

BEAR RIVER WATER USERS MEETING

Held at Tremonton, Utah, November 6, 1954

A meeting of the Bear River Water Users was held in the visual-aids room of the Bear River High School, Tremonton, Utah, 7:35 p.m., November 6, 1954.

CHAIRMAN ALMA THEURER stated the purpose of the meeting was to consider the need for a more active organization and methods of raising adequate funds to use in ascertaining the rights of the Bear River Users and to hear from USGS and Water and Power Board representatives. He introduced Mr. J. L. Weidman who commented as follows:

Mr. WEIDMAN: The development of irrigation in Box Elder County was traced and indicated that the users present were the first to use the natural stream flow but upstream users in the ~~Miland~~ area had later diverted the water and the alkali return flow was a serious threat to agriculture in the Tremonton area. The canal serving 36 thousand acres of land on the west side of Bear River was later put into operation, and in 1901 the Hammond Canal on the east side was asked to shut down so that water would be available to the first group. In 1911 and 1912 the storage from Bear Lake was available and in 1917 by assurance of the reservoir water, the Sugar Company entered into a contract with the farmers and agreed to furnish up to 900 second-feet which at the usual duty of water would supply 72 thousand acres. Mr. Weidman pointed out that later development on the Bear River followed the pattern of the streams in the Box Elder area that upstream users increased their use of water and in some years the water used on their farms was supplied only partly from natural flow. The storage requirement filling as much as half of the total requirement. He

pointed out the great fluctuations in the Bear Lake from a maximum of 5,923' to a low of 5,902'. He stated that in 1934 that the Bear River users had curtailed their use in order to give the West Cache and Gentile Valley users enough water to mature their crop. Mr. Weidman said that he believed that the upstream storage was a definite threat to the interest of the Bear River group and stated that he was inclined to think that if they could agree on the amount of upstream storage that it might settle some of the uncertainty. He quoted Commissioner Bishop of Wyoming as stating that the Bear River rights were only paper rights and were not supported with water as were the Wyoming uses. He concluded by stating that he felt that the hardest group to deal with was the users in the Upper Utah Area.

MR. A. V. SMOOT next spoke of the plan which had been proposed fifteen years ago whereby a five cent an acre assessment be levied against the Bear River Users Acreages this assessment should have yielded \$3,000 but netted only \$1,000 to the Association. This fund has been exhausted and the thought that consideration should be given to replenishing the funds so that they could assert and protect their interest, Mr. Smoot commented that in recent discussions with Mr. Boyle and Mr. Cannon of the Utah-Idaho Sugar Company that he had been advised that in order for the sugar company to assure delivery of 900 second-feet provided in their contract that no changes must be made on the upstream use. He indicated that he felt that the Lower Bear River Water Users had neglected their interest when they permitted the Burch Creek Reservoir to be constructed, not that it had adversely affected them at this particular point, but that it set a dangerous precedent. Mr. Smoot complimented Mr. Jibson of Geological Survey and said that on many occasions that he had stated that he thought if the affairs of the Bear River were left in the hands of men like Mr. Jibson and Mr. Irons a compact could be written that would be satisfactory

to all users on the Bear River.

MR. JIBSON was called upon to present the latest studies and facts and figures on the Bear River situation and pointed out that the river was a complex stream. That there existed in the river course a thousand foot power head below the Bear Lake level. He traced the beginning of the stream from the north slopes of the Uintah through five state line crossings until it emptied into the Bear Lake Bay of the Great Salt Lake. The trouble areas in the Woodruff-Randolph section and in the Idaho users where these areas were adversely affected by excessive uses in the Wyoming sections was pointed out. Mr. Jibson stated that the priority system of allocating the waters of the Bear River had been considered but was not practical. He pointed out the difference in the adjudication policies of the three states, also the fact that there was no agreement or acceptance of the dates of priority of certain filings in the various states. He pointed out the physical situation where certain dry spots in the river tended to divide it into sections so far as use of water was concerned. It was therefore concluded that if the canals were regulated in natural flow rights to maximum use of one second-foot to 50 acres of land and the division of the river into three divisions that a satisfactory solution could be arrived at. The conclusions also reached were to the effect that after high water natural flow division could be made on an irrigated acreage basis. Carrying this policy into effect in the Upper Division it would mean that the Upper Wyoming users would be restricted for the benefit of the Utah users. While in the central Division the Wyoming interests in the Smith's Fork and Cokeville areas would be restricted in water use for the benefit of Idaho. Because of these restrictions and the fact that Wyoming does not consider itself a party to the Power Company rights are insisting on storage to supplement late season natural flow. Their first demands were for 100,000 acre-feet

but they have scaled down to 36,000. The critical period of Bear Lake operation from 1930 to 1935, could by use of the provisions of the proposed compact have been improved. A properly executed compact through wise management and restriction during dry years would improve the facilities and the water available from this source. The benefits to the Bear River Water users would be that the upper limit in the future development of storage would be fixed by the compact; the firming up of Bear Lake by better management and restriction of excessive uses and the natural flow of the river would be available in greater quantities to lower users by proper interpretation on the compact.

The provision for an irrigation reserve in Bear Lake would prohibit diverting water from storage for purely power purposes.

MR. SMOOT then asked if additional water would be available to the lower users if a power company were to store all winter power water and what would be the status of the right.

MR. JIBSON replied that studies indicated there would be additional water available, but the status of the right was a legal problem.

MR. BINGHAM indicated that the policy of the Water and Power Board as carried out by Commissioner Clyde would be to protect existing rights and endeavor to make a more beneficial use of the waters from the Bear River. There is a growing optimism about the prospects of arriving at a compact and it was heartening that recent studies served to bring the extreme views closer together.