

WALLACE N. JIBSON
355 SOUTH 6 EAST
LOGAN, UTAH

BEAR RIVER COMMISSION

Minutes of Annual Meeting held in the Water Conference Room
Utah State Capitol
November 2, 1962

The Annual meeting of the Bear River Commission convened in the new Water Conference Room of the Utah State Capitol Building, Salt Lake City, Utah on Friday, November 2, 1962 at 10:30 A.M. Chairman E. O. Larson presided.

Voting Commissioners present:

IDAHO

Melvin Lauridsen, Montpelier
Cleo Swenson, Preston
Carl E. Tappan, Boise (Alternate for George N. Carter)

UTAH

Jay R. Bingham, Bountiful
L. B. Johnson, Randolph
A. V. Smoot, Corinne

WYOMING

J. W. Myers, Evanston
Earl Lloyd, Cheyenne
S. Reed Dayton, Cokeville

UNITED STATES

E. O. Larson, Chairman, and U. S. Representative

Alternate Commissioners and Advisers present:

IDAHO

Wesley Hubbard, Grace (Alternate)
Russell D. Stoker, Soda Springs
Warren Serrine, Paris (Alternate)

UTAH

L. B. Caine, Logan
Wayne D. Criddle, Salt Lake City (Alternate)
J. L. Weidmann, Honeyville

WYOMING

David P. Miller, Rock Springs
E. J. Van Camp, Chief, Water Resources
Marvin Bollschweiler, Evanston, Water Commissioner

Others Present:

Wallace N. Jibson, Ass't. Secretary, Bear River Commission, Logan, Utah
E. J. Skeen (Legal Adviser)
Donald C. Norseth, Utah State Engineer's Office
Robert B. Porter, Utah Power and Light Company
Clarence Barker, Deseret News
Dean Bischoff, U. S. Bureau of Reclamation
William Durrant, U. S. Bureau of Reclamation
Orson S. Christensen, Brigham City, Utah
Robert D. Berrett, Controller, Utah Water and Power Board

CHAIRMAN: The time has come for the Regular Meeting of the Bear River Commission to commence Gentlemen. The first item of business is the Minutes of our April 30, 1962 meeting of the Commission.

MR. JIBSON: At the last meeting, we decided that minutes could be distributed before approval. In August, I sent copies of the minutes to the commissioners and some of the advisers. Copies can now be picked up here by any others who desire them.

CHAIRMAN: Has anyone any comments on the minutes?

COM. JOHNSON: When we come to the Financial Statement in the minutes can we compare it to the previous year so that we can see where we are headed? Let us see how we are managing our money.

COM. BINGHAM: I move that the minutes be approved as written and distributed.

COM. SWENSON: I second the motion.

CHAIRMAN: Motion carried.

CHAIRMAN: As of January 6, 1961, the Bureau of the Budget, acting for the President, issued the instructions and guides for Interstate Compact Commission reports. In that guide it provides that the Federal Representative submit a report annually as to the activities of the Commission for the year and that report should be submitted after the Annual Report has been issued.

I wrote to the Honorable David E. Bell, Director of the Bureau of the Budget, in Washington, D. C. on August 6, 1962. I explained the delay in our getting the report out. I would like to read you my letter to the Honorable Mr. Bell at this time:

August 6, 1962

The Honorable David E. Bell, Director
Bureau of the Budget
Executive Office of the President
Washington 25, D. C.

My dear Mr. Bell:

The following is a brief report on the activities of the Bear River Commission for the report-year October 1, 1960 to September 30, 1961. Two copies of the Annual Report for that period are enclosed. Minutes of the annual meeting held on April 17, 1961 and the regular meeting held on October 23, 1961 are also enclosed.

Article 7, of the By Laws of the Commission, states that the annual report is to be compiled and transmitted to the President of the United States and the Governors of the signatory states on or before April 1, of each year. Because of several delays, the report was not completed and printed until the latter part of July. The report and the minutes of the two meetings explain the activities of the Commission pertaining to administration, expenditure of funds, and distribution of water within the states of Idaho, Utah and Wyoming.

Run-off in the Bear River basin during the 1961 irrigation season was from 40 to 60% of the average for the past 19 years. The irrigation supply was only slightly better than the drought of 1934, which was probably the worst year of record. A large number of some 500 individual irrigation organizations that operate separate irrigation systems received very little water. Some of the junior rights were cut off without any supply under the terms of the compact. With the network of gaging stations maintained by the U. S. Geological Survey for which the discharge records could be obtained daily where necessary, the Water Commissioners operating in each state, in accordance with each state's rights, were able to distribute the water under the compact quite efficiently. Although crop failures were experienced in both Idaho and Wyoming, particularly from grain plantings and the yields of alfalfa there were no official complaints or petitions filed with the Commission.

The several federal agencies involved in the use of water in the Bear River drainage basin consist of the Hyrum, Newton and Preston Bench Projects of the Bureau of Reclamation, Bear River Bird Refuge of the Fish and Wildlife Service, and the stock watering ponds of the Bureau of Land Management, all of the Department of Interior; and stock watering ponds and ranger stations of the Forest Service, Department of Agriculture. While water shortages were experienced by the federal agencies some of them fared pretty well. The Hyrum Reservoir for the Hyrum Reclamation Project received a full supply.

While the annual report covers the water year, budget revenues and appropriation accounts are for the fiscal year beginning July 1, 1960 and ending June 30, 1961. Exhibit A, Page 34, of the Annual Report, shows a budget of \$43,156.00 of which \$40,638.75 was expended, leaving a balance of \$2,496.25. Of the total budget, \$15,029.00 was federal funds furnished and expended by the U. S. Geological Survey under the cooperative stream gaging program. The Commission adopted a budget of \$42,000 for the fiscal year ending June 30, 1962 and \$42,500 for the fiscal year ending June 30, 1963 or a total of \$84,500 for the biennium.

The Commission is able to administer the compact by having only the annual and regular meetings as indicated by the minutes of the two meetings. The Commission receives and considers detailed reports on the distribution of water, new water applications filed in the offices of the State Engineer for the three states, actions taken by the State Engineers on water applications, expenditure of funds of the Commission and any other items that may come before the Commission for discussion. The expenses of the Commission are held to a minimum but at the same time they are considered sufficient to cover the work of the Commission.

To my knowledge nothing has developed that may affect the federal interest.

My activities during the past year consisted of: (1) acting as Chairman for the annual regular meetings of the Commission, (2) kept up to date

on the operations of the compact by reading the weekly reports of the Assistant Secretary on Water Distribution and discussions with the Secretary, (3) Reviewed and countersigned all expenditure vouchers of the Commission, (4) Handled correspondence to the Bureau of Reclamation and other outside parties, (5) checked minutes of meetings and annual reports of the Commission. My salary expense for the fiscal year 1961 amounted to \$343.00 and is expected to be about the same for the fiscal year 1962.

Sincerely yours,

E. O. Larson
Federal Representative

EOL:vbp
Enc.

REPORT OF SECRETARY-TREASURER

CHAIRMAN: The next item on our agenda today is the report of the Secretary-Treasurer. We will have the report of the Treasurer first.

MR. BERRETT: I will compare this year's budget with that of last year for you. For Fiscal year ending July 20, 1962, the financial statement shows cash balance July 1, 1961 was \$2,496.25, approved budget of \$26,700 with each state being assessed \$8,900.00 making the total income to June 20, 1962 of \$29,196.25 and the expenditures at that time amounted to \$26,017.70 giving an unexpended cash balance June 30, 1962 of \$3,178.55.

Per Mr. Johnson's request: in comparison the previous year's expenditures amounted to \$25,609.75. The excess of revenues over expenditures for the fiscal year ended June 30, 1961 was \$490.25 and the excess of revenues over expenditures for the year ended June 30, 1962 amounted to \$682.30. (See Statement of Income and Expenditures, next page.)

COM. JOHNSON: I am very well satisfied that we are staying within our appropriation and carrying out the job.

COM. SMOOT: I move that we accept the Financial Report and report of the Secretary-Treasurer as given.

COM. MYERS: I second the motion.

(Assistant)

CHAIRMAN: Motion carried. We will now have Mr. Jibson give the Secretary's Report.

MR. JIBSON: I am sorry that we did not get to meet as a Budget Committee this morning (as planned). As you know, Congress has been very generous and voted us a pay raise. I am a little vague, without discussing this with the Budget Committee as to exactly what to recommend to the Commission in the proposed budget.

We have a supplemental program with the Public Health Service involving the operation of nine gaging stations. They have agreed to allow us \$2,500 a year to operate these stations now that they are installed. However, they have not committed themselves beyond 1963 and what is eventually developed as a program for 1964 and 1965 will materially affect our needs from the Commission for the biennium, so I am not prepared to ask the Commission for an exact budget revision.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES
FOR THE PERIOD JULY 1, 1961 TO JUNE 30, 1962

	<u>Cash</u> <u>on Hand</u>	<u>Approved</u> <u>Budget</u>	<u>Assessment</u> <u>Outstanding</u>	<u>Total</u> <u>Revenue</u>
<u>INCOME:</u>				
Cash Balance 7/1-61	\$2,496.25	\$ - - -	\$ - - -	\$2,496.25
State of Wyoming	- - -	8,900.00	- - -	8,900.00
State of Idaho	- - -	8,900.00	- - -	8,900.00
State of Utah	- - -	8,900.00	- - -	8,900.00
TOTAL INCOME TO JUNE 30, 1962	<u>\$2,496.25</u>	<u>\$26,700.00</u>	<u>None</u>	<u>\$29,196.25</u>
<u>DEDUCT OPERATING EXPENSE</u>				
<u>EXPENDED THROUGH U.S.G.S.</u>	<u>Approved</u> <u>Budget</u> <u>(Adjusted)</u>	<u>Unexpended</u> <u>Balance</u>	<u>Total</u> <u>Expenditure</u>	
Stream Gaging	\$17,770.00	\$ - - -	\$17,770.00	
Personal Service	2,757.00	- - -	2,757.00	
Travel	1,406.50	- - -	1,406.50	
Fiscal Charge	1,084.00	- - -	1,084.00	
Washington Office Charge	1,879.50	- - -	1,879.50	
General Office	53.00	- - -	53.00	
Sub-Total	<u>\$24,950.00</u>	<u>\$ - - -</u>	<u>\$24,950.00</u>	
<u>EXPENDED THROUGH COMMISSION:</u>				
General Office Expense	\$ 100.00	\$ 6.01	\$ 93.99	
Printing Annual Report, etc.	595.00	595.00	- - -	
Treasurer Bond & Audit	250.00	- - -	250.00	
Transcription of Minutes	105.00	35.00	70.00	
Miscellaneous	400.00	46.29	353.71	
Legal Consultant	300.00	- - -	300.00	
Sub-Total	<u>\$ 1,750.00</u>	<u>\$682.30</u>	<u>\$1,067.70</u>	
Total Disbursements	<u>\$26,700.00</u>	<u>\$682.30</u>	<u>\$26,017.70</u>	
<u>UNEXPENDED CASH BALANCE AS OF JUNE 30, 1962</u>				<u>\$ 3,178.55</u>

BEAR RIVER COMMISSION
DETAIL OF EXPENDITURES FOR THE
PERIOD ENDED JUNE 30, 1962

<u>Voucher Number</u>	<u>Vendor</u>	<u>Amount</u>
42	Postmaster	\$ 40.00
43	Cancelled	
44	Service Press	7.00
50	Kolob Corporation	50.00
51	Marguerite Irvine	35.00
52	U. S. Geological Survey	6,521.00
53	Cache County Corporation	300.00
54	Lincoln G. Kelly	200.00
55	U. S. Geological Survey	5,963.00
56	Lee's American Oil	32.21
57	Skeen and Skeen	300.00
58	Lee's American Oil	21.50
59	First Security Bank	19.46
60	Janice Hammond	35.00
61	U. S. Geological Survey	6,230.00
62	American Oil Company	27.53
63	U. S. Geological Survey	<u>6,236.00</u>
<u>TOTAL EXPENDITURES - PER PAGE 1</u>		<u>\$26,017.70</u>

RECONCILEMENT OF CASH ON HAND AND IN BANK

AS OF JUNE 30, 1962

Cash in Bank Per Statement	\$3,178.55
<u>Deduct:</u> Checks Outstanding	- - -
Petty Cash on Hand 6/30/62	<u>None</u>
<u>TOTAL CASH ON HAND AND IN BANK AS OF JUNE 30, 1962</u>	<u>\$3,178.55</u>

The matter of the pay raise is being taken up with PHS personnel, and Mr. O'Connell feels that they could increase their agreement with us by about \$1,000 for the fiscal year (1963). If this is done, we might be able to get by for the current fiscal year on the budgeted amount. I would suggest then with regard to 1963 fiscal year, that we should hold in abeyance any recommendations until we see what the Public Health people will do with the request, and perhaps a meeting with the Budget Committee can be held at that time (if necessary).

COM. BINGHAM: When is the pay raise to take effect?

MR. JIBSON: The initial pay raise takes effect Oct. 15, 1962, and a supplemental raise is to be made effective January 1, 1964. For the year 1963 then, we have October 15th to June 30th in which the pay raise will be in effect, and the increased amount will be about \$2,150. There is also the increased Washington office charge which we discussed at our last meeting and which was raised from 7 $\frac{1}{2}$ % to 9% against all cooperative funds. (\$680 increase).

We find then a \$2,800 minimum increase which we need to operate. By doing the Public Health work with our own personnel rather than hiring extra help, we might get through the 1963 fiscal year without getting additional funds.

COM. BINGHAM: I think the pertinent point is perhaps Mr. Lloyd and Mr. Tappan may have a problem with their budget in getting supplemental funds at a later date.

MR. JIBSON: Yes, 1963 appropriation is water under the bridge. That is why I am trying to do everything possible to keep expenses to a minimum.

COM. BINGHAM: What effect will the 1964 - 65 Budget have on your problem?

MR. JIBSON: I have summarized for your information the total budget in each of these years to show the increased cost of doing business. In 1962 the total budget was \$42,000, 1963 is \$42,750, 1964 is \$45,100, and 1965 is \$45,700. These (1964 & 1965) are proposed budget figures which have been approved by this Commission. The effect of the pay raise and increased Washington office charges will be to exceed 1964 & 1965 estimates. The amount (\$3,500) we are asking from Public Health Service will help offset this deficit, (if their program is continued).

COM. MYERS: You are saying that we need to (or need not) make additional funds available for you for the 1964-65 budget if you can get the appropriation from the Health Service?

COM. SMOOT: I move that for 1963 we approve the statement of Mr. Jibson with the provision in mind that if this extra \$1,000 is not approved (by Public Health) that we would have a special meeting of the Budget Committee and make provision for the \$1,000.00.

COM. JOHNSON: Would we have to go to the Legislature for this?

MR. CRIDDLE: Most of it we could get from the reserves. There is \$3,000 unexpended.

MR. JIBSON: The unexpended money is in the general funds of the Commission.

COM. BINGHAM: Yes, that is correct. There is approximately \$2,500 that is totally unencumbered.

MR. JIBSON: If we could use that amount here, then we wouldn't have to go to the States.

COM. BINGHAM: This would still be in harmony with Commissioner Smoot's motion.

COM. SMOOT: After we find out what happens to this request to the Health Department we can then take \$1,000 from the reserve if necessary.

COM. BINGHAM: We have to meet expenditures of the Commission as set up in the Cooperative Agreement and to change this would take Commission action.

COM. MYERS: I second Commissioner Smoot's motion.

CHAIRMAN: Motion carried.

COM. SMOOT: The Commission has full authority to handle the funds as it sees fit?

COM. BINGHAM: That is correct.

COM. MYERS: If we do this, does the Washington office have to approve it?

MR. JIBSON: It has to be approved by our Denver office of the Division Hydrologist.

MR. CRIDDLE: A lot of us think that this 9% is not a proper charge. These moneys are spent for training programs, administrative programs, etc., and most of the Western States do not agree that this is an appropriate thing. The best way for these programs of a general nature to be financed seems to us, to be by federal funds and not by the States. I am afraid that Wally isn't going to get any help out of this increase. Some of the more sophisticated programs are going to grab off these funds. For example, 1/3 of Utah's State Engineer's fund goes to some of these cooperative programs. I think we should support the U.S.G.S. Program, but I think that Federal programs should be handled by the general appropriation in Washington not by cooperative funds and I am certainly against this 9% charge.

COM. BINGHAM: Fiscal 1963 has been taken care of, but 1964 and 1965 need our attention.

MR. JIBSON: Again, I have to be a little vague because the Public Health Service does not commit itself beyond 1963. \$57,300 has been approved as the total Budget (1964-65 Biennium) for the Bear River Commission. If we continue our program with the Public Health Service through the biennium, I would estimate that an additional two thousand will see us through the biennium. (\$2,000 from Commission, \$2,000 from U.S.G.S.). If we don't continue (PHS), we will be approximately two thousand dollars short each year.

COM. BINGHAM: If the States would increase their allocation by \$350 per year that would carry the program.

MR. JIBSON: That is correct. The States' contribution would then amount to \$2,100. (\$350 per year, per State).

COM. SMOOT: What kind of a situation will we have if we can't work out this agreement with the Public Health Service for 1964 and 1965?

MR. JIBSON: We won't know their plans until next July. (1963)

COM. SMOOT: Had we better take a chance on that? We have to go to the Legislatures for the money.

COM. JOHNSON: I certainly agree with that.

MR. JIBSON: Gentlemen, if you feel that we should budget for it, we should figure on another two thousand dollars a year. (Commission, \$1,000 - U.S.G.S. \$1,000) That would increase the total budget for 1964 to \$49,200 and for 1965 to \$49,800. This would make our Commission Budget \$61,500 for the two-year period or \$10,250 from each State for each year.

COM. MYERS: I move that we accept the revised budget of \$10,250 for each state.

COM. SMOOT: I second the motion.

CHAIRMAN: Motion carried.

(It was decided to budget equally for 1964 and 1965)

BEAR RIVER COMMISSION

ALLOCATION OF PROPOSED BUDGET

	Fiscal Year ending <u>June 30, 1964</u>	Fiscal Year ending <u>June 30, 1965</u>	Biennium ending <u>June 30, 1965</u>
U. S. Geological Survey	\$18,750	\$18,750	\$37,500
State of Idaho	10,250	10,250	20,500
State of Utah	10,250	10,250	20,500
State of Wyoming	<u>10,250</u>	<u>10,250</u>	<u>20,500</u>
Total	\$49,500	\$49,500	\$99,000

1750 expanded directly

REPORT OF THE ASSISTANT SECRETARY

(See attached Streamflow Data and Compact Operation report)

CHAIRMAN: Are there any comments on Mr. Jibson's report?

COM. TAPPAN: I move that we accept the report of the Assistant Secretary as given.

COM. BINGHAM: I second the motion.

CHAIRMAN: Motion carried. We will now call upon Mr. Swenson, Chairman of the Operations Committee, for his report.

COM. SWENSON: I have ask Mr. Jibson to give our report.

MR. JIBSON: With respect to measuring devices and head gates in that division of the River above Bear Lake, further study has been made of the problems and we will report our findings to the Commission.

The Operations Committee met this morning. We couldn't discuss in detail, many of the problems that have come up. However, it was decided that I will prepare a list of canals in all three States above Bear Lake showing the type of headgate, the type and condition of the diversion dam, the type of measuring device (if any), and the recommendations of our office as to what should be done to improve these head works. This list will be given to the representative State Engineers.

REPORT TO BEAR RIVER COMMISSION

November 2, 1962

Wallace N. Jibson
Assistant Secretary

1962 Streamflow Data and Compact Operation

I - Streamflow

For the first time since the Compact has been in operation, water supply has exceeded a long-time average in the upper Bear River basin. Runoff during the 1962 water year and during the irrigation season was about 120 percent of the 20-year average from the upper Bear River and from Smiths Fork. In some contrast, Logan River flow was only 96 percent of the past 20-year average though more than twice that of last year during the irrigation season.

It is interesting to note that total Logan River flow increased about 20 cfs within 48 hours following the earthquake on August 30 which represents an increase of 11 percent and can be attributed only to effects of the quake. Also, most of the increase, in the range of 10 to 20 cfs, was maintained throughout September and apparently is still being maintained.

The following table shows provisional streamflow data for 1962 compared with last year and the 20-year average:

	<u>Runoff in acre-feet</u>		
	(Water Year)		
	<u>1943-62</u> <u>Average</u>	<u>1961</u>	<u>1962</u>
Upper Bear River	132,600	79,300 (60%)	162,600 (123%)
Smiths Fork	138,000	73,100 (53%)	164,200 (119%)
Logan River	177,600	95,400 (54%)	170,900 (96%)

II - Reservoirs

Comparative hydrographs of Bear Lake for the 1961 and 1962 water years are shown in figure 1. Though maximum content in each of the two years did not vary appreciably, the increased gain in 1962 is clearly shown and also the smaller demand during the draft period. The result is that the large net loss in 1961 was almost erased the next year.

It also should be noted that the lake remained above the present Irrigation Reserve elevation for about three months during the summer but is now below the Reserve and power water is not being released.

The water-year hydrograph for Woodruff Narrows Reservoir is shown in figure 2. Storage began shortly after January 1, and if all available runoff had been stored the reservoir would have filled to its legal limit by about April 10. This was an unusual year of course because of unseasonable runoff in mid-February as shown on the graph. Holdover at the end of the season will permit filling to the spillway during the ensuing year.

III - Current Operation

Interstate regulation of direct flow has been relatively minor this past season. Adequate natural-flow supply, augmented by Woodruff Narrows Reservoir, in the Upper Division filled requirements in Utah and Wyoming without recourse to interstate regulation.

In figure 3 is shown seasonal hydrographs of Wyoming diversions in the Central Division. Interstate regulatory provisions did not go into effect until late July, and it was near August 20 before reduction in diversions was necessary. For comparative purposes, 1961 diversions in this section also have been plotted.

IV - Water Right Applications

Applications received since our April meeting are summarized in the attached list. Wyoming reports that no applications have been received.

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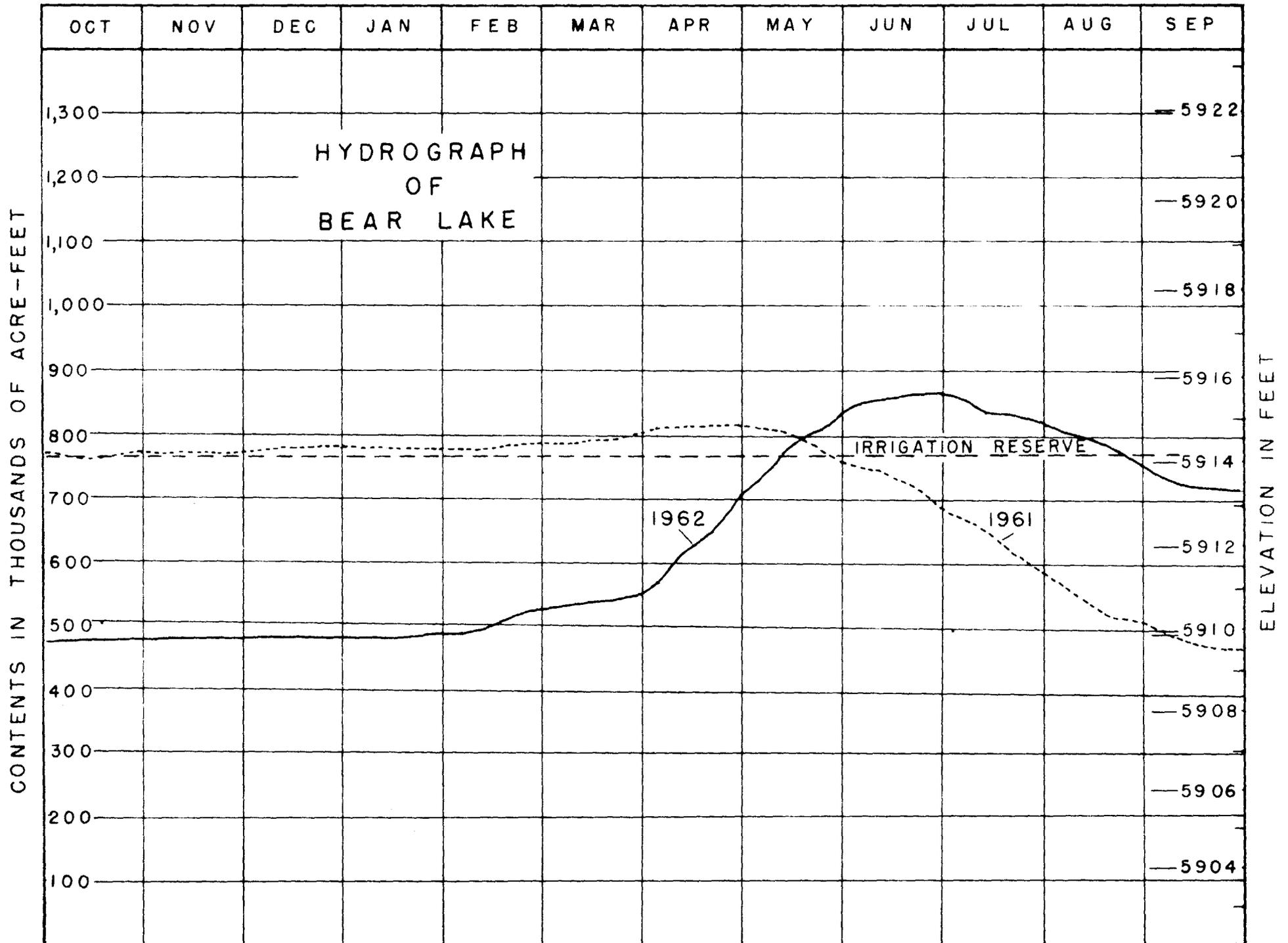


Figure 1

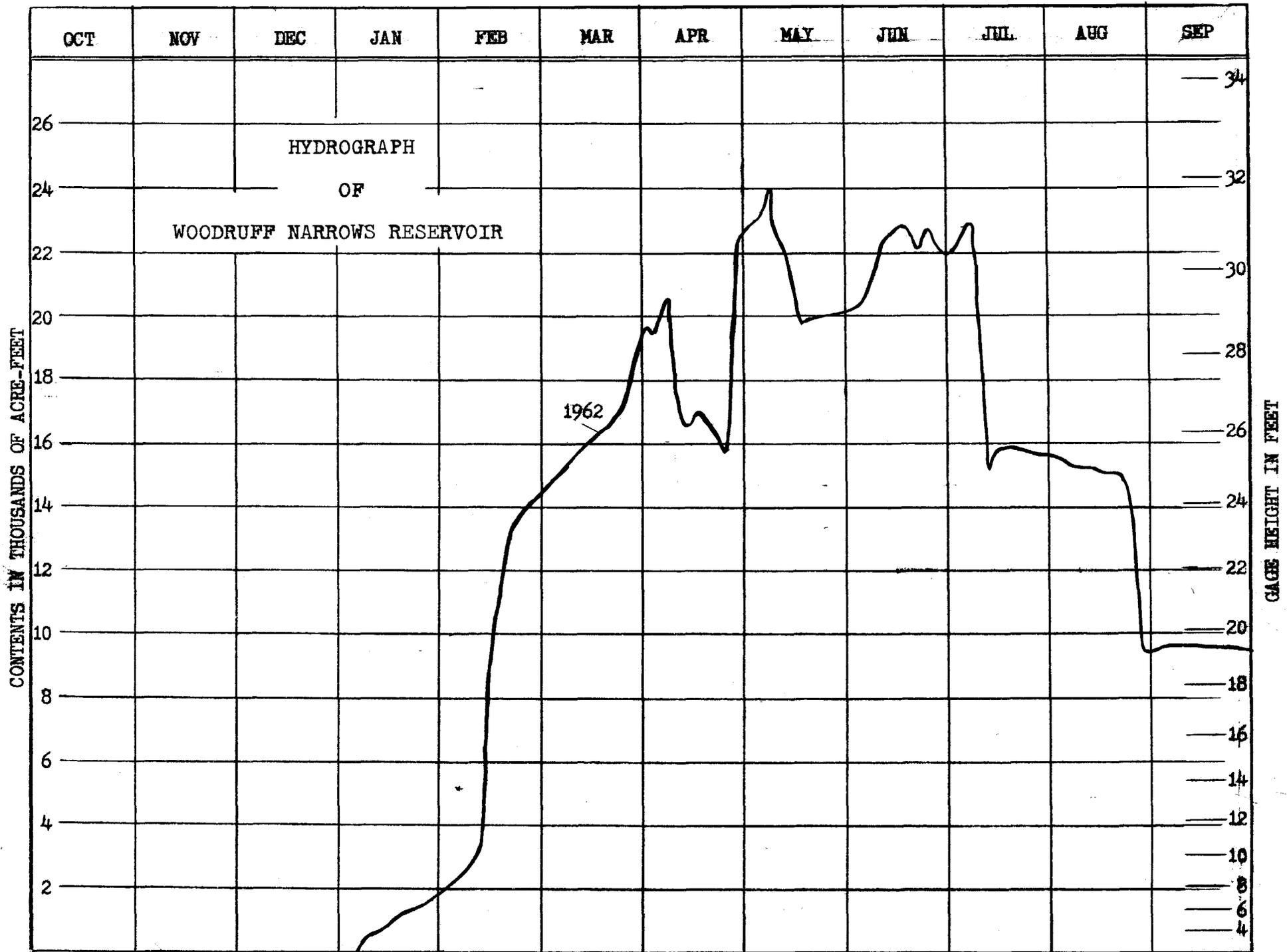


Figure 2

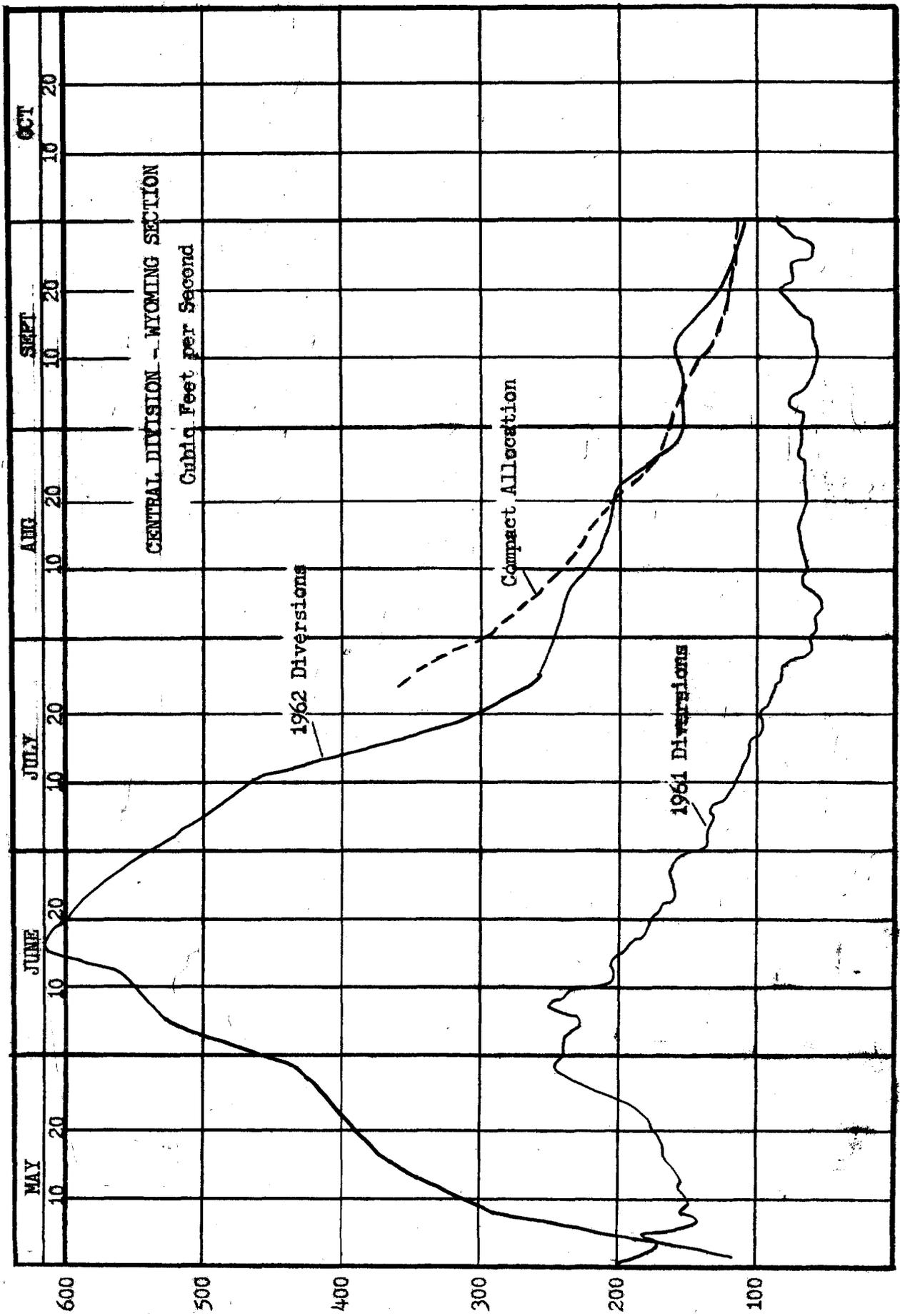


Figure 3

Applic Number	Date of Filing	Name	Source	Use	Location	Amount	To Comm.
<u>STATE OF UTAH</u>							
34243	4-25-62	Jay O. Wiley	Underground	Domestic	S20 T13N R6E Rich	0.015 cfs	11-2-62
34244	4-25-62	LeRoy A. Atkinson	Bear River	Irrigation	S30 T12N R2W Box Eld.	3.0 cfs	11-2-62
34261	5-2-62	Peter Mayo	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.1 cfs	11-2-62
34275	4-14-62	Ronald G. Petersen	Underground	Irrig. Dom.	S14 T11N R4W Box Eld.	0.1 cfs	11-2-62
34276	5-7-62	Max McNeely	Underground	Irrig. Dom.	S22 T11N R4W Box Eld.	0.1 cfs	11-2-62
34282	5-10-62	Donald J. Homer	Underground	Irrig. Dom. Stock	S7 T11N R3W Box Eld.	0.1 cfs	11-2-62
34384	5-10-62	Clark Mortensen	Underground	Irrig. Dom. Stock	S5 T11N R3W Box Eld.	0.1 cfs	11-2-62
34315	5-22-62	Donald E. Glenn	Underground	Irrig. Dom. Stock	S11 T8 N R2W Box Eld.	2.0 cfs	11-2-62
34316	5-23-62	S. Blaine Hill	Underground	Domestic	S11 T11N R3W Box Eld.	0.015 cfs	11-2-62
34317	5-23-62	Dueard C. Balls	Underground	Irrig. Stock	S3 T12N R1E Cache	0.25 cfs	11-2-62
34326	5-28-62	Alma Huppi	Underground	Irrig. Dom.	S27 T12N R1E Cache	0.015 cfs	11-2-62
34334	6-1-62	Royal E. Lee	Underground	Irrig. Stock	S8 T12N R1E Cache	0.2 cfs	11-2-62
34338	6-1-62	C. Claybaugh, R. Limb	Underground	Dom. Stock	S23 T10N R2W Box Eld.	0.1 cfs	11-2-62
34357	6-14-62	Shirrel Silvester	Underground	Irrig. Dom. Stock	S15 T11N R4W Box Eld.	0.015 cfs	11-2-62
34366	6-15-62	John Laws	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.045 cfs	11-2-62
34367	6-15-62	John Laws	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.045 cfs	11-2-62
34368	6-15-62	John Laws	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.045 cfs	11-2-62
34369	6-15-62	John Laws	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.045 cfs	11-2-62
34370	6-15-62	John Laws	Underground	Irrig. Dom.	S5 T11N R3W Box Eld.	0.045 cfs	11-2-62
34389	6-21-62	William L. Hunsaker	Underground	Domestic	S1 T11N R3W Box Eld.	0.1 cfs	11-2-62
34394	6-26-62	Gary L. Nielson	Underground	Irrig. Dom.	S1 T11N R3W Box Eld.	0.015 cfs	11-2-62
34410	6-5-62	Leland Hansen	Underground	Irrigation	S8 T11N R1E Cache	0.1 cfs	11-2-62
34411	6-18-62	Shigeki Moriyama	Underground	Domestic	S26 T11N R3W Box Eld.	0.1 cfs	11-2-62
34412	7-6-62	Jack K. Williamson	Underground	Domestic	S20 T13N R6E Rich	0.1 cfs	11-2-62
34417	7-7-62	Gordon H. Flammer	Drain	Irrigation	S23 T12N R1E Cache	0.1 cfs	11-2-62
34434	7-13-62	Dell A. Johnson	Underground	Irrig. Dom. Stock	S28 T11N R1E Cache	0.03 cfs	11-2-62
34435	7-13-62	Tremont City Corp.	Unnamed Springs	Municipal	S31 T12N R2W Box Eld.	4.0 cfs	11-2-62
34437	7-16-62	Garland City Corporation	Unnamed Springs	Municipal	S31 T12N R2W Box Eld.	2.0 cfs	11-2-62
34438	7-16-62	Norval H. Johnson	Underground	Irrig. Dom.	S11 T12N R1E Cache	0.1 cfs	11-2-62
34442	7-17-62	Fred Alvey	Drain	Irrigation	S9 T13N R1E Cache	1.0 cfs	11-2-62
34452	7-18-62	L. Hansen, J. Harris	Underground	Irrig. Dom. Stock	S8 T10N R2E Cache	0.1 cfs	11-2-62
34468	7-27-62	B.S. of A., Gr. S.L. Coun	Underground	Irrig. Dom.	S8 T13N R6E Rich	0.5 cfs	11-2-62
34469	7-27-62	Milton J. Hatch	Underground	Irrig. Dom.	S20 T10N R7E Rich	0.015 cfs	11-2-62
34501	8-8-62	Standard Oil of Calif.	Underground	Oper. of Ser. Sta.	S4 T11N R1E Cache	0.1 cfs	11-2-62
34510	8-10-62	Clinton & Mada Liechty	Underground	Irrig. Dom. Stock	S8 T11N R1E Cache	0.75 cfs	11-2-62
34513	8-13-62	Matthias Austin	Underground	Irrig. Dom. Stock	S5 T11N R1E Cache	0.015 cfs	11-2-62

Applic Number	Date of Filing	Name	Source	Use	Location	Amount	To Comm.
<u>STATE OF UTAH (Cont.)</u>							
34518	8-14-62	Vincent V. Nielsen	Underground	Irrig. Dom.	S9 T12N R1E Cache	0.15 cfs	11-2-62
34541	8-24-62	J. Charles Maughan	Underground	Irrig. Dom. Stock	S7 T12N R1E Cache	0.015 cfs	11-2-62
34573	9- 7-62	Terrance R. Thompson	Underground	Irrig. Dom. Stock	S18 T11N R1E Cache	0.015 cfs	11-2-62
34588	9-13-62	Todd G. Weston	Underground	Irrig. Dom.	S3 T11N R1E Cache	0.2 cfs	11-2-62
34616	9-27-62	Nolan Ballard	Underground	Stockwatering	S1 T12N R1W Cache	0.015 cfs	11-2-62
34624	10-1-62	Heber C. Cronquist	Underground	Irrig. Dom. Stock	S2 T12N R1W Cache	0.1 cfs	11-2-62
34631	9-29-62	Alton D. Cook	Underground	Irrig. Dom. Stock	S5 T14N R15E Rich	0.03 cfs	11-2-62
<u>STATE OF IDAHO</u>							
38503	3-30-62	Preston-Whitney Irr. Co.	Cub River	Irrigation	S3 T16S R40E Franklin	18,000 Ac-ft	11-2-62
G-38551	4-30-62	Whitney, Nashville Water	Subterranean	Domestic	S32 T15S R40E Franklin	1.0 cfs	11-2-62
38594	6- 5-62	Heber C. Kunz	Ovid Creek & Old Bear Lake Outlet	Irrigation	S1 T13S R43E Bear L.	4.37 cfs	11-2-62
38599	6-11-62	Vereen Bingham	Unnamed Wash	Irrigation	S11 T16S R38E Franklin	1.5 cfs	11-2-62
38627	7- 3-62	Edgar P. Alleman	Springs & Seepage	Irrig. Stock	S17 T12S R44E Bear L.	0.7 cfs	11-2-62
G-38681	8- 8-62	Rasmus K. Nelson	Subterranean	Irrigation	S23 T13S R44E Bear L.	6.0 cfs	11-2-62
38822	9-26-62	Myrl Bodily	Open Drain	Irrigation	S10 T16S R39E Franklin	2.5 cfs	11-2-62
<u>STATE OF WYOMING</u>							
No applications since April 9, 1962							

A similar list was made in about 1956 at which time we studied in some detail most of the canals up and down the river with a view to recommending what type of measuring devices should be used. It is a water user's responsibility to put these devices in and most of the cost of the material can be secured through the ASC program in the respective area. We will recommend the size of measuring devices in each case. (where applicable)

The majority of canals in Wyoming can accommodate Parshall flumes very adequately. In Rich County, Utah, there are fewer but larger canals and we have found that Parshall flumes are not practical due to flat gradient. A current meter and rating is being used in this area. Many of the canals in the Cokeville area could accommodate Parshall flumes adequately.

We discussed briefly this morning the headgate situation and among the Upper Wyoming canals, perhaps only a half dozen are not equipped with satisfactory headgates. This is also true in the Cokeville area. Very good progress has been made in the installation of headgates in the State of Wyoming in the last three years. In Rich County (Utah) some work is being done this fall to improve canal systems. I think the Operations Committee should pursue this matter a little further. All of the Utah canals do have recorders on which were installed in 1950, by the U.S.G.S. We have a continuous record of gage height on all Utah canals.

COM. JOHNSON: I think that we need a provision in the Budget for a heavier workload. I think we should find out what effect Woodruff Narrows will have on the River. I should like to move that each of the States consider being assessed \$1,000 in order that we can make a more mature operational study of the Bear River.

COM. SMOOT: I will second the motion to get it on the floor for discussion.

COM. DAYTON: What would you include in that study?

COM. JOHNSON: I am very concerned to know how the whole system is going to work. All of the States will benefit materially. I feel that we have a whole pattern to work out as to the distribution of the water of the reservoir. We need a program of distribution. After most of us had our hay up, there was still some water we could release in the reservoir. There are 13 major diversions below the reservoir that could have diverted this water had we released it. I think we could relieve pressure on the whole system by having a comprehensive study made. We have an obligation to the power company that we want to live religiously to. We also have a contract with the State Fish and Game Department and we certainly want to live up to that. I would like to urge that enough more money be made available so that the U.S.G.S. can see that the natural flow of the River is released at the correct time. We need controls on the canals and much improvement could be made to the diversion dams. We need a good set of headgates on all of those canals. I am concerned now that we work out an operation that is in harmony with the spirit of the Compact. I think that we need to have a disinterested party operating the Woodruff Narrows gates. We want to carry on a program that will dovetail into the program of the State Engineer. We think that no one State agency should control the water itself, however.

COM. LLOYD: I feel that Wyoming cannot vote on this issue right now.

COM. JOHNSON: This is only a recommendation.

COM. LLOYD: I think that a study could be made.

COM. MYERS: I think that we need to know more about the type of study that is to be made.

COM. JOHNSON: Under the terms of our agreement, we have contracted with the Fish and Game Department and the Power Company to release the water, which we have done. What happens to the water after it leaves the reservoir is not our responsibility.

COM. SMOOT: Maybe the Fish and Game Department has some responsibility here.

COM. JOHNSON: We merely undertook to release this water.

COM. SMOOT: I think that these questions do show that this Commission does have some responsibility here.

COM. BINGHAM: Obviously, we do have some items to discuss further; however, I do think it would be well to adjourn for lunch now, Mr. Chairman.

CHAIRMAN: Meeting is hereby adjourned for lunch. We will reconvene promptly at 1:45 p.m.

CHAIRMAN: We will call the meeting to order now, gentlemen, it is now 1:55 p.m.

COM. SMOOT: I would like to make an amendment to Mr. Johnson's motion and move that we don't ask for any more money in the budget for this year, but that if the Health Department increases their money that we will have some extra money in the Commission fund and then we would take the Commission money to make the study we discussed this morning.

COM. JOHNSON: I second the motion.

MR. CRIDDLE: Along with this motion, it would be well to have a written outline prepared and reviewed by each of the States before it goes forward and that the States will be represented by the Operations Committee when the time comes for this matter to be resolved.

COM. SMOOT: I move that Mr. Criddle's statement be included in my motion.

MR. CRIDDLE: Could this problem come before the Operations Committee?

COM. BINGHAM: Yes.

COM. JOHNSON: I second that motion.

COM. MYERS: When will we know whether this money is going to be available?

MR. JIBSON: We won't know until July 1st if our 1964 money is going to be available.

COM. MYERS: Is it possible for this Operations Committee to make a partial study without funds on their own?

MR. CRIDDLE: This is just setting down in writing what additional work is to be done by the staff and this wouldn't require a whole lot of time. It is a chance to set down logically, what objective and scope the study should have.

COM. BINGHAM: This Commission will meet again before the irrigation season.

COM. MYERS: This motion before us is a study and not for an operating control group of any kind.

COM. SMOOT: That is correct. This will provide an opportunity for the respective State Engineers to set out these objectives too. We can then be properly guided.

COM. MYERS: You are authorizing them to spend any funds that may be left over in the Commission?

MR. CRIDDLE: That is correct.

COM. MYERS: There is no harm in that.

CHAIRMAN: Is there any further comments on the motion? Will the Secretary please read the motion, of Mr. Smoot's.

SECRETARY (stenographer): "I move that we don't ask for any more money in the budget for this year, but that if the Health Department increases their money, that we will have some extra money in the Commission fund and then we could take the Commission money to make the study we have been talking about...I move that Mr. Criddle's statement be included in my motion."

Mr. Criddle's statement, "...it would be well to have a written outline prepared and reviewed by each of the States before it goes forward and that the States will be represented by the Operations Committee when the time comes for this matter to be resolved."

CHAIRMAN: Motion carried.

STATE ENGINEER'S COMMITTEE REPORT

COM. LLOYD: We have an interim committee report as follows on the Utah underground water development by Mr. Wayne D. Criddle.

MR. CRIDDLE: In trying to analyze what we have in the way of underground reservoir development, we summarized the applications that have been filed from June 1959 to April 1962 during which time, 205 applications were filed to appropriate ground water for use in the Bear River Basin. (See attached report).

COM. LLOYD: We have a table of the wells in the Cokeville area of the Bear River showing the actual amounts that were pumped during the 1961 irrigation season. There are eight wells in this area. There is not too much change in the water level at this time. I think that this is something that we must continue to study however.

(See 1961 Irrigation Inventory attached for the Wyoming Report)

COM. STOKER: There has not been anything remarkable in the Idaho area of the Bear River Basin to report at this time.

CHAIRMAN: I think that we had better continue on with the agenda. The next item for discussion is the Pine Creek Litigation matter.

MR. E. J. SKEEN: For the benefit of the lower water users, the contention was made in court that Pine Creek was not a tributary of Smith's Fork and not under Compact control. (to regulate against Smiths Fork priorities) The decree was very vague. Mr. Jibson stated that a lot of interest has been shown in the decree. I have reviewed the Compact in studying this problem and in Article 2, Section 21, it states that Pine Creek is a tributary of Smiths Fork. In Article 4, sub-section 2, it states, "a. When either the divertible flow as hereinafter defined for the Central

(Attachment, State Engineers' report)

BEAR RIVER UNDERGROUND RESERVOIR DEVELOPMENT 1/

During the period from June 1959 to April 1962, 205 applications were filed in the Utah State Engineer's office to appropriate ground water for use in the Bear River Basin. In some instances diversion points for these applications are some distance from the Bear River channel. However, all are within the drainage and presumably can affect the flow of the river, to some degree.

Ground water within the Bear River Drainage usually contributes to the river at some point along its course, particularly water that is in the sediments adjacent to the main river or its tributaries. Part of such water is often supplied from the natural flow in the river channels at some point upstream. Pumping from this vast reservoir is increasing. If unlimited ground water development continues, such water will cease to contribute to river flow but conversely, the river will contribute more to the underground reservoir.

The following table summarizes the underground applications filed from June 1959 to April 1962 as previously reported to the Bear River Commission by the Utah State Engineer. The amount of water that could be extracted from the ground if all wells were pumped to their full right during the growing season is shown in column 5. Assuming that during the winter the miscellaneous uses will amount to only 45% of the right, the estimated probable withdrawal is shown in column 8 of the table. Of the 64,000 acre-feet pumped, probably 20,000 to 35,000 might be consumed.

UTAH WATER USE DEVELOPMENT FROM BEAR RIVER UNDERGROUND RESERVOIRS

1	2	3	4	5	6	7	8
PURPOSE	APPROPRIATED FLOW	POTENTIAL WITHDRAWAL		Total	ESTIMATED PROBABLE WITHDRAWAL		
		Irrigation Period 3/	Nonirri-gation period		Irrigation Period 3/	Nonirri-gation period 4/	Total
	c.f.s.	ac.-ft.	ac.-ft.		ac.-ft.	ac.-ft.	
<u>Above Bear Lake</u>							
Miscellaneous 2/	4.4	792	2420	3212	792	1089	1881
Irrigation	31.1	5598	0	5598	5598	0	5598
Subtotal	35.5	6390	2420	8810	6390	1089	7479
<u>Below Bear Lake</u>							
Miscellaneous 2/	46.0	11,040	22,540	33,580	11,040	10,430	21,470
Irrigation	146.0	35,040	0	35,040	35,040	0	35,040
Subtotal	192.0	46,080	22,540	68,620	46,080	10,430	56,510
TOTAL	227.5	52,470	24,960	77,430	52,470	11,519	63,989

1/ Prepared by Donald C. Norseth and Wayne D. Criddle October 23, 1962.

2/ Miscellaneous purposes includes stockwatering, domestic, municipal, mining etc.

3/ Assumes 90 day period above Bear Lake and 120 days below Bear Lake.

4/ 45% of total potential miscellaneous uses. This is the same ratio found applicable to municipalities.

(Attachment, State Engineers' Report, continued)

1961 IRRIGATION INVENTORY

Cokeville Area - Lincoln County, Wyoming

Ground Water Irrigation Use, 1961:

<u>Well Number</u>	<u>Name</u>	<u>Acres Irrig.</u>		<u>Ac.-Ft.</u>
22.119.5 cda	D. Knouse	90	45 days ⊙ 500 gpm	106.2
23.119.32 bda ₂	Thornock Bros.	160	75 days, 24 hrs. ⊙ 900 gpm	298.0
23.119.32 baa	J. W. Buckley	108	30 days, 24 hrs/day ⊙ 1,350 gpm	178.8
23.119.18 bdb	Etch No. 1	40 to 50	20 days, 24 hrs/day ⊙ 900 gpm	47.2
24.119.5 cc	Roberts	150	42 days, 24 hrs/day ⊙ 1,800 gpm	333.8
24.119.28 acb	H. Teichert	325	45 days, 24 hrs/day ⊙ 1,350 gpm	268.2
24.119.31 cad	Thompson #1	127	6 weeks ⊙ 900 gpm	166.9
25.119.20 acd	J. A. Reed	100	90 days, 24 hrs/day ⊙ 300 gpm	70.8
				Total 1,469.9
26.120.1 ccd	Etcheverry Bros. (in Thomas Fork drainage)	400	2500 hrs ⊙ 2,350 gpm	1,081.2

Bear River Valley near Cokeville 1,470 ac-ft
 Etcheverry Bros. 1,080 " "

Total Pumped 2,550 ac-ft

Division is less than 870 cfs or the flow of the Bear River at Border Gaging Station is less than 350 second-feet whichever shall first occur, a water emergency shall be deemed to exist in the Central Division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek.....The divertible flow for the Central Division shall be the total of the following three items:

"(1) Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs,"

It is apparent that it is a matter of law that the water diverted from Pine Creek must be considered in determining what the flow is in the Central Division and determining when an emergency exists. In enforcing the Compact, it is essential that measurements be made on Pine Creek and that Pine Creek be considered as a tributary of Smiths Fork and part of the Bear River System.

The decree itself, was a masterpiece of generality. It reads as follows:

"...and the Court having heard the testimony of witnesses, and having examined and considered all of the evidence adduced by the parties and being otherwise fully advised, finds generally for the plaintiffs and against the defendants, and does further find that the defendants threaten to repeat the acts committed in 1961, of which the plaintiffs complain, if in the future like circumstances should exist.

"IT IS THEREFORE ORDERED AND DECREED, that the defendants, their agents, servants, employees, successors, and all those persons in active concert or participation with them be, and they are hereby, permanently enjoined from interfering with plaintiffs' diversion of water from Pine Creek in Water Division No. 4, Water District No. 2 in the State of Wyoming, by and through the V. H. Ditch and the enlarged V. H. Ditch for beneficial use, but not in excess of 9.14 cubic feet under the appropriation of water made in the name of Vaughn Hufford, et al, with a priority date of July 10, 1905 and not in excess of 2.19 cubic feet under the appropriation of water made in the name of Wyoming Trust and Savings Bank with a priority date of April 6, 1910 when diverting water from said Pine Creek under water rights that have been granted by the State of Wyoming.

"IT IS FURTHER ORDERED AND DECREED, that said defendants, their agents, servants, successors and all those persons in active concert or participation with them are permanently enjoined from interfering with plaintiffs' diversion and use of water under their said water rights above described at the demand, request or order of persons having appropriations of water or claiming to have appropriations of water from any other stream or streams.

/s/ H. R. Christmas
Judge

(MR. SKEEN): This document standing alone, is virtually meaningless insofar as the Commission is concerned. There is no mention of either Pine Creek being a tributary of Smiths Fork or mention of the Compact. I don't know what they expect to accomplish by this document.

MR. MILLER: The contention was a matter of physical fact that Pine Creek was not actually a tributary and people having rights on Smiths Fork couldn't expect Pine Creek water to fill their requirements.

MR. SKEEN: To me, this is not very enforceable. It just does not spell out what it means.

MR. MILLER: Well, I think myself and the other defendants are going to have to abide by it.

MR. SKEEN: Future enforcement of the Bear River Compact in the various states may be greatly affected. I think it is the duty of the Commission to take whatever steps necessary to enforce the Compact and see that all diversions from Pine Creek are included in the totals in figuring the divertable flow. The Commission must enforce the Compact by suit or other appropriate action. I believe that this is the duty of the Commission in this case. I don't feel that we should get anybody in contempt but I think that the action should be brought up in the Federal Court in Wyoming and that the involved parties will be a part of this action and that the Federal Court would have to spell out the meaning of this document and give proper definition to the items therein. It may be advisable to make some studies and measurements to determine that Pine Creek is really a tributary of Smiths Fork; then we would be prepared to meet any argument that may be brought up on this matter.

The divertible flow of Pine Creek must be considered in making up the Compact amount whether it is physically a tributary of Smiths Fork or not. I don't think that we should let any group of water users defeat the Compact in this manner.

MR. MILLER: If we let this decree stand, it will set a precedent for similar litigation in the future. Pine Creek water does add to the Smiths Fork flow through underground flows. It does end in a swamp just before it actually flows on the surface to Smiths Fork, but I am sure further study would show that it flows into Smiths Fork through underground streams.

MR. JIBSON: This fall and winter will afford us the time to get some measurements of Pine Creek in its natural channel and it is my feeling that by next summer, we can substantiate the fact that Pine Creek is a tributary of Smiths Fork. I think that we had enough proof to do it this time, but our defense wasn't adequate and most of us did not even to get to the witness stand. With the permission of the Commission, I will proceed to get this additional information.

MR. MILLER: We have already got repercussions from people up there who have prior rights.

MR. SKEEN: Will we need any action before the next Commission meeting?

MR. MILLER: It depends upon the kind of year we have. Pine Creek should be regulated in dry years and all indications show that next year will be a dry year.

MR. JIBSON: Last year was the first time that Pine Creek had been regulated, and this regulation led to the litigation.

COM. LLOYD: The Wyoming Attorney General has not appealed this case yet.

MR. SKEEN: That is to our favor. On the basis of what information Wally has at the present time, we would have a difficult time getting favorable Court action now.

COM. BINGHAM: If there is no objection, Wally will proceed to get information to establish an adequate presentation to the Court at the proper time.

MR. MILLER: I would like to see this matter proceed.

COM. LLOYD: Actually some of the water did get through from Pine Creek to Smiths Fork on the surface as well as underground at one time.

MR. MILLER: There was an application filed for this water at one time in the State Engineer's office.

COM. JOHNSON: What Court will it go to now?

COM. DAYTON: The Supreme Court.

COM. JOHNSON: I am just warning you, the Commission is going to meet a lot of opposition in this case. The other side controls a large sum of money and they are not afraid to use it to get their way.

CHAIRMAN: I assume then, that there is no objection to Wally going ahead with his measurements, and I assume that the Commission will not go ahead with any other action until Wally has his measurements.

MR. CRIDDLE: Could the Commission be kept advised if any action was going to be taken in Wyoming in this regard?

MR. MILLER: I think that we can keep the Commission informed.

MR. SKEEN: I think that we should equip ourselves so that we can defend ourselves from an engineering and legal standpoint with a view to taking legal action as soon as we have this information.

COM. JOHNSON: I move that the suggestion made by Mr. Skeen be made as a motion before this Commission.

COM. SMOOT: I second the motion.

CHAIRMAN: Motion carried.

MR. JIBSON: Stock-watering ponds on the tributaries of Yellow Creek are causing some problems and with your permission, I would like to ask Mr. Bollschweiler to bring us up to date.

MR. BOLLSCHWEILER: The Yellow Creek problem was much worse last year. I get called into that area by someone who has real old water rights because someone above them is taking the water. In that area, everytime you have something to do, you find that you don't have jurisdiction because you are in the wrong State. There are many things being done up there that are not right. We need some help from the Commission in this area to get some of these wrongs corrected.

MR. CRIDDLE: Are all of these illegal ponds in Utah?

MR. BOLLSCHWEILER: I have been told that they are.

MR. CRIDDLE: If they are not, what will Wyoming do?

MR. BOLLSCHWEILER: We will abide by the Commission's ruling.

MR. CRIDDLE: Don't you have a law there in Wyoming that protects 20 acre-feet of water for each stockman?

MR. BOLLSCHWEILER: Yes, but that is subject to prior rights. In most cases the

spillways are inadequate and after filling the reservoirs, the water goes out on the sagebrush.

MR. JIBSON: That seems to be the main problem up there -- inadequate spillways. These stock ponds are for a dual purpose and are used for stock watering and irrigation in most cases.

MR. BOLLSCHWEILER: I have no proof of the existence of these ponds, except from what the ranchers have told me.

COM. JOHNSON: There was an agreement on the part of the Hatch Brothers because they are developing their ranges and they don't make proper stock-watering pond spillways. We made an agreement with the Hatch Brothers and the various interests there at the State Engineer's office. There should be a written record of this agreement somewhere in the State Engineer's office stating that the Hatch Brothers agreed to provide adequate spillways for their stock-watering ponds.

MR. SKEEN: I am sure Mr. Higginson has a record of this and this problem today is merely one of enforcing what has already been agreed to.

COM. JOHNSON: It seems to me that we will have to come back to the State Engineers on this problem if some of these ponds were declared illegal.

MR. JIBSON: I think that if the spillway designs were changed so that any spillage would have to go into the main channel, then the people on Yellow Creek would at least get some benefit from this water.

COM. SMOOT: If this waste were stopped there wouldn't be too much of a problem.

MR. SKEEN: It seems to me that these ponds should be under the supervision of the various State Engineers.

COM. SMOOT: A few years back there was no reason for building these reservoirs except for spreading water and irrigation.

COM. LLOYD: I think that if some of these ASC Committees would define what their cost sharing will cover, it would help this problem also.

MR. CRIDDLE: I don't think there has been much approving of these ponds going on.

COM. MYERS: An unapproved reservoir should be done away with.

MR. JIBSON: There is provision for this in the Compact.

MR. BOLLSCHWEILER: There is more than just one party involved here. The ranchers below Barkers are the ones that are really getting hurt.

CHAIRMAN: Would anyone like to give us a motion on how to proceed from here?

COM. JOHNSON: I think that some previous minutes would have settled our problems here. I think that this whole thing is ridiculous. The Hatch's have really overdone it. They agreed to stop doing this, but it is still going on and getting worse and worse. We have tried to leave it in the hands of the State Engineer's. I think that we had better find out what the State Engineer's have been doing. If these ponds are illegal they should be destroyed.

MR. MILLER: Who brought this action against the Hatch Brothers that you are discussing?

COM. JOHNSON: The Barbers, and the hearings were held at Coalville.

COM. SMOOT: In the lower areas if this thing is not stopped those ranchers will soon be put out of business. Those people will soon not be getting any water at all. I would like to ask the State Engineers whether this is their problem or the Commission's problem when one user will file a complaint against the user of another State. I feel that this is a Commission problem and I move that we put this action in the hands of the attorney and see what can be done.

COM. BINGHAM: I second the motion.

CHAIRMAN: Motion carried. The U.S.B.R. recently documented a report on the Bear River and Mr. Dean Bischoff of the Bureau's Logan office has come here this afternoon to present this report to us. We will now hear from Mr. Bischoff.

MR. BISCHOFF: A preliminary report was issued in August of this year on the Lower Bear River Basin in which our office did quite a lot of work. We are here today to discuss this report with you. You received a letter from the Regional Director asking for your comments and recommendations on this report at the time it was issued.

To give you an idea of what this project would involve and the impact it will have on the area, is my purpose here today. First of all I want to point out some of the uses of the river today. There is the migratory bird refuge -- the initial water requirement for this refuge is 30,000 acre-feet to fill these ponds. The ideal requirement is 34,000 acre-feet. Actually they don't get that much when they need it. Further up the River is the Utah-Idaho Sugar Company. They have averaged a diversion of 215,000 acre-feet. The Last Chance System diverts about 95,000 acre-feet per year to irrigate the area. There are 950+ feet developed for hydro-electric power there. Depending upon the year they develop from 200 million to 400 million kilowatts developed annually. There are lots of smaller plants on the River also.

As for an inventory of lands, the climate and existing uses play an important part in deciding just what we can do with the River. We feel that this is a workable plan but it is a preliminary plan and we have distributed the report so that the interested users can look at the report and we welcome any suggestion that may be made.

We surveyed over 1/3 of a million acres of land so that we could determine what amount of the land area was best suited for agriculture which was about 1/3 of the area surveyed. The water supply was determined by the records kept by the Utah Power and Light Company and the Geological Survey. The past records are what we base our plan formulation on. On these records, it was determined that there is approximately 227,000 acre-feet of water going into Bear Lake and 222,000 going out. Below the Cutler there is 815,000 acre-feet of water. There are considerable in-flows from Cache Valley into the River in that area. That water is made use of for power as it goes down the River.

A few years ago we made a plan and we particularly appreciated the advise we got from this Commission regarding that plan. At that time, we were using Bear Lake but now we are not using Bear Lake in any way. Bear Lake is totally left out of any manipulations in our new proposed project. The project will involve five counties -- Grace, Franklin, Cache, Box Elder and Oneida. The Oneida Dam and reservoir unit will consist of a 311 foot dam and will store 375,000 acre-feet of water, 225,000 acre-feet of this will be active. This would control all of the water on the River most years. This would regulate the water and act as a diversion dam.

We will be able to divert the water as far as 225 feet around this dam, and into Box Elder and terminate at Tremonton. The canal would be 105 miles long with a 1400 foot diversion. There would be surface drains in this canal and also 70 miles of laterals. There is envisioned near the Idaho-Utah State-line, a wildlife refuge north of Twin Lakes. The Honeyville Dam will store 120,000 acre-feet of water and will permit a refuge and fishery. This reservoir will fill and spill 320,000 acre-feet each year. The water would then run to the Willard Reservoir. Considerable revenues will come to the area through the project by enabling Pine View to release water for municipal uses. (By exchange)

At Grace, they would get water from storage at Oneida. The additional requirement above what they are getting now is about 15,000 acre-feet ideally.

In the East Cache area there are two alternate storage sites: (a) Glendale Reservoir—enlargement. This reservoir would use the surface flows of the Cub River. It would be enlarged from 6,000 acre-feet to 23,000 acre-feet. This plan is not likely to be used because there have been other developments in the area to take care of this region.

(b) Mapleton Dam site could serve the same area. It would also be more efficient because it would use the flows of the Cub River to a greater advantage. An East Cache canal would be constructed to serve one or the other of these plans that would serve about 13,000 acres of land.

In summing up the total lands that are depicted on the map I have on display here today, in the total five-county area, we have classified it as follows:

New Land	50,800 acres
Lands Inadequately Served	<u>59,000 acres</u>
TOTAL	109,000 acres

Bear

These lands will be served by 203,000 acre-feet of water from the Cub River; there would be 88,000 acre-feet for wildlife; 22,000 acre feet would be for municipal and industrial purposes for a total of 314,000 acre-feet of water.

Some of the losses of this Project will be in the acquiring of rights. Bypassing water around the Cutler Plant will cause a loss of \$20,000 annually. The tax loss will be \$98,000 per year.

A further example of the benefits of this project would be: at the present time, where there are 1200 farm units with insufficient water supply— they would get a full water supply or the equivalent of 300 new farm units. The Benefit-Cost ratio for the project is 2.9 to 1. For every \$1 the Government spends for this project, the return will be \$2.90. There will be a net gain in taxes from agricultural lands of \$181,000 due to a full supply from new lands or from supplemental lands.

The U.S.B.R. has some economic studies under contract with the University of Utah and with the Utah State University so that certain economic evaluations can be arrived at. These studies are not as yet complete, but they will be soon.

The farm unit repayment for the irrigation water is as follows: the farm unit in the area is given a full supply, then we must decide what size farm is necessary to provide a man a decent living and anything that is surplus to that goes to the repayment of the project. The economic analysis of the project shows that \$1.50 to \$3.50 per acre-feet will be the farm repayment unit. This figure

also includes operation and maintenance. We have decided that the operation and maintenance of this project will run about \$1.00 per acre-foot. All suitable ground serviced by this canal system was classed from I to III class land. The total project cost of \$86 million dollars. \$62 million dollars of this amount is allocated to the irrigator based on benefits, but as the irrigator himself could not possibly pay this amount, a repayment schedule is formulated and set up according to the recipient's 'ability to pay'. The following schedule has been set up for this project:

APPROXIMATE REPAYMENT SCHEDULE
(Based on 'Ability to Pay')

Irrigator	25 million
Municipal	19 million
Conservancy Districts	23 million (ad valorem tax)
Fish & Wildlife	10 million
Flood Control	2 million
Recreation	<u>7 million</u>
TOTAL	86 million

Mr. Bischoff cited an Economic Survey made by the University of Wyoming wherein the Wyoming University got into the area prior to the project and then restudied the area after the project went in. The following chart shows the force of the project's impact on the economic status of the area:

IMPACT OF THE PROJECT

Annual Farm Income Increase	9.5 million annually
Commodity Processing Increase	7 " "
Business	<u>11.8 " "</u>
TOTAL	28.3 million annually

MR. BISCHOFF: The Weber Conservancy District has studied our facts and figures and they have stated that they think our figures are pretty reasonable based on other projects in the area, mainly the Weber Basin Project. We figure this project will take approximately eight years to construct after a definite plan has been formulated and approved. There is no power envisioned in this project.

CHAIRMAN: On behalf of the Commission, we certainly want to thank you for coming here this afternoon Mr. Bischoff.

COM. BINGHAM: I would like to invite any of the people here to attend the tour that Mr. Bischoff has arranged for the Utah Water and Power Board to make a tour of the Bear River Project on the 16th of November.

CHAIRMAN: Mr. Jibson has one more item he would like to discuss.

MR. JIBSON: We have several items within the budget breakdown that will have to

be revised to stay within the 1963 budget and with your approval, I will proceed to take care of this item.

COM. TAPPAN: I move that Mr. Jibson go ahead with the budget breakdown and make the necessary revisions in keeping within the budget that we approved this morning.

(See attached breakdown, total budget is not changed)

COM. DAYTON: I second the motion.

CHAIRMAN: The meeting is hereby adjourned. (Meeting adjourned at 3:45 p.m.)

Attachment for minutes of
November 2, 1963 meeting

ADOPTED BUDGET

	Fiscal Year ending <u>June 30, 1962</u>	Fiscal Year ending <u>June 30, 1963</u>	Biennium ending <u>June 30, 1963</u>
<u>Compact Administration</u>			
Personal Services	\$ 7,300	\$ 7,000*	\$14,300*
Travel and Subsistence	1,000	1,100*	2,100*
General Office Expense	370	220*	590*
Fiscal & Administrative	340	416*	756*
Washington Office Tech. Charge	740	864*	1,604*
Printing and Reproduction	700	700	1,400
Treasurer (Bond and Audit)	400	400	800
Transcribing Minutes	150	150	300
Legal Retainer Fee	300	300	600
Miscellaneous	<u>100</u>	<u>100</u>	<u>200</u>
Sub-Total	\$11,400	\$11,250*	\$22,650*
<u>Stream-Gaging Program</u>			
Geological Survey	<u>\$30,600</u>	<u>\$32,470**</u>	<u>\$63,070**</u>
Total	\$42,000	\$43,720**	\$85,720**
<u>ALLOCATION OF PROPOSED BUDGET</u>			
U. S. Geological Survey	\$15,300	\$16,720**	\$32,020**
State of Idaho	8,900	9,000	17,900
State of Utah	8,900	9,000	17,900
State of Wyoming	<u>8,900</u>	<u>9,000</u>	<u>17,900</u>
Total	\$42,000	\$43,720**	\$85,720**

1650

* Revised May 15, 1962 from previously approved budget.

** Further revision December 1962 for pay raise appropriation (Federal).