

Feb. 20 - 1958 #18

LAST MEETING OF NEGOTIATING COMMISSION

BEAR RIVER COMPACT COMMISSION  
Minutes of Meeting held in House Chamber, State Capitol, Salt Lake City, Utah  
February 20, 1958.

A meeting of the Bear River Compact Commission was held in the House Chamber of the State Capitol, Salt Lake City, Utah, on Thursday, February 20, 1958. Mr. Fred M. Cooper, Vice-Chairman, presided. The following Commissioners, Advisers, etc. were present:

Jay R. Bingham, Utah Compact Commissioner  
Fred M. Cooper, Idaho Compact Commissioner

IDAHO:

Mark R. Kulp, Boise  
T. R. Newell, Boise

WYOMING:

H. T. Person, Laramie  
Earl Lloyd, Cheyenne  
Emil C. Gradert, Fort Bridger  
W. B. Myers, Evanston

UTAH:

Governor George D. Clyde  
L. B. Johnson, Randolph  
Alonzo B. Hopkin, Woodruff  
A. V. Smoot, Corinne  
E. M. Van Orden, Lewiston  
M. P. Thain, Smithfield  
L. B. Caine, Richmond  
Ashby Boyle, Salt Lake City  
C. O. Roskelly, Salt Lake City  
J. Stuart McMaster, Salt Lake City  
E. K. Thomas, Salt Lake City  
M. T. Wilson, Salt Lake City  
Wallace Jibson, Logan  
Robert B. Porter, Salt Lake City  
A. S. Ross, Salt Lake City  
Humbert Lambert, Salt Lake City  
Ray Zenger, Salt Lake City  
James C. Busby, Salt Lake City  
Gerald Irvine, Salt Lake City

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The meeting was called to order by Commissioner Jay R. Bingham, in the absence of the Chairman, Mr. E. O. Larson, at 9:15 a.m.

COM. BINGHAM: In the absence of our Chairman, Mr. Larson, I will be glad to get the meeting under way. We will have a statement from Mr. Thomas concerning Mr. Larson's absence, but before we proceed to do that we have a man with us who has been involved in this compact since it began, and he still maintains a very close and intense interest in the Compact. I feel it proper and fitting at this time to hear from Governor Clyde.

GOVERNOR CLYDE: Gentlemen, I am going to wear two hats this morning. First I want to welcome you here as Governor of the State in the interest of this very important problem which is near and dear to the hearts of all of us - one that has been under consideration for many years - and this appears to be the culmination of a successful effort to secure an understanding of the Bear River and a means to administer it in the interests of all.

You know that the paper this morning reported that the Compact will, in all probability, be passed by the House shortly, and then it only requires the signature of the President to become law after which it will evolve upon these three states to administer it.

I want to welcome you in the interests of a good job, well done. My interest in this field has been so intense and covered such a long period of time that I cannot let it pass by without coming up and meeting you personally and expressing my personal appreciation for the great job you have done as a team in connection with the Bear River Compact and to wish you the best of success in your deliberations to now work out the mechanics of distribution of this great resource.

So, I welcome you here in two ways - I hope your stay will be pleasant. If there is anything I can do, personally, or my office officially, I shall be very happy.

COM. BINGHAM: Thank you Governor. In the interest of getting on

with the business at hand, and getting organized, I would like to suggest at this time that we hear from Mr. E. K. Thomas who is here representing Mr. Larson.

MR. THOMAS: Mr. Larson asked me to make a brief statement to this group, inasmuch as he is unable to attend. I think Mr. Larson has been Chairman of every meeting of this group since the Compact Commission was organized in 1936, but in November Mr. Larson took ill, and he is now recovering from hepatitis. He was in a hospital about a week, and is now at home. We do not expect him back at work for a few weeks. However, he is doing fine and he wished me to tell you that he regrets he cannot be with you today. He has been thinking about the Compact problems while ill, and his thinking was reflected in the tentative Agenda before you. Mr. Larson's thinking was that a meeting of the Compact Commission at this time would be very opportune because the Congress probably will approve the Compact in the near future, and also because the water of the Bear River will soon be out in the ditches. There probably will not be much time available after approval of the Compact before some provisions of the Compact might need to go into effect. For that reason, Mr. Larson feels that a meeting of the Commission, while it does not have the authority to administer the Compact, would be good at this time to make suggestions and recommendations, and to carry on preliminary business for consideration by the Commission after it is organized.

COM. BINGHAM: I assume it would be in order at this time to hear the wishes of the State representatives with regard to assignment of a temporary Chairman to act in the absence of Mr. Larson.

MR. PERSON: I nominate Fred Cooper.

COM. BINGHAM: Seconded the Motion. Motion carried.

THE CHAIRMAN: Thank you very kindly for your confidence. First I

would impose any necessary restrictions, and regulating would be carried out by the proper state officials dealing with water rights in those particular areas.

MR. JOHNSON: This is not personal, but should our man administering water be employed by the people he is working for? That would be my main objection to any Federal Agency entering the scene. I feel as if that thinking could be wrong -- to have them at our elbow all the time I doubt if we want a Federal Agency distributing the water.

THE CHAIRMAN: That was not the intent.

MR. JIBSON: I think the discussion today can take place on the letter from the Chairman to the U.S.G.S., and the reply to the Chairman. During discussion we will clarify some of these points.

THE CHAIRMAN: Any further questions? What is your pleasure on the Minutes?

MR. HOPKIN: I move that we accept them.

MR. PERSON: Seconded the Motion. Motion carried.

MR. THOMAS: I would like to give a very brief explanation of actions that have been taken in line with requests mentioned in the Minutes.

The first request mentioned was for a set of the Minutes of the five meetings that preceded the agreement on the Compact. The five copies have been sent to the three states. I presume all have received them. The correspondence that was mentioned by Mr. Larson at the Phoenix meeting -- copies have not yet been sent out. That will be done.

The request of the Compact Commission for the Chairman to write to the Chief of the Water Resource Division of the Geological Survey -- I have copies of that correspondence here. I will read it, or whatever is your pleasure.

COM. BINGHAM: I suggest that we have it read for the benefit of those

delay for which Mr. Nace was very sorry. I expect that I contributed somewhat to that delay, because I wanted to get the Advisory Committee together and

who have not heard it. It will form background of our principal discussion today.

MR. THOMAS: The letter was written by Mr. Larson -- Chairman and official member of the Bear River Compact Commission, and is dated December 3, 1957, and addressed to Dr. Luna P. Leopold. Copies were sent to the Compact Commission.

Mr. Thomas read the letter.

I also have a reply from the Survey, if you would care to hear that.

Mr. Thomas read reply, dated January 17, 1958, signed by Mr. Nace.

THE CHAIRMAN: A very concise, clear and splendid letter. I think a motion would be in order to acknowledge this letter to the U.S.G.S. people.

COM. BINGHAM: I wonder if we would not be in a better position to acknowledge it, and answer it, after we have discussed it, and maybe heard from others wishing to comment on it. It might be in order at this time to ask Mr. Newell or Mr. Jibson to elaborate on the actual operation of this agreement in carrying out the terms of the Compact.

THE CHAIRMAN: Called on Mr. Jibson.

MR. JIBSON: I have a little material prepared, Mr. Chairman. I was wondering if Mr. Newell would like to make a statement.

MR. NEWELL: I should say that I am not authorized to speak for the Survey, but I think I can make a few remarks that will introduce what Mr. Jibson has to say. Mr. Larson's letter was channeled through our Advisory Committee as it reached the Geological Survey. That committee includes Mr. Wilson and Mr. Bell, both of whom you know. You will notice that in the reply to Mr. Larson's letter it indicated that there had been a good deal of delay for which Mr. Nace was very sorry. I expect that I contributed somewhat to that delay, because I wanted to get the Advisory Committee together and

have them discuss the request of the Commission and have as many other representatives present as possible. We did have that discussion at Menlo Park, and these members of the Advisory Committee were there, also Mr. Wells, Chief of our Surface Water Branch and Mr. Kinnison of the Menlo Park office, and the thought was, after this, to suggest to headquarters what we thought might be desirable in this connection, and on the basis of this, and after consideration at higher levels, you got your answer signed by Mr. Nace. I think it is a pretty satisfactory answer.

Since mechanics are concerned, Mr. Jibson is in a better position than I am to discuss them. As I have no authority to speak here for the Survey, I will limit anything I say for the Survey to this comment. You may be sure the Survey is just as much interested in the successful operation of this Compact as you are. We have participated in all negotiations and preparations and we are very much interested in it being a success.

MR. JIBSON: Distributed prepared statements, and said, since it has been some time since the last meeting, it might be proper to take a few minutes to review Compact requirements.

He read from Article IV of the Compact regarding distribution of water during water emergency in the Upper, Central and Lower Divisions. With the aid of a map, Mr. Jibson pointed out the different sections of which the Upper and Central Divisions are composed. With regard to the Lower Division, Mr. Jibson said the Compact covers this, and there is not too much to discuss in this Division.

MR. JIBSON: We might now spend a minute on stream gaging program. We have broken down our stations into "stations needed directly for Compact administration", under which we have two categories -- first those needed for allocation of flow in Central and Upper Divisions, and then there is a group

of 11 station called "Bear Lake Irrigation Reserve and/or Upstream Storage Provisions." The next category is "Stations Having Indirect Value for Compact Administration", and the remaining stations are others now operated.

We are operating on a curtailed program. We have been in process this last year or two of trying to develop a Hydrologic Network of Stations throughout the Basin. They consist, essentially, of what we call Primary and Secondary Stations, and Water Management Stations. A Primary Station is one that is set up for long range, even though there may be no immediate use for that station. It is to get a good broad coverage of the Basin for a water inventory. Secondary stations are stations that can be kept for maybe five years and then discontinued. Records thereafter can be extended back or forward by means of correlation. Water Management Stations are set up to administer water rights and to give adequate records of distribution and other requirements of this nature.

Going back to the first group - "Allocation of Direct Flow", we need "Bear River below Pixley Dam" to measure water leaving the Upper Division, and "Bear River at Border" to get initial criteria for starting regulation in Central Division. "Chapman Canal at State Line" is a station directly needed. "Bear River below Stewart Dam" and "Rainbow Inlet Canal" are operated by the Power Company under F.P.C. licenses and are both needed to measure flow leaving Central Division. Sulphur Creek above and below new reservoir are new stations installed by Water Users. They were completed last Fall and Winter, and are needed for Compact purposes for two reasons:

- (1) Compact states the amount of water that can be diverted to storage each year. The only way to determine that is to measure above and below reservoir for any new reservoirs coming in.

- (2) When we are in process of regulating, and measuring our total

diversions in the Upper Wyoming Section, we must deduct storage release from these diversions in computing allocations. We have had a station at Sulphur Creek for a number of years, and we would like to keep it in for a year as an overlapping record of the one immediately above for correlation purposes, then drop it and replace it by the other two.

Main stem and Smiths Fork diversions are in both Divisions (Upper and Central). Total number of diversions in the Upper and Central Divisions is 133.

Whenever Bear Lake is below reserve as set up in the Compact, it will be necessary to run segregation studies on water released from the Lake. The only way we can actually segregate water released for irrigation and power is to run these segregation studies. The first 8 of these stations listed are operated by the Power Company and the first 7 through F. P. C. licenses. In addition we have Bear River stations and two canals diverting at Cutler Dam and the G. S. has been operating these stations.

In the next group are "Stations have indirect value for Compact Administration". "Bear River, near Utah/Wyoming line" and "Bear River near Woodruff" -- by correlating combined flow of these stations with diversions we can reach a point where we are sure, within a few days, of when regulation should begin. It may save expense of gaging so many canals. "Smith Fork near Border" is also a long-range Primary station and should stay in indefinitely as one of our primary networks. It can be of some assistance in determining time of initiating regulation. "Bear River near Randolph" -- is nearest to state line crossing we have below Randolph, and it has indirect value in determining flow that is passing Utah diversions on down to other Section. (The only practical location we have there). We have tried to maintain, either as Primary stations, or otherwise, all stations near state line crossings.



I do not think it will be necessary to discuss the next 20 stations. They are being operated today. Many of them are long range primary stations that we would like to have kept in for the general hydrologic network. A few are Water Management stations which probably will be discontinued at some time in the future. Others include one or two which are in because they are near state line crossing.

This entire group consists of "key" stations, with the exception of course, of Power Company stations. The operation of these has not been discussed too much. I assume that all of our needed stations will be continued, including the Power Company stations.

MR. VAN ORDEN: Cub River near Preston -- is that above all the diversions?

MR. JIBSON: Yes. Just above Worm Creek canal.

MR. VAN ORDEN: On "Bear River near state line" (Preston). We need to know whether it is above Cub River pumps or below.

MR. JIBSON: Our present station is 20 miles above the state line.

MR. VAN ORDEN: It makes a difference whether you are above pumps or below.

MR. JIBSON: Bear River near Preston, Station does not have a lot of value except that it is near state line.

Are there any other questions on stream gaging program?

I assume that these stations will continue -- that the Power Company stations will continue and that we will have availability to those records on a current basis when they are needed, and I see no reason why there should be any particular problems involved.

MR. KULP: On Sulphur Creek stations above and below new reservoir, does Wyoming State Law require water users to provide for the measuring of inflow and outflow above and below proposed reservoir.

MR. JIBSON: They have paid all the cost of installation of those stations. Right now the status of their maintenance and operation is a little indefinite, but they must become at least Water Management stations under the Compact because they are needed for these purposes.

MR. JOHNSON: These operations will be carried on irrespective of the Compact Commission?

MR. JIBSON: Yes. This is our routine program. Originally divided up according to states, and handled by District offices. Now all grouped together to have them on a Basin basis.

MR. WILSON: I do not know if it is necessary to discuss classifications of the different gaging stations now being operated. They are considered essential in our study of gaging stations for the Bear River Basin and we have classified them into different groups.

MR. JIBSON: There are a few points that I feel might well be discussed today. I realize that the Commission is not yet organized and cannot make definite rules, but it is something we should be thinking about. I have grouped them here under general headings of "Diversion Program", then a short section on "Administrative Procedure" based on Mr. Nace's letter, and the last section is on "Financing".

Mr. Jibson distributed a prepared report to everyone present on the Administration of Bear River Compact, and read from the report the section on "Diversion Program".

The report referred to a letter written by Mr. Jibson to Commissioners and Engineering advisers on September 6, 1955, regarding a study of canals to recommend suitable measuring devices in the Wyoming division. Mr. Jibson said this letter did not have general circulation, although it went to all advisers in the Wyoming area.

Mr. Jibson read the letter to the group.

MR. JIBSON: Since this letter was written, I have had further contacts with other government agencies, and I understand, in the Cokeville area, they agreed to pay half the cost and half the installation or full cost of structure. My understanding was that the Agricultural Conservation people would pay full cost of measuring devices.

MR. JOHNSON: Questioned Mr. Jibson regarding a statement read from his report regarding difficulties in measuring on diversions in the Upper Division and especially in Upper Wyoming where there are 66 canals. The statement was "Yet only in dry years will there be any appreciable regulation in this division".

MR. JIBSON: It is clarified a little further down, and then I will give you some figures. There would not be regulation throughout the season in most years. The problem that the Commission has to face is whether they want to set a date in the Spring and carry complete records right through the season, when perhaps we only need them for a week or two.

I might discuss just briefly the contents of one paragraph in Mr. Nace's letter in this connection in which he says, "...it probably would be desirable to establish a pattern of checking to assure adherence to standards". To me, if this type of program is acceptable from the standpoint of Idaho particularly, and Utah at times, that is the crux of the diversion program. It may be that Idaho would not be willing, nor Utah, to just accept Wyoming watermaster reports with no system of checking accuracy. It is my feeling that we can do quite a lot of spotchecking from the Geological Survey office. It is possible that in the Spring in the Upper Division, in order to check on gages and get initial start on readings, we can go up and make a round or two before regulation starts.

MR. JOHNSON: It is our feeling on the River up there that these

measurements should begin long before the possibility of regulation -- I think we should know how much water is put on the land by all these regulations.

MR. JIBSON: Read from his report with regard to the Central Division, stating that some regulation will be required all years, and it would seem advisable to start collecting records well ahead of the regulation date each year, and suggesting a date somewhere between May 15 and June 1, with an earlier date in extremely dry years.

That is all I have on the diversion program. Is there any other discussion?

MR. JOHNSON: Up until now, your office has been checking what information Wyoming and Lower Utah has. Can that program go on, or must we import two hydrographers?

MR. JIBSON: The program has to be modified according to limitations set forth by Mr. Nace. We can set up standards and provide training classes for watermasters, but the actual visiting of the stations and regulating of the diversions has to be up to your watermasters. Your watermaster, at the present time, and Wyoming Upper Division watermaster, are not trained in the use of a current meter. We do have that problem facing us in Utah and Upper Wyoming.

Mr. Jibson then read from portion of his report headed "Administrative Procedure" stating that the letter from Mr. Nace clearly defines the type of cooperative program which might logically be entered into with the Survey, and noting that the services of the Survey are offered in the setting up of standards of work and performing a certain amount of spot-checking to assure adherence to standards in the diversion program. He stressed that the Survey is not to be directly involved in the issuance of order to enforce the terms of the Compact, but rather to issue streamflow and analytical data to

representatives of the Commission, with whom the burden of enforcement will rest.

Mr. Jibson then came to the portion of his report headed "Financing" in which it was stated that preliminary estimates for the 1959 fiscal year had been submitted to the Survey's area office for the operation of about 30 key stations in the amount of \$27,000.00, making each state's share \$4,500.00. This would be included under the Federal-State cooperative program on a 50-50 basis. He said in his earlier tentative estimates on the work he was under the impression that two engineers could handle the whole thing, but an extra engineer would be required part time on key stations and part time under the Compact. The watermasters would not be under the Survey's direction and it is assumed would be paid just as they are today.

The cost of work directly related to administration of the Compact which might be chargeable to the states without matching funds from the Survey would be difficult to estimate until a year of operation is complete, but a rough estimate would be around \$8,000.00 -- or \$2,667.00 to each state.

Mr. Johnson requested that the items that would be chargeable to the state be enumerated again, and Mr. Thomas read from Mr. Nace's letter paragraphs 2 and 3.

MR. WILSON: In consideration of this problem of initiating a program and getting sufficient records on the diversions it seems to me the Commission would desire to consider what may be necessary this year to put this program in over a longer period of time. The Compact requests that that regulation takes place in certain reaches of the River under certain conditions and the River will only be regulated in one section every year, and in good water years it will not be necessary to regulate in those other sections, so consideration should be given to our prospective water supply

for the rest of the year, and it is very good at the present time.

THE CHAIRMAN: This may be the last meeting of the Compact Commission and we would like to hear from some of the men who have been with this Commission, maybe members of the Bear River Commission, to administer the water and lay out the program. We have here, I think, a question of finance, and we have the power in this body to discuss the question of financing this program. Do we have any suggestions with respect to that matter?

MR. JIBSON: I would like to mention that during the last portion of our current fiscal year we have an immediate problem facing us. I am not asking that you make a determination on this today, but I would like to get expressions from the states if I could, otherwise we are in rather a quandary after April 15th of this year when it is expected that the Bear River part of a compilation report we are preparing will be completed, and present budget appropriations do not provide for my service, and another engineer, in the Logan office after that date.

MR. KULP: Would the deficit of \$1,800.00 be matched?

MR. JIBSON: No. We have no funds available for matching funds as we are beyond our budget.

MR. KULP: Idaho could provide finances.

COM. BINGHAM: We are in a position in Utah to take our part in the deficit.

MR. LLOYD: I think we can raise the funds in Wyoming.

MR. JOHNSON: I have got myself pretty well disturbed with what I have heard here. As we entered into this Compact I had a considerable view of local management and now we have the suggestion from Mr. Nace that most of the recommendations will be made from the office of the U.S.G.S. and our members will be informed through that channel. I object very strongly to

this recommendation. As I understood it this Commission would sit in administrative body and notify users of the states when any sort of emergency came up. If you have an emergency down the River you go to the Commission with the emergency, but the emergency will not be reported to the states because it will be their users who are involved -- not getting the water they think they should have. I am disturbed at the breadth of field of Federal interference covered in this thing. The broader we make this the more we involve our states in expense. I am disturbed by some of the actions taken by the Commission at Phoenix. I do not want Mr. Jibson to think I do not like him -- but I do not like the program. I think it should come from the ground up, and not from the top down. That is why I signed the Compact as an adviser to the Governor. That is my feeling -- that we are injecting the Federal Government. I think the services of the Geological Survey should be available to our River without any obligation to it at all. Their recommendations would have to be used as a basis for recommendations within the Commission between the state and the Commission. It seems to me that the Commission has set up these 9 men to have the total administration and anything the Geological Survey does for us -- they do their regular work and we use it. This cost business should be kept at the very minimum. I have a feeling that this headgate thing will cost a million dollars. Mr. Jibson mentioned it, but he said "At some cost" -- I am sure it will be "some cost". We now have a distribution agency to aid in more fair and equitable distribution of the waters of the Bear River. Let us go on from that point. I think in getting this U.S.G.S. agency to assume things it has not been doing is jumping the gun. I do not want to criticise, but the thing does come to me that way. If the U.S.G.S. can help I am all for it, but I am not for any set up in Logan.

MR. JIBSON: I would like to clarify a few points. First, Mr. Johnson implies that this suggestion came from Mr. Nace to impose the jurisdiction of the Geological Survey on the states. You gentlemen here know this is entirely unfounded. We are very sensitive about our position in state matters. Otherwise, Mr. Nace would not have gone to so much detail to state that we are not going to be involved in the administration as far as giving orders to you people is concerned. The request came in the first place in a letter from the Chairman of this Commission. He carried out the wishes of the three state Commissioners in that letter. It was not written as a personal letter. It was requested of him in Phoenix and I resent the implication that we are trying to thrust ourselves into this program.

MR. JOHNSON: As I first explained, I did not figure you were, but I think you were invited in through a Federal source -- E. O. Larson, who is a great man, but let us see how it is going to work out. Is the Geological Survey going to manage the River or the users?

MR. JIBSON: We have no intention of running the Bear River, and I think it is clearly stated in the letter from Mr. Nace. I have no personal desire to go up and tell anyone what they are going to do. We have no desire or intention to do that. Nevertheless, we are a fact-finding agency on stream gaging, and if we can handle those facts as your organization turns them to us, and inform the watermaster, we would not be directing him to do anything. We would not be directing him to do anything. We could say, your figures show that such and such should be the case for tomorrow. If he does not comply, it is the Commission's obligation to do what the law allows to see that he does comply. Essentially, the outline of this letter defines our functions almost as you stated them -- to assist you and not to run the Bear River, and I personally do not get the implication that we are attempting to



run the Bear River, by this letter. It seems to be the other way.

MR. WILSON: I am sure that the Geological Survey would agree with almost every remark that Mr. Johnson made with regard to administration on any stream or interstate stream. Neither the Geological Survey, nor any other agency has any desire to infringe on the rights of states on administering of streams or division of water. As you can read in this letter from the Washington office, we have gone maybe a little beyond what we ordinarily do in trying to satisfy this request that came in from the Commission to give some assistance in the original stages of administering the Compact. You will note that Mr. Larson's letter states that it will be the initial stages of administration of the Compact and I am sure the Survey hopes that within a short time the administrative part of the Commission will be set up so they can take over supervision of the collection of these diversion records, and some of this other work that the Commission is now asking the Survey to do. I think that would be proper.

COM. BINGHAM: I had hoped that the Minutes and the two letters involved, would have established the actual intent and the origin of the request that has been made. I would like to state that the cost element was one of the considerations that prompted the request. If we can accomplish some of the necessary stream regulation under a cooperative program with the Geological Survey, such an arrangement would be in the interests of the states financially rather than do that on his own. The Survey has acquired considerable experience in presenting basic data for the use of the Commission. I think that is what is fundamentally back of this request. The Compact Commission will have to be the authority on the River to enforce the Compact. That is its clear responsibility. We have in this request, and in the proposal by the Geological Survey, a very fine combination of things

that we are all interested in -- experience of the Survey, preservation of the authority of the Commission, recognizing the states in their respective fields, and an arrangement in the interests of economy.

MR. JOHNSON: I would like to go a little further on the financing. We have 133 diversion listed here -- Power Company operates some of those and the Geological Survey some of them. But when we get under the terms of the Compact and begin to administer water statewide in these canals we have around 90 diversions. Will we have to have hydrographers and watermasters? If so, we must import them and how many are we going to have that will cost close to \$500.00 per month to administer these diversion that the Power Company cannot take over? We have been operating there in an area where production is relatively low, and now any program will immediately meet with my disapproval if it sets up an expensive program. In this matter of diversions, we will do it as far as we can. This talk of stabilizing diversions so you can lock gates is just a dream in my opinion, on the Bear River. It is not that kind of river. We are starting off here with the theory that we have to elaborate a thing that 95% of the time will probably run itself. Let us look at it, and see if we will need all this elaboration from the U.S.G.S. or not. Whether we need to go to the legislature for money on a cooperative program. I was amazed at the meeting and amazed at the results. I think this thing must be operated by the users.

MR. JIBSON: I made it a point early in the meeting to ask if you wanted to pay money to operate diversion in your area in average years. Certainly we are not interested in it, and what I gave to you was a rough estimate. If the money is not needed it will not be spent, but I cannot really see that your statement is particularly out of harmony with what I said this morning. The reason I made this statement about the difficulties in the Upper

Division was to let the Commission know what they are faced with up there. You would be paying a watermaster, not us. I see no reason for having to import one. Imported hydrographer is not necessary -- local men can do this. My entire thought in presenting this in the way I have presented it is to see if the Commission would like to have records on an overall diversion program. My whole idea in trying to work out correlation with supply stations was to save you money.

MR. LLOYD: I would like to ask Mr. Jibson if Mr. Keaton Francis were on there, how much river could he cover?

MR. JIBSON: I had hopes he could cover all the Wyoming area covered in the Central Division. This Division is entirely different from the Upper Division because each year the water drops below 350 cfs and each year there is a certain amount of alfalfa and grain which is irrigated in Smiths Fork area, and you would have to have a watermaster on a set date in the Spring and carry him on practically full time right through the irrigation season. The situation in the Upper Division is entirely different. I do not believe it is necessary in that area, and I agree with Mr. Johnson that it is not necessary to measure those 66 diversions, and I am in complete accord with Mr. Johnson's statement on that.

MR. SMOOT: As a water user and as a States' right radical, how Mr. Johnson and I can get such a wide version of opinion of the procedure I cannot understand. I was very pleased with this letter we received back from Mr. Nace. I thought they leaned over backwards in doing the thing that I am sure Mr. Johnson and myself as water users would like, and I think most water users want to keep this thing in the control of the administration and the enforcement of it in the hands of the proper authorities in the states that administer water within the states. I have been pleased about everything,

and am rather amazed at the difference of opinion here. I want to remind you folks that I am the last user on the Bear River, and I happen to be one of the largest users on the River -- so I am looking out for state rights I will assure you.

COM. BINGHAM: Just a point of clarification -- I think one of the comments here complained about the cost of measuring devices. Under jurisdiction of the State Engineer, the distribution of water requires some form of measuring device. This is a water distribution problem and not a direct cost attributable to the Compact.

MR. JIBSON: The reason I brought that up here is that if you recall from our April 1955 meeting I was directed to do this by Mr. Bishop not as a state directive, but as a directive of the Commission. I bring this up purely as a report back to the Commission of what I did.

THE CHAIRMAN: Do we have any comments or any suggestions on acknowledging the letter from Mr. Nace?

MR. KULP: I think all we can do as Compact Commissioners is acknowledge it, and thank Mr. Nace. The final answer to that will have to come from the Bear River Commission after it is formed and in operation.

COM. BINGHAM: As a point of information. I called Mr. McFarland of the House Interior and Insular Affairs Committee and inquired as to what we might expect in terms of ratification of the Bear River Compact and I was told then that the full committee would consider this consent legislation yesterday, which apparently it did, and approved it. He said that in his opinion there was no problem whatever. Action by full committee would put the Compact on the consent calendar, and the House reserves every other Monday for motion on consent legislation. He said it was his opinion that by March 10th the Compact would have cleared the House. The action then

required to make it effective would be the signature of the President. That may serve to give us some background as to time schedule.

MR. KULP: I move that we acknowledge the letter from the U.S.G.S. in Washington and leave the final answer to the Bear River Commission when it is organized.

COM. BINGHAM: Seconded the Motion. Motion carried.

COM BINGHAM: Mr. Chairman, could we ask Mr. E. K. Thomas to elaborate on item 3 in the Agenda that he has prepared for us.

MR. THOMAS: Mr. Larson felt that this group might want to consider the drafting of an agreement. Not anything official can be done by this group, but something on a preliminary basis to help the Commission, once it is organized, to get under way. It may be that you are not ready to work on a draft of agreement at this time. It may be also that you can get along without some form of agreement.

COM. BINGHAM: Who would be the parties to the agreement and what is the intent and purpose of it?

MR. THOMAS: The thinking was that the parties would be the Geological Survey and the Bear River Commission and would cover the relationship with us that has been discussed this morning, and particularly financing. Maybe that is not necessary, or maybe you have an existing agreement between the states and the Survey which would be sufficient.

MR. PORTER: Was it contemplated that we would need a different type of agreement than the type now in operation between the states and the U.S.G.S.? That would be the question.

MR. THOMAS: Perhaps the Survey could offer some information on that relative to existing agreements and continuation of these agreements.

MR. WILSON: I think you are all acquainted with the present

cooperative arrangement between the U.S.G.S. and the states, and it has all been negotiated between state representatives and district engineer of the Survey in the state. Then it has been consolidated as a cooperative agreement statement, outlining work that is to be done, and the funds that are to be made available, and signed by the state and the Geological Survey. I do not see at the present time that it would be necessary to follow any other procedure -- at least until the Bear River Administrative Commission is set up. All that we would need to have would be a supplemental cooperative agreement for this fiscal year ending June 30, 1958, to take care of the needs up to that date, if the Commission and the states desire to have these service as have been outlined here this morning. When the Bear River Administrative Commission has been organized for a longer period of time they may wish to enter into a cooperative agreement outlining the length of time that the Survey may be required to furnish this information before the Administrative Commission would take it over entirely. As I see the possibility -- the Bear River Commission may desire to have an employee at some time who may be an Engineer-Secretary or some other, who would take over some of these responsibilities that the Commission is now asking the Survey to assist on for an interim period while the Compact is first being put into effect.

MR. JIBSON: Our Area Engineer said it looked to him as if it might be a better arrangement if the Commission is organized first, rather than deal with each state separately.

COM. BINGHAM: Called on Mr. Kulp for his views.

MR. KULP: I have had rather an adverse situation at times. For instance we have our cooperative agreement with the U.S.G.S. in each of three or four different programs. We have a general inventory program, and we have some of our operating programs, and we have this Bear River Program. We have

had some difficulty in some other sort of an arrangement. For instance, the Columbia Interstate Compact Commission -- Idaho assessed it a certain amount of money and according to our Attorney General we cannot turn that money over to the Compact Commission. We have to have it vouchered out in direct amount. We pay some of the salaries in the office and a few items until we get our share paid. So, we would have to do something like having an amendment to our laws to be able to put our money into the Commission in a lump sum. I do not know what the best procedure would be. The simplest procedure would be to do like Wyoming and Utah does in the Columbia -- deposit our share with the Commission and let them disburse it. I think perhaps Idaho could do that, and if so that would be the simplest way to handle it.

MR. HOPKIN: I suggest that we leave this matter to the Commission -- whoever is appointed. Our group is a compact commission, and we have pretty well completed our work and I think it is a fine thing to meet today and the discussions will not do any harm, but I would like to say personally that I think the entire Compact Commission that has worked on this for years has done a fine job, and it appears to me that most of the problems have been solved. I feel we have done great service that will help the entire River -- whether the Upper, Lower or Central Division. I think we all feel pretty good about it. I know it could not have happened without the fine cooperative work of the Survey giving us facts and figures that are dependable, and that we can rely upon. I am pleased that they can go on and help in the future. That will give us an assurance that that Compact will be accurately and correctly carried out. However, I think the remarks of Mr. Johnson are pertinent because it is always good to keep in mind that the Commission itself has the power to control and run this thing, and regardless of how much benefit the Survey or any other state or Federal agency might contribute, and I do not think there is any

intention of it getting out of line, yet sometimes it does develop. I thought the letter from Mr. Nace was very fine and tried to avoid anything of that kind as much as it could be, I realize we have got to have headgates and measuring devices at the head of all these canals. Whether we like the expense or not, or regardless of how slow the River runs, we must have measuring devices to be fair and just. I think they ought to be where they can be kept locked -- if not it will not work out.

I believe that our meeting has been very valuable here today and I hope that no feelings will come out of it, and together we can do justice to this thing, and it is going to surprise both the men down and up the River how much more water we have than we thought over the years because we have not taken care of it or regulated it. As Mr. Cooper indicated, this is about our last meeting, and I do not know of any work we have engaged in that has finally worked out as well. Whoever governs upon this out of the three states, I still think we ought to support them and leave the thing in their hands, and I hope the Survey will always respect the Bear River Commission as the executive power, and still be willing to render the great service that they have done so far. I think it has been one of the greatest contributions to the success we have had so far. I just want to make these explanations, and I would suggest that as far as an agreement between our future Commission and the Survey is concerned, that it be left to the Commission and not to us here today.

MR. COOPER: What is the sentiment of the group? Are you in favor of leaving this to the permanent Commission? Are there any other statements?

I want to say that that was well stated by Mr. Hopkin and to thank him for his comments.

COM. BINGHAM: Commented on the fact that Mr. Weidmann was seriously ill and had been forbidden to attend the meeting by his doctor. He also



mentioned the presence at the meeting of three men representing the Central Section of the River -- Mr. Cain, Mr. Van Orden and Mr. Thain; and the presence of Mr. Hubert Lambert, Deputy State Engineer, and Mr. A. S. Ross, Proof Engineer from the State Engineer's office, and Mr. Ray H. Zenger of the Water and Power Board staff.

THE CHAIRMAN: I thought it might be well for the states to give expression of how they felt. I am sure that it has been a pleasure for me to attend these meetings, but the association of the group that has worked on this has been both edifying and educational to me. I have appreciated all of you, even the differences we had had, and I have enjoyed every meeting. I want to thank you for your confidence at all times.

MR. KULP: Jay Bingham, Governor Clyde and Fred Cooper have been on the ball all the time to forward congressional action on this consent legislation. Jay said that consent legislation goes on alternative Mondays. I would like to express my appreciation of what Jay has already done, but I would like to have him needle someone to needle the House of Representatives on an alternate Monday to get this through.

THE CHAIRMAN: We will proceed to discussion on other problems, etc.

COM. BINGHAM: Mr. Hoplin expressed my own feelings that maybe we have finished our job and this matter, as well as approving agreements, might very well be carried over to the permanent organization that will administer the Compact.

MR. SMOOT: The only question I have -- is there anything that needs to be done before that time? Is there any money that is needed on the states part to carry on until that time?

COM. BINGHAM: I think, as states, we have indicated the expected deficiency could be handled. The other matters could very well wait and be

considered by the Bear River Commission. I think perhaps we have accomplished our purpose here. We will be glad from our office to continue our contacts to see that this legislation is put through that committee and onto the consent calendar.

MR. MCMASTER: I think item "B" on the Agenda was one of the things Mr. Larson was quite interested in. He has been very interested in this Compact for many years, and has hoped that when the legislations passed that the respective states will then be in a position to organize the Bear River Commission without delay in accordance with Article III of the Compact. That is why he suggested this in the tentative Agenda so that the states could be taking steps or organize the Commission as soon as legislation is passed.

MR. JOHNSON: Referred to a water users meeting held each year in his county and, in particular, to this year's meeting which was set for the following day. He asked Com. Bingham whether or not the Commission will in any way affect this year's use in irrigation season, and whether they should change the meeting date.

MR. PROTER: Told Mr. Johnson he did not think this would be affected by the Compact whether it is ratified or not -- the Compact would not change the operation and distribution of water within the state -- they will still continue to operate their own water system.

MR. JOHNSON: Our Commissioner does not use measuring device -- do you see the necessity for continuance or not?

MR. JIBSON: I think that will hinge entirely on what the Commission says should be done in the way of diversion records. We have gone in here and done it ourselves in the past, but I cannot answer that until the Commission says what it wants. You should either train Mr. McKinnon or get some one else in his place who can do it. You will have to take this up with the State Engineer.

MR. JOHNSON: I think we are all agreed that everything from here out will be taken care of by the states through their duly appointed Commissioner, and my whole explosion was -- are we going to tie their hands in any way before they are appointed. We are willing to wait and give our Commission, when it is formed, the option of doing the work it wants. I am sure the Survey will always be available to them.

Probably no set of circumstances in my life has given me more satisfaction than to work with you men and when I say what I say I never intend any personalities. I want the Commission to know that we feel probably the greatest thing that has been achieved, and now opened the way for the dream of three generations in our area will be realized -- we will have storage and the ups and downs of the River will not affect us as they have in the past. It has been a pleasure to work with you.

MR. KULP: There will be no provision for anyone to call the Commission together when it is appointed. I move that the present Vice-Chairman be empowered to call a meeting of the Commission when it is organized.

CCM. BINGHAM: Seconded the Motion. Motion carried.

Meeting adjourned at 12:15 p.m.