water rights of individuals or local organizations where these rights influence the agricultural development and use of land or where such rights affect programs carried out by agencies of the Department. Specifically, the Department has outstanding loans to local organizations and real estate borrowers in the watershed who have water rights in their names or receive water through membership in ditch companies which own water rights. We are, therefore, interested in seeing that the rights of such borrowers are fully recognized during compact negotiations. Generally, we would recommend that the Compact Commission give due consideration to the agricultural interest in the available water supply to be apportioned. The determination of the degree of such interest should be based on advice from agencies and individuals familiar with the agriculture of the area.

Sincerely,

/s/ Charles F. Brannan

Secretary

WATER RIGHTS - U. S. DEPARTMENT OF AGRICULTURE

List by forests administered by the USDA Forest Service and by types of use of acquired water rights, rights being perfected and estimated future needs in the Bear River Basin.

ACQUIRED RIGHTS

Bridger National Forest

<u>Domestic</u>	<u>Acre Feet</u>	
Smith's Fork Ranger Station	1.5	
Poker Hollow Camp	<u>72.0</u>	
Total Bridger Acquired Rights		73.5

Cache National Forest

Power

Tony Grove Nursery	405.2	
--------------------	-------	--

Irrigation

Blacksmith Fork	0.8	
Laketown	3.0	
Randolph Administrative Site	4.0	
Box Elder Administrative Site	30.0	
Paris Ranger Station	<u>3.0</u>	
Total Irrigation	40.8	

Domestic

Box Elder Rec. Area	7.0	
Total Cache Acquired Rights		453.0

Caribou National Forest

None

Wasatch National Forest

None

Grand Total Acquired Rights		526.5 Acre Feet
-----------------------------	--	-----------------

<u>RIGHTS BEING PERFECTED</u>	<u>Acre Feet</u>
Bridger National Forest	
None	
Cache National Forest	
<u>Irrigation</u>	
Tony Grove	450.0
<u>Stockwatering</u>	
Otter Creek Spring	4.4
Little Crawford Spring	1.4
Saddle Creek Spring	1.7
East Saddleberry Spring	8.5
Little Red Spring	3.0
Total Stockwatering	<u>19.0</u>
Total	469.0 Acre Feet
Caribou National Forest	
None	
Wasatch National Forest	
<u>Domestic</u>	
Mill Creek Ranger Station	25.5
Hayden Fork	36.6
Hayden Fork-Stillwater	12.8
Christmas Meadows	<u>21.5</u>
Total	96.4 Acre Feet
Grand Total Rights Being Perfected	565.4 Acre Feet

ESTIMATED FUTURE NEEDS

Bridger National Forest	
<u>Domestic</u>	
Allred Flat Rec. Area	0.4
Spring Lake Rec. Area	<u>1.6</u>
Total Domestic	2.0

	<u>Acre Feet</u>	
<u>Irrigation</u>		
Poker Hollow	180.0	
Total Estimated Needs		182.0 Acre Feet
Cache National Forest		
<u>Irrigation</u>		
Eight Mile Ranger Station	1,500	
North Canyon	200	
Paris Canyon	120	
Bloomington Canyon	2,000	
St. Charles Canyon	1,200	
Woodruff Creek	1,200	
Randolph Creek	900	
Total Irrigation	<u>7,120</u>	
<u>Domestic</u>		
Providence Canyon	2.0	
Blacksmith Fork	7.1	
Smithfield Canyon	7.1	
High Creek Canyon	3.5	
Cub River	11.2	
Mink Creek	2.8	
Eight Mile Creek	3.4	
North Canyon	1.1	
Emigration Canyon	7.	
Paris Canyon	5.6	
Bloomington Canyon	2.8	
St. Charles Canyon	5.6	
Woodruff Creek	5.6	
Randolph Creek	1.1	
Total Domestic	<u>65.9</u>	
Total Estimated Needs		7,185.9 Acre Feet
Caribou National Forest		
None		
Wasatch National Forest		
<u>Domestic</u>		
Whitney Ranger Station	3.4	
Christmas Meadows Summer Homes	10.2	
Hayden Fork Rec. Area	10.2	
Total Estimated Needs		23.8 Acre Feet
Grand Total Estimated Needs		7,391.7 Acre Feet

SUMMARY

<u>Forest</u>	<u>Acquired</u>	<u>Being Perfected</u>	<u>Estimated Needs</u>	<u>Total</u>
Bridger	73.5	---	182.0	255.5
Cache	453.0	469.0	7,185.9	8,107.9
Caribou	--	---	---	0
Wasatch	--	96.4	23.8	120.2
	<u>526.5</u>	<u>565.4</u>	<u>7,391.7</u>	<u>8,483.6</u> Acre Feet