

MINUTES OF THE  
BEAR RIVER COMMISSION  
REGULAR MEETING  
December 18, 1967

BEAR RIVER COMMISSION

Minutes of the Regular Meeting held in the Water Conference Room  
Utah State Capitol  
December 18, 1967

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The Regular Meeting of the Bear River Commission convened in the Water Conference Room of the Utah State Capitol Building, Salt Lake City, Utah, on Monday, December 18, 1967, at 9:30 a.m. with Chairman E. O. Larson presiding.

Voting Commissioners Present:

IDAHO

Ferris M. Kunz, Montpelier  
Stephen L. Smith, Malad

UTAH

Daniel F. Lawrence, 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, Salt Lake City, Utah

Alternate Commissioners and Advisors Present:

IDAHO

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

UTAH

Gordon H. Peart, Randolph (Alternate)  
Calvin W. Funk, Richmond, (Alternate)  
Robert B. Porter, Salt Lake City (Advisor)  
Ross H. Plant, Richmond (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  
Jay R. Bingham, Treasurer, Bear River Commission, Bountiful  
Thad G. McLaughlin, U. S. Geological Survey, Denver  
Ted Arnow, U. S. Geological Survey, Salt Lake City  
E. J. Taylor, Utah Power and Light Company, Salt Lake City  
D. J. Watkins, Utah Power and Light Company, Salt Lake City  
Dean E. Bischoff, Bureau of Reclamation, Logan  
John Bene, Deputy State Engineer, Salt Lake City  
Edwin B. Haycock, Division of Water Resources, Salt Lake City  
John A. Teichert, Div. Supt. #4, State of Wyoming  
Dave Johnson, Salt Lake Tribune, Salt Lake City  
Bert A. Page, Division of Water Resources, Salt Lake City  
Sonya Ames, Division of Water Resources, Salt Lake City

CHAIRMAN LARSON: If you will come to order, gentlemen, we will begin the regular meeting of the Bear River Commission. We only have one Commissioner from Wyoming with us, but we do expect our other two Commissioners. We don't have a quorum, but our Legal Advisor has told me that we can proceed to discuss matters that do not require action by the Commission.

REORGANIZATION OF UTAH STATE GOVERNMENT

Recently the State of Utah has undergone some changes in State government organization resulting in the appointment of a new Commissioner to the Bear River Commission. I will ask Mr. Bingham to explain the changes and introduce new representatives.

MR. BINGHAM: As you may know, the last session of our Legislature initiated some reorganization in the general nature of consolidation of the various agencies of State government. The Water and Power Board which has traditionally represented the State in interstate stream matters was reorganized from a 15-man board to a 7-man board. But it retained the responsibilities, the new Water Resource Board, for representing the State on interstate matters. The Water Resource Board, successor to the Water and Power Board, is one of seven divisions under the new organization that serve under the Department of Natural Resources. This reorganization was implemented July 1, 1967, and I was elected to serve as the Executive Director of the Department of Natural Resources, and Mr. Lawrence has succeeded me as Director of the Water Resource Board. By statute Mr. Lawrence becomes a member and Chairman

of Utah delegation to the Bear River Commission. So this change I think should be noted in the records and we will supply Mr. Jibson with a letter from the Governor confirming this. Mr. Grover Harper and Mr. L. B. Johnson were reappointed to serve as the other two Commissioners. In the category of Alternate Commissioners, because of quorum requirements, we have one change. Mr. Calvin Funk of Richmond replaces Mr. Potter as the Alternate Commissioner from the Lower Division. Mr. Gordon H. Peart was reappointed as the Alternate Commissioner from the Upper Division.

#### OFFICE OF SECRETARY-TREASURER

I think primarily for the convenience of the Commission, the office here has served as the Secretary, and Mr. Jibson has done the work and we have worked together. You will note in the bylaws the position of Secretary and the position of Treasurer are two separate offices and the requirements for each are noted in the bylaws. For convenience they have been combined into the single office of Secretary-Treasurer and I have been serving in that capacity and as I recall from the bylaws I continue to serve until a successor is appointed. I think there will need to be some change made here; Mr. Skeen probably should confirm this. The office of Secretary (according to bylaws) must be filled by a member of the Commission which I am not.

MR. SKEEN: To carry on a little further, under the bylaws the successor to the Secretary must be elected to fill the vacancy. The Commission elects the successor to the Secretary. This is a matter of law that Mr. Bingham can no longer be a Commissioner and cannot be Secretary, I think it is in order this morning for the Commission to elect a Secretary.

Now with respect to the Treasurer, the bylaws provide that the Treasurer may or may not be a member of the Commission, so Mr. Bingham could properly be retained as Treasurer. In order to retain him he would have to be appointed by the Chairman. There is a little difference in the bylaws, I don't remember why. The successor to the Secretary has to be elected and the successor to the Treasurer is appointed by the Chairman of the Commission until the next Regular Meeting when elections may be held. So I think between now and the next Annual Meeting which will be in April, it would be proper for the Chairman to appoint a Treasurer and for this body to elect a Secretary. We can't take action, however, until we have a quorum. Of course, Mr. Chairman, you can, if you want to do so, appoint a Treasurer.

CHAIRMAN LARSON: I think it would be proper at this time for the Chairman to take action and ask Mr. Bingham to continue to serve as Treasurer to the Bear River Commission.

MR. BINGHAM: Well, I am certainly happy to retain some connection with this group.

CHAIRMAN LARSON: Mr. Lawrence, I would like to say that you are certainly welcome here and we are very glad to have you as a Commissioner to the Bear River Commission. We will try to find some troubles for you. We would also like to welcome Mr. Funk as Alternate Commissioner.

## REPORT OF CHAIRMAN

CHAIRMAN LARSON: I don't have a Chairman's Report. I just came from Iran where I have been searching for water. It is scarcer than it is here, if that is possible. So we will ask for the report of the Secretary.

## REPORT OF SECRETARY-TREASURER

MR. BINGHAM: Mr. Page is prepared to give the combined report of the Secretary-Treasurer.

Mr. Page passed out a copy of the audit to each Commissioner.

MR. PAGE: To my knowledge, we have had the same auditor audit the books every year since the Commission has been in existence. We just received these audits back a couple of weeks ago and held them to hand out at this meeting.

We began the 1st of July with a balance of \$6,783.29. This is compared to last year when we had \$5,999.62, so we are a little better off financially at the first of the fiscal year than we were a year ago. The budget was approved for \$32,100 to be divided equally among the three States. However, as you will remember, there was a little confusion last year on the assessments and Idaho and Utah paid more than their share. As a result they are receiving credit on it this year. Wyoming has paid \$11,700.00 and Idaho has paid \$11,366.67 and Utah has paid \$11,366.66, giving us a total income of \$41,216.62. The approved budget for operating expended through the U. S. Geological Survey was \$33,600, and we have spent to date which is one payment to the Geological Survey, \$8,005.00. There should be another payment of roughly that amount which will be due the first of January.

Through the Commission we have expended \$200 for the audit, \$50 which was paid for the bond on the Treasurer, and \$35 for stamps and this sort of thing, leaving total disbursements of \$8,290.00. The cash balance as of this morning is \$32,926.62.

On page 2 is a breakdown of expenditures. The four checks which have been issued are: one to the insurance company for \$50, U. S. Geological Survey for \$8,005, the postmaster for \$35, and to Mr. Anderson for the audit for \$200. We have two checks outstanding. The Geological Survey check for \$8,005 is not yet cleared nor is Mr. Anderson's check for \$200. We have total cash on hand in the bank in the amount of \$32,926.62. This is the report, Mr. Chairman.

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

(Financial Report attached)

MR. KUNZ: I second the motion.

Motion carried.

At this point the other two Commissioners from Wyoming arrived making a quorum. Mr. Jibson introduced to the Commission Mr. Ted Arnow and Mr. Thad G. McLaughlin of the U. S. Geological Survey.

BEAR RIVER COMMISSION  
STATEMENT OF INCOME AND EXPENDITURES  
FOR THE PERIOD OF JULY 1, 1967 to DEC. 18, 1967

<u>INCOME</u>	<u>Cash</u> <u>On Hand</u>	<u>Approved</u> <u>Budget</u>	<u>Credit</u> <u>1966-67</u>	<u>Assessment</u> <u>Outstanding</u>	<u>Total</u> <u>Revenue</u>
Cash Balance 7/1/67	\$6,783.29	\$ - -	\$ - -	\$ - - -	\$ 6,783.29
State of Wyoming	- -	11,700.00	- -	- - -	11,700.00
State of Idaho	- -	11,700.00	333.33	- - -	11,366.67
State of Utah	- -	11,700.00	333.34	- - -	11,366.66
<b>TOTAL INCOME TO DECEMBER 18, 1967</b>	<b>\$6,783.29</b>	<b>\$32,100.00</b>	<b>\$666.67</b>	<b>\$ - - -</b>	<b>\$41,216.62</b>

DEDUCT OPERATING EXPENSE

<u>EXPENDED THROUGH U. S. G. S.</u>	<u>Approved</u> <u>Budget</u>	<u>Unexpended</u> <u>Balance</u>	<u>Total</u> <u>Expenditure</u>
Stream Gaging	\$27,100.00	\$20,316.00	\$6,784.00
Personal Service	4,779.00	3,976.00	803.00
Travel	600.00	450.00	150.00
Fiscal Charge	257.00	193.00	64.00
Washington Office Charge	585.00	439.00	146.00
General Office	279.00	221.00	58.00
<b>Sub-Total</b>	<b>\$33,600.00</b>	<b>\$25,595.00</b>	<b>\$8,005.00</b>

EXPENDED THROUGH COMMISSION

Printing Annual Report	\$ 500.00	\$ 500.00	\$ - - - -
Treasurer Bond & Audit	300.00	50.00	250.00
Transcription of Minutes	150.00	150.00	- - - -
Miscellaneous	100.00	100.00	- - - -
Legal Consultant	300.00	300.00	- - - -
Office Expense & Supplies	150.00	115.00	35.00
<b>Sub-Total</b>	<b>\$ 1,500.00</b>	<b>\$ 1,215.00</b>	<b>\$ 285.00</b>
<b>Total Disbursements</b>	<b>\$35,100.00</b>	<b>\$26,810.00</b>	<b>\$8,290.00</b>

UNEXPENDED CASH BALANCE AS OF DECEMBER 18, 1967 \$32,926.62

BEAR RIVER COMMISSION

DETAIL OF EXPENDITURE

FOR PERIOD ENDING DECEMBER 18, 1967

<u>Voucher Number</u>	<u>Vendor</u>	<u>Amount</u>
130	Belnap Insurance Agency	\$ 50.00
131	U.S. Geological Survey	8,005.00
132	Postmaster	35.00
133	Void	- -
134	L. William Anderson	200.00
Total Expenditures Per Page 1		<u>\$8,290.00</u>

BANK RECONCILIATION

DECEMBER 18, 1967

Cash in Bank Per Statement 12/1/67	\$41,131.62
Less: Checks Outstanding	<u>8,205.00</u>
TOTAL CASH ON HAND AND IN THE BANK	<u>\$32,926.62</u>

CHECKS OUTSTANDING

131 U.S. Geological Survey	\$8,005.00
134 L. William Anderson	<u>200.00</u>
	<u>\$8,205.00</u>

REPORT OF ASSISTANT SECRETARY

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

After Mr. Jibson finished page 3 of the report Mr. Johnson asked the following question.

MR. JOHNSON: As you released the water in the freezing season we had to move all of our livestock totally off.

MR. JIBSON: Mr. Johnson, I think maybe a word of explanation might clarify the situation this winter on the river. BQ Dam had to be rebuilt this fall, and Mr. Pope of the BQ Company requested that we hold off on this release from Woodruff Reservoir (to repay the Power Company) which was agreeable with me. I did suggest that we release the 3,300 acre-feet right after the first of November before freeze-up, and he again requested that we not do so because he was getting contractors in to look at the site for bids and he didn't want them to see more water than necessary. So he asked that we hold off and I said, 'that's fine, I'm nothing but a middle man on this, so you should check it out with the Power Company.' On our next visit to the reservoir the inflow was about twice the normal rate and it was evident that Woodruff Narrows Reservoir was going to fill and spill with this amount of inflow (and outflow of 10 second feet) within about 30 days, and there is no place for the water to go but right down the channel through BQ Dam while they are rebuilding it. I reported this to Mr. Pope who replied, 'well we've got to get the water out then even if we don't want to.' Of course, this ice condition was uppermost in our minds too, this problem of releasing water in extremely cold weather. We know what the freezing condition would be like for some areas of livestock watering. But Arden said he would sooner have it then and hold off the contractor for a week or 10 days than to have it right in the middle of the job 30 or 40 days later. So the reservoir officials did release about 440 second feet and held that release for 4 or 5 days. I visited the BQ Dam during the release and talked with Mr. Pope and measured the water coming in above the dam. The base flow this fall and early winter was quite high, and there was no question about the reservoir filling before January 1. I am sure the Power Company would have been willing to cooperate on the release of their water at any time, even at a steady rate throughout the winter keeping it under the ice, but this was not the problem. The big problem was that there was no place to divert the water above Woodruff Narrows Reservoir except to fill the reservoir and spill. We had 85 or 90 second feet inflow which when added to a gain of 60 to 75 second feet in Rich Country routes a lot of water down through BQ Dam while they are rebuilding. So that is the situation.

I had a long talk with Arden Pope about it. I was mindful of their problem and certainly was willing to do anything that was practical at all to help out in the situation. Arden asked for the release after it was evident the reservoir would spill in midwinter on thick ice cover.

MR. JOHNSON: I think since this matter has come along as part of our business today that we don't have repercussion no matter what we do with one dam somewhere else on the Bear River, and we have about had to keep it in mind all these years, haven't we? We've tried to keep it in mind. I don't blame Mr. Jibson, but it would

have been much better if the water was still in the reservoir and we would have taken the spill and then in the spring released 3,500 acre-feet. Our cattle cannot drink on the river, we have moved from the river.

MR. JIBSON: We had several meetings with the Reservoir Company officials on this problem of ice, the very thing that Mr. Johnson is talking about. The stock-watering problem didn't come as a surprise to anyone, and it was a bad situation.

MR. JOHNSON: The thing that concerns us is that it caught maybe 100 head of cows and calves and cut them off on an island and they starved for a week before we could give them courage enough to get them off. So whatever happens as I see it from the head of the river clear down to the lake is everybody's business.

MR. JIBSON: I would like to have taken some of the inflow into Neponset Reservoir but it evidently filled early and as soon as it starts freezing, they can't use the Chapman Canal so there was no way of diverting any of this water.

MR. JOHNSON: Well we have forgiven you. We are giving you a warning ticket this time.

After Mr. Jibson read the first three paragraphs on page 16 of the report Commissioner Johnson asked the following question.

MR. JOHNSON: There are a rash of wells and well applications right at Cokeville, mostly where Smiths Fork comes down and joins the River. Mr. Bishop, what is the objective there and how does your office feel about it?

MR. BISHOP: I am sure the objective is to supplement the water supply that is available from the surface streams. It is very difficult to determine the effect these wells have on stream flow. If Mr. Jibson feels that it is possible to make a realistic determination that these wells are depleting the streams, then I certainly would be receptive to some sort of an arrangement whereby the underground diversion would be chargeable against the Wyoming allocation. But to me it is extremely difficult to try and determine the inter-relationship between the well withdrawals and the flows in the stream.

MR. JOHNSON: This doesn't affect Utah particularly, but I am one who thinks each State of the Bear River Commission ought to know what is going on in each State concerning the Bear River. Mr. Bishop, has your office taken any action at all?

MR. BISHOP: We don't have any authority to take any action unless we are convinced by some pretty good information that there is an effect by these wells to reduce the amount of water in the stream. We certainly don't have that kind of information. Mr. Jibson, do you think it is possible to get it?

MR. JIBSON: I want to check this next spring and inspect the wells in that area to see how close they are to the river. (Will be accompanied by a ground-water hydrologist.)

MR. BISHOP: Applications and permits have been issued but they actually haven't been built. We are not aware of any 'rash' of wells that have been drilled in that area or have even been proposed. I think there are a few.

MR. JIBSON: Actually most of the wells to date that have been drilled since the Compact have been quite a distance from the river. A statement made once by our former State Engineer, Wayne Criddle, was to the effect that any well drilled in the basin was going to affect the river. I wouldn't take issue with that statement, but on the other hand there is nothing in the Compact that limits underground withdrawal unless it quite obviously is equivalent in effect to surface-water diversion. As far as I am concerned, that is what I wanted to check. We have two expert ground water people with us today. Mr. Arnow and Mr. McLaughlin are ground water specialists; however, I am not sure just how familiar either is with the Bear River Basin. There have been, as you know, some recent ground water studies made in the Wyoming part of the basin.

A comprehensive ground water study, of course, is an expensive and rather detailed study to make. But as mentioned, there have been fairly recent studies in the Wyoming portion, and at the present time in the lower basin both Idaho and Utah are conducting ground water studies in cooperation with the Geological Survey. I don't know as I can give a direct answer to your question, Mr. Bishop, as to whether we can determine this effect. Certainly, without some study we could not unless it is a relatively shallow well very close to the stream, then I think common sense might tell us that pumping is from the surface-water channel. Measurements of surface flow in the channel above and below the pumping area may confirm this.

MR. JOHNSON: Under Wyoming there is listed a well at Lewis ranch and it calls it a stock well of 5.4 second feet. That is a lot of water for a stock well, isn't it?

MR. BISHOP: It is a stock water reservoir of 5.4 acre-feet.

MR. JIBSON: It was rejected.

MR. JOHNSON: That settles it as far as I am concerned.

At this point the Delmor Canal Company, Ltd. in Idaho was deleted from the list of applications as it was designated by Mr. Higginson to be out of the basin. (Drainage is to Salt Lake but not tributary to Bear River basin.)

MR. JOHNSON: Mr. Dayton, is there a need for those wells right where they are in Cokeville?

MR. DAYTON: I feel there is a need for wells anywhere in that area for supplemental water. There aren't any on my old ranch. One would be south of my ranch and the other one will be west and north across Bear River.

MR. JIBSON: For the information of those who may have been wondering about new sprinkling going on in the Cokeville area, we have been measuring the diversion to the sprinklers—some of it directly out of the river—and including it in Wyoming

diversions with respect to division of natural flows between Wyoming and Idaho. So the water has been counted the same as if it had been a diversion directly from the river.

At this point Mr. Jibson read the part of his report under Other Business. A discussion followed.

MR. JIBSON: With the renewed interest now in the lower basin, we have a large demand for copies of the Compact, and the original printing is almost exhausted. Mr. Lawrence has only a few copies in his office and I have only about half a dozen copies left. So, perhaps the Commission should approve a new printing that probably would cost \$500 or \$600. This would have to come as a direct outlay from the Commission general fund rather than through the cooperative program. As Mr. Page reported, we are holding about \$6,500 surplus at the present time.

MR. LAWRENCE: Our office has quite a heavy demand for the Compact. I move that the Bear River Commission authorize the printing of an additional 500 copies of the Bear River Compact and By-Laws of Bear River Commission.

MR. DAYTON: I second the motion.

Motion carried.

MR. JIBSON: This concludes my report.

Mr. Skeen suggested that when the document is reprinted that it would be advisable to put in the Statutes of the three States approving the Compact or at least indicate the dates of approval; it is rather handy as a reference.

Mr. Jibson pointed out that those dates are listed on the first page within the green cover. Mr. Skeen suggested that the designation of statutory citations be listed as well as dates approved.

At this point Chairman Larson summarized for Mr. Myers and Mr. Bishop, who arrived late, what had happened in the meeting previous to the time they came in.

#### ELECTION OF SECRETARY TO THE COMMISSION

Mr. Skeen explained again the procedure for selecting a Secretary and a Treasurer for the Commission and added, "I think it would be in order this morning for the Commission to select a successor to the Secretary. With respect to the Treasurer, the Chairman of the Commission has the authority to appoint someone to fulfill this position. Before you gentlemen arrived, Chairman Larson appointed Mr. Bingham as Treasurer to serve until the next Annual Meeting of the Commission. Since a quorum is present I think this would be an appropriate time to bring up an election for Secretary."

MR. BISHOP: I would assume that Dan Lawrence would probably be the logical one to fill this vacancy of Secretary assuming that he is willing to assume that responsibility in view of the fact that he is located right here and has staff available. What is your reaction to that, Dan?

## REPORT TO BEAR RIVER COMMISSION

December 18, 1967

Wallace N. Jibson  
Assistant Secretary

### 1967 Water Supply and Compact Operation

#### Water Supply

Above-average streamflow in 1967 changed considerably the picture in 1966 and increased irrigation season supply in the upper Bear River basin from the 70 percent range to 137 percent. Smiths Fork made a comparable increase though was relatively lower than the main stem in both years when compared to a 25-year average. Lower basin flows, though above average this year, showed less change between the two irrigation seasons. Likewise, the spread between the two years was noticeably less in water-year runoff than in seasonal runoff because of overlapping base-flow conditions from one year to the next.

Demand was relatively small for stored water above Bear Lake and all of the new reservoirs carried considerable holdover storage into the winter. Demand on Bear Lake fluctuates less from year to year than on those reservoirs serving the short-season meadow hay.

The following table shows seasonal and water-year runoff at gaging stations representative of upper, middle, and lower portions of the basin. Though not tabulated, it is interesting to note that the near-record yield from the higher watersheds in 1965 exceeded that in 1967 by about 20 percent.

Runoff in Acre-Feet

May - September

	<u>1966</u>	<u>1967</u>	<u>Average 1943-67</u>	1967 as <u>Percent of Average</u>
Upper Bear River	80,600	155,300	113,600	137%
Smiths Fork	66,900	129,100	107,500	120%
Logan River	83,000	141,400	117,800	120%

1967 Water Year

Upper Bear River	116,200	176,200	135,600	130%
Smiths Fork	105,000	157,200	139,300	113%
Logan River	153,500	189,600	177,200	107%

Hydrographs in figures 1 and 2 for the upper Bear River and Smiths Fork respectively show the marked contrast between 1966 and 1967 in total seasonal runoff and in time of occurrence of the snowmelt.

Again as in the previous year, forecasts on May 1 varied appreciably from subsequent runoff. Forecasts are based on normal precipitation and temperatures during the high-water period, so changes in these assumed conditions have considerable effect, as shown below, regardless of the snowpack on May 1.

May - September Runoff in Acre-Feet

	<u>Measured</u>	<u>Weather Bureau Forecast</u>	<u>SCS Coop Forecast</u>
Upper Bear River	155,300	117,000 (-25%)	125,000 (-20%)
Smiths Fork	129,100	—	155,000 (+20%)
Logan River	141,400	137,000 (-3%)	134,000 (-5%)

## Reservoirs

Bear Lake hydrographs for the past few years are shown in figure 3 in which it is noted that the July peak of 5,922.92 ft (1,369,700 acre-feet) is the highest for many years (see inset graph). Actually, since the mid-twenties this peak was exceeded only in 1950 and then by about  $5\frac{1}{2}$  inches. Seasonal gain of course far exceeded subsequent irrigation demand, and the lake had in storage usable contents of 1,190,000 acre-feet at the end of the irrigation season. Consequently, a release of about 700 cfs has continued through the fall and winter, and the lake is now storing about 1,088,000 acre-feet at 5,918.90 feet in elevation. It is expected that the Power Company will continue this draft until adequate space is available for next year's anticipated runoff.

Operation of Woodruff Narrows Reservoir is shown by hydrograph in figure 4 in which it is noted that storage was not used until late in August when about 9,500 acre-feet (in excess of inflow) was released for fall irrigation. It is noted also that the reservoir filled from a low of 6,600 acre-feet in October to the spillway crest of 28,000 acre-feet by late March. Thus, 21,400 acre-feet was diverted to storage or about 3,200 acre-feet in excess of the allocation to this reservoir of 18,240 acre-feet as allocated by Utah and Wyoming. This is assumed not to be in violation of the Compact because the total storage allocation above Bear Lake or the total to either State was not exceeded; however, the total does exceed the amount agreed upon with the Power Company and therefore the excess was stored with the Company's consent on condition that it be released later. This excess has been released just recently to compensate Bear Lake for the earlier shortage.

UPPER DIVISION - BEAR RIVER SUPPLY  
Cubic Feet Per Second

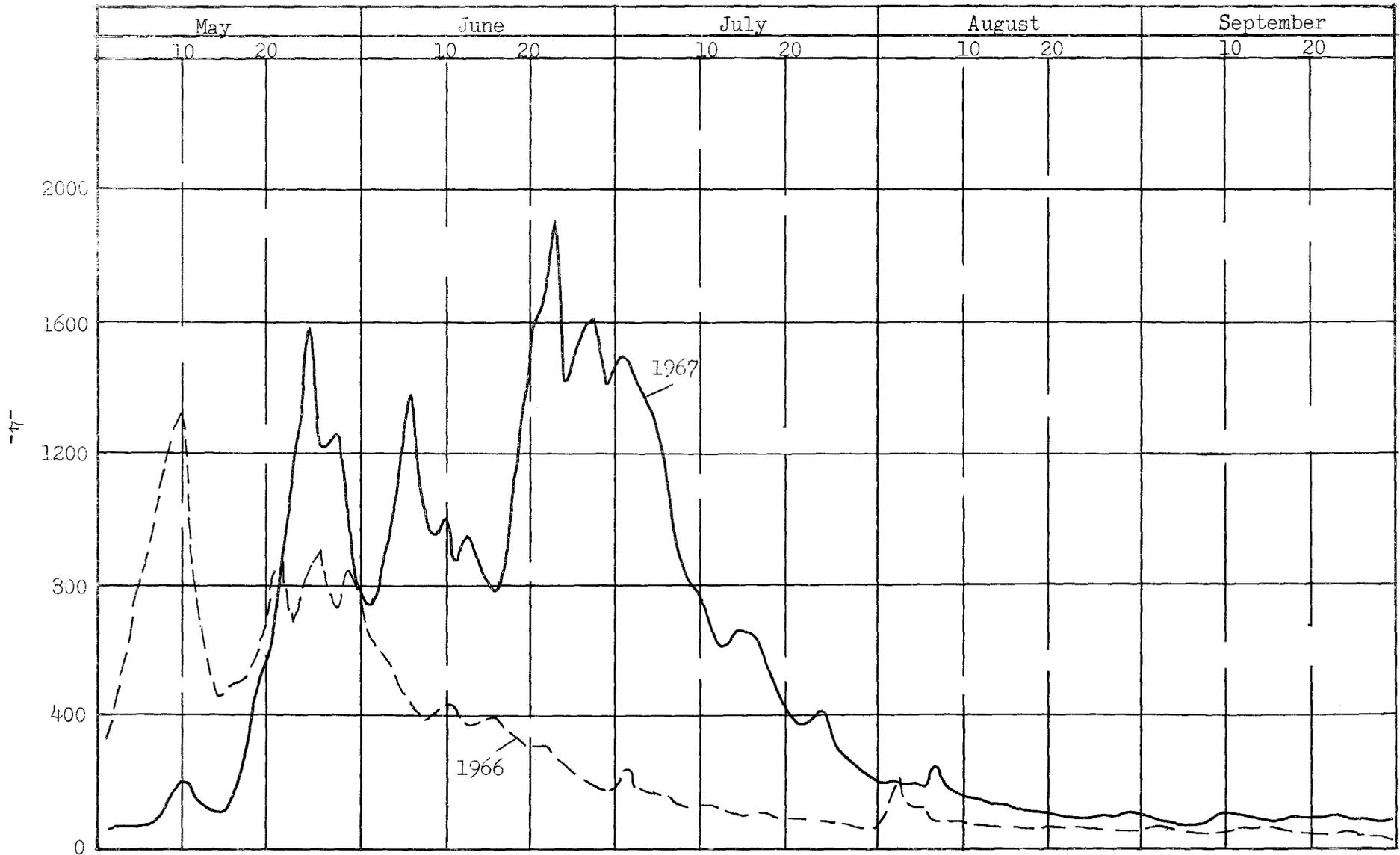


Figure 1

CENTRAL DIVISION - SMITHS FORK SUPPLY

Cubic Feet Per Second

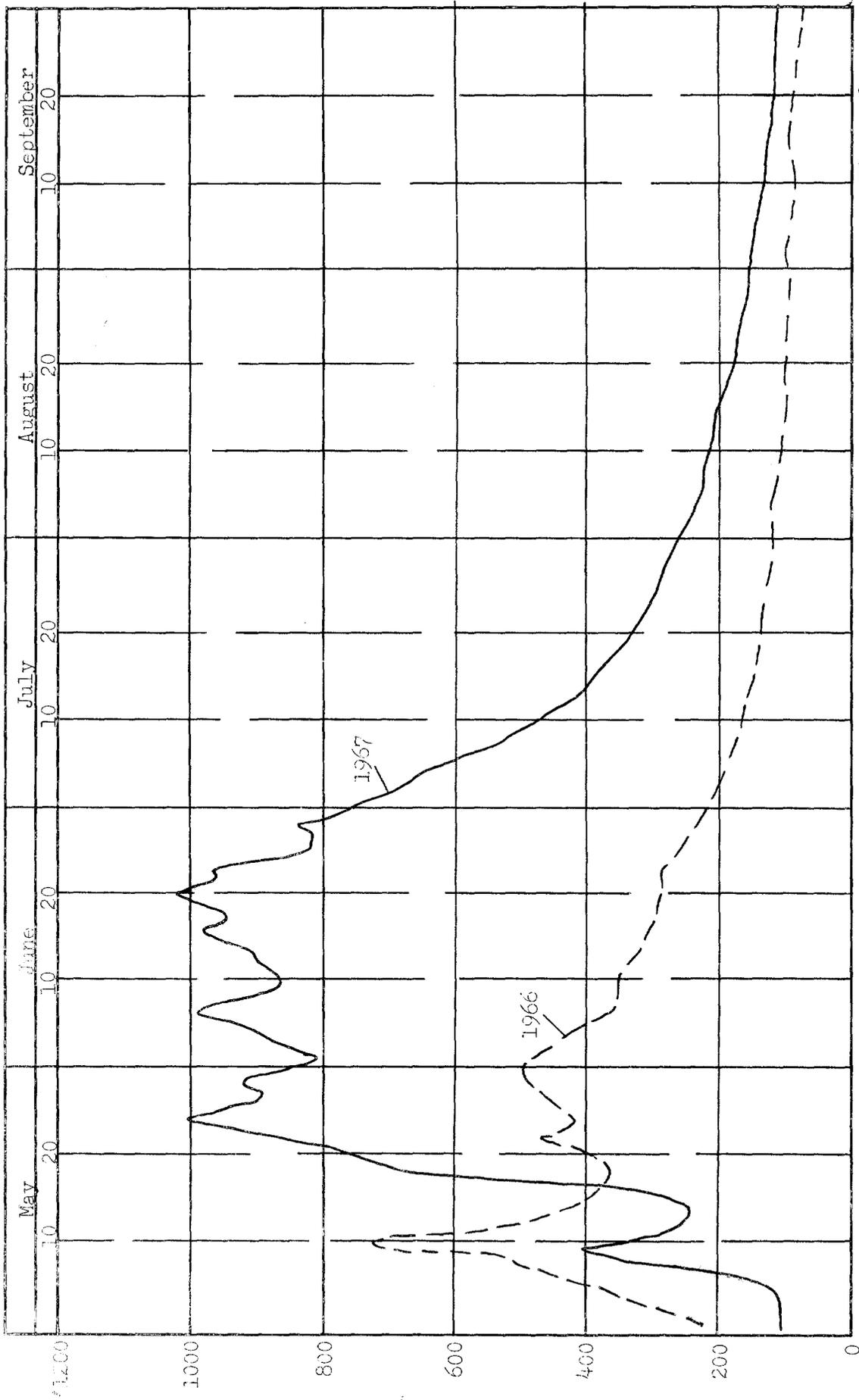


Figure 2

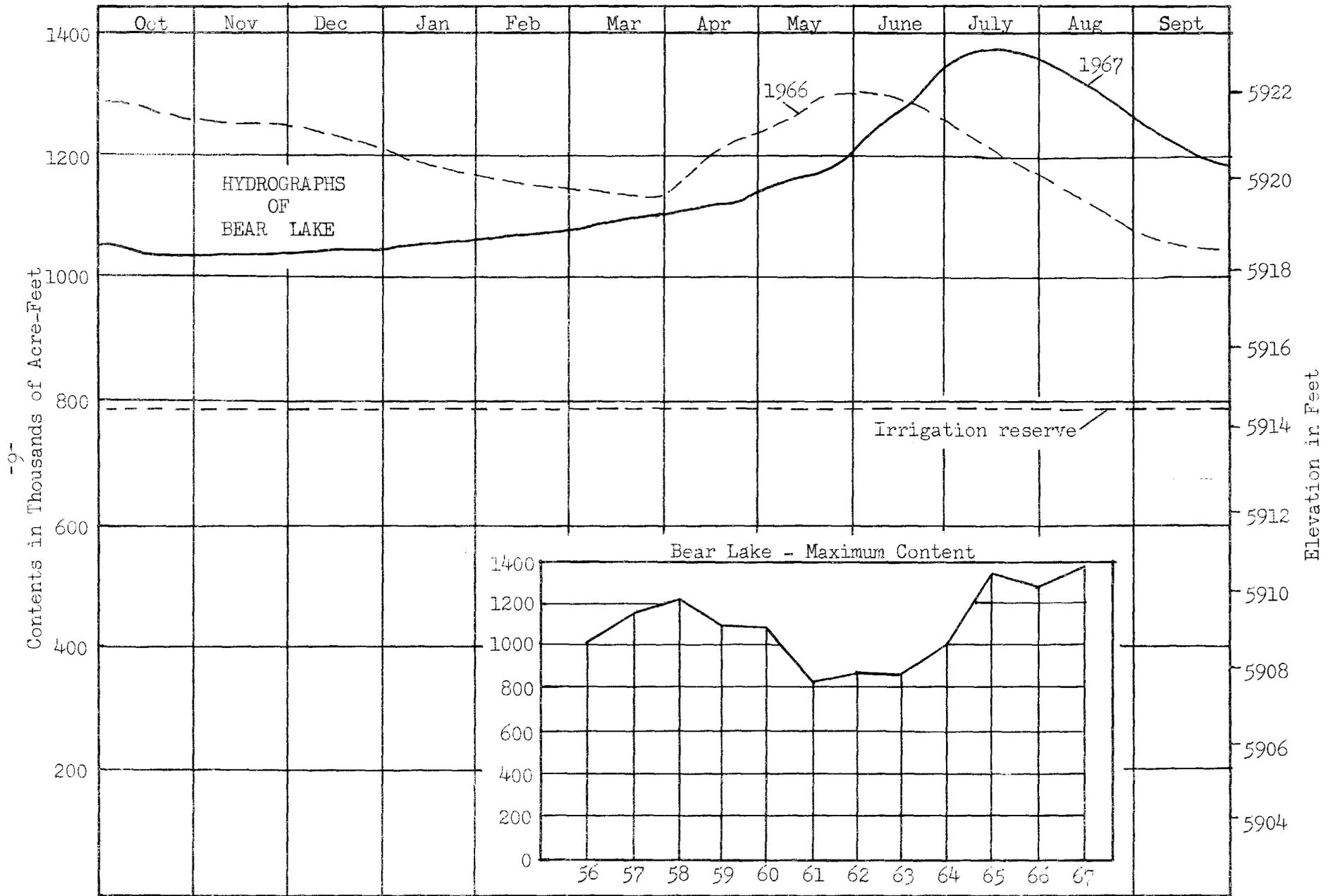


Figure 3

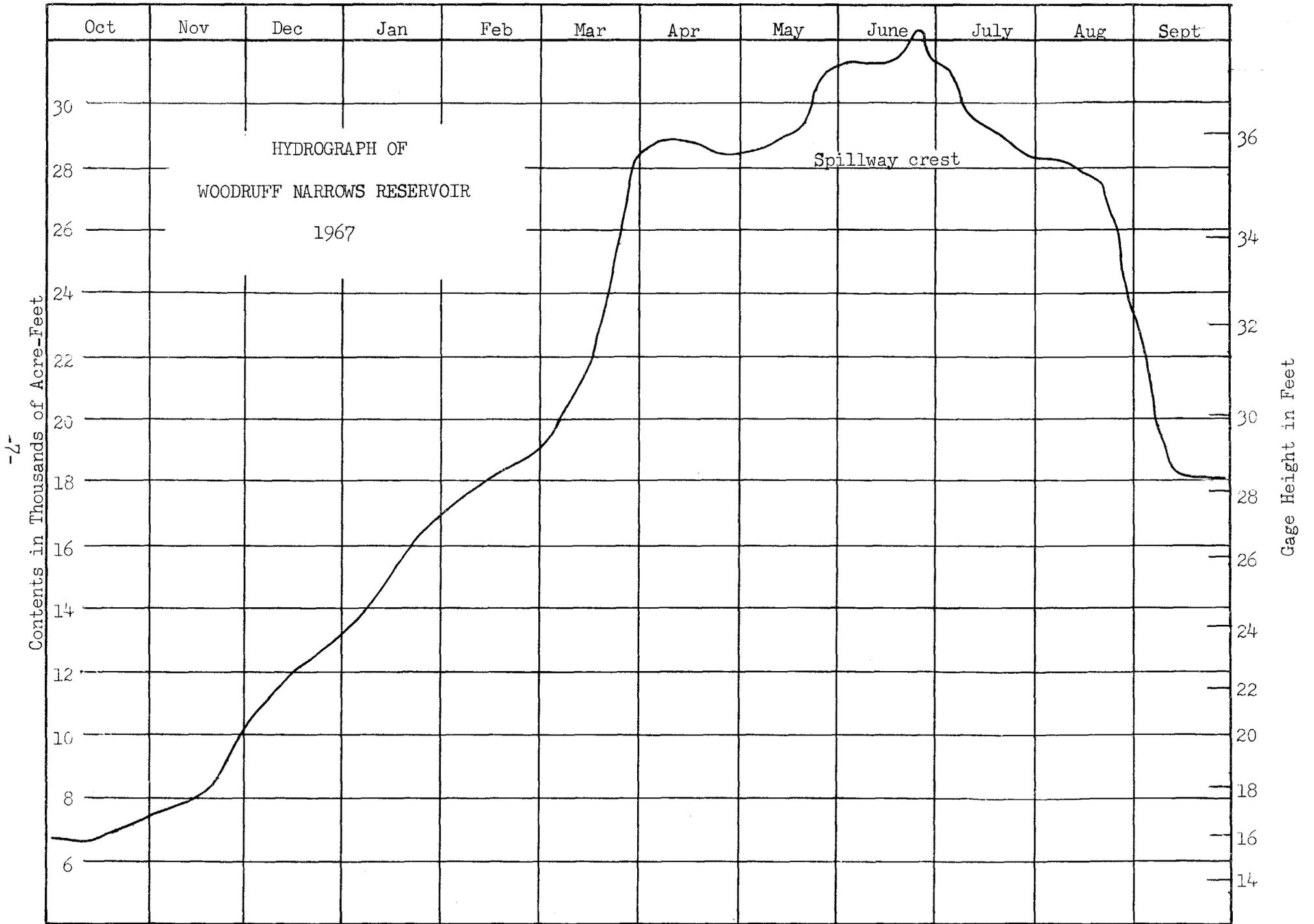


Figure 4

Sulphur Creek and Whitney Reservoirs in the upper basin were drawn down by relatively small amounts for late-season irrigation. Some corrective work has been completed on the Whitney Dam spillway, and in excess of 2,000 acre-feet holdover storage is in the reservoir, so there should be no problem in filling this next season.

#### Streamflow Distribution

Interstate regulation in years when the water supply is above average usually is not required until the critical part of the seasonal demand is past, and so regulation of some diversions generally is accomplished with no particular hardship on the individual user.

For instance, in the Upper Division (see figure 5) we note that interstate regulation is in effect when the total divertible flow is below 1250 cfs. Divertible flow is defined as the total of all diversions in the Division plus flow leaving the Division (past Pixley Dam). A water emergency under terms of the Compact then existed May 1-23 and after July 20, and it is evident from the hydrograph that the early period was of small consequence because the Wyoming Section was diverting very little water at this time. After July 20 this section was allocated its regular share or 49.3 percent of the divertible flow plus 9.6 percent initially allocated to the Lower Wyoming Section which had ceased diverting prior to July 20. Therefore, a normal rate of diversion kept the section within the allocation for the balance of the season.

Sulphur Creek Reservoir was full throughout most of the season with only about 1,500 acre-feet being released in the latter part of September. Likewise, Woodruff Narrows Reservoir was full and spilling

until August 20 when water was released for fall irrigation, and with an outflow of 10,000 acre-feet the Lower Utah Section (see figure 6) was able to divert about 13,000 acre-feet. Again this year, we see the contribution of return flow from reservoir water applied.

Users in the Lower Wyoming Section (see figure 7) followed their usual pattern of diversion and ceased irrigating about July 5, though considerable water still was available as is shown by the hydrograph of water leaving the Division (Bear River below Pixley Dam). This section did not utilize any reservoir water in 1967.

Diversion and operational data for the Wyoming Section in the Central Division are shown in figure 8. In this Division a water emergency exists when the divertible flow is below 870 cfs or the flow entering Idaho (Bear River at Border gaging station) is below 350 cfs. These events occurred within a few days of each other in the first part of August, also an emergency was in effect for about 10 days in May. Regulation of some diversions was required after about August 10 with the section diverting within its allocation through the period of emergency.

Similar data are shown in figure 9 for the Idaho Section of the Central Division. Adequate supply for irrigation was available throughout the season, and the large inflow to Bear Lake is evident from the hydrograph of Rainbow Inlet Canal.

#### Stream-Gaging Program

Small cooperative programs of stream gaging have been continued with Utah Water Research Laboratory, Bureau of Reclamation, and Corps of Engineers.

UPPER DIVISION - UPPER WYOMING SECTION

Cubic Feet Per Second

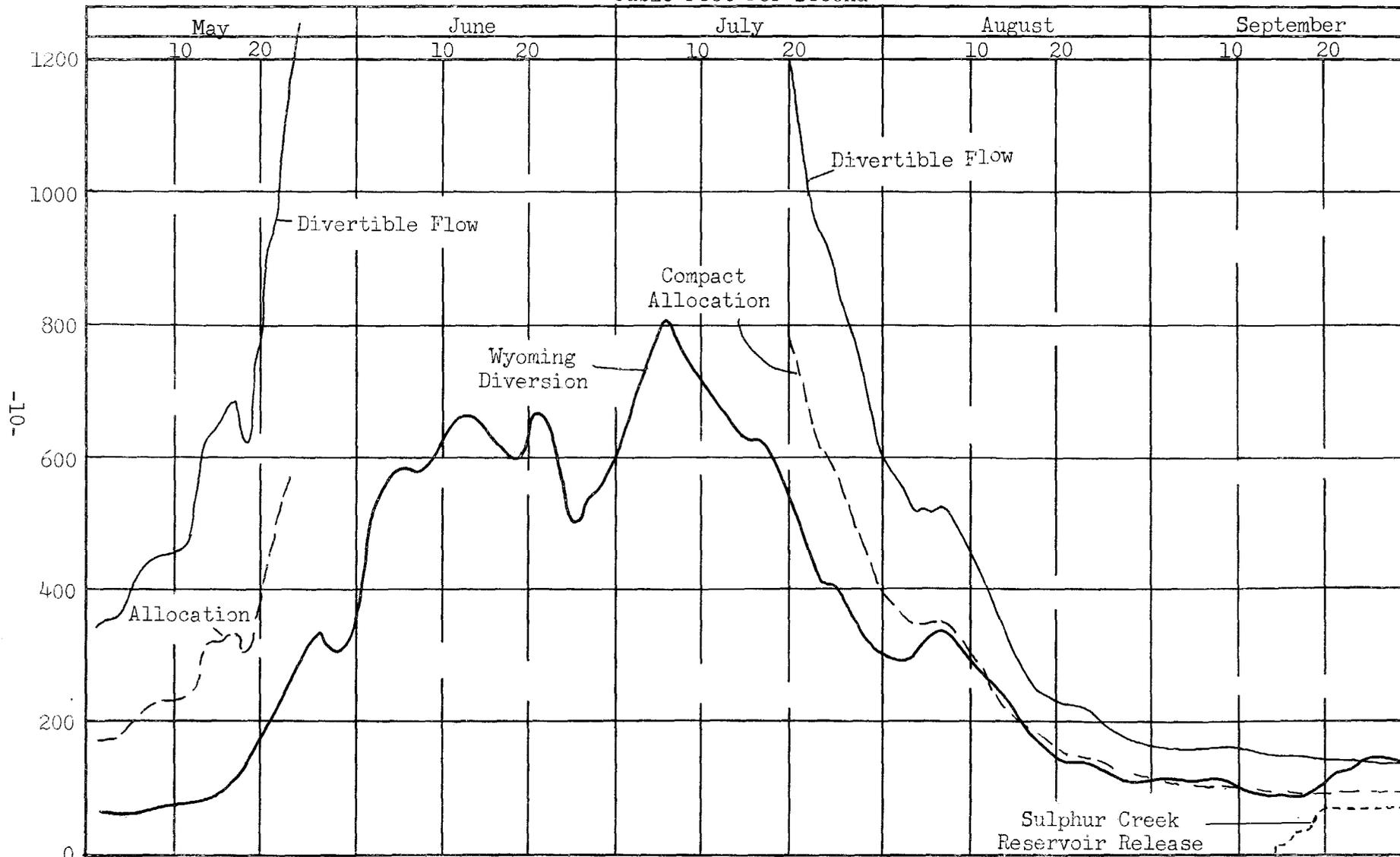


Figure 5

UPPER DIVISION - LOWER UTAH SECTION

Cubic Feet Per Second

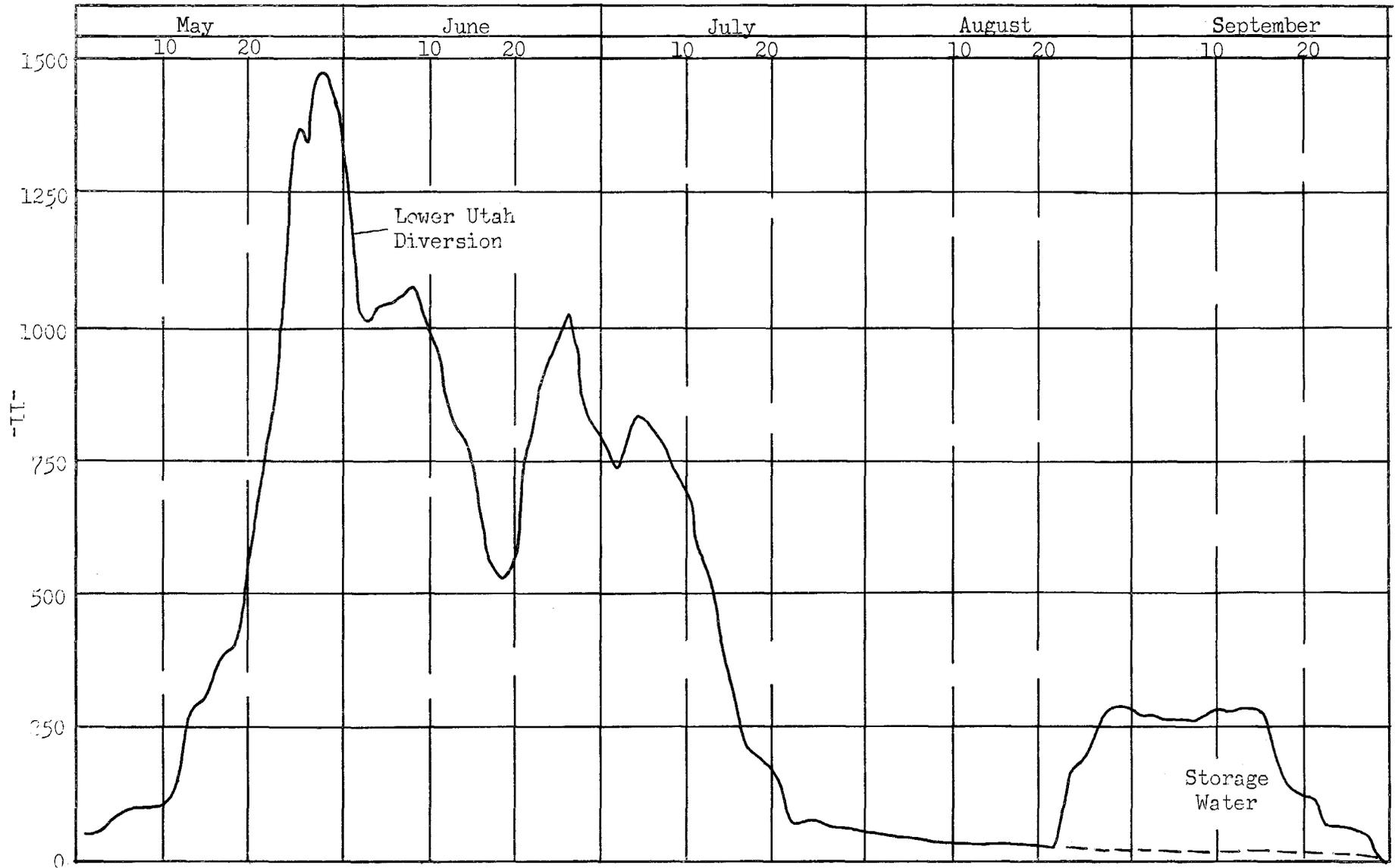


Figure 6

UPPER DIVISION - LOWER WYOMING SECTION

Cubic Feet Per Second

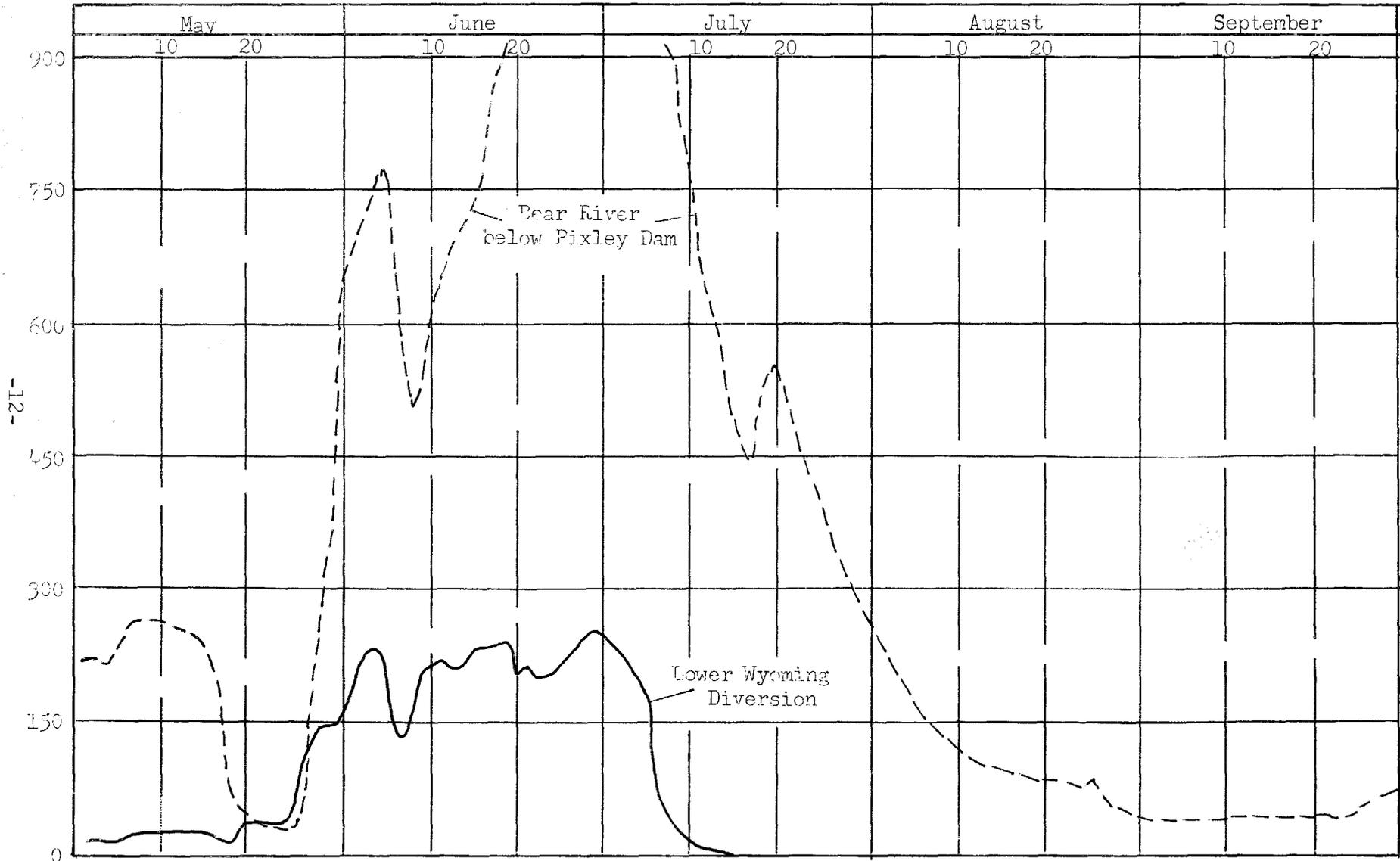
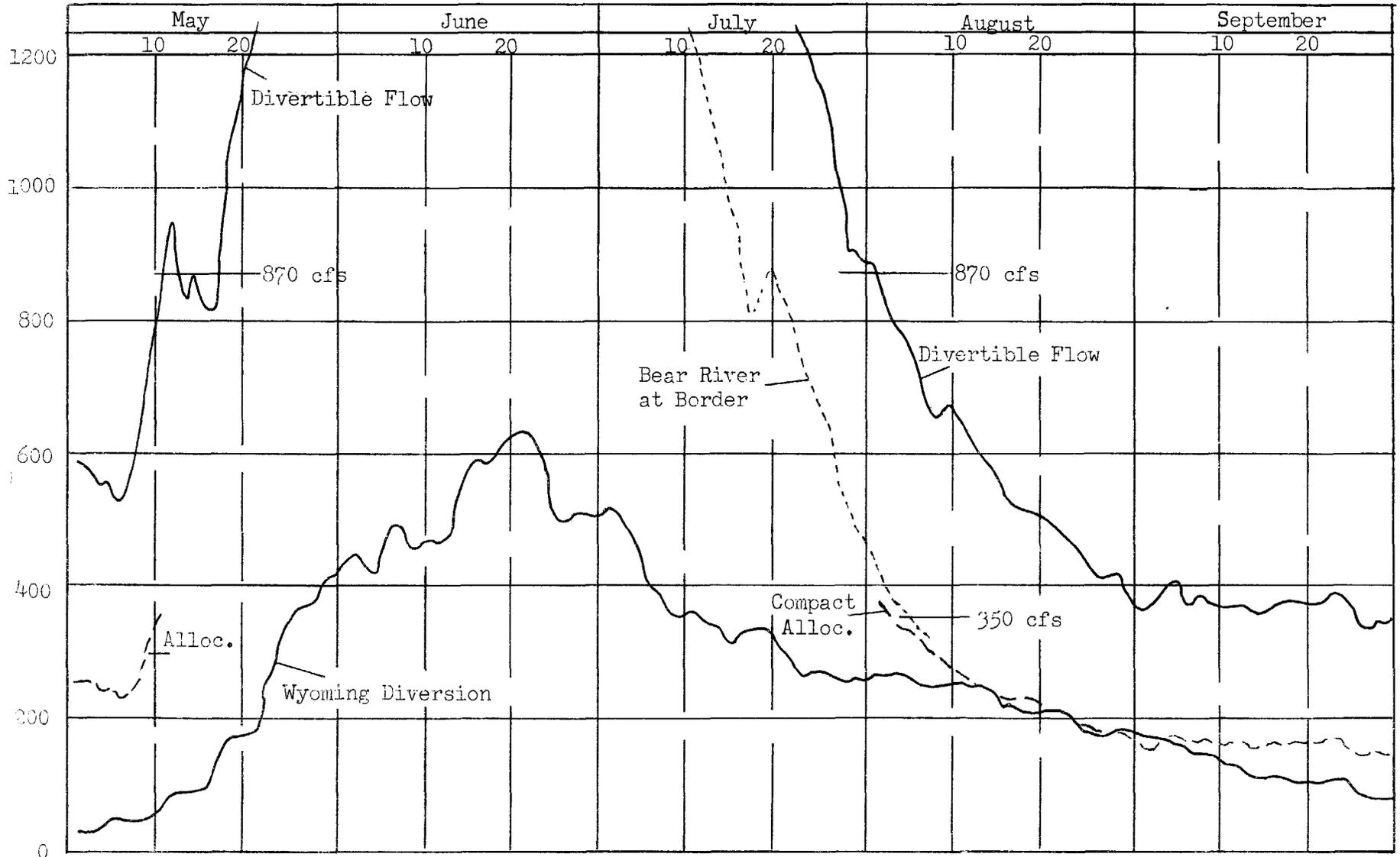


Figure 7

CENTRAL DIVISION - WYOMING SECTION

Cubic Feet Per Second



-13-

Figure 8

CENTRAL DIVISION - IDAHO SECTION

Cubic Feet Per Second

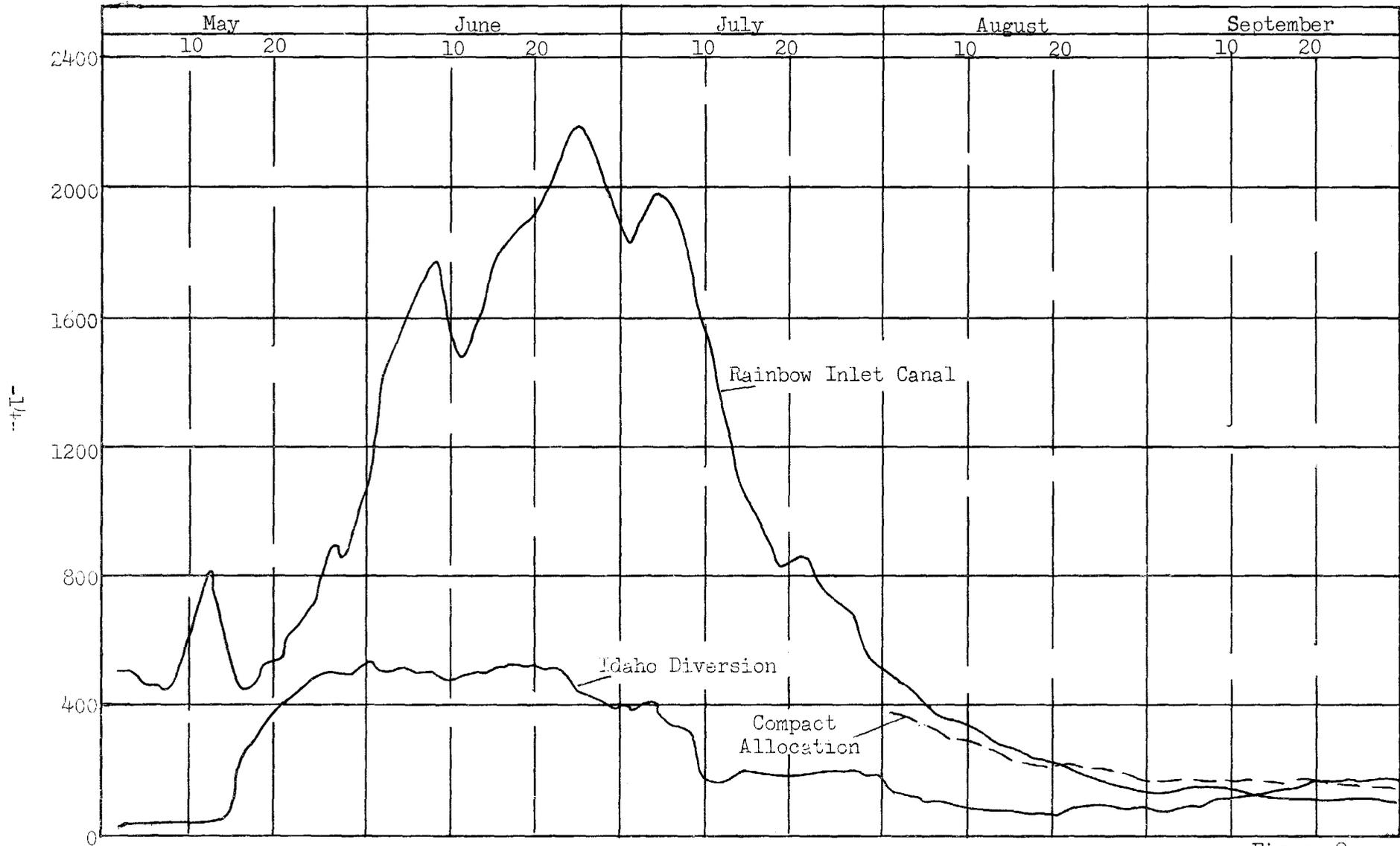


Figure 9

No changes were made during the year in operation of our regular gaging stations, but six additional structures with continuous recorders have been installed on Upper Division canals in Wyoming to improve the quality of records from this area.

### Budget

A revised budget for the 1967 fiscal year was circulated last June to members of the Commission. The revision included a small increase in Federal participation to cover part of the cost of a general pay raise a year ago, and a decrease that we requested when it became evident that most of the approved allotment of \$1,000 from the Commission general fund would not be needed and would remain in the Commission account.

Operation in the 1968 fiscal year is under cooperative agreement with the Geological Survey for amounts approved May 4, 1966 by the Commission for the 1968-69 biennium. Detail of this budget for the 1968 fiscal year was presented to the Commission at our last meeting. The current pay raise, retroactive to October 1, was considered in part in the budget estimate and by keeping other expenditures to a minimum, we expect funds to be adequate for the balance of this year unless unforeseen expenses arise.

Included in the present pay raise bill was a provision for an equal increase next July 1. This of course was not considered in the biennial budget, and recommendations to the Budget Committee probably will be necessary at our Annual Meeting next spring. No action of the Budget Committee is recommended at this time.

### Applications for Appropriation

A summary of reported applications to appropriate water in the basin is shown on the following pages. Most of the Utah applications are for underground water development of relatively small amounts in Cache and Box Elder Counties. Application number 38359 is for a diversion of 5.0 cfs from the East Fork of Bear River in Summit County. The point of diversion seems to coincide with the Hilliard East Fork Canal diverting in Utah for use in Wyoming.

The majority of Wyoming rights have been submitted previously to the Commission and are resubmitted to show follow-up action. Of the new applications, two fairly large well rights are noted in Lincoln County, one being within a quarter mile of Smiths Fork just above its confluence with Bear River and the other in the same section within a quarter mile of Bear River. Both are pending. The stock rights on Mill Creek are unusually large with much carryover capacity, and it is not clear as to how many reservoirs are involved. Three separate reservoir permits are referred to in the summary forms with the various direct flow rights to supply them. Descriptions of two reservoirs indicate they are within a quarter mile of each other.

A rather large underground right is submitted in Oneida County, Idaho. The well is near Curlew Valley Reservoir from which the drainage is via Deep Creek to Great Salt Lake.

### Other Business

Our supply of copies of the Bear River Compact and Bylaws is now depleted and several recent requests for copies have been turned down. These were assembled by combining Congressional (GPO) copies

of the Compact with locally printed copies of the Bylaws. Additional sets should be made up if more copies of the Compact are available from the Government Printing Office; if not, it would be advisable to have a new printing made locally for perhaps 500 copies.

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF UTAH</u>						
38157	3-31-67	David L. Marble	Marble slough	Dom., stock	S 7 T11N R 2W Box Elder	2.0
38161	3-31-67	Richard H. Smith	Clear Cr. Sp. o-flow	Irrigation	S15 T14N R 1E Cache	2.5
38163	3-29-67	L. J. Vernon	Underground	Irrig., stock	S16 T 9N R 7E Rich	0.02
38168	4- 5-67	Hyde Park Town	do	Municipal	S11 T12N R 1E Cache	2.0
38173	4-10-67	Western Fruit Packers	do	Dom. Food Proc. Fire	S 2 T 7N R 2W Box Elder	1.114
38180	4-14-67	Bush & Gudgeall, Inc.	Spr. area-Mill Cr.	Domestic	S11 T 2N R10E Summit	0.1
38188	4-10-67	Larrel G. Hobbs	Drain	Irrig., stock	S34 T15N R 1E Cache	1.0
38201	4-26-67	Gale McKinnon	Underground	Stock	S28 T10N R 7E Rich	0.015
38216	5- 5-67	Mahlon F. Rice	U-ground-sump	Irrigation	S 4 T11N R 1E Cache	2.0
38217	5- 5-67	Mervin G. Jensen	Unnamed spring	Irr. Dom. Milkhouse	S16 T10N R 1E Cache	0.5
38218	5- 1-67	Garth Archibald	Unnamed drain	Irrig., stock	S35 T11N R 1W Cache	3.0
38241	5-19-67	I. Joseph Kolan	Underground	Irrig., dom.	S19 T13N R 6E Rich	0.015
38272	5-31-67	James M. Anderson	do	Stock	S27 T13N R 1W Cache	0.022
38273	5-30-67	Rulon W. Buck	do	Irrigation	S 4 T10N R 1E Cache	0.1
38287	6- 5-67	Larson Bros.	do	Irrig., dom., stock	S33 T11N R 1E Cache	0.2
38288	6- 9-67	J. S. Parkinson	do	do	S20 T12N R 2W Box Elder	0.015
38306	6-16-67	Randolph Cemetery	do	Irrigation	S29 T11N R 7E Rich	0.25
38325	6-26-67	Walter Andrews	do	Domestic	S21 T12N R 1E Cache	0.015
38344	6- 3-67	Eldon & Norma Jensen	do	Irrig., dom., stock	S18 T11N R 1E Cache	0.015
38350	7-10-67	Valden T. Pitcher	Drain	Irrigation	S16 T14N R 1W Cache	0.5
38351	7-11-67	J. Max Baugh	Underground	Irrig., dom., stock	S15 T10N R 2W Box Elder	0.015
38359	7-21-67	Paul Roylance	E. Fk. Bear River	Irrig., stock	S16 T 2N R10E Summit	5.0
38373	7-25-67	Richard Baker	Underground	Irrig., dom., stock	S19 T11N R 1E Cache	0.1
38383	8- 8-67	Ralph H. Eastman	do	Irrig., stock	S13 T 9N R 6E Rich	0.015
38398	8-18-67	Mildred D. Quinn	do	Irrig. dom.	S 3 T13N R 5E Rich	0.015
38405	8-14-67	Don C. Forsgren	Unnamed spring	Irrig., dom., stock	S29 T14N R 2E Cache	0.022
38406	8-18-67	Robert G. Gibbons	Unnamed spring	Irrig., stock	S21 T11N R 1E Cache	0.1

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount
STATE OF UTAH (Cont.)						
38411	8-27-67	Coe R. Larkin	Underground	Dom.stock, dairying	S18 T13N R 1E Cache	0.015 cfs
38421	8-31-67	V. Jeffs, G.J. Fetch	do	Irrig., dom.	S20 T13N R 6E Rich	0.015 cfs
38426	8-28-67	R. T. Nish	do	Irrig., stock	S31 T12N R 1E Cache	0.2 cfs
<u>STATE OF WYOMING</u>						
U.W.2-6-293	5- 1-67	Cokeville L&L Co.,Inc.	Underground	Irrig.,dom.,stock	S 6 T24N R119W Lincoln	10.0 cfs
U.W.2-1-294	5- 1-67	Cokeville L&L Co.,Inc.	do	do	S 6 T24N R119W Lincoln	3.56 cfs
20 1/81	8-22-67	Wyuta Cattle Company	Fly draw	Stock	S 3 T13N R120W Uinta	0.93 a-f
20 2/81	8-23-67	Emil A. Zebre	Hay Hollow Creek	Stock	S 2 T21N R117W Lincoln	1.96 a-f
Previously submitted to the Bear River Commission. Action taken by the State Engineer.						
U.W.2-1-152	3-11-64	John J. Gastanago	Underground	Irrig.,dom.,stock	S 5 T24N R119W Lincoln	3.01 cfs
U.W.2-2-161	5-12-64	Peter & John Etcheverry	do	do	S13 T26N R120W Lincoln	6.68 cfs
20 3/50	2-17-67	Wyuta Cattle Company	Clifton Draw	Stock	S15 T13N R120W Uinta	0.43 a-f
20 4/50	2-17-67	Wyuta Cattle Co.	Fence Corner Draw	Stock	S11 T13N R120W Uinta	0.43 a-f
20 3/19	12-29-66	Lewis Ranch	Clear Creek	Stock	S20 T21N R117W Lincoln	5.4 a-f
		* Approved				
		** Rejected				
18 3/37	1-25-60	Edward Massae	Mill Creek	Res. supply	S21 T12N R119W Uinta	19.9 cfs
19 1/353	4-26-66	do	do	Stock	S16 T12N R119W Uinta	15.7 a-f
19 3/385	8- 8-66	do	Water Cress Spr.#1	Res. supply	S21 T12N R119W Uinta	19.9 cfs
19 3/385	8- 8-66	do	Mill Creek	Stock	S16 T12N R119W Uinta	27.85 cfs
20 2/57	3-17-67	do	do	Stock	S21 T12N R119W Uinta	27.85 cfs
18 1/36	1-19-60	do	do	Stock	S16 T12N R119W Uinta	107.50 a-f
20 1/57	3-17-67	do	do	Stock	S16 T12N R119W Uinta	50.69 a-f
1. Submitted to Commission 4-17-67 as 23.33 cfs.						
2. Submitted to Commission 4-18-60 as 126.35 ac-ft.						
3. Submitted to Commission 4-17-67 as 158.19 ac-ft.						

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF IDAHO</u>						
41569	11-30-66	K. L. Bodrero	Intermittent springs	Irrigation	S23 T15S R38E Franklin	2.0
G41834	4-27-67	Dee Eliason	Underground	do	S18 T16S R33E Oneida	2.92
G41845	5- 4-67	Delmor Canal Co.,Ltd.	do	do	S34 T15S R32E Oneida	24.0
G41853	5- 8-67	C. E. Lundin	do	Domestic	S 9 T 9S R42E Caribou	0.02
G41855	5-10-67	Rex & L.R. Waldron	do	Irrigation	S11 T15S R35E Oneida	4.2
41887	5-24-67	Ronald T. Womack	Warm Creek	do	S19 T16S R40E Franklin	3.5
G41941	7-11-67	George G. Housley	Underground	Irrig.dom.stock	S22 T15S R38E Franklin	1.0
G41977	7-25-67	Calvin & Zella Price	do	Irrig., dom.	S10 T14S R46E Bear Lake	0.26

MR. LAWRENCE: That would be all right if the Commission desires.

MR. BISHOP: I nominate Mr. Dan Lawrence as Secretary to the Bear River Commission.

MR. JOHNSON: I second the motion.

Motion carried unanimously.

MR. JOHNSON: I don't feel it would be appropriate to elect a new Secretary without relating how satisfied we've been with our Assistant Secretary. I don't believe we could have gotten along without you, Wally. I would like the minutes to show the great satisfaction of the Commission with the work being done by our Assistant Secretary. I make that a motion.

The Commission expressed their unanimous agreement.

MR. HARPER: I move that the minutes show appreciation to Mr. Jay R. Bingham who has done a great job as Secretary in the past.

MR. KUNZ: I second the motion.

Motion carried.

At this point chocolates were passed around to everyone, compliments of Commissioner L. B. Johnson.

REVIEW OF MINUTES OF ANNUAL MEETING  
APRIL 17, 1967

MR. JIBSON: Chairman Larson called for an introduction of representatives from each State, and Mr. Higginson introduced three new members of the Commission from Idaho: Cecil Foster, Whitney; Ferris M. Kunz, Montpelier; Stephen L. Smith, Malad. Mr. Higginson will serve as an Ex officio member. There were no changes in Commissioners from other States.

Minutes of the previous meeting were reviewed by the Assistant Secretary and approved by the Commission.

Officers were elected and, by the custom of rotation, S. Reed Dayton from Cokeville was elected Vice-Chairman. Mr. Bingham again was elected Secretary-Treasurer, and Mr. Jibson designated as Assistant Secretary.

Chairman Larson in his report discussed Bureau of Reclamation studies, and Mr. Page gave the Secretary-Treasurer's report which showed that of a current balance of about \$23,000, about \$16,000 would be obligated by June 30, 1967 for printing of the Annual Report and to the Geological Survey for the final two quarters of the fiscal year.

Mr. Jibson gave the report of the Assistant Secretary. His report showed good water-supply prospects for the 1967 season. A detailed breakdown of the 1968 fiscal year budget was included in his report. The Federal portion of this budget was adjusted a few weeks after the April 17th meeting, so both budget breakdowns are

included in the minutes. In answer to a question, Mr. Jibson stated that he foresaw no particular problems in administration of the Compact during the 1967 irrigation season.

Mr. Higginson raised the question as to whether we should leave the reserve funds in the Commission account, and ask the States to budget for the full amount approved for the next fiscal year. The Commission felt the reserve should be left intact.

Mr. Porter and I had a little argument on how high Bear Lake would get, and I'm now happy to report that he lost by quite a margin.

Mr. Johnson gave us an interesting report of the early history of Bear Lake and the time his people first drove longhorns in from Texas.

Mr. Skeen reported that the resolution raising the irrigation reserve had been prepared. This resolution is included in the minutes.

The State Engineer's committee reported on continuing efforts to get all stock-water reservoirs on record.

Mr. Crandall of the Bureau of Reclamation then discussed the three water-supply reports prepared by the Bureau and brought the Commission up to date on developments toward the lower basin projects. Commissioners questioned Mr. Crandall and Mr. Skeen on legal questions of further development above and below Bear Lake.

Reed Budge, Alternate Commissioner from Idaho, read a prepared statement stating his opposition to Reclamation plans. The statement was inserted in the minutes as written.

The meeting adjourned at 12:10 p.m.

MR. MYERS: I move that the Commission approve the minutes of the Annual Meeting held April 17, 1967, as printed.

MR. SMITH: I second the motion.

Motion carried.

#### REPORT OF COMMITTEES

MR. JIBSON: Neither of the two committees (Budget and Operations) have met since our last meeting and, except for the State Engineer Committee, there are no committee reports.

MR. BISHOP: The only thing I have to report is that the State Engineers are continuing in their efforts to get all of the stock-water reservoirs and all the other uses of water recorded in the individual States, but we haven't had a meeting of the State Engineers since the last meeting of the Commission so there really isn't anything to report.

#### UNFINISHED BUSINESS

MR. BINGHAM: Chairman Larson, I failed to mention when we were commenting about our reorganization that Utah's State Engineer, Hubert Lambert, has been designated as advisor to the Utah delegation of the Bear River Commission. We have Mr. John Bene, Deputy State Engineer, with us this morning. Our other advisors are Dallin Jensen, Assistant Attorney General; Ross Plant, one of the official advisors from Richmond; Robert Porter, Utah Power and Light Company; and Clyde Ritchie, President of the Utah Water Users Association.

Mr. Bingham introduced everyone in attendance from Utah. They are listed on page 1 of these minutes.

Mr. Bishop introduced Commissioner Myers, Commissioner Dayton and Mr. Thomas Cahill, an advisor.

Mr. Johnson made inquiry relative to the new Commissioners from Idaho who had been introduced earlier by Mr. Higginson.

#### NEW BUSINESS

MR. JOHNSON: It is the end of the year, has the thing been working the way we had hoped it would? Does the Wyoming delegation feel all right, does the Utah delegation, do the Idaho people? We undertook quite a job in this basin when we began. We have done part of that, but we've got a lot of it yet to do. How do we feel about it; can we leave here so that negotiations over the year now are over, when we have a meeting again can they go along smoothly or is there something wrong with it?

CHAIRMAN LARSON: We haven't had any official complaints, either written or oral.

MR. JOHNSON: I would like to ask the Power Company if they have been satisfied with the way our commitments have been kept?

MR. PORTER: We haven't said a word.

MR. JOHNSON: I'm glad of that. I believe your services are extended up there. They cooked my egg this morning and probably will tomorrow morning. We couldn't get along without them. We have found them very fine and they've been very cooperative there at the reservoir. As far as the commitments were made that is one reason I raise heck when anybody tackles Bear Lake. I feel as if there is a commitment there that took 10 years to get and I hope we don't lose it in the next 10.

MR. BISHOP: Mr. Chairman, this might be an appropriate time for us to make a comment or two about the Bear River project. It seems to us in Wyoming and I think the upper part of the Bear River drainage, that the Bear River project as proposed would considerably benefit the down river portion of the drainage with no benefits being realized by the upper portion of the drainage. There are a number of the water users, especially in the Wyoming portion of the Bear River drainage, who feel that the apportionments that have been made under the Compact are somewhat

restrictive on our Wyoming water users. There is a fairly strong feeling in Wyoming that there should be an adjustment in the allocations that have been made under the Bear River Compact to the individual States. What I refer to specifically is the storage allocations. It seems to us that an increase in the storage allocation to the upper part of the river would obviously benefit the upper river and there would be a very limited detrimental effect on anyone else. I think the present situation is such that it somewhat encourages an inefficient use of water. Our water users use probably more water than they should during the earlier part of the year when there is plenty of water available because of the fact that they know that there is going to be a limited period of time when they do have water. If they had additional storage capacity that they could depend on and that they knew would be available during the latter part of the irrigation season I think they could use less water during the early part of the irrigation season and use the storage capacity to supplement their use during the latter part of the season and make more efficient and effective use of the available water supply. It seems to us that there is some justification for some adjustment in the storage allocation in the upper river portion of the Bear River drainage. We would like to hear a little discussion—if it is appropriate at this time—from the other States concerning this possibility. We feel that this is appropriate in conjunction with the Bear River project in order that we might incorporate some benefits to the upper river portion of the drainage along with those that will be realized through this project to the down river portion of the river. We are talking of an adjustment upward from the figure of 35,500 which of course, obviously involves modification of the Compact and would have to be agreed to by the States involved. We have had some discussion along these lines previously. I don't think there has been any indication of the reaction by other State delegations to the Bear River Commission, and if it is possible we would like to hear a little discussion of this possibility.

MR. SMITH: If I understand you correctly you will want to change the Compact.

MR. BISHOP: Yes, sir.

MR. SMITH: We couldn't do that without permission from the Idaho Water Resource Board; we don't have the right to grant any changes in the Compact without taking it back to the Board, as I understand it.

MR. BISHOP: I am sure you are right. This is not a simple process; this is one that would have to be carried on in the proper legal way. As I understand it, I think this Compact Commission might be the appropriate body to start talking about a modification of the Compact. Ultimately any modification has to be approved by the Legislatures of the individual States and by the Congress of the United States. This is something that would take considerable discussion, considerable time and would have to be agreed upon by the individual States involved.

MR. LAWRENCE: Did you have in mind that this may also involve an increase in upstream depletions?

MR. BISHOP: Frankly, we haven't made any attempt to make a detailed evaluation of any increase in depletion that might be involved. Fundamentally, with what we had in mind I don't think would make any significant increase in depletion of water supply. I think what would result from this would be a more efficient utilization

of the available water resources with the utilization of a longer-season period of water availability. Shall I say nothing significant would be involved as far as increased depletions.

MR. LAWRENCE: Do you have an acre-foot figure in mind?

MR. BISHOP: Not specifically. I would say something in the area of doubling the present allocation.

MR. BINGHAM: Have you used all your Compact allocation?

MR. BISHOP: No, we haven't. We have about 4,000 acre-feet of storage capacity on Smiths Fork that we haven't been able to come up with what all the water users feel is the best site. That is the only reason we haven't used it. We certainly intend to use it as soon as we can agree on the site. We are some 4,000 acre-feet short of our total allocation.

MR. JOHNSON: This million feet that arrives at the lake doesn't all need to be salvaged below Bear Lake, does it? We would like to help salvage that million feet in allocations to the divisions above Bear Lake. A lot of my people have it in mind also that if there is a million feet there to be beneficially used that the 35,000 acre-feet that was allocated above Bear Lake is very inadequate as against a million feet that must be absorbed down here. Well, there are many who would like to absorb the million feet and nobody claims it, but it is just a question of making the most beneficial use of the waters of the Bear River basin. You folks are legally involved in it and so are we or we wouldn't be a part of the Compact. That's the way I believe our area would feel that we should have consideration. I think you are wise in pointing out that its a long and difficult task, but if we all cooperate the wheel turns. We are mighty glad of the allocation we got. The last five years we have saved two crop failures with it. If it is bothering these boys down here just what to do with all that million feet, we could surely help them out with about 35,000 acre-feet more, couldn't we. That is what you had in mind; I know you did. I wanted you to say it here and not over in Cheyenne.

MR. BISHOP: Yes, sir.

MR. SKEEN: Mr. Chairman, I might for the purpose of recalling the provisions of the Compact read the article that Mr. Bishop points out. Article XIII provides, "At intervals not exceeding twenty years, the Commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress."

MR. BISHOP: I presume the key word there is not exceeding twenty years.

MR. SKEEN: That's right.

MR. PORTER: Right now, as Mr. Jibson said in his report, we are releasing steadily—and have done so since last summer—700 second-feet out of Bear Lake. We are doing this to get a cushion in there to take care of the flood flows. We have got to have room in that Lake to take care of the flood.

MR. JOHNSON: Suppose the lake were lower, would there still be winter releases?

MR. PORTER: No, no winter releases if the lake were low.

MR. JOHNSON: I think the Bear River is something for the future. This water is not going to be handled exactly the way nature has laid it down.

MR. MYERS: Mr. Chairman, it looks to me like this is a very opportune time for this thing to come. It looks to me also like this is the proper place for it to come rather than Wyoming making an investigation or Idaho making an investigation or Utah making an investigation. It looks to me like this is the way to do it. I think we should make some recommendations and start it. To me the present Bear River Compact regulates only the Upper and Central Divisions. Basically, there is no regulation in the Lower Division; it was not developed. The great potential that the reclamation service is talking about developing was not there, the potential was there but the procedure of development was not there, when this Compact was ratified. This looks to me like its the beginning of a new game. We should look at the whole picture again and not just look at the Lower Division. I believe that this Commission would not be doing what they should be doing if they don't take a look at the whole thing and make use of the Compact provision that says that it can be changed and modified if it is necessary. The only point I am making here is that I would like to see the Commission do it and I would like to see them start making this study now; draw the reclamation service into it if it is necessary. We have something less than \_\_\_\_\_ acre-feet of storage, to be exact, for supplemental water supply for the lands that we irrigate in the Upper Section of Wyoming. Now that is less than a quarter of an acre-foot (per acre) supplemental water supply. This is something that the people in the lower region don't seem to realize. They always worry about the water not getting there, but they don't seem to realize that none of the water that is below ever runs back up the hill. What we let go by never comes back. I think we definitely need more storage. We know there is a large amount to be developed below. We know that 36,000 acre-feet for the two States in the upper area is a very small amount in comparison. I would like to see this started.

MR. DAYTON: I am sure this body is not opposed to future planning and preparation for the proper use of water. I think the longer you and I live we are going to realize the mistakes we made in the past by not having proper utilization. So I think this must be along-range plan so we can utilize the full benefits of the whole system. This water is pretty precious stuff and I think we are realizing it more and more as time goes by.

MR. JOHNSON: Mr. Chairman, I would like to ask Mr. Skeen a question. So far as the Compact is presently written, our question now is the water arriving (originating) in the basin below Bear Lake. That is the question to solve; the development of water that originates below Bear Lake—isn't this water covered by Compact?

MR. SKEEN: Well, it is to the extent of 35,500 acre-feet of storage above Bear Lake.

MR. JOHNSON: But we also have a vast amount of water the Power Company set up for these sugar rights; more than a million acre-feet.

MR. PORTER: That isn't true.

MR. JOHNSON: Wait a minute now. Maybe I don't see things right. To get the cooperation and good will of the people along the canals that raise sugar beets we had to satisfy them that there was water there, didn't we? Those commitments were made and were a part of the Compact, and these men can confidently look forward, unless nature changes the whole thing, to about one million or more acre-feet of water that may not be pumped for power only. That's it isn't it?

MR. PORTER: Don't use that million acre-feet. That is a figure you plucked out of the air and it doesn't mean anything. That's the total usable storage in Bear Lake, that million +, but that is for everybody.

MR. JOHNSON: Is there any difference between that water that would normally have satisfied rights in Bear Lake and the Irrigation Reserve?

MR. PORTER: The Irrigation Reserve is the figure below which we may not pump the Lake for power. The actual usable storage capacity in Bear Lake is something different again, and that is the capacity that is dedicated to satisfying the irrigation rights below including Last Chance Canal Company, West Cache, Cub River Pumps, all the diversions in Cache County, and finally the two canals that take out of Cutler to satisfy the farmers in Box Elder County.

MR. JOHNSON: There were no objections raised over the years of negotiating the Compact by anyone but the canals going across, the old Sugar Company rights actually. You had made guarantees.

MR. PORTER: That wasn't just the Sugar Company canals, Lawrence. West Cache was involved in this thing, and they had as good a decreed right on that river as the Sugar Company canals had.

MR. JOHNSON: You didn't have a contract with them to keep it full; you did with the other fellows?

MR. PORTER: Yes, we do. We do have a contract with the West Cache Irrigation Company. As a matter of fact they have a decreed demand and we have got to satisfy their rights under the contract.

MR. JOHNSON: Is that all in the usable storage space?

MR. PORTER: Yes.

MR. JOHNSON: Is there any line between, in that usable storage space from the water down to a million acre-feet you could pump for power if you wanted to?

MR. PORTER: Well, we could down to about a million feet. The development of that Irrigation Reserve and its culmination in this Compact is not for us, this was to protect the irrigators down below against the upstream storage above the Bear Lake.

MR. JOHNSON: You don't believe that. We felt as if there had been certain commitments that had been made years ago as the sugar business developed and we were willing

to take a fair share of what was available when all of those things - and we got them off of the Sugar Company for any further claim.

MR. PORTER: This Irrigation Reserve was a concession from the fact I think they didn't have to make, but we made it in the interest of the downstream users to protect them against the upstream storage development.

MR. JOHNSON: We feel as if up until now on the terms of the Compact the commitments had been kept. I believe our neighbors up in Wyoming feel just like we do further down that anything further should be by common consent and the Power Company would always be in it. If we were to raise the lake a foot, it is not our water it is your water, if we raise it two feet it is still your water. You have the filings, we don't have filings, so we depend on the Compact. You have indicated a certain amount of the Lake to supply them and whether it gave you power or not, it is irrigation water first, isn't it?

MR. PORTER: We do not use it for power, we cannot go below that Irrigation Reserve. We agreed to that in the Compact. Prior to that we could have pumped that Lake down to the bottom every year.

MR. JOHNSON: Does the Power Company's legal staff feel that there is satisfaction enough with what there was done that we might go further.

MR. PORTER: I think we are satisfied, but we have gone as far as we can. I am not talking about a Power Company, I'm talking about our obligations to the irrigators who are dependent upon us to get water from that Lake. Any raid on that Lake that you refer to is not going to hurt us but it is going to hurt them.

MR. BISHOP: I don't look at this in terms of a raid on the Lake. I think this proposal really involved a more efficient use of water and as far as depletions are concerned I think they would be insignificant, beyond what is presently the situation. Personally I feel it is something that justifies a study and we should really look into it and try to encourage the best utilization of the available water supply. It seems to me that there is a good possibility we might be able to arrive at an agreement as to something along this line.

MR. PORTER: We have never refused to engage in any kind of a study and we will continue to cooperate with you.

~~MR. BISHOP~~<sup>TELETYPE</sup>: I know we are criticized up there the way we use water at times, the amount that we use, and I think the people are becoming more conscious of this use of water. I realize that there is only so much consumptive use that you can make of the water during the season. I don't think we would consume any more by being able to hold that water back and using it later on and changing our method of irrigation than we are presently using. This is brought up about the wells that we are drilling—they are very gravelly underneath, and these people where these wells are being drilled, they have a water right. There isn't enough water to go around. They have put in a sprinkling system. I think the whole thing stems from a more efficient use.

Mr. Chairman, I would like to ask Mr. Porter a question. Is there any restrictions on the elevation Bear Lake can be pumped for irrigation?

MR. PORTER: The Lake can be pumped to 1902 ft.

MR. BUDGE: There is no basic elevation to where the drawdown will be stopped. In the case of an emergency there is nothing that says that the Lake can't be drawn down as far as possible. I mean practically as far as pumping goes, but there is no restriction as to how far the Lake can be taken down by any method if the method is available for irrigation.

MR. PORTER: As far as the Compact is concerned there is probably none. As a practical matter, when you get down to 1902 feet you'll not only have to dredge a channel about half a mile out into the lake, but you have to keep that channel continually open. It's only happened once that I know of.

MR. BUDGE: The practical level of the lake is how far you can economically pump the water out, but there is nothing to say that a new method might not come along to where you could pump this down indefinitely to where there is no water left. If that were the case, Mr. Johnson, you would have your million acre-feet of water.

MR. PORTER: The minute you get that lake down to 1902 feet and then you try to go a little further than that, I would envision some serious litigation with the home owners along the Lake. I would think after all these years they would make some contention that that is as far as you can go.

MR. BUDGE: This is no question as far as I am concerned. For all practical purposes you can't pump that much economically, but the point is that there are no restrictions on how far you can pump.

MR. PORTER: I wouldn't want to be quoted as saying there are no restrictions. There are no Compact restrictions, yes. But I think there might be some very serious legal questions as to whether you could lower that lake level lower than it has ever been lowered before.

MR. BISHOP: Mr. Chairman, I wonder if I could ask Mr. Bischoff a question concerning the Bear River project. With regard to the timing on the Bureau's studies and so forth, what is the situation? Do you have a point in time when you expect to have the feasibility report, when will that be finished and how do you expect this thing to proceed timewise?

MR. BISCHOFF: This depends quite a bit on the States that we are working with. We have a time schedule up to about March of 1969. After that time I suppose it will either be a feasibility report or perhaps a status report depending upon how far along we get. That is about the best I can answer you now.

MR. JOHNSON: When we met before, Mr. Crandall submitted to us a prospect of what the Reclamation service would do on the project. Are there any changes on that, or can we pick that up and see what the program is as far as the Bureau is concerned?

MR. BISCHOFF: There aren't any changes from the report he made 6 months ago. Its about the same as when he made the report.

MR. JOHNSON: I thought it was fine of Mr. Crandall to come in here and lay the cards on the table exactly as they are, and we have them in our minutes. Now we don't have to go any place else to know what their intentions are.

MR. BISCHOFF: We are most happy to work with the Commission and the States as far as we have funds available for the next two years.

MR. HIGGINSON: Mr. Chairman, I would like to point out that as far as the State of Idaho is concerned officially, there is no Bear River project as such. There was a feasibility report on a proposal some years ago which was submitted, but never received the approval of the State of Idaho. The current alternatives that have been suggested by the Bureau do not have the official approval of the State of Idaho. There are various alternative programs being investigated both by the Bureau and by the staff of our Water Resource Board. So at the present time when you say "the Bear River Project", as far as Idaho is concerned there is no Bear River project. So that is the status in Idaho and Idaho has never officially taken any action on any particular project that has been proposed.

MR. LAWRENCE: I don't believe any of the States have officially.

MR. HIGGINSON: I didn't want anyone to think that because there had been a feasibility report that had been submitted some years ago that it represented "the project", that the States of Idaho and Utah had agreed upon, because Idaho has never agreed upon any project.

MR. SKEEN: We had better call it the proposed project.

MR. HIGGINSON: Better talk about several proposals for projects. There are some private proposals that may very well call for Bear River water, therefore, we shouldn't get the impression that all of the States' eggs are put in a Federal Bureau of Reclamation basket, because it may very well be that the State of Idaho may decide to build a State water project and decide to support local private developments, they may support a Federal reclamation project, or any combination. So right now there isn't any official State position in Idaho on any project.

MR. JOHNSON: Mr. Chairman, I would like to suggest that the State of Idaho, the State of Utah, and the State of Wyoming not be concerned just about their own problems, but divide this water and let us know what Idaho is talking about, whether they have a project or whether they haven't. Before they have a project we have first got to divide the water, haven't we. We have got to know whose water goes where. So you are not any behind Utah or Wyoming on the development of the thing. Aren't we just taking the usual course for the Bureau. If we could fund it ourselves if we had over \$100 million we could do a lot of talking. Where are we going to put out the money, put out the plans? We haven't had the plans submitted to us if we are definite in this nature. It seems to me that the Bureau is making all the progress it can to see what the feasibility of the thing is. When they have (completed plans, etc.), why then the program that Mr. Crandall outlined to us seems to me the program that we would have. Isn't that the way we will do it, Mr. Chairman?

CHAIRMAN LARSON: I'm in a neutral position here and I think I'll stay that way. I think this points up one thing, that when this Compact was written and we worked on it, the dividing of water was confined to the river above the Lake. We have a Federal decree on the Bear River on down below, and the Kimball decree in Cache Valley since 1924. Working out definite projects wasn't known at that time. Those rights are pretty well recognized and the ~~service~~<sup>surplus</sup> water is still there. It occurs in different parts of the River, it is a very complicated thing. So out of that information the Commission should be able to get some answers.

MR. LAWRENCE: The Utah Board of Water Resources and the corresponding State agency, the Division of Water Resources, are very carefully and intimately studying the water supply and the relationship it might merit to the things we have discussed. We are working on this. I am not prepared at this time to make any statement on the position of the Board on this matter.

MR. JOHNSON: If I may, I would like to ask Idaho if they have any objection to the Reclamation service going just as far as they can without any commitments from any of the States. Isn't that the way we do business if they are going to do it. You talk about doing business on your own, you've got to pay for that fire damage up there (Northern Idaho) before you start building reservoirs. Why don't we get at this thing. The Bureau has laid down this program of what they are about to do at a relative cost and now trying to figure out if it is feasible or not. It is going to be costly, there's no question, but that is wonderful country. They've got everything in the world for them to do it. It would seem to me that we Bear River Commissioners with the commitment that was given us and as long as we are representing our States we have got something to do besides just side stepping. Let's get this thing into shape so we can find out whether we can use the Oneida Narrows or whether Utah wants to use some water lower down, or whether Idaho wants to take it as their delegation says. That river will roll on and on, and I want to know and that is all there is to it. We aren't keeping our commitment.

MR. FUNK: Mr. Chairman, I would like to ask the question, how can we in good conscience deny Mr. Bishop 35,000 acre-feet if all this is going to continue to go out of the lower basin with no fruitful proposal to utilize it?

MR. HIGGINSON: I don't think the answer is a simple one. In the first place, the water he is talking about is Bear Lake water which is covered by right decreed in the Federal court. Does this Commission do the denying? Does this Commission have the authority to give Mr. Bishop 35,00 acre-feet? It's not that simple, to say that we deny him the water. The Federal court decrees this.

MR. BISHOP: Mr. Chairman, it would seem to me that it might be appropriate for this Commission to consider going on record in favor of making a study to determine the ultimate effect on the river and other water users on the river and the legal effects, etc., of possible allocation of additional storage capacity in the upper reaches of the Bear River. I think it is a sufficiently complex problem that we can't sit here and try to analyze it. We can't go into the depth that would be required to analyze it.

MR. BISCHOFF: All we are speaking to for the moment in any study or any alternatives that we have been making at the suggestions of States or anyone else are strictly within the limitations of the Compact. We have no plan that we are proposing at this time. We have some water supply studies in an effort to be helpful in sizing up the whole picture of the basin. But we are not (at this time) making any studies that are not in compliance with the Compact.

MR. BISHOP: I would move that the Commission go on record as favoring a study to determine the ultimate effect on the river, on the water supply, on all the various water rights on the river of possible allocation of additional storage space in the upper portion of the drainage of the river.

I would hope that the Bureau of Reclamation might incorporate this in their study of the Bear River Project. This is the only possibility I see for being able to make a study of that nature. But at least I think the Commission could go on record as favoring the making of such a study, and I would so move.

MR. ~~KUNZ~~<sup>BUDGE</sup>: I second the motion.

At the suggestion of Mr. ~~Budge~~<sup>Higginson</sup> of Idaho, the Commission recessed for 10 minutes.

After the recess and after each State discussed the proposed motion individually, they reconvened and Mr. Bishop made the following motion (as a substitute motion):

I move that the Bear River Commission go on record as urging that a study be made, within the framework of the Bear River Compact, to determine the effect of increased storage on the water supply available to fulfill existing rights in the Bear River drainage.

MR. KUNZ: I second the motion.

Motion carried.

The meeting adjourned at 12:40 p.m.