

MINUTES OF THE
BEAR RIVER COMMISSION
ANNUAL MEETING
April 17, 1967

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BEAR RIVER COMMISSION

Minutes of the Annual Meeting held in the Water Conference Room
Utah State Capitol
April 17, 1967

The Annual Meeting of the Bear River Commission convened in the Water Conference Room of the Utah State Capitol Building, Salt Lake City, Utah, on Monday, April 17, 1967, at 9:45 a.m. with Chairman E. O. Larson Presiding.

Voting Commissioners Present:

IDAHO

Cecil Foster, Whitney
Ferris M. Kunz, Montpelier
Stephen L. Smith, Malad

UTAH

Jay R. Bingham, Bountiful
Grover R. Harper, Corinne
L. B. Johnson, Randolph

Wyoming

J. W. Myers, Evanston
S. Reed Dayton, Cokeville
Floyd A. Bishop, Cheyenne

UNITED STATES

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

Alternate Commissioners and Advisors Present:

IDAHO

R. Keith Higginson, Boise (Ex officio member)
Reed Budge, Soda Springs (Alternate)
Russell Stoker, Soda Springs (Advisor)

UTAH

Gordon H. Peart, Randolph (Alternate)
Robert J. Potter, Garland (Alternate)
Ross H. Plant, Richmond (Advisor)

UTAH (Continued)

Hubert C. Lambert, Salt Lake City (Advisor)
Dallin W. Jensen, Salt Lake City (Advisor)
Robert B. Porter, Salt Lake City (Advisor)

WYOMING

Thomas E. Cahill, Cheyenne (Advisor)

LEGAL CONSULTANT TO THE BEAR RIVER COMMISSION

E. J. Skeen, Attorney, Salt Lake City

Others Present:

Wallace N. Jibson, Assistant Secretary, Bear River Commission, Logan
David L. Crandall, U. S. Bureau of Reclamation, Salt Lake City
Harl M. Noble, U. S. Bureau of Reclamation, Salt Lake City
Paul Willmore, U. S. Bureau of Reclamation, Salt Lake City
Clifford I. Alldredge, U. S. Bureau of Reclamation, Logan
Dean E. Bischoff, U. S. Bureau of Reclamation, Logan
J. Golden Haight, Utah Power and Light Company, Salt Lake City
Edwin B. Haycock, Utah Water and Power Board, Salt Lake City
Daniel F. Lawrence, Utah Water and Power Board, Salt Lake City
Vaughn E. Hansen, Utah Water and Power Board, Salt Lake City
Sonya Buttars, Utah Water and Power Board, Salt Lake City
Clarence S. Barker, Deseret News, Salt Lake City
Nelson Wadsworth, Associated Press, Salt Lake City
Bert A. Page, Utah Water and Power Board, Salt Lake City

CHAIRMAN LARSON: If you will come to order, gentlemen, we will start the Annual Meeting of the Bear River Commission. We will start out by having the spokesman from each State introduce the representatives from his State. We have three new members here from Idaho.

MR. HIGGINSON: As of Friday the Governor of Idaho has appointed three new members to the Bear River Compact Commission from the State of Idaho. We have with us today, Cecil Foster from Whitney, Idaho; Ferris M. Kunz from Montpelier, Idaho; and Stephen L. Smith from Malad, Idaho. We also have here from Idaho Mr. Reed Budge from Soda Springs, an alternate Commissioner; Mr. Russell Stoker also from Soda Springs, an advisor.

COM. MYERS: I am a Commissioner and we also have S. Reed Dayton and Floyd A. Bishop, Commissioners.

COM: BINGHAM: We have L. B. Johnson from Randolph and Grover Harper of Corinne, Commissioners. Mr. Gordon H. Peart and Robert J. Potter, Alternate Commissioners, are also here today. Also from Utah we have Hubert Lambert, Robert B. Porter, Ed Haycock, Daniel F. Lawrence, Vaughn Hansen, Dallin Jensen, and Ross H. Plant.

CHAIRMAN LARSON: We have Mr. David L. Crandall, Director of Region Four of the Bureau of Reclamation. Mr. Crandall, will you introduce the gentlemen from the Bureau of Reclamation.

MR. CRANDALL: With me is Mr. Paul Willmore, Chief of our Project Development Division of Region Four; Mr. Dean Bischoff, Area Engineer at Logan; Mr. Harl M. Noble, Hydrologist at our Regional Office; and Mr. Clifford I. Alldredge, Hydrologist from Logan.

CHAIRMAN LARSON: We certainly want to welcome the new Idaho members here and hope that they enjoy it as much as we have. I have had a telephone call from Governor Samuelson of Idaho and everything is in order with the new members.

Next on our agenda is a digest of the minutes of our last meeting by Mr. Jibson.

REVIEW OF MINUTES OF MEETING HELD DECEMBER 5, 1966

MR. JIBSON: Gentlemen, it would be advisable to bring your copies of the minutes to our meetings.

A full complement of Commissioners was present with Reed Budge attending as an alternate Commissioner for Lloyd Dunn who was ill.

Mr. Jibson reviewed the minutes of the previous meeting.

The Commission Chairman, Mr. Larson, stated that he had invited Mr. David Crandall, Regional Director, Bureau of Reclamation, to appear before the Commission and report on two alternative plans for developing the lower Bear River.

Mr. Page gave the report for the Secretary-Treasurer which showed an unexpended cash balance as of November 30, 1966 of \$20,542.29 with Wyoming assessment outstanding in the amount of \$10,750.

The Assistant Secretary's report reviewed Compact operation in the 1966 season—one of short water supply. There were however no particular problems in Compact administration, and upstream storage prevented a serious crop shortage in most areas of the Upper Division. The report brought out a discussion on new underground water rights and their possible effect on surface flow.

A request was made and Commission approval given to reinstall a discontinued gaging station on Rock Creek in Wyoming for seasonal use only.

Mr. Skeen agreed to draft a resolution increasing the Bear Lake Irrigation Reserve elevation to conform with the 25,000 acre-foot level of upstream storage development (this resolution has since been drafted). Mr. Skeen also offered

his opinion relative to new underground water rights to the effect that if underground water contributes to a surface stream, then the Compact does control the diversion of underground water.

There were no Committee reports.

Mr. Dayton informed the Commission of the intent of the users in Smiths Fork area to consider using Woodruff Narrows Reservoir for storage of their share of the upstream storage allocation.

Mr. Crandall then gave his report on present planning on the lower Bear River which I will not take the time to summarize here. Mr. Budge read a personal statement in protest to the Bureau's plans.

In the discussion that followed, Mr. Watkins of the Utah Power & Light Co. stated that the Power Company has been and will be willing to discuss at any time the project as it affects their interests.

After more discussion on future development of storage, the meeting adjourned at 12:50 p.m.

COM. JOHNSON: I move that the minutes of the December 5, 1966 meeting be approved as printed and briefed by Mr. Jibson.

COM. KUNZ: I second the motion.

CHAIRMAN LARSON: Motion carried.

ELECTION OF OFFICERS

CHAIRMAN LARSON: The election of officers is the next order of business. According to the bylaws, and I think this has been customary since the Commission was organized, the Vice-Chairmanship rotates every two years.

COM: BINGHAM: Mr. Swenson has been Vice-Chairman for two years. I might add for those of you who are new here, there has been by custom and not by any bylaw or formal agreement, a procedure where the Vice-Chairman position rotated States and is held for a two-year period. I think Mr. Johnson was the Vice-Chairman before Mr. Swenson, so if that custom continues, a member of the delegation from Wyoming would be the Vice-Chairman.

COM: MYERS: With that in mind, I would like to nominate S. Reed Dayton from Cokeville for the Vice-Chairman.

COM. BINGHAM: I second the motion.

CHAIRMAN LARSON: Motion carried.

Are there any nominations for the Secretary-Treasurer? Mr. Bingham has been the Secretary-Treasurer since the Commission was organized.

COM. DAYTON: Mr. Bingham has done such a fine job that I would like to nominate him again for this position.

COM. MYERS: I move that the nomination be closed.

COM. JOHNSON: I second the motion.

CHAIRMAN LARSON: Motion carried.

COM. BINGHAM: It might be well to have the Assistant Secretary officially designated. He does all the work.

COM. JOHNSON: It seems to me that one who has served without personal interest as Mr. Jibson has and faithfully and well, I don't think this nomination should pass without some comment. I would like to say insofar as the Utah delegation is concerned Mr. Jibson would be our first choice. If it is a matter of nominating someone, I would like to nominate Wallace N. Jibson.

COM. DAYTON: I second the motion.

CHAIRMAN LARSON: Motion carried.

REPORT OF CHAIRMAN

CHAIRMAN LARSON: I don't have a report except to say that I am glad that there is some water on the Upper Bear. We will have to watch that all the time.

I have with me today study No. 3 by the Bureau of Reclamation. As I have said in former meetings, the Bureau is making these studies to help the States get all the basic data together on which any further planning could be done. I have asked Regional Director Crandall to furnish me with sufficient copies for the Commission, although the studies are made for the State agencies responsible for planning. But in order for the Commission to keep current on what is going on I think it is a good idea for them to have copies. Study No. 3 is a very extensive study to show the gains and losses in the Bear River below Bear Lake. I have gone through it myself and I think it is a very valuable study and contains a lot of information. I will pass these out before the end of the meeting. I have written a letter to all of you and slipped it inside the cover. Later on we will have Mr. Crandall explain this study to you and tell you how it ties in with Study No. 1 and No. 2, which have been sent to Commission members previously.

Our next item is the report of the Secretary.

REPORT OF SECRETARY-TREASURER

COM. BINGHAM: Mr. Chairman, Mr. Page is here and prepared to give a report on the financial status of the Commission.

MR. PAGE: You will notice since our last meeting the State of Wyoming has paid their assessment. Our total income including our cash balance at the beginning

of the fiscal year, is now \$38,916.29. I would like to hand out a copy of the financial statement and go over it with you. (Copy attached.) This report covers the period of July 1, 1966, to March 31, 1967. As you will note, we have expended through the U. S. Geological Survey \$15,280.00. Through the Commission, we have expended \$585.00. This leaves a total expenditure of \$15,865.00, leaving a cash balance of \$23,051.29. Since our last meeting the books have been audited. You will notice that the revenues of the three States are different. I think there was a mixup on the budget and the authorization to take \$1,000 from the surplus. Utah and Idaho will be given credit for the extra amount that was paid by them this year on the next billing that goes out to the States.

I have also handed out another page listing the checks that have been written as of the first of July. (Copy attached). You will notice that there are two checks to the U. S. Geological Survey, one for \$7,274.00 and the other for \$8,006.00. We expect another one right quick. There are no outstanding checks at this time. Mr. Chairman, that is the financial report.

COM. JOHNSON: What will be the amount of the next check to the U. S. Geological Survey, will we owe this out of that \$23,051.29?

MR. PAGE: There will be about \$7,500 pulled out of this \$23,000 by this next check. We haven't been billed so I didn't include it.

MR. JIBSON: We are working on a fiscal-year basis and in addition to the \$7,500 that is due now, the last quarter of the 1967 fiscal year will be billed just before June 30th, so there will be an additional \$7,500 (approx.). Or, approximately \$15,000 will be obligated out of the \$23,000 balance to get through the fiscal year.

COM. BINGHAM: I move that the Secretary-Treasurer's report be received and filed.

COM. BISHOP: I second the motion.

CHAIRMAN LARSON: Motion carried.

Next we will have the Assistant Secretary's report.

REPORT OF ASSISTANT SECRETARY

MR. JIBSON: We have on hand today copies of the 1966 Annual Report and hope that you will take sufficient copies for your needs. Most of the details of the 1966 Annual Report concerning Compact operation were covered in the handout report that I presented at the December 1966 meeting.

(Mr. Jibson's written report is attached.)

(Question was raised on applications for appropriation from Wyoming.)

COM. BISHOP: Our applications were mailed out the latter part of last week.

MR. JIBSON: I should receive them any time now and will include them in the minutes. Perhaps it would be a good idea if I circulated a tabulation of these applications to all Commission members for review before the minutes are prepared.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES
FOR THE PERIOD OF JULY 1, 1966 TO MARCH 31, 1967

<u>INCOME</u>	<u>Cash on Hand</u>	<u>Approved Budget</u>	<u>Assessment Outstanding</u>	<u>Total Revenue</u>
Cash Balance 7/1/66	\$5,999.62	\$ - - -	\$ - - -	\$ 5,999.62
State of Wyoming	- - -	10,750.00	- - -	10,750.00
State of Idaho	- - -	10,750.00	- - -	11,083.33
State of Utah	- - -	10,750.00	- - -	11,083.34
TOTAL INCOME TO MARCH 31, 1967	\$5,999.62	\$32,250.00	- - - -	\$38,916.29

<u>DEDUCT OPERATING EXPENSE</u>			
<u>EXPENDED THROUGH U.S.G.S.</u>	<u>Approved Budget</u>	<u>Unexpended Balance</u>	<u>Total Expenditure</u>
Stream Gaging	\$25,100.00	\$13,834.00	\$11,266.00
Personal Service	4,900.00	1,835.00	3,065.00
Travel	600.00	254.00	346.00
Fiscal Charge	280.00	135.00	145.00
Washington Office Charge	620.00	318.00	302.00
General Office	300.00	144.00	156.00
Sub-Total	\$31,800.00	\$16,520.00	\$15,280.00

<u>EXPENDED THROUGH COMMISSION</u>			
Printing Annual Report	\$ 500.00	\$ 500.00	\$ - - -
Treasurer Bond & Audit	300.00	50.00	250.00
Transcription of Minutes	150.00	115.00	35.00
Miscellaneous	100.00	100.00	- - -
Legal Consultant	300.00	- - -	300.00
Office Expense & Supplies	100.00	100.00	- - -
Sub-Total	\$ 1,450.00	\$ 865.00	\$ 585.00

Total Disbursements	*\$33,250.00	\$17,385.00	\$15,865.00
UNEXPENDED CASH BALANCE AS OF MARCH 31, 1967			\$23,051.29

* This is \$1,000.00 higher than approved budget. Permission was granted by the Commission in the April meeting to use \$1,000.00 from the surplus because the State Legislatures would not be able to meet and approve an increase of money to meet added anticipated costs of the Commission for the 1966-67 fiscal year. However, Utah and Idaho were able to meet this cost anyway and as a result the payment will be credited against next year's assessments.

BEAR RIVER COMMISSION
DETAIL OF EXPENDITURE
FOR PERIOD ENDING MARCH 31, 1967

<u>Voucher Number</u>	<u>Vendor</u>	<u>Amount</u>
118	Belnap Ins. Agency	\$ 50.00
119	Skeen and Skeen	300.00
120	U. S. Geological Survey	7,274.00
121	Sonya Buttars	35.00
122	L. William Anderson	200.00
123	U. S. Geological Survey	8,006.00
		<hr/>
		\$15,865.00

ALL CHECKS HAVE CLEARED BANK

REPORT TO BEAR RIVER COMMISSION

April 17, 1967

Wallace N. Jibson
Assistant Secretary

1967 Water Supply and Compact Operation

Water Supply Prospects

If spring weather continues near normal, we can expect Bear River main stem and Smiths Fork to yield from 90 to 106 percent of the 1943-66 average. However, outlook for several tributaries including the west side tributaries in Rich County and Blacksmith Fork and Little Bear River in Cache Valley is for a short seasonal supply that is expected to be in the range of 50 to 75 percent of average.

The warm, windy weather in March brought rapid melting of low and intermediate elevation snowpack with very little resulting runoff because of frost-free soil conditions. This has dropped the expected total yield from these lower watersheds, but conditions are favorable for well-sustained base flows following the snowmelt peaks.

Potential for Smiths Fork runoff is again higher than other streams in the basin, but we are reminded of a similar situation last year when a forecast on May 1 of 90 percent finally ended in a 63-percent runoff. Measured and expected streamflow is shown in the following table for three representative areas in the basin. Forecasts are taken from April 1 cooperative snow surveys by the Soil Conservation Service which are very comparable this year to those of the Weather Bureau.

Runoff in Acre-Feet

April - September

	<u>Average</u> <u>1943-66</u>	<u>1966</u>	<u>Forecast</u> <u>for 1967</u>	<u>Forecast as</u> <u>Percent of</u> <u>Average</u>
Upper Bear River	118,600	91,000	110,000	93
Smiths Fork	117,100	76,000	124,000	106
Logan River	133,000	101,100	129,000	97

Storage

Bear Lake was at elevation 5,919.18 feet on April 11 and had in storage a usable content of 1,107,700 acre-feet. Inflow from Bear River was about 700 cfs all of which was being stored. Hydrographs of the lake for 1966 and 1967, shown on page 4, include an inset graph of maximum and minimum content each year since 1957. An estimated projection of spring inflow shows that with an average runoff the lake would reach the maximum elevation of recent years that occurred in 1965.

Woodruff Narrows Reservoir filled to the spillway by April 1 with inflow now discharging through the spillway. Sulphur Creek Reservoir is now storing between 4,000 and 5,000 acre-feet and is expected to reach spillway crest (7,100 ac-ft) before irrigation begins in the area.

Whitney Dam on West Fork Bear River began impounding water late in the summer last year and by November 30 the water surface had reached the outlet pipe below which 500 acre-feet will remain as dead storage in the conservation pool. A release of one cubic foot per second for fishery habitat has been maintained since that date in compliance with terms of the Forest Service permit. Snowpack in this area is average or better this year, so hopefully we expect to see the spillway in operation this spring. Completion of Whitney Dam brings the total constructed storage allocation to 28,776 acre-feet of the 36,500 acre-feet allowed by compact.

Porcupine Reservoir on Little Bear River in the lower basin is now storing about 5,000 acre-feet. It is expected to fill this year (12,800 acre-feet) but, based on the forecast, with little to spare. Hyrum Reservoir is almost up to capacity and can be filled easily during spring runoff.

Budget

Budget estimates for the 1968-69 biennium were approved in total by the Commission in the last Annual Meeting, May 4, 1966. A detailed breakdown of these estimates for the fiscal year ending June 30, 1968 is shown on page 5. As the detail does not involve a change in the approved total budget, the Budget Committee has not met to study and report on this breakdown.

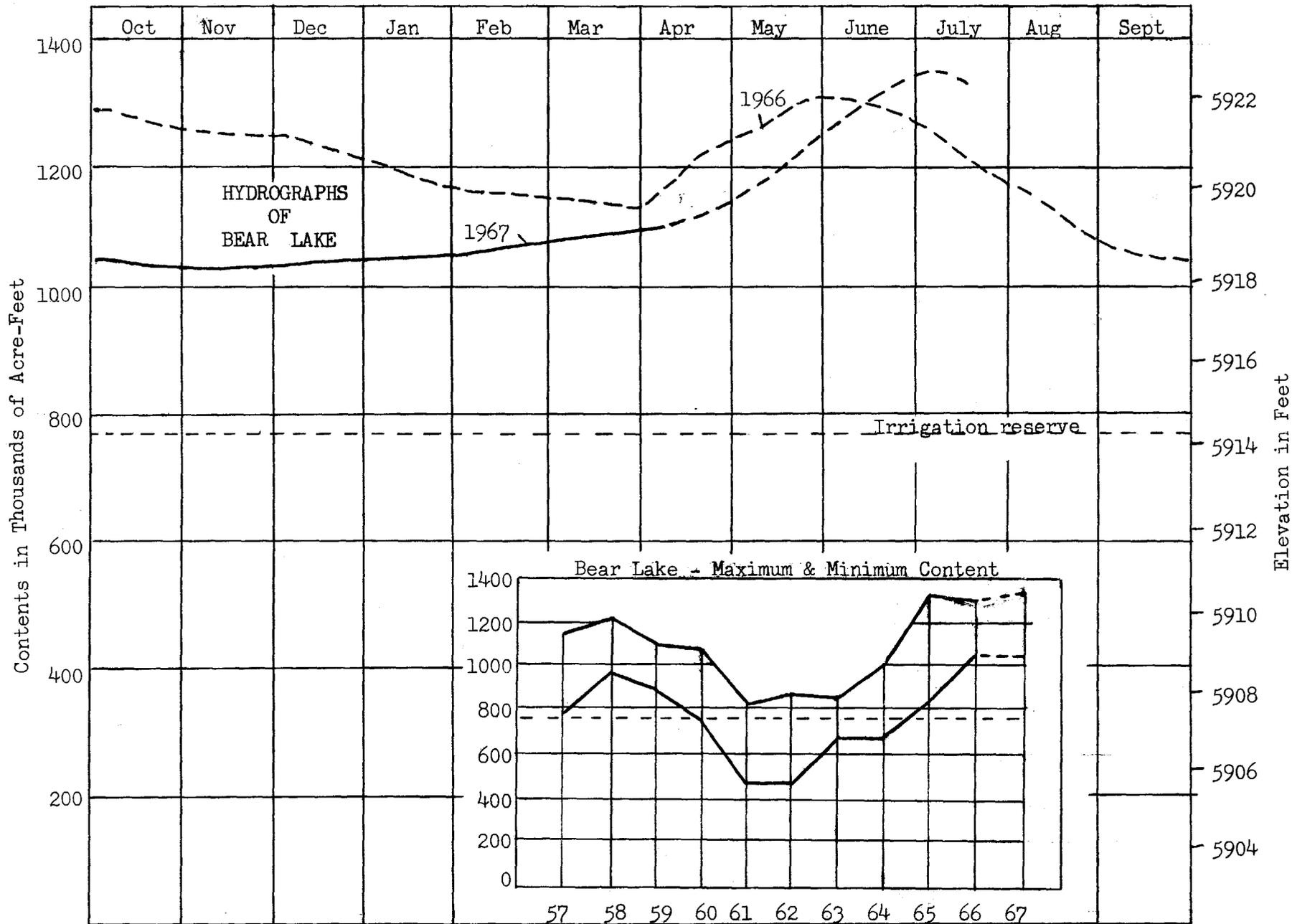
Appropriation accounts approved for the present fiscal year ending June 30, 1967 are adequate to operate for the balance of the year.

Applications for Appropriation

A summary of reported applications to appropriate water is shown on pages 6 and 7. Applications in Idaho include several irrigation wells in Oneida County that would appropriate a total of about 30 cfs. Of this total, 21 cfs apply to wells in Deep Creek drainage which enters Utah near Snowville then drains directly to great Salt Lake. All Idaho applications are shown to be approved.

Utah applications apply to ground water withdrawal or diversion from drains and, with one small exception, are in Cache and Box Elder Counties. These applications are not checked as approved or rejected.

A summary of Wyoming applications has not been received but can be added to the report for inclusion in the minutes.



BEAR RIVER PROGRAM

DETAIL OF BUDGET

Fiscal Year ending June 30, 1968

<u>Detail of Budget</u>	<u>Allocable for Stream Gaging (Cooperative Agreement)</u>	<u>Bear River Compact Assistance (Cooperative Agreement)</u>	<u>Administrative Allocation (Direct Expenditure)</u>	<u>Total Budget</u>
Personal Services	\$38,805	\$ 5,640	\$ 0	\$44,445
Travel & Subsistence	3,500	650	0	4,150
Fiscal & Administrative	2,090	310	0	2,400
Washington Office Service	4,665	690	0	5,355
Office & Supplies	2,740	410	150	3,300
Annual Report	0	0	500	500
Treasurer's Bond & Audit	0	0	300	300
Transcript of Minutes	0	0	150	150
Legal Retainer Fee	0	0	300	300
Miscellaneous	<u>0</u>	<u>0</u>	<u>100</u>	<u>100</u>
Total	\$51,800	\$ 7,700	\$1,500	\$61,000

Allocation of Budget

Geological Survey	\$25,900	\$ 0	\$ 0	\$25,900
Bear River Commission	<u>25,900</u>	<u>7,700</u>	<u>1,500</u>	<u>35,100</u>
Total	\$51,800	\$ 7,700	\$1,500	\$61,000

BEAR RIVER PROGRAM

DETAIL OF BUDGET

Fiscal Year ending June 30, 1968

April 10, 1967 *

<u>Detail of Budget</u>	<u>Allocable for Stream Gaging (Cooperative Agreement)</u>	<u>Bear River Compact Assistance (Cooperative Agreement)</u>	<u>Administrative Allocation (Direct Expenditure)</u>	<u>Total Budget</u>
Personal Services	\$41,489	\$ 4,779	\$ 0	\$46,268
Travel & Subsistence	3,360	600	0	3,960
Fiscal & Administrative	2,143	257	0	2,400
Washington Office Service	4,878	585	0	5,463
Office & Supplies	2,330	279	150	2,759
Annual Report	0	0	500	500
Treasurer's Bond & Audit	0	0	300	300
Transcript of Minutes	0	0	150	150
Legal Retainer Fee	0	0	300	300
Miscellaneous	<u>0</u>	<u>0</u>	<u>100</u>	<u>100</u>
Total	\$54,200	\$ 6,500	\$1,500	\$62,200
<u>Allocation of Budget</u>				
Geological Survey	\$27,100	\$ 0	\$ 0	\$27,100
Bear River Commission	<u>27,100</u>	<u>6,500</u>	<u>1,500</u>	<u>35,100</u>
Total	\$54,200	\$ 6,500	\$1,500	\$62,200

* Revised May 3, 1967. No change in Bear River Commission total budget.

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF IDAHO</u>						
G41494	10- 7-66	Warren E. Hickman	Underground	Irrigation	S27 T16S R32E Oneida	4.4
G41551	11-22-66	State Highway Dept.	Underground	Domestic	S26 T10S R43E Bear Lake	0.067
G41593	12-12-66	Lorin Jones, etal	Underground	Irrigation	S31 T14S R36E Oneida	6.0
G41595	12- 9-66	Rollin J. Showell	Underground	Irrigation	S 3 T16S R32E Oneida	0.8
G41613	12-16-66	Anthon Kunz	Underground	Irrigation	S26 T12S R43E Bear Lake	2.0
41634	1- 5-67	Theo J. Bell	Drain	Irrigation	S15 T15S R39E Franklin	1.6
41635	1- 5-67	Ben B. Johnson	Theo Bell drain	Irrigation	S15 T15S R39E Franklin	2.0
41657	1-18-67	H.R. & E.B. Bingham	Tanner-Ball drn.	Irrigation	S20 T15S R39E Franklin	1.0
G41669	1-23-67	W. R. Smith, Jr.	Underground	Irrigation	S 6 T15S R33E Oneida	1.6
G41717	2-20-67	Harvey J. Harris	Underground	Irrigation	S14 T16S R32E Oneida	3.82
G41736	2-28-67	Roscoe & Ethel Colton	Underground	Irrigation	S29 T14S R36E Oneida	3.80
G41743	3- 3-67	Rolin V. Bastian	Underground	Irrigation	S 9 T16S R38E Franklin	2.0
G41746	3- 1-67	Joel A. Smith	Underground	Irrigation	S32 T14S R33E Oneida	1.6
G41754	3- 9-67	Rollin J. & Rollin Showell	Underground	Irrigation	S 7 T16S R33E Oneida	6.0
G41758	3-16-67	William L. Willie	Underground	Irrigation	S31 T14S R33E Oneida	2.4
41763	3-21-67	Devon W. Warrick	Bear River	Irrigation	S 8 T15S R39E Franklin	0.68
<u>STATE OF UTAH</u>						
37979	11- 3-66	Keith Warren	Drain	Irrig. stock	S22 T10N R 2W Box Elder	1.5
37982	11- 8-66	Richard H. Smith	Underground	Irrig. dom. stock	S15 T14N R 1E Cache	5.0
38033	1- 6-67	Fred B. Baugh	Drain	Irrig. stock	S23 T11N R 1W Cache	4.0
38035	12-27-66	Owen A. Kirby	Underground	Irrig. stock	S 9 T12N R 1E Cache	0.5
38057	1-25-67	Adrian H. Geddes	Underground	Irrigation	S34 T15N R 1E Cache	1.0
38061	2- 2-67	Nibley-Bl. Fork Irr. Co.	Underground	Irrigation	S34 T11N R 1E Cache	1.5
38064	2- 1-67	Orson E. Jensen	Drain	Irrigation	S33 T11N R 4W Box Elder	4.0
38068	2- 2-67	Oren D. Wilson	Unnamed Slough	Irrig. stock	S 9 T10N R 1E Cache	0.5
38074	2-10-67	Percy H. Rex	Underground	Stock	S29 T11N R 7E Rich	0.03

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF UTAH (Cont.)</u>						
38077	2-14-67	Fred Blacker	Underground	Irrig. dom. stock	S14 T 8N R 2W Box Elder	0.10
38096	2- 9-67	Alfred L. Olsen	Underground	Irrigation	S 2 T 8N R 2W Box Elder	1.25
38097	2- 9-67	John S. Smith	Unnamed drain	Irrig. stock	S 3 T13N R 1W Cache	0.50
38120	3-13-67	Charles Taylor	Underground	Dom. shop use	S16 T12N R 1E Cache	0.05
38121	3-13-67	Plymouth Town Corp.	Underground	Irrig. municipal	S12 T13N R 3W Box Elder	2.0
38122	3- 2-67	Wilford W. Lundburg	Chub spring	Irrig. dom. stock	S12 T13N R 1E Cache	0.5
38123	3- 3-67	Eugene Larson	Underground	Stock, dairy	S 9 T10N R 1E Cache	0.1
38124	3- 3-67	Wm. W. Toombs family	Drain	Irrigation	S30 T13N R 1E Cache	0.70

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount
<u>STATE OF WYOMING</u>						
19 4/75	4- 4-64	S. Clyne Curtis	Bruner Creek	Irrigation	Tr78 T25N R118W Lincoln	7.85 cfs*
19 6/247	12-22-64	Sarah Cornelison & Sons	Knight Swale	Stock	S17 T14N R119W Uinta	0.48 ac-ft*
19 6/249	12-24-64	Sylvester S. Lester	Gopher Swale	do	S35 T14N R119W Uinta	0.48 ac-ft*
19 5/252	12-28-64	Verl G. Lester	Grass Swale	Stock	S 2 T13N R119W Uinta	0.48 ac-ft*
19 1/346	3-15-66	Cokeville L. & L. Co.	Bear River	Irrigation	Tr85 T24N R119W Lincoln	0.557 cfs*
19 2/346	3-15-66	do	Bear River	do	Tr86 T24N R119W Lincoln	0.49 cfs*
20 5/16	12-23-66	Emil A. Zebre	Hay Hollow Creek	Irrigation	S 1 T21N R117W Lincoln	1.2 cfs
20 6/16	12-23-66	do	Zebre Draw	do	S 2 T21N R117W Lincoln	1.2 cfs
20 1/17	12-23-66	do	do	Stock	S 2 T21N R117W Lincoln	1.21 ac-ft
20 6/18	12-29-66	Ted O'Neil	Twin Creek	Stock	S 7 T22N R119W Lincoln	0.224 ac-ft
20 1/19	12-29-66	do	do	do	S 7 T22N R119W Lincoln	0.072 ac-ft
20 3/19	12-29-66	Lewis Ranch	Clear Creek	do	S20 T21N R117W Lincoln	5.4 ac-ft
20 2/39	1-18-67	Harold Burton	Gas Hollow	Stock	S 3 T12N R120W Uinta	0.19 ac-ft
20 3/39	1-18-67	do	Homer Hollow	do	S34 T13N R120W Uinta	1.04 ac-ft
20 4/39	1-18-67	do	do	do	S34 T13N R120W Uinta	3.24 ac-ft
20 5/39	1-18-67	Harold Burton	Burton Hollow	Stock	S27 T13N R120W Uinta	3.87 ac-ft
20 6/39	1-18-67	do	do	do	S34 T13N R120W Uinta	0.96 ac-ft
20 1/40	1-18-67	do	N.Fk. Burton Hollow	do	S27 T13N R120W Uinta	0.12 ac-ft
20 2/40	1-18-67	Harold Burton	Sage Creek	Stock	S33 T13N R120W Uinta	0.33 ac-ft
20 3/50	2-17-67	Wyuta Cattle Co.	Clifton Draw	do	S15 T13N R120W Uinta	0.43 ac-ft
20 4/50	2-17-67	do	Fence Corner Draw	do	S11 T13N R120W Uinta	0.43 ac-ft
20 1/57	3-17-67	C. E. Massae, et al	Mill Creek	Irrig. Stock	S16 T12N R119W Uinta	158.19 ac-ft
20 2/57	3-17-67	do	do	Res. supply	S21 T12N R119W Uinta	23.33 cfs
* Application approved by State Engineer						

Turning to the budget breakdown. We have established the total in accordance with estimates approved a year ago, then divided the biennium equally to get the 1968 fiscal-year estimates. This doesn't usually fit our operation too well because our budget requirement increases each year due to automatic pay raises, but it is a little more desirable for the States because of legislative action on a biennial basis. This is about the same detailed breakdown as we have had in other years. As you see, the largest portion allocable both to streamgaging and to Bear River Compact assistance is for personal services. The total is \$61,000 which includes money expended directly by the Secretary-Treasurer (Audit, Annual Report, etc.) and is not a part of the cooperative agreement with the Geological Survey. In detailing the budget I pay no attention to what we have on hand or the amounts disbursed. This is the estimated requirements for the fiscal year, beginning July 1, 1967 and ending June 30, 1968.

For several years we have carried some balance in the Commission account. Last year \$1,000 of this balance was utilized by adding it to our legislative appropriations for the 1967 fiscal year. (Note: It is expected that very little of the \$1,000 will be used in this fiscal year.)

COM. BINGHAM: Isn't it true that the printing for the Annual Report would be charged against the balance?

MR. JIBSON: Right. This would be a relatively large item as \$500 will be charged (for printing) within the next week or two. We will have obligated in total about \$16,000 of the \$23,000 we have in surplus.

COM. BINGHAM: With your optimistic projection, do you see any problems or any matters relative to the administration of the Compact that should be anticipated or discussed here due to present conditions, keeping in mind that the next meeting of this Commission will be in October.

MR. JIBSON: We can always have a radical change in the water-supply picture between now and the first of June. Unfortunately this happened last year on Smiths Fork. Last year was the second driest year we have experienced since the Compact has been in operation (since 1958) and the only area of any trouble was on Smiths Fork. Conceivably the same thing could happen this year, but we don't expect it. Smiths Fork, of course, has far better snowpack than it had a year ago as also is true in the Upper Bear River. Even with a relatively dry month of May and first part of June, we see a far better year than we had last year over the entire basin. I don't anticipate that we will have any problems. Bear Lake is in extremely good shape and other reservoirs will be filled. In addition, we will have an extra 4,200 acre-feet (over last year) in Whitney Reservoir which will be available for some of the users in the Upper Wyoming Section of the Upper Division.

COM. BINGHAM: For the first time Whitney will be operating in the Upper Division. How will this change the pattern in terms of reaching the limits as you go into regulation on direct flow. Have you projected this?

MR. JIBSON: I assume, and this is up to the users, that when the natural flow supply in the Upper Bear River gets down just about to the point of interstate regulation they will immediately release enough water out of Whitney Reservoir to maintain the

diversion rate to an adequate amount. In this case, Whitney should provide water for the owners for 12 to 15 days of operation past this point. Of course, we do not count storage water as part of the divertible flow and the regulation period of a water emergency would still come into effect as if Whitney were not there. The effect of return flows from the additional water would certainly alleviate regulation as we have noticed in Utah and Wyoming under Woodruff Narrows Reservoir. So we anticipate a pretty good year, it looks good as of today and I am sure it won't get as bad as last year.

CHAIRMAN LARSON: That is Mr. Jibson's report. Are there any further questions?

COM. BINGHAM: I would like to make a motion that the Assistant Secretary's report be received and filed.

COM. MYERS: I second the motion.

CHAIRMAN LARSON: Motion carried.

MR. JIBSON: I don't know whether we need to actually approve this budget breakdown. I made it up now so the auditor will have it before June 30th. The total however has been approved.

COM. BINGHAM: I think what we have supplies this information to the States so they can take appropriate steps with their legislatures to fund their share of it, I don't believe it is necessary.

MR. HIGGINSON: May I ask Mr. Jibson two questions. One, in regard to the budget of \$35,100, as I understand it this amount would be split three ways making each State's share \$11,700, or are we going to dip into the reserve or what is the pleasure of the Commission? I need some instructions because I have Idaho's funds and I would like to know what the pleasure of the Commission is.

COM. JOHNSON: I think that the reserve should be maintained, that we should always have a reserve. I think this \$35,100 should be budgeted by the three states.

MR. JIBSON: I agree. We did have reason to call on the reserve in the 1967 fiscal year. We couldn't go back to the Legislature after the biennial appropriation had been set up. I think a reserve should be maintained for unforeseen increases that may be required between legislative sessions.

COM. BISHOP: As I recollect, we decided on a figure previously. I am sure that I requested a certain amount in my budget request. I can't recall the exact amount but I am sure it was discussed at a previous meeting and decided upon. For budget purposes it had to have been for Wyoming because we have already budgeted and provided the money.

MR. JIBSON: I might explain a little further this difference between the State amounts shown as mentioned earlier by Mr. Page. The \$1,000 was to come out of the reserve, not from the States. One day Mr. Page called me on the phone to get the total budgets for each of the States, and I overlooked this fact and included the \$1,000 in the breakdown. Wyoming called our attention to the error after the other two States had already made their payment. But its true, Mr. Bishop, the total had been approved a year ago at our Annual Meeting.

MR. HIGGINSON: I had one more question with regard to Mr. Jibson's report on the maximum level of Bear Lake. I was wondering if you anticipate that you are going to be higher than you were in 1965 and are we going to have the same problems and telephone calls as we did in 1965?

MR. JIBSON: I anticipate that we will be right close to the 1965 peak, but Mr. Porter tells me that I am a little too optimistic. In 1965 the maximum elevation of Bear Lake was 5922.74 feet.

MR. PORTER: We are estimating 21.5 this year. I think the dry March and all the water that ran into the ground cut it down.

MR. JIBSON: I'll tell you the basis of my estimate, 1964 was just about as average a year through the spring months as we have had for several years, and if we gain as much this year after April 10 as we did in 1964, the lake would reach the 1965 peak.

COM. JOHNSON: What was the minimum level of Bear Lake in its history as an irrigation project?

MR. JIBSON: The minimum level was 5,902 and this occurred in 1935.

COM. JOHNSON: What would be the difference between that figure and the figure now?

MR. JIBSON: This would be 17 vertical feet.

COM. JOHNSON: Now if I may, Mr. Chairman, I would like to say a few things. I am a Bear Laker, I was born in a little town called Laketown on the south end of the Lake. As we talk about the lake things come to me, and I feel differently about it than you who are affected commercially. I would like to just sketch a little history of that wonderful lake.

In the early seventies and the very late sixties people began to colonize the valley. It was a favorite spot with all of the Indian tribes and none of the tribes wanted to give it up. The Utes and Piutes came from the south and also the Navajo's, from the north came the Bannock. So a treaty was formed and we promised that we wouldn't colonize the south end of the lake and the Indians agreed, in their first agreement, that it would be all right for the white men to go ahead and develop the rest of the Bear Lake Valley. Evidently Chief Washaki of the Shoshone tribe was the big voice in the immediate tribes there. He and President Young had agreed that that area (the south end of the lake) would not be, at least immediately, occupied by the Whites.

The Bannocks which were called, next to the Apaches, the fiercest tribe in North America were not easy to deal with. If they wished to come south they came south. So that affected the story of the Bear Lake.

But for years, no one knows for how long, the Cheyenne and the Sioux would tan their buffalo skins at home and come over and trade for the peltry of these tribes on the Bear Lake. This was a great fur country, of course. So there was a treaty drawn there and they agreed that the little valley called Round Valley would not be occupied at all by the Whites.

Later white people came, unaware of what had been agreed, and settled and built fences and Washaki sent enough of his braves over to tear the fences down. Washaki had permitted a fishing party to come to the lake and he was to meet President Young there. Generally the Shoshone had been friendly, but they became very sour and there was no leadership there and they demanded 14 head of beef. That was more cattle than the Whites had. So they had finally congregated themselves around one of the wagons and the feeling was very tense. Suddenly out of the north came a terrific wind and in a matter of minutes the waves were whipping until suddenly there was a deluge of fish all around that sandy shore on the south end of the lake. The Indians forgot all about the white men and went for the fish. During the time the Indians were occupied with the fish, Chief Washaki came and he immediately saw the tense situation and he ran and leaped upon the front of a wagon and called down his people and peace was restored. A little later President Young came to talk with Chief Washaki about the problem of all of the Indians wanting to come to the valley.

I can remember as a little boy when the Utes came. The women did all the work. They would go on down to the lake and make camp and the bucks would stay in town and beg. I remember as a child, the Indians coming to my Mother's home. They only knew one English word and that was biscuit. After Mother had given them about all the biscuits that our financial situation warranted they would leave.

As the occupation of the country continued naturally we had to beat the Indians out of the south end of the lake. I didn't know until the other day that the Cheyenne and Sioux came this far to do their trading. Evidently that was understood that the tribes who had the south end of the lake came there in the summer time and traded.

After the Lander Cutoff was found, which went north of the Wind Rivers through South Pass, the Indians in Idaho became very alarmed. We had told England that we would beat them again. So the Government had encouraged tremendous trains to go into Oregon. So the Bannocks became very much disturbed.

My people brought a herd of cattle from Texas. They crossed the Red River into Oklahoma in 1868 and by 1871 they had arrived at Bear Lake with what was left of their herd. These steers were hard to handle and the little herd of about 30 head got in the cedars on the east side of the lake and they couldn't get them out. In 1871 Chief Walker was attempting to have all of the tribes ride and had sent runners and President Young knew it. He sent word to all of the settlers in the Bear Lake Valley to go to Liberty where there could be six feet of snow. And if the Indians came they could only come on snow shoes and couldn't subsist. To tie in this little herd of steers—President Young told the settlers if they couldn't take something with them then they were to destroy it, not to leave anything that would help the Indians. So on the strength of what President Young had said, my grandfather got word to President Rich to have the people come and bring their wagons and guns and saddle horses and they'd get these steers and they did just like they would have got a herd of elk. They camped on the east side of the lake and they went up into the cedars and shot them down.

Chief Walker's brother had been killed. The white people hadn't done it but they were being blamed. There had been two Indians that President Young couldn't

do much with, one was Pocatello and the other was Walker. So that danger arose and this all ties into this story of Bear Lake.

As the valleys in Utah settled, a great many Scandinavian people came and I suppose they lived on fish and used fish a great deal. Scores of these people would go to Bear Lake. There was one family that was very friendly with my family. We would go down at fishing time and I have seen the suckers (fish) cover 40 acres until you couldn't see the sand on the shore. We would surround as many as we thought we could drag in. That dragging in was something, I always got in on that. This family had some income over that period. They sold these fish for 3¢ a piece.

I think we who do know will always remember that the Utah Power and Light Company could have made things very much different on the Bear Lake if they wished. But to think that the lake can be what it is now in this day of commercialism, how wonderful. But in those years in the thirties, the birches all died. When I was a boy the birches grew thick, but now the birch are nearly all gone. But there is a fine highway running along the south side of the lake now. What a wonderful lake and what a wonderful thing that we were able with the good will of the Utah Power and Light Company to establish a minimum level in it and also to provide that tremendous irrigation reserve. This is one of the greatest strides ahead in the Bear River Basin, I think.

Since the creation of this Compact between these three States, there has been a lot of good sense used as I see it and things done that have been projected into the many years ahead that we can live as a community of States and use this tremendous basin and its capabilities.

Thank you gentlemen. After all there is only one Bear Lake in the world. It is the one body at that elevation of that size in the world that is fresh water. It ties in to what we Americans ought to be. We just can't go on raising hell with each other and still have America.

CHAIRMAN LARSON: At a previous meeting we had a legal question come up and we ask Mr. Skeen to prepare a resolution. Mr. Skeen, would you like to report to us now.

REPORT OF LEGAL CONSULTANT

MR. SKEEN: At the last meeting a request was made to prepare a resolution increasing the Irrigation Reserve to 5914.41. *That resolution was prepared and circulated, signed and filed. Action was taken on it at the last meeting so there is nothing further to be done on that. It had the effect of increasing the Irrigation Reserve 3 inches on Bear Lake. (Resolution attached.)

MR. JIBSON: I have one question to ask Mr. Skeen concerning the resolution on applications for appropriation (see minutes of meeting, May 4, 1966). The resolution stated that the State Engineers should report to the Commission on approval of water applications in each regular meeting. I was wondering, Mr. Skeen, if you meant each regular meeting which would be one meeting a year, or if you wanted them to report at each 6-month meeting?

MR. SKEEN: Each 6-month meeting was my intention.

RESOLUTION AND ORDER

At a meeting of the Bear River Commission held at Salt Lake City, Utah, on Monday, December 5, 1966, attended by a quorum of commissioners, the following resolution was unanimously adopted:

WHEREAS, it was reported by Wallace N. Jibson, Assistant Secretary, Bear River Commission, that reservoir capacity above Stewart Dam has been constructed to provide additional storage pursuant to paragraph A of Article V of the Bear River Compact, and that the following tabulation accurately sets out all construction to date for such purpose:

<u>Reservoir</u>	<u>Source</u>	<u>State</u>	<u>Total Capacity (a.f.)</u>	<u>Allocated Capacity (a.f.)</u>
Woodruff Narrows	Bear R.	Utah	28,000	15,240
Woodruff Narrows	Bear R.	Wyoming		3,000
Sulphur Creek	Sulphur Cr.	Wyoming	7,088	5,714
J. L. Martin	Sulphur Cr.	Wyoming	88	88
Wyman	Bear R.	Wyoming	22	22
Whitney	W.Fk. Bear R.	Wyoming	4,700	4,200
A. J. Barker	Yellow Cr.	Utah	162	162
Hatch Bros.	Deer Creek	Utah	350	350
Wyoming Total				13,024
Utah Total				15,752
Total allocation now constructed				<u>28,776</u>

NOW, THEREFORE, BE IT RESOLVED the Commission find that the foregoing tabulation accurately states reservoir construction to date to provide storage pursuant to paragraph A of Article V of the Bear River Compact and in accordance with paragraph B of such Article V,

IT IS ORDERED that the waters of Bear Lake below lake surface elevation Utah Power & Light Company, Bear Lake Datum ~~5912.41~~ shall constitute a reserve for irrigation.

5914.41

*New resolution prepared
Feb. 1968 to correct
this*

Secretary
Bear River Commission

MR. JIBSON: I thought it was. I don't know whether we should delete the word "regular" or just assume the intent and call for a report each six months. This is the Annual Meeting today and I didn't advise the State Engineers on the need for these reports; consequently, we didn't get any reports for this meeting other than that Idaho shows all applications as being approved. (Utah later reported all applications as 'Pending')

MR. SKEEN: I had intended to mean each meeting set up in the bylaws, excluding any special meetings. I don't think any action is necessary on the resolution. The comments we made should appear in the minutes.

MR. JIBSON: We'll just assume that it means each 6-month meeting, the State Engineers should note this in their reports to the Commission.

COM. BISHOP: I had understood it to be every 6-month meeting.

MR. LAMBERT: As far as Utah is concerned, we just got our signals crossed on this approval deal, that is something that we understand is every six months.

MR. HIGGINSON: We have the same understanding in our State.

CHAIRMAN LARSON: I think everything is cleared up now. Are there any questions from the Committees?

REPORT OF COMMITTEES

COM. BISHOP: As far as Wyoming is concerned, we have continued in our efforts to get all stockwater reservoirs which have been constructed registered in Wyoming. We have continued with some success. We intend to continue to try and get all stockwater reservoirs in Wyoming registered, particularly in the Bear River Basin. We have circularized all of the land owners in the Bear River Basin and reminded them of the legal requirements in this regard. Some of them have complied. I think over the years we will accomplish our objective.

MR. LAMBERT: I think as far as Utah is concerned, we pretty well have all of ours recorded. A few have slipped in illegally, but we have them pretty well watched now. We are kind of waiting on Wyoming and I think we will move pretty jointly on this. Of course, we would like to see Idaho do something too.

MR. HIGGINSON: As the Commission knows, there is no provision in Idaho that would require a person to obtain a permit before he develops water. We still have the constitutional method of appropriation in Idaho. And until such time that there might be a change by our Legislature and the people of Idaho this will probably still remain to be the situation. We have some difficulty in Idaho in being able to put on record all of the water rights that might have been established in the State.

There are two things that might be of interest to the Commission. First, the Idaho water Resource Board is now organized and functioning. The last Legislature that just concluded has appropriated to that Board a total budget of some \$750,000 for the next biennium. They are beginning their water planning investigation. They have indicated that the Bear River drainage basin in Idaho is the

number one area for study by that Board as far as the development of the State Water Plan is concerned.

In the budget of the Department of Reclamation we have programmed some funds in cooperation with the U. S. Geological Survey for a water resource investigation of the Bear River drainage starting July 1 this year. So Idaho is going to pursue its studies of the Bear River drainage and I assume the Water Board will develop some priorities.

CHAIRMAN LARSON: Under unfinished business, I think it would be appropriate to have Mr. Crandall give us a brief rundown of the purpose of these three studies.

REPORT BY DAVID L. CRANDALL

MR. CRANDALL: (See attached written report.)

MR. STOKER: How do you go about getting a copy of these reports? I would like to request one for myself in the interest of being watermaster of Bear River. I have none of them.

MR. CRANDALL: I will see to it that you are sent a copy of each of these reports.

CHAIRMAN LARSON: Is there any new business?

MR. CRANDALL: We would welcome some suggestions of how we might correlate any questions or observations about these studies. We have provided the State agencies with this information, but it might be an appropriate function of the Commission to undertake to work out or arrive at an acceptable understanding on the State's hydrologic information as it pertains to the Bear River. Not only for the purpose of new development but just to perfect our record and widen our knowledge of the Bear River system.

CHAIRMAN LARSON: Will there be any further information? Is there anything else coming up?

MR. CRANDALL: Not so far as our own presentation. We have been discussing with the State Engineer of the updating of water-right information, but that is within their approval and perhaps they have some work of this kind underway.

COM. JOHNSON: Is this just a courtesy to us, or are we in any way involved in the decision?

MR. CRANDALL: This information has been compiled because there has been an indication of a lack of understanding and agreement on the basic hydrologic and water supply factors on the Bear River. This effort is to get down on paper all the known hydrologic factors and get this before the people who have concern and interest and see if we could arrive at an understanding of just what the basic water supply factors are as a foundation and then considering any further project plans for development. So that is the purpose that we have undertaken these studies.

Report of Bear River Project Activities

Remarks by
David L. Crandall, Regional Director
Region 4, Bureau of Reclamation
before
Bear River Commission
Salt Lake City, Utah
April 17, 1967

Mr. Chairman and members of the Bear River Commission: I appreciate this opportunity to meet with you to review the Bureau's activities with respect to the Bear River Project and to explain in general our future program.

Since your December 5 meeting and to assist you further in understanding the water resources and potential development opportunities of the unconsumed water of Bear River below Bear Lake, the Bureau has compiled and prepared basic hydrologic data of this lower river division. At this time three studies have been prepared and all of you should have received copies. Your consideration and comment on the adequacy of these data would be a logical and constructive first step in the process of defining the characteristics of any further development of Lower Bear River.

The first study made in January consists of records for the 1927-65 period of Bear Lake storage content and discharge and Bear River flows and diversions, with estimates for periods of missing records. The second study, completed in March, served to adjust river flows from the earlier study to reflect present modified flows. These are the flows that would have occurred if all present and definitely scheduled water uses had been in effect throughout the entire 39-year period of analysis. The third study shows what portion of the water that enters the river below Bear Lake is required for present and scheduled consumptive uses and what portion is unconsumed.

These three summaries of hydrologic data have been compiled only as an aid to the agreement on basic water supply facts which is fundamental to any future new water use plan. Since January, hydrologic studies have also been initiated on Cub River to get an idea of optimum development of the river at the Mapleton site. Other engineering field data are being compiled for the preparation of a preliminary cost estimate of the potential Mapleton Dam and Reservoir. We hope to obtain this estimate during the next few months.

Since 1961 the Bureau has conducted very limited ground water studies in some counties of the Basin lying below Bear Lake. Further investigations, when completed, will give the ground water potential in conjunction with surface flows. Detailed cooperative ground water investigations will be initiated next fiscal year which I will explain later.

The Bureau of Reclamation program for FY 1968 to accomplish the objectives outlined above would contain the following major elements in downstream order:

As you are aware, the limit of storage development upstream from Bear Lake is defined by the Compact. Above Bear Lake there is yet undeveloped 5,200 acre-feet of storage allocated that area under the Compact. Local people, aided by the Bureau,

7,724
?

have studied plans to develop this resource privately. The suggestion was made at your last meeting that this development might be considered in an overall Bear River Project. Accordingly, storage sites and other development possibilities in this area consistent with the uses as defined by the Compact will be studied.

Development possibilities exist in Bear Lake County that will be studied in FY 1968. The most attractive area appears to be irrigation of bench lands lying between Georgetown and Montpelier served by pumping. Land classification, preliminary engineering field surveys, and cost estimates will be obtained in FY 1968 to firm up these studies. The possibility of increasing the hay and grass yields of the low-lying valley lands near Paris, Idaho, by a process of managed irrigation and control of the water surface elevation has been proposed and may have some promise. To accomplish this would likely require some deviation from the normal reclamation concepts. A prerequisite to the study of these possibilities is topographic mapping of the area. Cooperative mapping agreements have been made with the U. S. Geological Survey and work is in progress.

The potential Millcreek Dam and Reservoir on Blacksmith Fork River above the Hardware Ranch Game Management Unit would be a means of meeting long-standing water requirements in southern Cache Valley. This potential development is being studied.

Ground water studies in the Bear River Basin will continue during FY 1967 and thereafter for several years. A three-year cooperative study by the U. S. Geological Survey, the Soil Conservation Service, the States of Idaho and Utah, and the Bureau of Reclamation is planned for Cache Valley beginning July 1, 1967. In addition, the Bureau will continue to collect and analyze ground water data in other segments of the Bear River Basin during FY 1968.

Certainly the most important program item is the cooperative planning of the Bureau and the States of Idaho and Utah. This planning has been in progress since before the release of the 1962 Feasibility Report and will continue as long as productive. Through the release of various reports and data summaries, formal and informal meetings, and correspondence, the Bureau has presented data and information to facilitate selection of a mutually acceptable plan of development. To this end we pledge our continued assistance.

It has been suggested to us that we take a look at storage possibilities that would relate to the unused storage commitment to the State of Wyoming. There are several thousand acre-feet that have not yet been committed and we think there are development possibilities there. We have nothing to report at this time, but we are looking at all the possibilities that have been suggested.

COM. DAYTON: Mr. Skeen, under the terms of the Compact as you understand it, can any development upstream or downstream proceed without the consent of this Commission?

MR. SKEEN: The Commission has no veto power on the possible developments downstream, at least below Bear Lake. Above Bear Lake, of course, we have a limitation on the quantity of water that could be stored and enjoy a priority ahead of Bear Lake. As far as the Compact itself is concerned there is no division of the downstream water and no requirement that this Commission act on such matters except in time of shortage. When an emergency is created between Utah and Idaho in the Lower River, the Commission has a fact-finding responsibility.

COM. DAYTON: If such storage, even though it is downstream would have some effect on an upstream user or another State then doesn't this Commission have power to reject such development?

MR. SKEEN: This Commission is not a police organization. It contains provisions for the distribution of water between and among the States and unless there is some violation of the provisions in the Compact we have no responsibility. But if there is a violation then the Compact Commission is authorized to take suitable legal action to require compliance with the Compact. But there has been no allocation of water between Utah and Idaho in the lower river.

It is true that when there is a time of shortage the Commission has the responsibility to find the facts, to determine what the existing rights are and based on that, water would be distributed. But there is nothing there regarding the allocation of the surplus between the two States. It was impossible when the Compact was drafted to make such an allocation. We didn't have plans for development and if it had been made it might have seriously prevented any further development downstream. So it was purposely left open. I don't see how the use of the water in the Lower Basin could affect the Wyoming interests in the Upper river. I don't see how that could possibly happen.

MR. CRANDALL: I have no specialized knowledge of the Compact's background and would not expect that the Commission would take a position of approval or rejection of any specific development plan. However, is there not a provision that suggests or asks that the Commission keep continually abreast of opportunities and in a sense promote the further proper utilization of the resources of the Bear River in the Lower Division? So would it not be appropriate then for the Commission, where the interests of all the States are represented, to serve in a sense as a forum for working out appropriate understandings that are necessary concerning further development and act as catalyst for considering the various possibilities? It is in that framework that I appear before you and that we are providing information with the hope that where everyone is represented we can then consider what might or might not be in the future.

MR. SKEEN: The Compact, of course, contains language to the effect that the States will cooperate in working out further development of the Bear River resources. Certainly there is nothing in the Compact that would prevent the use of its good services in the way you have indicated, Mr. Crandall. I would think that it would be an appropriate forum for the discussion of problems that will be raised when a new project appears eminent. There is nothing in the Compact that places the responsibility to promote a project, but as far as a place for discussion it would certainly be appropriate in view of the general language of the Compact for fostering further development. The Compact was written with the view of leaving the way open for project development and not putting in some impediment that might forever block it. I think that you will find that on the lower river there is a broad latitude in the Compact for any kind of development.

With respect to these reports, Mr. Crandall, I haven't had time to examine the third one but I was just wondering if you were proposing to make a narrative statement regarding the water supply in the lower river or whether it all appears on charts? If there was a narrative it might be a little more clear for some of us.

MR. CRANDALL: Your suggestion is well taken. We will hold a discussion with the specialists in this field and see if we can't reach consensus for a more understandable summary.

MR. FOSTER: The water which we are talking of here below Bear Lake is being considered in the development of the project. In the various reports that they have prepared there have been allocations of water made to this area or this area or another area and these allocations have been changed from time to time. Who has the authority to make these allocations or who has the authority to say what water goes where?

MR. SKEEN: I think the matter of making allocations is a part of the project plan and that would be the responsibility of the planning agency, which would be the Bureau of Reclamation. This Commission would have no authority to make a new Compact between Idaho and Utah with regard to allocations of water between the two States. We haven't any such authority under the Compact. I think those allocations are purely the work and the responsibility of the Bureau in making out the project plan.

MR. CRANDALL: I think Mr. Skeen has stated it quite well. Carrying his thought further there is no advantage to us in making projections that are not acceptable and do not meet the wishes and criteria of the individual area of the State. So you have placed your finger on a central problem and that is to arrive at some sort of an understanding of what would be an appropriate use of water created by a new project. If we can have some type of understanding on this point then we can go ahead and prepare a project plan. That plan would then go to the Congress and hopefully be authorized, and by its authorization and implementation would bring about not only the division of the water but the words with which to implement that division. I think in general terms that is the course that would be followed. We are hopeful that among many interests we could arrive at no more than an understanding. We do not presume the wisdom to do that. We need your help.

COM. JOHNSON: Wouldn't such things be an absolute necessity in your economic report?

MR. CRANDALL: Yes. We have analyzed, as has been pointed out, several plans, but they have been objected to for various reasons. So it is fruitless to continue to develop plans that cannot be adopted without the guidance of interests in the area.

COM. JOHNSON: If you go to an area and talk to the people about their earning ability of that part of the project, you have to be exactly right in general terms. Then who will make that final determination of the water. Supposing you said 200 second feet were to go to some area and you discovered only 180 could be provided. What is the governing body?

MR. CRANDALL: I think we would have to work those problems out with the people that are directly concerned. There isn't any ultimate wisdom and authority that says it shall be this way and this way and this way, because as you well know we have to go before all these people in all of these areas with a repayment contract proposal that they have to vote on favorably and by a large majority and sign contracts to repay their part and if they are not satisfied with the way the water is being used and provided, of course, the projects would never be built.

MR. SKEEN: Within a State of course, it is matter of getting the consent of the sponsors of the project. They have to work out the plans and make financial arrangements satisfactory to some organized group. Nowadays it is a Water Conservancy District. The Water Conservancy District then represents the local people who will be benefited. They make a contract with the Water Conservancy District for the repayment of the project cost. I think a similar arrangement would have to be made in an interstate project. They may have to have a Water Conservancy District in Idaho and a Water Conservancy District in Utah to agree to repay the project cost.

MR. CRANDALL: I don't think we are contemplating a Water Conservancy District for Idaho. There is also the matter of water rights. So there is that identification. Under some plans the water out of the storage reservoir is sold as the yield of capacity of the reservoir or the water out of the reservoir is subscribed in certain amounts by people. In Idaho they are doing business through irrigation districts or stock companies.

COM. HARPER: Do we have in Idaho or Utah an organization set up for the development of the water in the States?

MR. CRANDALL: In Utah we have the Water and Power Board and the State Engineer and in Idaho we have the Water Resource Board and the State Engineer.

CHAIRMAN LARSON: The Project plan is usually pretty well worked out before you form your district. You form the district to fit the project.

MR. CRANDALL: There are existing districts and organized water use groups that encompass most of the area that is proposed for development.

COM. BISHOP: What kind of a time schedule would you project for further progress on this project?

MR. CRANDALL: Time, of course, depends upon the period required to obtain an understanding. Our program carries to fiscal year 1968 and to a significant degree after that our program is much reduced in scope. But we hope to have some sort of a general understanding in time to allow to complete our report by fiscal year 1968. That would be a feasibility report.

CHAIRMAN LARSON: What you are saying is that within the realm of feasibility there are different alternatives, different things you can do; and when the local interests and the interests of the State consider the responsibility and consider these alternatives and then if there is enough support from the group as a whole then you have something that you can get out a feasibility report on.

MR. CRANDALL: Under our procedure any feasibility report requires study and comment by the States involved. So the report that comes to the States for their official review and comment should be a report that they thoroughly understand and are sympathetic to, otherwise if they are objecting to the report that is presented to them then the study effort is not productive. Concerning the Bear River the one question is, how would any water created by the project be utilized first within the individual States—there are many opportunities within each State—and then the division of the water between the States. I don't think we look for any sort of a formal agreement or action until when the report, once completed, comes back to the States and they find that it is one they can support.

COM. FOSTER: In briefly reading the minutes of your last meeting I noticed a comment or a question by Commissioner Johnson regarding any benefits that upstream users above Bear Lake might receive from development below Bear Lake. Is this in the realm of possibility that these people could benefit from this lower development?

MR. SKEEN: We have a rather hard and fast boundary line between the upper Bear River and the lower Bear River, and the Compact contains limitations on storage rights in the upper Bear River and also very definite provisions for distribution of the direct flow water in the upper Bear River. I personally can't see how development of the lower river could change the situation in the upper river unless there was a drastic change in the water rights along the river, particularly the power right in Bear Lake. I think we have made great strides in providing an irrigation reserve in Bear Lake, but still the power right is there and there can't be any additional development upstream without an amendment of the Compact. I don't at this time even see how exchanges can be worked out to provide for any greater storage rights in the upper Bear River.

MR. CRANDALL: My advisors agree with Mr. Skeen that to take any of the water created by a new project in the lower division and transfer it by exchange in either of the upper two divisions would require modification of the Compact.

MR. HIGGINSON: I would just like to make one comment here. I am certain that we are all skirting around the problem we have on the Bear River. There have been several proposed developments of the Bear River suggested over the years. An earlier report published by the Bureau of Reclamation was vigorously opposed in Idaho by certain interests. The problems generated by that report are still with us in Idaho. The creation of the Idaho Water Resource Board gives to that Board the responsibility for the planning and development of the State's water resources. In addition to that it gives the Board the responsibility for any direction to members (from Idaho) of the Compact Commission. These three Commissioners who are here today have just been appointed this weekend and have had no opportunity of meeting with the Board. The Board, while it has had an informational meeting on the Bear River, has taken no official action with regard to this matter. So as far as Idaho is concerned we are not to the point where Idaho is going to officially adopt any position with regard to any development. So we are talking about some time to come. But as I

indicated earlier, the Water Resources Board has indicated as its first basin for study the Bear River Basin. That has been given a number one priority, so hopefully Idaho will come to some conclusion. What that conclusion might be, whether it is favorable to development or opposed to further development, remains to be seen. But this is the position we are in in Idaho, and I am certain the Commissioners who are here are not in a position to make any comment because frankly we have just not had any meetings on the matter since they have been appointed.

COM. DAYTON: Mr. Crandall, I would like to direct an assumptive question to you. If it were possible for additional storage upstream, generally speaking, there would be benefits derived downstream from this upstream storage?

MR. CRANDALL: Within the amount assigned to storage under the Compact, I don't believe there could be any. If we presume that Compact provisions are undisturbed, then I would see very little possibility of translating enough storage development to benefit people downstream.

COM. FOSTER: Mr. Budge has just informed me that he would like to make a statement here.

PREPARED STATEMENT OF REED BUDGE
(inserted as written)

MR. BUDGE: (Quote) Mr. Chairman: I believe, members of the Commission, that the December 5, 1966 Compact meeting gave to the several State Commission members considerable information on the proposed Bear River Projects. Those of us with grave doubts on these projects in Idaho unfortunately at the December 5 meeting had not had a chance to review the proposed plans for the modifications of the proposed projects which had only been circulated in meetings to those in favor in Idaho. Actually at the Soda Springs, Idaho Water Board Meeting, no study had been allowed to those with grave doubts of even a few minutes to appraise and put into record these doubts.

At the December 5 meeting of this commission, several important points are now part of the record of that meeting. I would like a few minutes to comment on these as they would appear very important.

FIRST: On page 3 of these minutes in the review of the Commission meeting of May 4, 1966, the opinion is given that a filing of a water application for waters of Great Salt Lake would affect Bear River. The attorneys of Idaho that some of us have consulted, state that Article 2 of the Compact excludes Great Salt Lake from the Compact, for the Compact only covers the Bear to its mouth into Great Salt Lake. Tying Great Salt Lake to the Bear River would be like tying the Pacific Ocean to the Columbia River.

SECOND: The reference made to underground water of the Bear River Drainage Basin on pages 5 and 8 (with the insertion of Mr. Jipson's report in between these page numbers in your minutes) and the effect of removal of ground water on the Bear River Compacted area. The effect of taking ground water out of the drainage area was raised, and commissioner Johnson makes a most pertinent statement on page 5 that if sufficient ground water is removed, we can deplete the Bear River Valley. Mr. Skeen on page 8 rings the same bell in speaking of taking ground water out of the water shed in these words, "especially if it is taken out of the water shed, there

(Prepared statement of Reed Budge, continued)
would be a serious encroachment." This is resounding support of Commissioner Johnson's statement a few lines before: "That (the Bear River Basin) has only so much water and we have been very particular to keep that in our minds."

There is not an unlimited amount of water in the compacted Bear River, which the compact completely defines in Article 2 as "Bear River means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake."

In my study into the discussions in the building of the Compact I cannot find any item that the compact was to be subject to taking waters out of the watershed or basin; that this was unthought of and that if the intent had been so signified, I am sure it would have been immediately rejected.

In fact, it was rejected in Article 8, which I shall read to you:

"Stored water or water from another watershed may be turned into the channel of the Bear River in one State and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of Bear River in another State, either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchange shall not be permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid."

Certainly the men who wrote the compact were explicit in trans-basin exchange through the compacted Bear River to absolutely protect the defined Bear River Basin from loss of water or impairment of water rights.

But Mr. Skeen spoke of underground water being taken out of the watershed as a possibility, and the Director of Region 4, Mr. David Crandall, and I may add that he is an Idahoan by birth and long trained by Region 1, in the first line of his conclusion on page 13 admits, for the first time publically, that out of basin diversion is being considered for Bear River. The 1962 proposed feasibility report definitely considers this; structures are contemplated to take over the reserves of Bear Lake and the filings in Utah by Region 4 since 1962 specifically carries exportation in them, the places where the water is to go and how it is to be used. Besides, in the four filings, each and every one in the answer to question 21 states: "the use of water as set forth in this application will consume all water and none will be returned to the natural stream or source".

Region 4, as of today, controls 87% of the water in their applications, and admittedly by them under oath, that a part of the same are on vested water rights of the total amount of water entering Great Salt Lake annually. Around a million acre-feet of water enters Great Salt Lake from the Bear River each year.

Gentlemen, that 87% is absolute control of the water and of the Bear River by Region 4.

(Prepared statement of Reed Budge, continued)

We of Idaho have brought to your attention the proposed exportation and absolute control of the river for years. Now there can be no question of the intent, even to the proposed gigantic holding reservoirs of Bear River, adjacent to and part of the Willard Bay project. The surface area of these, not including Willard Bay, amounts to about one-fourth of the surface area of Bear Lake. The intended construction of these as part of the Bear River project cannot be denied when in the Plymouth Reservoir application of July 8, 1965 on page 4, these words appear: "Water regulated in Willard Bay Reservoir will be used either directly out of the reservoir through existing facilities of the Weber Basin Project, or facilities to be constructed as part of the Bear River Project, or by exchange out of Pineview Reservoir for municipal, industrial, and irrigation purposes in Box Elder, Weber, and Davis Counties on lands described in paragraphs 11 and 20 b."

I call your attention to the phrasing in this application and which tells the future of these holding reservoirs in these words: "or facilities to be constructed as part of the Bear River Project". All four filings of Region 4, besides those in Idaho, are tied together in every detail of operation.

For a moment let us look at the water rights of our Three States. In general the whole Compact is one written around the Utah and Idaho Sugar irrigation right and the Utah Power and Light electrical right. Upstream Utah and the State of Wyoming are tied in these two water uses to the demand of these two rights through Bear Lake storage to satisfy these rights. All of Idaho is tied to the storage rights there both for power and irrigation, as well as to certain stream flows and federally adjudicated water rights.

The sugar right is tied directly to the power right legally. Since this agreement was made, the Federal Government has moved firmly to the opinion that a power right is primarily one of 50 years. What this means to the agreement is of course not for me to say nor to conjecture a thought with the learned men here today. But no one in the three States of Idaho, Wyoming, and Utah would ever question the right of the sugar company to the water, no matter what the determination or thoughts on the 50 years, for the sugar co. has the prime right on the River on a high priority of duty and we all recognize that and will continue to do so.

Yet, with one million acre-feet of water running into Great Salt Lake each year, water users must think, especially when upstream Utah and Wyoming are tied in use to Bear Lake priority, and where we in Idaho are constantly short and that there is not one drop of unappropriated water in Idaho. In fact it is greatly over-appropriated. Of the one million acre-feet entering Great Salt Lake supposedly without use each year, approximately 500,000 acre-feet is that above use in lower Utah, plus the right Utah has to Idaho flow and Bear Lake, which annually is 213,000 acre-feet. In other words, to round figures, three quarters of that unused water going into Great Salt Lake is water rising in lower Utah and/or water rights tied to water rising either in Idaho, Wyoming or up stream Utah for use in down stream Utah. Yet, Commissioners, after the doaling out of a comparative pittance to down stream Utah, and this is especially true to Cache County, this water is being obligated to exportation, clearly stated in the filings, and a part of the Proposed Feasibility Report, now completely laid out by Region 4 action and statements in their filings.

(Prepared statement of Reed Budge, Continued)

In other words, Commissioners, the Bear River Drainage Basin as defined by the Compact is now subject to exportation with up-stream Utah, Wyoming, Idaho, and down-stream Utah underwriting in compact guarantees the Utah-Sugar irrigation right, for exportation and/or the future development where water is conserved with in the compacted Bear River Basin once and for ever being set at the 1967 level by Region 4 with 87% of the water filed upon that is now entering Great Salt Lake.

It has been even inferred and actually pushed before the Commission that for this water exportation we must share and guarantee our water for shortages that would happen in the out of basin areas, and even the lowering of Great Salt Lake. In other words, we are tied to guaranteeing these filings of 87% of the Bear River flow now filed upon, and to the filings upon Great Salt Lake, no matter where and how Bear River Basin water is used.

We who are short of water now, must forever support Bear Lake and guarantee adjudicated water filings with no right whatsoever to use that water in the Bear River Basin as needed. This is absolutely wrong according to the Compact, and jeopardizing the entire future of up-stream Utah, Wyoming, Idaho and down-stream Utah.

Today on the Bear River, as on all rivers, the higher duty of water is no longer questioned. Even the Federal Government has reached the time of 50 years for deep reconsideration on a lower duty of water for that of a higher duty.

Much has been said in depreciation of those in Idaho who have resisted the proposed plans of Region 4. That group in Idaho only asks that the development of the Bear River be that as laid down under the provisions of the Bear River Compact, that water be kept in the defined compacted Bear River Basin and that a fair and equal distribution of the waters be made among the three states, and that upstream Utah, Wyoming, Idaho and down-stream Utah be not forever left destitute of water or their future placed in doubt by Region 4 for that entity to export water out of its legally defined basin, or to tie it forever to other river basins and lakes to which it is not a part.

One of the great river men, Commissioner Johnson, stated in the December 5 Commission Meeting, in his wisdom a gospel and a commandment if the Bear River is to survive: "The Bear River Basin has only so much water and we have been very particular to keep that in our minds all the time".

One apparent thought has come to my mind in reading the minutes of that meeting, a lot of comment has been given to the stock ponds and comparatively small amounts of water in discussion, but yet they have allowed filings like this to go unnoticed. (End of prepared statement of Reed Budge)

MR. PLANT: I did not come to engage in a public controversy over this Bear River project, but I question the accuracy of some of Mr. Budge's statements. I also call the groups attention to the fact that although Mr. Budge speaks for the State of Idaho he is not speaking for the area around Malad. I do not care to enter into a verbal argument, but I want these things to be known.

COM. JOHNSON: You are not questioning, Mr. Budge, the allocation of the old and primary rights or finding fault in Idaho, are you?

MR. BUDGE: Not as they now exist, but they are in jeopardy.

COM. JOHNSON: I noted from the enclosures I received from you that you feel that way, that is why I am questioning you now. If they are in jeopardy so is everything else we did. If we left your Idaho rights in a position where they can be jeopardized by the reclamation service, that is where your danger lies, then we failed somehow in the Compact.

MR. BUDGE: The position that I personally have and other members concerned with this is this fundamentally: If an entity can file upon an adjudicated water right of longstanding then there is not a property in water or a water right that is safe from pilfering.

COM. JOHNSON: I think I gathered this from what you said. I am very much concerned, because after all we were able to solve most of the problems, but if we failed in one aspect, the one you are talking about, but that doesn't mean that it can't be taken care of as we go along with this project. I feel as if some of your people are standing in their own right but that they ought to take a more generous view of the whole thing, maybe we could get ahead. You don't want this water exported out of this Basin into Utah?

MR. BUDGE: I think fundamentally this is right, sir.

I have tried not to assume the position of an obstructionist on this thing. I would like to cast another light on this thing before we get into this problem. We are headed to it at a rapid speed and you have to have two sides of a problem and if we can bring some of these thoughts to your mind maybe they will present some things that might prevent it or change it or protect it. I realize that the feasibility report has not been accepted by Region 4. They have made special changes in it and they are still making changes in it, but before it is accepted, certainly the people should be made aware of all the facets of it so it can be evaluated properly. This is mainly what we are trying to do. If all of the information could be presented then it can be evaluated by Utah, Idaho, and Wyoming.

COM. JOHNSON: It took ten years to get the Bear River Compact, and what I have been fearful of is that I am afraid you will take a position that could stop development.

MR. BUDGE: No, sir. Our idea of good reclamation practice is one where the water is used at the head waters with dams and used over and over again in return flow, not one where it goes down into a project which technically deprives future development in upper regions of the river.

CHAIRMAN LARSON: The meeting is adjourned. (12:10 p.m.)