

MINUTES OF THE
BEAR RIVER COMMISSION
ANNUAL MEETING
APRIL 15, 1968

BEAR RIVER COMMISSION

Minutes of the Annual Meeting held in the Water Conference Room
Utah State Capitol
April 15, 1968

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 15, 1968, at 9:35 a.m. with Chairman E. O. Larson presiding.

Voting Commissioners Present:

IDAHO

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

UTAH

Daniel F. Lawrence, Bountiful
Grover R. Harper, Corinne
L. B. Johnson, Randolph

WYOMING

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

UNITED STATES

E. O. Larson, Chairman and U.S. Representative, Salt Lake City

Alternate Commissioners and Advisors Present:

IDAHO

Reed Budge, Soda Springs (Alternate)
R. Keith Higginson, State Engineer, Boise (Advisor & Ex Officio Member)

UTAH

Gordon H. Peart, Randolph (Alternate)
Calvin W. Funk, Richmond (Alternate)
Dallin W. Jensen, Salt Lake City (Advisor)

UTAH (Continued)

Clyde Ritchie, Heber (Advisor)
Robert B. Porter, Salt Lake City (Advisor)
Hubert C. Lambert, State Engineer, 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
Jay R. Bingham, Western States Water Council, Salt Lake City
John A. Teichert, Superintendent, Water Division No. 4, Cokeville, Wyoming
Donald J. Watkins, Utah Power and Light Company, Salt Lake City
Elmer J. Taylor, Utah Power and Light Company, Salt Lake City
Evan M. Kackley, Wayan, Idaho
David Crandall, Region 4, Bureau of Reclamation, Salt Lake City
E. K. Thomas, Bureau of Reclamation, Salt Lake City
Paul Willmore, Bureau of Reclamation, Salt Lake City
Dean E. Bischoff, Bureau of Reclamation, Logan
Bert A. Page, Division of Water Resources, Salt Lake City
Roland Palmer, Division of Water Resources, Salt Lake City
Ethan F. Axtmann, Division of Water Resources, Salt Lake City
Sonya Ames, Division of Water Resources, Salt Lake City
Clarence Barker, Deseret News, Salt Lake City

CHAIRMAN LARSON: If you will come to order, gentlemen, we will begin the Annual Meeting of the Bear River Commission. Our Commissioners from all three states are present. The first item on our agenda is the reading of the minutes of our December 18, 1967, meeting, so if it is all right with the Commission we will have Mr. Jibson briefly review those minutes for us.

REVIEW OF MINUTES OF REGULAR MEETING
DECEMBER 18, 1967

MR. JIBSON:

Chairman Larson called the meeting to order even though Wyoming was represented by only one commissioner and called for a discussion of matters not requiring quorum action. Mr. Bingham then discussed reorganization of the Utah State Government in which he pointed out the need for a change in the office of Secretary-Treasurer.

The Chairman then appointed Mr. Bingham to continue as Treasurer and stated that the position of Secretary would be by election which would involve the full quorum.

The Chairman had no report, and Mr. Page then gave the report for the Secretary-Treasurer which listed a cash balance of \$32,926.62. A statement of income and expenditures was made a part of the minutes.

Other commissioners from Wyoming then arrived and Mr. Jibson then gave the report of the Assistant Secretary. His report showed that with above-average streamflow in 1967, little difficulty had been experienced in administering the Compact. Afterward, a discussion arose on the late fall release of water from Woodruff Narrows Reservoir to replace Power Company water previously stored in the Reservoir. Also, some discussion took place on new water rights in the Cokeville area for underground withdrawal and its possible effect on existing rights. Mr. Jibson will study further these rights as development takes place.

400⁰⁰
Acres ft.


Next item was election of a Secretary, and Daniel Lawrence of Utah was elected to fill this vacancy. Mr. Johnson then moved to express appreciation to Mr. Jibson for his service as Assistant Secretary.

The Assistant Secretary then reviewed minutes of the April 17, 1967 meeting and the minutes were formally approved.

Under 'New Business' and in response to a general query on Compact operation, Mr. Bishop raised a proposal that the Commission, in view of pending development in the lower basin, consider adjusting upward the compact storage allowance above Bear Lake. This would require a review and revision of the Compact which can under law take place at intervals not exceeding twenty years.

Discussion of this proposal then took place among the commissioners and Mr. Porter of the Utah Power & Light Company. A further discussion with Reclamation personnel brought a response from Mr. Higginson to the effect that as far as Idaho is concerned, there is no 'Bear River Project' as such.

After a short recess, Mr. Bishop made a motion that the Commission urge a study within the framework of the Compact to determine the effect on existing rights of increased storage above Bear Lake. The motion was adopted.

The meeting adjourned at 12:40 p.m.

CHAIRMAN LARSON: A change should be made on page 19, the sixth line down. It should read "surplus water" instead of "service water."

MR. BUDGE: I have a further correction. On page 20 it shows Mr. Kunz seconding the motion and it was myself. On the following line it reads, "At the suggestion of Mr. Budge of Idaho . . .," and I believe Mr. Higginson made this suggestion.

Mr. Jibson pointed out that the statement on the bottom of page 16 was made by Mr. Teichert instead of Mr. Budge as shown.

MR. JOHNSON: I move that the Bear River Commission accept the minutes of the December 18, 1967, meeting as they have just been corrected.

MR. KUNZ: I second the motion. Motion carried.

(At this point Mr. Lawrence suggested that those gentlemen on the sidelines participating in discussions should identify themselves before speaking so the Secretary would know. This was not done, however.)

INTRODUCTIONS

CHAIRMAN LARSON: I think at this time we should introduce the representatives of each State.

Each representative from Idaho introduced himself. Mr. Bishop introduced representatives from Wyoming. Mr. Lawrence introduced representatives from Utah. Mr. Jibson introduced Mr. Ted Arnow, District Chief of the Geological Survey, Salt Lake City. (See pages 1 and 2 for those in attendance.)

MR. JOHNSON: I would like to ask, does the position of State Engineer warrant Ex Officio to the Commission? I just noticed in the introduction of Keith Higginson, it was not mentioned that he is the State Engineer for Idaho. Without him would this delegation be complete?

MR. SKEEN: Officially; yes. Unofficially; I think, no. There isn't any provision in the Compact for the State Engineer to be an Ex Officio member of the Commission, but they are Advisors.

MR. JOHNSON: I think the minutes should show they are State Engineers of their respective states.

MR. SKEEN: I think the minutes should show they are present as Advisors of their respective state delegations, but under the Compact they have no official standing as Ex Officio Members.

MR. JOHNSON: But shouldn't the minutes show that they were here as State Advisors and that they are the State Engineers.

MR. SKEEN: I think that would be very appropriate. I think the minutes have shown that they are here every time, but we don't tag them as State Engineers. I think that would be a good change.

MR. BISHOP: Mr. Chairman, I would like to say a word on that. I think the Bear River Commission is pretty much an administrative-type operation. The State Engineers in all states, I think, are the people responsible for administration of water. I think it would be a serious mistake to try to carry on the operation of the Compact Commission without the State Engineers being present and being active as Advisors. I certainly agree with your philosophy on that, Mr. Johnson.

MR. HIGGINSON: I might say, as far as the State of Idaho is concerned, the Enabling Act in Idaho says that there shall be three Commissioners appointed, one of whom may be the State Reclamation Engineer, and in the past the State Engineer has been one of the Commissioners. Of particular interest now, the Governor has chosen to appoint three Commissioners from the Bear River area and has asked me to serve in Ex Officio capacity.

ELECTION OF OFFICERS

CHAIRMAN LARSON: The next order of business is the election of a Vice-Chairman and a Secretary.

MR. JOHNSON: According to tradition; where do they fall, Mr. Chairman?

CHAIRMAN LARSON: Mr. Dayton of Wyoming was Vice-Chairman last year.

MR. MYERS: Mr. Chairman, according to tradition this has been a two-year term, and I would nominate Reed Dayton for his second year.

MR. JOHNSON: I second the motion.

Motion carried.

CHAIRMAN LARSON: We now need to elect a Secretary. In the past when Mr. Bingham was here the Secretary has also been the Treasurer. At our last meeting we elected Mr. Lawrence as Secretary and I asked Mr. Bingham to serve as Treasurer.

MR. BINGHAM: Mr. Chairman, I think at this time it would probably be best if I resign as Treasurer. I appreciate the consideration at your last meeting. I think it best that I resign as Treasurer at the convenience of the Commission to leave me free to represent all of the Western States in the new position I will have as Executive Director of the Western States Water Council. I think you may want to consider at this time filling this position as you have done in the past where one individual is Secretary and Treasurer.

MR. JOHNSON: Might I ask again, Mr. Chairman, was that a matter of convenience that you men were always here or is there anything in the bylaws?

MR. BINGHAM: Convenience only.

MR. JOHNSON: Well then Mr. Lawrence has actually succeeded Mr. Bingham, has he not, in this particular spot?

MR. BINGHAM: I think regarding this position of Secretary-Treasurer, I think this is the will of the Commission and/^{not}any succession of State representatives.

MR. BISHOP: Mr. Chairman, as I recall we elected Mr. Lawrence as Secretary at our last meeting, and it is the Chairman's responsibility and authority to appoint the other office. It seems logical to me that Mr. Lawrence should be the one, but far be it from me to tell the Chairman who he should appoint.

MR. BINGHAM: Wouldn't it be at this meeting that you would have to reelect the Secretary. This is the Annual Meeting.

MR. BISHOP: I nominate Mr. Daniel F. Lawrence as Secretary.

MR. JOHNSON: I second it. If Salt Lake City is going to be the headquarters of the operation, it is just natural, and Mr. Lawrence is a fine man.

MR. BISHOP: Agreed.

Motion carried.

CHAIRMAN LARSON: I will be very happy as Chairman to also appoint Mr. Lawrence as the Treasurer of the Commission.

MR. SKEEN: Maybe we better review the bylaws a little bit. At our last meeting the question was raised because of the resignation of Mr. Bingham. and under the bylaws the Chairman has the authority to appoint a new Treasurer, but this is what the bylaws say: "The Treasurer may or may not be a Member of the Commission. He shall be elected at each Annual Meeting of the Commission and shall hold office until his successor is elected." So I think we better go back and make a motion to elect Mr. Lawrence as Secretary-Treasurer. I think probably the record should reflect the election of the Treasurer rather than the appointment. Maybe an appropriate motion combination should be made. It will take just a moment and it will make it legal.

MR. BISHOP: I would like to make a substitute motion that Mr. Lawrence be elected as Secretary-Treasurer.

MR. JOHNSON: I second the motion.

Motion carried.

REPORT OF CHAIRMAN

CHAIRMAN LARSON: I don't have a report. However, in view of the motion made by Mr. Bishop of Wyoming at our last meeting concerning the possibility of using Bear River water upstream, I discussed the motion and also the comments made at the meeting with our Legal Advisor Mr. Skeen, and I thought it would be a good thing to follow up and see what information the Bureau of Reclamation might have in view of their investigation of the Bear River Project. So I wrote a letter to Mr. Crandall dated January 18, 1968, and he replied immediately on January 19th saying that the Bureau of Reclamation would study the question of increasing storage above Bear Lake, and would be prepared to make a preliminary report to the Commission at the next meeting. Copies of my letter to Mr. Crandall and copies of his letter to me were sent to the Commissioners so you would be familiar with them. Mr. Crandall is here today and I think this would be a good time for him to make a report on any findings with respect to this motion.

BUREAU APPRAISAL OF STORAGE

MR. CRANDALL: We have been actively considering the question posed at your last meeting, and I have a response here in the form of a letter of reply. (Copies were handed out, and a copy is attached herewith.) While this letter is being passed out, I would like to mention that here with me is Mr. Bischoff, Area Engineer of the Bureau of Reclamation at Logan; Paul Willmore, in charge of the Project Planning Office; and Mr. E. K. Thomas, of Project Development.

(At this point Mr. Crandall read his letter to Mr. Larson dated 4/15/68.)

Dear Mr. Larson:

A brief appraisal has been made in response to your letter of January 18, 1968. A copy of your letter is attached for convenience of those who will be interested in this response.

You indicated that construction of storage capacity on Bear River or its tributaries above Bear Lake, in addition to that permitted by the compact, would require exchange or replacement storage below Bear Lake to protect existing water rights below the lake. An increase in irrigation reserve in Bear Lake would accomplish the same purpose as replacement storage below the lake, but this would require an amendment of the compact. Hence, an increase in the Bear Lake irrigation reserve is not within purview of this appraisal. Replacement storage below Bear Lake, of course, involves the interests of all three Bear River Basin States.

The quantity of water accruing to Bear River below Bear Lake over a year's time is more than sufficient to supply all present uses below the lake except for power generation, although the pattern of stream flow does not coincide with the requirements. By providing storage the water accruals below Bear Lake not only would be sufficient in quantity, but also could be controlled to fit the pattern of need for present consumptive uses. Thus, it would be physically possible to utilize all water flowing into Bear Lake (averaging about 200,000 acre-feet annually) in the area of its origin if replacement storage below Bear Lake were provided for present downstream consumptive uses. Depletions in flows now entering Bear Lake would decrease the water supply now available from Bear Lake solely for power production at the downstream plants of the Utah Power and Light Company. Such decreases in water supply solely for power production could not be offset by replacement storage.

It is not expected that anyone will propose or that the three basin States would agree to an upstream development of the magnitude of 200,000 acre-feet because of questions of economic justification, limited water requirements, adverse effects on Bear Lake, and virtual preclusion of future water developments downstream from Bear Lake. The Bureau of Reclamation has not attempted to determine any appropriate size of potential upstream development. Rather its appraisal has been directed toward identifying the salient considerations which apply, including an economic criterion.

At the outset of the appraisal it was realized that the necessity of providing reservoir storage both above and below Bear Lake in order to permit additional water uses above the lake would involve a cost burden assignable to the development above the lake. Prospective benefits would need to be defined in sufficient magnitude to warrant the costs.

Studies made for a Bear River Project have shown the Oneida Narrows reservoir site on Bear River to offer the least costly storage below Bear Lake. A 295,000-acre-foot reservoir has been studied at this site. Some portion of the capacity could be used to replace water consumed by upstream development. For an Oneida Narrows reservoir of that size, about 2.2 acre-feet of capacity on the average would be needed to replace each acre-foot of river depletion resulting from development above Bear Lake. This represents the same ratio of Oneida Narrows capacity to yield as was found in Bear River Project studies to apply to the whole reservoir.

The estimated cost of storage in a 295,000-acre-foot-capacity Oneida Narrows reservoir would be about \$90 an acre-foot including rights-of-way and power losses at the downstream Cutler Powerplant that would result from operation of the Oneida Narrows reservoir. Power losses at the Soda, Grace, Cove, and Cutler powerplants that would be incurred from river depletion resulting from development above Bear Lake are estimated at about \$2 an acre-foot of depletion. This is the equivalent of 3 mills a kilowatt-hour of energy loss at the four plants, with any loss of generating capacity being disregarded. These power loss estimates of course are given for comparative purposes only. They cannot be interpreted as an expression of what the right holder might accept as compensation or what might be offered as fair payment.

The cost of constructing additional storage above Bear Lake as part of a Bear River Project, including a permanent pool to meet usual fish and recreation requirements, probably would range from \$300 an acre-foot for the best storage sites to various higher figures for less favorable sites. This figure excludes cost of replacement storage and power losses below Bear Lake. Assuming that a reservoir above Bear Lake would be completely filled and utilized each year and that the storage water would be used for supplemental irrigation, the additional water supply provided by the reservoir directly and indirectly (direct diversion of reservoir water plus rediversion of return flows) would be about 1.35 acre-feet for each acre-foot of reservoir capacity. The river depletion resulting from the water uses would be about 0.5 acre-foot for each acre-foot of reservoir capacity. The amount of storage replacement in Oneida Narrows reservoir thus would be about 1.1 acre-feet (0.5×2.2) for each acre-foot of reservoir capacity above Bear Lake. The total capital costs for providing storage above Bear Lake as part of a Bear River Project, including the cost of replacement storage, thus is estimated at not less than \$400 an acre-foot (rounded figure obtained by adding $1.1 \times \$90$ to \$300). The average annual equivalent cost would be \$13.60 an acre-foot, based on a 100-year period at $3 \frac{1}{4}\%$ interest. Including annual costs estimated at \$0.30 an acre-foot of capacity for operation, maintenance, and replacement and \$1.00 an acre-foot ($0.5 \times \2.00) for power losses below Bear Lake, the total annual costs are estimated at not less than \$14.90 (rounded figure) an acre-foot. This amount is the estimated total cost of storage above and below Bear Lake associated with an acre-foot of capacity for a new use from storage above Bear Lake.

With a maximum water supply of 1.35 acre-feet expected from each acre-foot of storage capacity above Bear Lake as explained, the annual cost of the storage water made available at points of diversion would be at least \$11 an acre-foot. To be included in an overall Bear River Project such upstream storage would need to have benefits of at least \$11 annually for irrigation and more for municipal and industrial uses if the river depletion therefrom were more than from irrigation. This appraisal has not been directed to defining possibilities for uses yielding benefits of the magnitude indicated. Irrigation benefits in the area above Bear Lake plus the usual fish and wild-life and recreation values probably would not be more than \$8 annually as expressed in terms of dollars per acre-foot of storage capacity.

Before attempting further studies of additional storage above Bear Lake perhaps there should be a decision by the States as to whether, and if so how much, water should be ear-marked for such storage. Perhaps this could be done without involving a revision of the compact. We cannot offer encouragement that such development could be found feasible and justified under present conditions where the primary benefits would be from irrigation. On the other hand our experience is that various industrial applications warrant investments of this magnitude for assured water supplies.

We are hopeful that this appraisal will be of assistance to the Commission in further consideration of the matter. We are most willing to aid in any further way.

Sincerely yours,

/s/ D. L. Crandall
Regional Director

MR. CRANDALL: Mr. Chairman, that constitutes our preliminary response.

The gentlemen who have had the most to do with this report are here with me and we hope, among us, we might be responsive to any particular questions anybody has. We, of course, are anxious to be of any service that we may in any considerations relating to further resource development on Bear River. We have an active program there and we want it to serve the needs.

MR. LARSON: I am sure the Commission is very pleased with the promptness in which you made this report in answer to Mr. Bishop's motion.

MR. JOHNSON: Mr. Chairman, we love Mr. Crandall, but that sounds kind of tough. Our first efforts would be to find out from you just how much less than that can it be, so you can get this within the realm of irrigation per acre foot.

MR. CRANDALL: I realize in comparing the cost of storage at Oneida with the alternative sites upstream there is quite a disparity in the numbers given here. It comes about in comparing the physical characteristic of the site as related to the cost of development. Now our estimates were based on what

we considered to be the more favorable of the storage possibilities in Wyoming, and are rather preliminary. We did not make a detailed design and estimate for each given site. We applied our parameters and physical information to come up with a round number that was what we felt was suitable for comparative purposes. There are fewer storage sites up there, as you are aware, so the costs of impoundment run much higher. Perhaps these gentlemen who are here who worked on this in more detail could add something to this.

MR. THOMAS: It might be of interest to Mr. Johnson, at one time we did have a storage site above Bear Lake that might be somewhat comparable in cost to the Oneida Narrows site. This was the Upper Woodruff Narrows. Perhaps generally in the same range would have been the Lower Woodruff Narrows site and even the Sulphur Creek site would compare economically. The Upper Woodruff Narrows site is now built, Sulphur Creek is built. The Lower Woodruff Narrows, of course, is not available because there is such a small amount of storage between that dam site and the Upper Woodruff Narrows. So with the sites remaining, when we looked at the best there were, and as Mr. Crandall explained, without a detailed cost estimate, design layout and all of this, we went to other means, including sizing up other dams that the Chief Engineer had designed and we felt that the cost of storage is about \$300 an acre foot. As Mr. Crandall has explained, physically there aren't sites any more like there used to be because they are built.

MR. CRANDALL: The cost is compounded, Mr. Johnson, by the requirements by authorities both above and below Bear Lake.

MR. JOHNSON: I wonder if you had overstated both items.

MR. CRANDALL: We are calling attention to facts that we feel are pertinent and have attempted to impartially give you the best information we could that bears on the question. I don't feel that they are weighted in favor of the decision in any direction. We have tried to be very careful not to do that.

MR. JOHNSON: I am sure, Mr. Crandall and Mr. Chairman, that our fellow Commissioners here in Utah will join in a real commendation for what the Bureau has done, would we not boys?

UTAH COMMISSIONERS: Yes.

MR. JOHNSON: The Bureau has made a splendid effort to bring the things to our attention.

MR. BISHOP: I would like to have a little more information on specifically what is in your \$300 per acre foot estimate on the cost of storage above Bear Lake? What sites are you talking about?

MR. THOMAS: Mr. Bishop, as far as we know we think that the Ferney site on Hobble Creek, a tributary to Smiths Fork, is probably about the cheapest site remaining. Unfortunately there has not been a gaging station right at this site. However, by correlation of records with other stations, it appears that there would be at least 10,000 acre feet of water available at that site

for storage every year. So we used this site in our study when we came up with the \$300/acre-foot figure. We also consulted with the Fish and Wildlife people, and they advised us that there should, at that site at least, be a permanent pool of about 1600 acre feet to provide for mitigation of losses--stream fishery losses--and also some enhancement at that site. We did not have time to consult with the recreation aspect, but judging from our experience with the recreation, we thought that would be ample for a pool of that size and would have some value.

MR. BISHOP: One other question--as I understand it you have some provision in here for power benefits foregone. Has this been worked out with the Utah Power and Light? Would this money be paid--I believe it was \$2.00 an acre foot for the foregone power benefits? Is this acceptable to Utah Power and Light Company?

MR. CRANDALL: We just put an amount in for comparative purposes. We realize that there would have to be a capital proponent some place in the cost of the project to compensate the power company for values they now have.

MR. BISHOP: Utah Power and Light would be the organization involved in the foregone power benefit, wouldn't they?

MR. CRANDALL: Yes. Maybe we could take that item out. Our reservation with the Power Company has always been that they have a value there that is compensable and our plans have always taken this into consideration.

MR. DAYTON: Has any consideration been given to what is known as the Ashby site and also the Bagley site on Smith Fork?

MR. CRANDALL: Yes, but we believe that the Ferney site is somewhat cheaper than either of the other two. The other two are pretty good sites. On the other hand they do require larger spillway capacity with more cost for that reason. We feel that the Ferney site, at least for say 10,000 acre-feet reservoir of live capacity, would be cheaper than the Ashby or the Bagley.

MR. JOHNSON: The thing is still up in the air as to whether you would have had your storage in Woodruff Narrows or not that you contemplate on Smith Fork. It would have been much cheaper there and with a considerably added amount of water, and I thought that is what you folks had on your mind at the last meeting for Wyoming. Is that the answer, and then Smith Fork for the resident people?

MR. DAYTON: I might give two thoughts there. Originally we had considered, as you know, the possibility of storage in the Woodruff Narrows Dam, but at that time when we called our people together from that area there was a question in their minds as to whether the water would get down there. That is still a question. As you remember, I made a suggestion about a year ago at our Annual Meeting that consideration be given this on a trial basis. We thought we had things going, and then for some reason or other the people up in that area were discouraged to give us that opportunity on a trial basis.

MR. JOHNSON: The quantity of water is relatively small so far west, wasn't it?

MR. DAYTON: That's right.

MR. JOHNSON: If you had that much water on Smith Fork why then you could dump Smith Fork into the Covey Canal and you were all right. If these costs that Mr. Crandall and his staff are projecting for us now, and they are irrigation costs, we can't do much about it, can we?

MR. DAYTON: Some thought and consideration would have to go into that.

MR. SMITH: Somewhere along the line don't we have to decide whether we are going to develop the Bear River collectively as three states, or is Idaho going to develop their part for themselves, and Utah develop their part for themselves, and the same with Wyoming. Somewhere we have got to come to a general understanding don't we? That has never been decided yet, has it?

As I understand it, there has never been any agreement drawn up as to just how we are going to do this. It seems to me that some where along the line we have got to bring this thing to a head and get approval, I suppose, of our Idaho Water Resource Board and our Governor. I don't understand that we can sit here and say that it is going to be this way or that way, without their approval. Am I right or wrong?

CHAIRMAN LARSON: I think you have to think along this line when you are thinking about these considerations. You have to take into consideration the cost benefits and so on as something that is going to build now.

MR. SMITH: The thing we have got to do somewhere along the line is to start all pulling in the same direction. If we are all pulling in a different direction, we are not going to get anywhere.

MR. SKEEN: I think this is a preliminary discussion. Certainly we will have to have an agreement when we get something crystalized. I think this is the first place for preliminary discussions. Of course, this report has shown that it wouldn't be economical to do it on the upper end of Bear River according to the figures they just gave us, isn't that true?

MR. CRANDALL: For irrigation.

MR. HARPER: While this development is going on, there is this we have to look at - and it is going to come up and it has come out of this report too - that there are all those rights up the river and there has to be some place along the line that there has to be some revisions made on those rights, they have to be satisfied some way.

MR. SMITH: We don't have to fight anybody on the rights; we've got them.

MR. HARPER: No, that is right. To do this we've got to make working exchanges or something like that. The Power Company evidently has an awful lot of

rights from one end of the river to another. Somewhere we've got to work along with them.

MR. SMITH: We've got to do it the most economical way, and of course, we've got to consider each State as having certain rights. We've got to agree how many rights Utah has, how many Idaho has, and Wyoming. Where are we going to get at the bottom of this thing? It seems like we are just talking around it and not getting anywhere.

MR. DAYTON: It would seem to me, like Mr. Skeen said, that this is preliminary. Quite a bit of study and work will have to go into this before anything can be crystalized.

MR. SMITH: We have been doing that for a year or two. We ought to be moving ahead a little bit somewhere. We ought to be getting somewhere or there is no need of going on.

MR. BINGHAM: It seems to me one fundamental point is the storage granted by the Compact, whether already built or committed. To do what is proposed in this report, you would have to go beyond that. The statement is made in next to the last paragraph that perhaps this could be done without involving revision of the Compact. I am wondering if we should ask Mr. Crandall to give a little detail on that.

MR. CRANDALL: There has been some considerable thought and discussion on this point. So long as all of the present uses and entitlements are recognized, the project creates an additional increment of water supply by storage. Then can you not, by exchange, spread that benefit in an optional way, and still underneath that take care of all of the Compact entitlements and requirements. All we are talking about is what we do with the increment of additional water supply which we use that is created by a storage development. You create this new water supply and then you have a choice of whether you take the advantage of it to Idaho, Utah, or Wyoming, and it would be done by an exchange arrangement which would fully honor and protect all existing rights and uses.

MR. BINGHAM: I am wondering just how that reconciles with the language of the Compact which specifies not only the amount of upstream storage, but adds the further words "and no more."

MR. CRANDALL: This is just sustaining the other side of the question -- I am not advocating either -- that the storage upstream is merely to provide a vessel to use water that has been created by storage downstream. It as of itself does not create any additional water supply. It is merely a vessel that you put in the upper country to use your part of the water created by the downstream development.

MR. SMITH: Now that could either be done by individual states or it could be done collectively by all three states, and somewhere we have to decide.

MR. CRANDALL: Well, yes. Fundamental to all development considerations on the Bear River is the division of water between the three states, and we cannot decide on facilities or anything else until we have that understanding.

MR. JOHNSON: Mr. Crandall, if we were just changing horses we'd offer you some water out of Cache Valley that would naturally accrue to the lake and we wouldn't let it get to the lake and fill the commitment of the Power Company to the beet growers across the valley, and let them do it from the canals out of Bear River Canyon. That is the most feasible exchange proposition because that water (Cache Valley)--a great deal of the losses are from there--is from and below where Bear River Canyon cuts into the Salt Lake Valley. We would be justified in doing that and I am sure Wyoming would join with us if we could just take what we wanted to come down from the lake and supply those beet growers from Cache Valley water that is going into Salt Lake. It looks to me like we have got to look at this thing as a matter of what can be done and what we can afford to do.

MR. CRANDALL: All right, and when you speak to the economics of this situation you could have deferred uses as an assignment of water supply. In a sense it is earmarked and if it were for industrial use it would be set aside for that purpose to take place some time in the future. There are provisions in the Water Supply Act that will allow this reservation to take place. There are many avenues to follow.

MR. JOHNSON: After 9 years of negotiations, the Power Company decided that--everything considered--we could have 35,500 acre-feet of the upper water. We divided it equally between the two states. Most of it has been used. At that time we were not talking about any of these people's water. We were talking about the water that has been filed on by the Power Company. Those filings are still good, aren't they? No matter how high the lake is the water belongs to the Power Company?

MR. PORTER: That is right.

MR. JOHNSON: Have we disregarded Idaho in what we were going to do up there with water? It would seem to me that some exchanges will have to be made. There is no other way; we can't run water upstream. It will finally result in practical exchanges. Well, all we could offer and all that could help us would be that the Power Company would take that water at Cutler Dam as this surplus that is getting away to the Salt Lake from the Cache Valley streams which are always copious, and we would use some of the irrigation reserve (in Bear Lake). We wouldn't want that 1 million acre feet. We wouldn't have a place for it. How does that sound to you, Mr. Porter?

MR. PORTER: I'll have to quote from Mr. Crandall's letter where he says that the pattern of streamflow does not coincide with irrigation requirements. You get all of that water coming out of those Cache Valley springs in the early spring and summer; we need it in the late fall. We don't have a place to put it in the meantime. We don't use Cutler (power plant) during the irrigation season at all.

MR. SMITH: The thing we are concerned about is storing water. The overall purpose of this Commission in the beginning was storing water, isn't it? Unless we do something about storing this water we might as well quit trying. That is the way I look at it. It looks like we have got to decide somewhere along the line where and when we are going to store, then we have got water we can talk about.

MR. JOHNSON: Let's say there was storage at the proposed Oneida project. The losses are considerable aren't they Mr. Crandall? Didn't you set up about a 40% loss on that water? If we store water down there is still a considerable loss that adds to the total cost of the acre-foot of water. What can we do about this water out of Cache Valley? Is it always going to go down to the lake?

MR. HARPER: No. It can be worked out.

MR. JOHNSON: They won't let you store it in Logan Canyon and you've got storage in Hyrum Canyon.

MR. HARPER: In the original project (Bureau), storage was figured on the Malad River, and the Honeyville Storage Dam was figured also in the original project.

MR. JOHNSON: Well, they are little dams.

MR. HARPER: No, somewhere around 200,000 acre feet could be stored in each.

MR. CRANDALL: It might be appropriate to ask Mr. Bischoff to comment on this.

MR. BISCHOFF: Of course, it would depend on where you are going to utilize the water as to the sites that you would use and the facilities you would use. As I get it, there are two methods of providing water upstream. One, of course, would be in the letter Mr. Crandall read to you and the analysis that was made. We would need replacement storage downstream for the water that is going to be utilized upstream. One other method would be to build up the reserve in Bear Lake. This would be, of course, contrary to the terms of the Compact. There are those two ways of doing it if we are talking about storage upstream.

Then, of course, you are all aware of the sites that are available down below Bear Lake; the Caribou site, the Oneida Narrows site, and these sites alone will practically develop all of the waters accruing below Bear Lake in the State of Idaho. Down at Cutler there is a site there. It is very expensive, depending upon what you would want to do. You perhaps would need pumping at that particular site. If you wanted to utilize the last drop, of course, you would go down in the area of the Bear River refuge and develop waters there, and then it would depend upon where you wanted to use it. The economics, of course, would play an important part. There are other sites on the Malad River where waters can be stored and utilized in the area.

So, there are certain reservoir sites that can be used, and it would depend upon of course the division of the unconsumed flows of water to be utilized

by the states. Where the water is to be utilized, and of course present day economics play an important part in the plan of development of a project to utilize these flows that we have been talking about.

MR. JOHNSON: Do you Wyoming people have any idea of how you would hold more water up there?

MR. MYERS: I think there are a number of sites up there. There are some old reclamation sites such as the Coyote Creek Reservoir site, the Yellow Creek reservoir site, and there are some back up in Utah yet on the East Fork of the Bear River and on a number of different forks. I am not sure which one, Mr. Johnson.

MR. JOHNSON: What we want is a cheaper place to store the water.

MR. MYERS: I don't doubt that there are sites up there within the realm of possibility. The thing that I can't quite compromise with in my mind yet is the fact that if we do store water up there that we have to also pay for the down stream storage. I can't quite grasp that philosophy, that the down-water storage should be stored at the expense of the upriver users.

MR. CRANDALL: The only water you can use up there, unless you change the Compact, or use the Bear Lake reserve or something of that kind, is water that is created by storage downstream and then used to replace the system. So the downstream storage is essential to create the water supply that you would then put in your vessel upstream and utilize it. Without it it is not available to you.

MR. DAYTON: I am sure that we can't resolve anything here. I appreciate this study. I think it is very well done for what time you have had. To me it is just something to kind of get your teeth in. I think now, as far as Wyoming is concerned, the thing we have to do is take this study as a first step and then resolve the things we can live with and do what we can about finding an answer to the things we can't live with. Now, I don't see any difference in this thing I mentioned. When we store part of our 35,500 acre feet, the Bear Lake reserve is enlarged by exactly the same amount. We are not asked to come down and pay the expense for enlarging the Bear Lake irrigation reserve. That is under the Compact, of course, but I don't see that the philosophy is any different. It is nothing we can resolve here. We have to talk to the Power Company--we have to talk to everybody concerned to see what can be worked out.

MR. CRANDALL: The premise on which the study was made was that the Bear Lake reserve would not be changed, so within the framework of our study criteria, we have the answers we have given you. Now with other criteria and other assumptions, of course, there would be different answers.

MR. MYERS: Of course, the weakness of our position is just exactly this. When the Compact was written the Bear Lake reserve matched our storage above. We should have had in the Compact that when this lower water was developed

which could theoretically replace our upper water which runs into Bear Lake that we're entitled to an equal amount above the Lake, and that is the weakness of the Compact.

MR. CRANDALL: I think you have pointed to the fundamental consideration here. The only water that can be considered for a new use is that water supply that is created through storage below Bear Lake recognizing that it would be a subordination of existing power uses and then after we have identified that amount of water, then how it is divided becomes the real question. This study is food for thought, and that was what it was intended to be.

MR. DAYTON: I think particularly with any water stored in the Cokeville area, I think your study shows during the period in which this Compact was framed that the greater amount does come in return flow. However, I realize that is taken into consideration too. I think Mr. Jibson's studies show there was a return flow of somewhere between 70% and 90%. The soil is of a gravelly content, and there is a lot of return flow, but I realize too that that is taken into consideration. Additional storage in that area I don't think would make too much difference as far as water going downstream because the ground only absorbs so much.

MR. JOHNSON: Isn't it Wyoming's theory that the reservoirs down here in the conservation of water that they pay their own bills. We paid ours up there. Isn't that what you have on your mind, Mr. Myers?

MR. MYERS: That is the basic theory that they accept before they start with anything else, but we pay the whole thing up and down the river both.

MR. SMITH: Of course, they can't expect more water up the river unless there is water stored down the river, so it is the responsibility of everybody for getting more water.

MR. JOHNSON: Wait a minute, fellows, we are talking about that million acre-feet that goes into Great Salt Lake. Let's leave a little of it up there, then there will be less going into Salt Lake.

MR. SMITH: There are so many water rights upstream and you are asking for more water. You can't get it unless we build some storage down below. You have only got a right (Compact) to so much and that can't be increased unless there is storage downstream.

MR. JOHNSON: That is the reason I say the Power Company can take their water out of Cache Valley and give it to the beet farmers.

MR. KACKLEY: Mr. Chairman, I think Mr. Johnson has put his hands on a very crucial point in this matter and that involves exchanging of the Sugar Company right. The sugar right is actually what the Compact is written around both from where the river starts and where it ends in the lake and there is a tremendous priority involved in this. When this thing is worked out it is going to be the changing over of that which amounts to a lot of water. I think Mr. Johnson was getting to the point that probably on the Logan River

and probably on the Lewiston site and probably on the Plymouth site, that these would be substitutes for the sugar rights. But the fact remains that on these present filings, I think this is where we find so much of the difficulty, that this water specifically is planned to be exported from the basin and that it is to be exchanged by exchange right at Oneida Narrows. I think you are going to have to figure where you are going to exchange water in the basin or let it go out.

MR. PEART: Mr. Chairman, on this subject, I would like to ask Mr. Bischoff to explain a little bit about this storage of the replacement of water in Bear Lake, what might be involved, if he could give a cost estimate, or something of that nature.

MR. BISCHOFF: The only thing I could do would be to refer you to an old study that was made in connection with the Compact, if I understand your question correctly. This report is called Report No. 25. A study that was made, and I haven't had a chance to go into it in detail, but it would give you some range here as to what could be done. For example, there were ranges taken from 10,000 acre-feet of upstream storage allowance and the resulting reserve that would be necessary in Bear Lake. . . . For 10,000 acre-feet, from this report, the reserve would be 799,000 (acre-feet). If you depleted 20,000 acre-feet, the reserve requirement would be 849,000; 30,000 acre feet, 884,000; 40,000 acre feet, 906,000; and 50,000 acre feet, 915,000. Now these are old studies and perhaps could come under some revision, later day water supply and so forth, so this would give you a range of what you would need in Bear Lake as a reserve for additional upstream storage. The total upstream storage today is 36,500 acre feet, including the 1,000 acre feet that has been reserved for Idaho. Of course, I don't have the figure in mind, but the total (present) reserve is 781,500 acre-feet. In other words, if you utilize the full 36,500 acre-feet there is a certain amount of reserve that you have to have, in the neighborhood of 800,000 acre feet. So if the total reserve is now 781,500, and if this study were somewhere near correct, to get 50,000, or roughly an additional 15,000 acre feet, the reserve would have to be in the neighborhood of 915,000 (815,000 acre-feet). That is from this report, and this is the best I can answer your question today without further study.

MR. JOHNSON: 15,000 acre feet would increase it that much, Mr. Bischoff?

MR. BISCHOFF: According to this study, Mr. Johnson, yes.

MR. JOHNSON: I didn't take down your figures, but my head isn't working just like that, that it would increase that much.

MR. AXTMANN: That is a depletion figure now, Mr. Bischoff. In other words, that would represent an area of 45,000 or 50,000 acre-feet of storage to deplete that amount for irrigation.

MR. BISCHOFF: It may do.

MR. LAWRENCE: Mr. Chairman, I think a very desirable goal of each of the states would be to get some maximum yield totals from the river system. Now

this would be limited only by economic and other practical interrelated problems, but I think we should keep this goal in our minds at all times. Where we store it and how we store it should not be entirely dictated by some of our economic thinking right now. We should look at potential uses.

MR. SMITH: We do have to take into consideration though the Engineer's recommendations. We are not capable of saying what is right or what is wrong. I think we have to depend upon both the State and the Federal government to set the course we should take. We just can't go out and say, this is the way we want it, and this is the way we are going to do it without considering the economics of the thing.

MR. BISHOP: Mr. Chairman, first I would like to commend the Bureau for the information they provided. I think they have done an excellent job and I think these figures will be very helpful in analyzing future courses of action. To me the obvious conclusion from these figures is that if the upstream interests are going to have to pay for the storage twice then probably the economics of the situation are going to be such that we can't hope to develop storage in the upstream area. So the next step, in my opinion, would be that perhaps we are back to the necessity of modifying the Compact to perhaps provide for increased upstream storage. The one factor that I don't think we have considered to this point, and I would like to hear a little discussion, particularly from Mr. Jibson, and that is the practical effect of increased upstream storage on downstream water users. I think Mr. Jibson is more familiar with the practical operation of the Bear River than anyone else. I think if Mr. Jibson could make an investigation to determine what the effect on downstream users might be from increasing the storage capacity at various locations in the upper river, that this would be a very helpful next step in the situation. Mr. Jibson, would you like to comment on that?

MR. JIBSON: I don't have any estimates at hand. This report that Mr. Bischoff quoted was made up by the Engineering Committee, of which I was Chairman at the time. We would, of course, be willing to try to update our thinking from the time of the negotiating Commission, and give you our thoughts on this. But I wouldn't want to make a statement here today as to what the effect might be of any particular amount of storage up above Bear Lake because I am just too cold on these old studies.

MR. LAWRENCE: I think Mr. Bishop was suggesting that this would be a request for another time.

MR. BISHOP: You couldn't be expected to make any evaluation of the situation just off the top of your head. It seems to me that it might be helpful if we could go into a study of the practical effect on the downstream users of increasing the storage in the upper river area at this time. I think there are many possibilities for increased storage in the upper area that the Bureau has not considered. I am sure the Bureau people who made the investigation would agree that there are smaller reservoir locations distributed here and there in the upper Basin of the Bear River that might provide more economical storage than those which they have studied in this reconnaissance report that they have given us today. So I think there is a possibility of economic

feasibility for increasing upstream storage, but I think the factor that will be most important to determine next is what the practical effect on downstream water users might be by so doing. I would like to request that Mr. Jibson make such a study, if it is appropriate that such a request be made.

CHAIRMAN LARSON: The report that the Bureau gave us today, doesn't that cover that?

MR. BISHOP: I don't think it covers the effect of increasing the storage in the upper area on the downstream water users. I think their report was directed toward another facet of the problem, primarily toward the economic feasibility of increasing storage in the upper area.

MR. SMITH: As I have understood it, with the larger storage downstream that one or two sites would capture all of the water that is going to waste at the present time, then the fellows upstream could use their water--without storing it--from the streams.

MR. BISHOP: Of course, the big problem is that if the upper area users are going to have to pay for their increased storage downstream it becomes infeasible for the upper area users to develop that storage. They can't afford to pay for it twice.

MR. SMITH: I can see your point there, but I don't understand it well enough. I have to take the engineer's recommendation. It is my opinion that it would release water upstream without making storage upstream.

MR. MYERS: We have the same problem that the Power Company does--it is not there at the right time of year. Other than that we have plenty of water up there; but it is just not there at the right time. It all runs down here.

MR. BISHOP: I think what we are talking about is improved efficiency in the utilization of the water resources of the Bear River.

MR. SMITH: Let's take for example, if we had storage at Oneida Narrows, wouldn't that be of any benefit to you in any way?

MR. MYERS: I can't see how it would. It would if it would replace something that we could move up there and keep it there until the right time of year.

MR. SMITH: In order to get the benefit of that you would also have to have storage upstream.

MR. MYERS: That is right.

MR. SMITH: Well, then it would be the responsibility of the entire Compact to help you with your storage upstream as well as you helping with storage downstream, if we are going to do it all together.

MR. BISHOP: If you look at it that way, I think it might be acceptable, but when you put the entire financial burden on the upper area interests to pay for the entire storage increase, it doesn't sound too good.

MR. SMITH: You wouldn't be interested in helping build a dam downstream if it didn't give you more water. But as I get the picture now, it wouldn't help you any unless you did have storage upstream. Is that right? You have plenty of water as long as it is running.

MR. BISHOP: I've got one other question, Mr. Chairman, I would like to direct to Mr. Skeen. I am wondering about the legal acceptability of this concept that has been presented by the Bureau here today. Actually it seems to me that we are perhaps violating the wording of the Compact, as Mr. Bingham pointed out, by going above the 35,500 limitation on storage in the upper area, in spite of the fact that you might be increasing the availability and usability of water resources in the lower area. Do you think this could be done within the Compact without any modification?

MR. SKEEN: Yes. I think it can be done. Mr. Bingham pointed out in the Compact the language, particularly the words granting the right to store 35,500 acre-feet and no more. Now that sentence is followed by another sentence making it clear that additional storage is not subordinate to Bear Lake, and this provision was inserted to grant to the upper area the right to store ahead of Bear Lake, or they had no rights at all.

One of the fundamentals of the water law is that you can do almost anything on a stream as long as you don't hurt anybody's rights. That is sometime overlooked. In line with that fundamental premise, nearly all of the present reclamation projects involve exchanges of water. I see no wording in the Compact and I know of none in the water law that would prevent storage above there if it can be demonstrated that there will be no prejudice to any water user on the river, above or below. I personally am of the firm opinion that this, what we are talking about here, can be legally accomplished despite the wording in the Compact. It is not just an opinion; I have been meeting with groups and discussing it and studying this for some weeks. I think it is a sound approach.

MR. JOHNSON: Aren't you hoping that the reduction on the stream would be much less than the amount of water that is diverted onto the lands?

MR. BISHOP: Very definitely.

MR. JOHNSON: Mr. Jibson and our good friend here, over the years found that we diverted more water on the Utah section than any place on the river and that we actually burned up less. It is that return flow thing, and you kept alluding to that all the time, Mr. Bishop, and we will get it, but we may not get it until we get down towards Crawford Mountain. These people and their rights are all below that, aren't they? And that is what you want Mr. Jibson to demonstrate, isn't it?--what the diversion up there will actually do to the river system.

MR. BISHOP: That is right.

MR. JOHNSON: We do too, because it simplifies the whole thing. Where both parties are agreeable to it, Mr. Skeen, you can exchange all the water you want to?

MR. SKEEN: That's right.

MR. JOHNSON: Well, these boys will go home and think that matter over of giving the beet growers this Cache Valley water and . . . what little water we might take up there. I don't think it is feasible for us, if these \$8 and \$10 and \$12 and \$14 per acre foot, if they are real, if they are actually real. We know these boys are always kind of overshoot, but we love them for it.

MR. CRANDALL: These figures are conservative.

MR. JOHNSON: Of course, when we get them down a little bit we think we've done something. Where those acres, some of them cut it in half and we've spent \$14 to water them, where are we at. We've still got to build storage, haven't we?

MR. HARPER: Mr. Chairman, I have to correct Mr. Johnson on this sugar beet matter. The storage we have down there will be below the level of the ground. If you can run it up hill, why . . .

MR. JOHNSON: Can't you run Cache Valley water into your canal?

MR. HARPER: We've got to put it in the storage below there and when you get it below it goes below the canal.

MR. JOHNSON: Why not run it into the canal.

MR. HARPER: Well, we can't. When we are using the canal there is no Cache Valley water. It is all taken out for irrigation in the summer time.

MR. JOHNSON: Where on earth does that 1 million feet come from?

MR. HARPER: Logan & Blacksmith Fork Rivers in the winter.

MR. JOHNSON: That's what I'm trying to give away.

MR. HARPER: Yes, but the only place you can store it is below our irrigation canal.

MR. JOHNSON: Are there any rights down there? Aren't the duck boys entitled to some water.

MR. HARPER: Yes.

MR. JOHNSON: Well, we ought to have them in here so they wouldn't be as mad at us as they are.

MR. HARPER: Well, they are not mad at us. They are real nice to get along with.

MR. JOHNSON: As long as they get the water you mean?

MR. HARPER: No. In the summer time I understand they have 1,000 second-feet that should be going to the ducks that they never ask for or demand, but they have the right in the Compact. Isn't that right, Mr. Jibson?

MR. JIBSON: They have the right under State law.

MR. JOHNSON: Wouldn't we have to agree with Mr. Skeen that the thing has got to be worked out, partly on an exchange basis. It just couldn't be otherwise. If that could be done within the framework of the Compact . . . I thought Jay Bingham, in working with Mr. Bishop the other day, did a remarkably fine thing. He kept us safe, didn't he, up until now. And so we are not trying to think of rebuilding the Compact or amending it. We are trying to work inside it.

MR. HARPER: It could be made but then you would have the Power Company. The logical place for that storage would be the reserve in Bear Lake. That is what I'd say. If there is any development on the river there has to be an exchange made for irrigation, there has to be existing rights--maybe modified or something--but as far as any rights on the river, we can't jeopardize these rights. But there can be exchanges made.

MR. JOHNSON: Why doesn't Wyoming go ahead, you started this thing, and propose whatever additional sources of information we would hope to use.

CHAIRMAN LARSON: I think Mr. Bishop made a motion.

MR. LAWRENCE: I'll second that motion.

MR. JOHNSON: What was the nature of the motion?

MR. BISHOP: I think the nature of it was to update the studies that were made.

MR. JOHNSON: That was relative to the degree of effect on us, but that agency then would become Wally's agency, and not the Bureau. Well, Mr. Crandall ought to have an opportunity to defend himself here.

MR. CRANDALL: I would think that the study proposed would satisfy a useful purpose. I think we could predict the answer to it. As I understood, Mr. Bishop was asking for a hydrologic determination of what water might be available for use in the Bear Lake reservoir and would not be adverse to downstream requirements, and hence, if there was water in that surplus category then you could consider how you might translate it to use above Bear Lake.

MR. BISHOP: It was my desire, Wally, to have you make an investigation to determine the practical effect on downstream water users of increasing storage capacity in the upper Bear River area.

MR. JIBSON: But without regard to the framework of the Compact--without regard to the existing reserve in the lake.

MR. BISHOP: That's correct.

MR. JOHNSON: Doesn't all your stations have a year record that would help you. What has happened between these points anyhow?

MR. LAWRENCE: It would be my understanding that this would be an updating of the previous record.

MR. JIBSON: In a sense it would be updating some of our earlier reports. Perhaps with the increased knowledge that we now have on effects of storage such as Woodruff Narrows and Sulphur Creek--the measured effects now correlated with river supplies prior to this development might give us a pretty good idea of what the increased depletion is, and maybe we can update our thinking also and arrive at something that is a little more useful to you than to just pull out those reports and bring them up to date. I don't have an idea yet of the details of such a study.

MR. BISHOP: I think the thing we wanted to get clear here, in view of Mr. Crandall's statement just now, is that this is outside the framework of the Compact, and it has nothing to do with the irrigation reserve level in Bear Lake.

With the figures that Mr. Crandall has presented us, I think we must conclude that probably we will have to at least consider the modification of the Compact to accomplish what we want to do. In addition to that I would like to ask Mr. Crandall if there might not be some advantage in pursuing further the studies you made with regard to other possibilities of sites in the upper area. Do you think there is any advantage in that or have you pursued it far enough to conclude?

MR. CRANDALL: All the sites that are known to us were considered and this is based on the sites that appeared.

MR. BISHOP: I assumed that you were looking at one large site. It seems to me that there might be some possibilities of developing a number of smaller sites to provide this storage capacity.

MR. CRANDALL: Well, I am sure those opportunities exist, but probably not at less cost.

MR. BISHOP: Well I am not so sure. It might not be at less cost; now Reed and Wes would be more familiar with the possibilities in that area than I am.

MR. CRANDALL: In answer to your question, surely we are more than willing and are always open to reexamine and refine on the basis of your suggestions. The studies we have made, we would do that.

MR. BISHOP: I think it might be helpful if there seems to be some advantage in pursuing this further to do so, and if you feel that it would be worthwhile, I would like to request that you do it.

MR. CRANDALL: Fine. Maybe we could get together some time and go over this in detail.

MR. BISHOP: Now to get back to this thing with Wally, would you like that in the form of a motion?

CHAIRMAN LARSON: Yes. I thought that is what you did.

MR. BISHOP: O.K. I so move.

MR. LAWRENCE: I second the motion.

Motion carried.

MR. JOHNSON: I want to talk about Bear Lake for just a minute. The other morning as I went to Montpelier there had been an east wind and the ice was beginning to break up, a little water on top of it, but it stood for days in this quiet weather when it ordinarily breaks up. But during the night a wind had brought the ice to the west shore. It was a magnificent site for about 20 miles where it had piled up. Those summer cabins--some of them narrowly escaped having it through their windows down along by Fish Haven. Times have been when this would annihilate this, you know if it had been the still heavy thick ice that ordinarily would go earlier. I thought you might be interested to know how your lake performs.

MR. HIGGINSON: Mr. Chairman, before you leave this subject, I would like to make one comment. I have appreciated listening to this discussion this morning, particularly the remarks of my friend Mr. Johnson. I have attended these meetings for some time and read back through the history of Bear River Project development negotiations over the years. As far as I can recall, this is the first time I have ever heard anyone in Utah officially suggest that there was a water supply in Cache Valley that should be considered in connection with the Bear River Project. The Bear River Project proposal that was made some years ago and the feasibility report that was submitted for comment by the States, which raised a real problem in the State of Idaho, took into consideration only the Bear River potential in Idaho which would then be divided between Utah and Idaho on some basis, and the undeveloped water supply that is available in Cache Valley and Box Elder County was not taken into consideration as part of that project proposal. I think this is to be commended, Mr. Johnson, that you are suggesting that in connection with any kind of Bear River Project development scheme that the whole water resource be looked at. And I think we should go one step further than I think you are suggesting that we do. I think we should look at the ground-water potential in Cache Valley. I should think that if we are going to ignore some of the provisions of the Compact such as the Bear Lake irrigation reserve, perhaps we should also ignore certain provisions of the Utah Water Law that prohibits the development of that ground-water resource. I would think that there is probably presently evaporated and wasted in Cache Valley alone as much water as is running into Great Salt Lake. And that is a potential that should not be ignored in the Bear River Project development. So even though it takes some water law changes in Utah to develop that resource, we are talking about changing the irrigation reserve in Bear Lake and you are talking about changing the storage above Bear Lake and ignoring that limitation in the Compact, let's talk about the ground water potential in Cache Valley. I think it is commendable, Mr. Johnson.

MR. LAMBERT: Mr. Chairman, I'll have to say something in response to that. I feel that the desirability of developing the Bear River, on a river basin aspect is highly desirable, but I think it has to be done by basic concepts on common denominators. I don't think it is a matter of water laws in Utah. I think it is a matter of facts. We talk about evaporation of underground water and wasting of the resource, but we don't know if that has to be or if it doesn't have to be. We have certain commitments that we have to meet and maybe we have to have that underground water resource as it is before we can make those commitments. When we talk about ground-water law, of course, that is applicable all the way up and down the river too. We don't know what the potential of ground water from the faults in Idaho is, perhaps they get some mighty good ones over on the Snake River. I am not so sure they can't get some in Gentile Valley and Gem Valley and the Portneuf Valley. So I think it has to come from a basic and sound study and I think we ought to be willing to put all our resources together to find the right answer. I don't think we ought to jump to any conclusions, like may have been suggested.

MR. HARPER: I have got to take a little exception to that. The only reason for the Oneida Dam is that is the only feasible place that the water could be stored high enough to irrigate our ground. On that study there was storage considered down the river also. They planned the project up there, but the Honeyville Reservoir was included--I'll have to get the Bureau in on that. Wasn't the Honeyville Reservoir figured in the original project?

MR. BISCHOFF: Yes.

MR. HARPER: And Blacksmith Fork was figured in the original plan. So I just want to get the record a little straight on this--that there was storage planned down in Utah. In fact, the big payoff on the whole project was the Honeyville Reservoir because the revenue taken from it would be a tremendous help in putting the other project in. I think maybe the Plymouth Dam came in after, Dean, after this first one, but it was in the next. So there are lower sites that we figured, and the Oneida Project wasn't the only one that was figured on.

REPORT OF THE ASSISTANT SECRETARY

CHAIRMAN LARSON: We will now have the report of the Assistant Secretary.

MR. JIBSON: You will notice we have a couple of stacks of the 1967 Annual Report. We hope that each of you would take the number of copies that you will need for your office or for whatever distribution you ordinarily make. Most of the information in the report relative to the operation of the Compact was given to you at our last meeting.

I wish to call attention to one item concerning committees. It was necessary that we have information on committees before this meeting so as not to delay printing of the report. On page 9 we have listed committee members as of the Report Year which is the water year ending September 30, 1967, so this report covers the period from October 1, 1966 to September 30, 1967. You will recall that the entire/group was replaced in April, 1967, so it was necessary to have
Idaho

a representative from Idaho on each of the Budget and Operation committees. The bylaws provide that these committees shall be chosen by the government represented. In other words, each State picks its representative on a committee. I believe the bylaws also provide that the Chairman of the Commission shall choose a Chairman of each committee. I believe Commissioner Myers has been the Chairman of the Budget Committee for a number of years. We checked with Mr. Higginson to get appointments made to fill the vacancies left on the two committees from Idaho. Ferris M. Kunz of Montpelier was selected to serve on the Budget Committee, and Cecil Foster on the Operations Committee. I hope this has since been varified, Mr. Higginson.

MR. HIGGINSON: You better explain why that was done, why I was contacted instead of the Governor of Idaho.

MR. JIBSON: This was an interim appointment cleared with the State Engineer's office of Idaho but not cleared with the Governor. Since the Governor was out of town, we felt that we shouldn't delay printing of the report which is due April 1st of each year. This is the only comment I have on the Annual Report that seems pertinent today.

(Mr. Jibson presented his written report. A copy follows.)

Investment of Surplus Funds

MR. JIBSON: The Budget Committee made a suggestion this morning. I thought one of the members would bring it up, but Mr. Harper has suggested that I mention it now. They wondered about the advisability and the legality of putting these unobligated funds into some type of saving until they are called for. For instance, a three-month saving certificate could be worked out to where the obligation that comes up for payment on a quarterly basis to the Geological Survey, which would be due at the end of each three months, and savings certificates could be cashed in at that time to provide the funds. Then we wouldn't be carrying upwards of \$25,000 to \$30,000 for sometimes a year ahead in the Commission bank account. We thought perhaps Mr. Skeen could tell us if this by any chance might be illegal or improper. It was the feeling of the Budget Committee that if it is advisable that we would have Mr. Page follow through on this and we could pick up \$1,000 or \$1500 a year in interest. I know this has been done in municipalities for a number of years, so I know it is legal for municipalities, and we assumed that it would be legal for this entity also.

MR. SKEEN: I frankly don't know of any law or regulation that would bear on this Commission that would make it illegal. I would certainly recommend that we go ahead and invest the funds. In the meantime I will give it a little further thought. It is hard to imagine who could attack it first, and if it were attacked how it could be determined to be illegal to avoid wasting money.

MR. JOHNSON: What bank has our account?

MR. PAGE: First Security Bank.

REPORT TO BEAR RIVER COMMISSION

April 15, 1968

Wallace N. Jibson
Assistant Secretary

1968 Water Supply and Compact Operation

Water Supply Prospects

Expected runoff in Bear River basin will be below normal this year in spite of high precipitation in local areas. The upper Bear River and Smiths Fork prospects at this time indicate a deficiency of from 13 to 19 percent; but the watershed supplying Woodruff and Big Creeks to the east and Little Bear River and Blacksmith Fork to the west had the poorest outlook in Utah as of April 1 with expected runoff of only 50 to 60 percent of normal.

Low-elevation snowpack was high this year in many areas of the basin, but mild weather in late February and most of March brought total melting but little runoff because of frost-free soil conditions. This condition is favorable for sustaining base flow following the snowmelt peaks.

Runoff for the irrigation season in three representative areas in the basin is shown in the table below. Forecasts are taken from the April 1 cooperative Water Supply Outlook prepared by the Soil Conservation Service. Weather Bureau estimates agree closely with these shown.

Runoff in Acre-Feet

April - September

	<u>Average</u> <u>1943-67</u>	<u>1967</u>	<u>Forecast</u> <u>for 1968</u>	<u>Forecast as</u> <u>Percent of</u> <u>Average</u>
Upper Bear River	120,200	158,800	105,000	87
Smiths Fork	117,800	134,500	95,000	81
Logan River	133,700	151,000	105,000	79

Storage

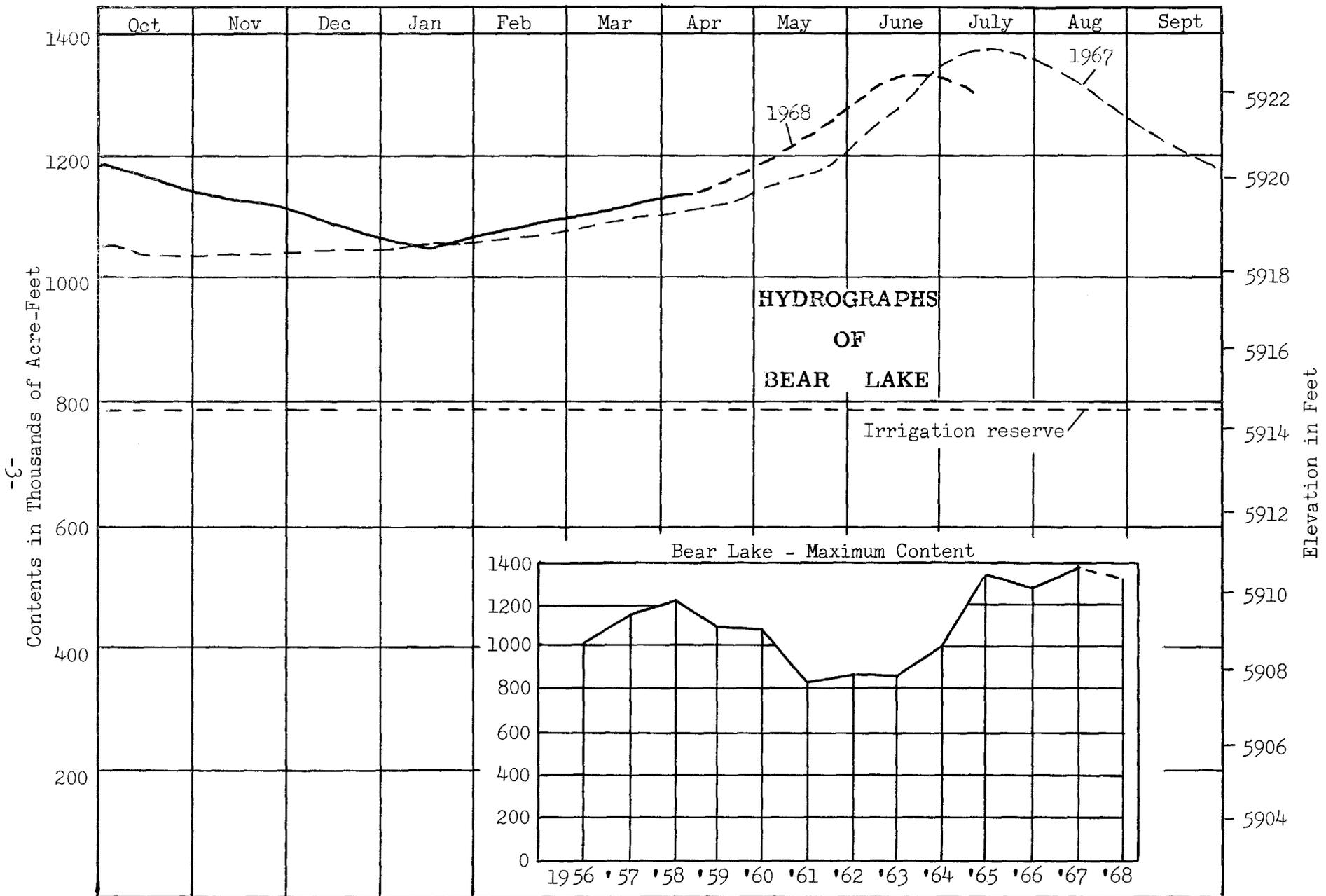
Bear Lake surface elevation was 5,919.53 feet on April 11 having in storage a usable content of 1,132,000 acre-feet. This elevation is about 4 inches higher than on the same day last year. Inflow from Bear River on this date was 480 cfs all of which was being stored and which compares to an inflow last year of 700 cfs on April 11. Hydrographs of the lake for 1967 and 1968, shown on page 3, include an inset graph of maximum content each year since 1956. An estimated projection of the 1968 graph shows storage that might result from this year's snowmelt.

Woodruff Narrows Reservoir filled to spillway crest on March 3, so snowmelt peaks will not be modified to any extent by the reservoir. Both Sulphur Creek and Whitney Reservoirs had large holdover supplies in storage last fall so will fill early during the snowmelt.

In the Lower Division, Porcupine Reservoir on Little Bear River had about 7,000 acre-feet in storage on April 1 and no doubt will fill to its capacity of 12,800 acre-feet this year in spite of the small runoff expected. Hyrum Reservoir has been filled to near capacity for the past several weeks.

Budget

Two years ago in Annual Meeting, the Commission approved for the 1968-69 biennium an estimated budget for which legislative appropriation was made early in 1967. The Federal share subsequently was increased about $3\frac{1}{2}$ percent for the first fiscal year (1968) by allocating a larger portion of the budget to the stream-gaging program, thus bringing charges for this program more in line with actual obligations. This adjustment plus a small Federal supplemental appropriation has enabled us to absorb the Congressional pay raise, effective last October, and to have adequate funds for the balance of the 1968 fiscal year.



A further increase however will be required in the 1969 fiscal year if the stream gaging and Compact assistance programs are to be maintained at essentially the present level. Two factors, both beyond our control, are responsible for the increase--first, the 1967 Pay Act provides for an additional salary increase effective July 1, 1968; and second, a supporting program with the Utah Water Research Laboratory in the amount of \$3,000 annually is being terminated June 30, 1968 for lack of funds. Increases under the 1967 Pay Act were scheduled to be made effective July 1, 1968 and July 1, 1969 and are to be based on a comparison of private and Federal pay rates on these dates. Evidently, there is now some opposition in Congress relative to the effective dates and perhaps to other aspects of the law. However, estimates at this time would not be realistic unless the proposed raises were included.

The additional requirement for the 1969 fiscal year is estimated at \$5,900 of which \$3,000 would be chargeable to the Commission. As changes in legislative appropriation cannot be made in the middle of a biennium, we have recommended to the Budget Committee that funds in the amount of \$3,000 be allotted from the unobligated balance in Commission funds to be used as required in the 1969 fiscal year. To be recommended also is that the Geological Survey match \$2,900 of this amount to provide a total increase of \$5,900 in the Cooperative Agreement. A breakdown of this proposed budget has been discussed in detail with the Budget Committee and is shown on the last page of this report.

We assume that State Legislative Councils will need, prior to our next meeting, budget estimates for the 1970-71 biennium. Projecting estimates two and three years ahead is always difficult, as we see in our present situation, because of having to anticipate Congressional action on Federal pay rates.

It was mentioned that the 1967 Pay Act also provides for a third increase in government salaries—actual amounts unknown—effective July 1, 1969 and established to close the gap between Federal and private wages. By projecting an estimated increase in salary requirements which make up about 80 percent of our total budget and holding the line on other expenditures, we may arrive at a fair estimate for this 2-year period. This estimate, summarized below, has been presented to the Budget Committee for further recommendation to the Commission.

<u>Allocation of Budget</u>	<u>Adjusted Budget 1968-69 Biennium</u>	<u>Proposed Budget 1970-71 Biennium</u>
U. S. Geological Survey	\$ 57,685	\$ 64,400
Idaho	24,400	27,200
Utah	24,400	27,200
Wyoming	24,400	27,200
Total	\$130,885	\$146,000
 <u>Allocation by Program</u>		
Stream-gaging Program	\$114,785	\$128,800
Compact Administration	16,100	17,200
Total	\$130,885	\$146,000

Applications for Appropriation

A summary of reported applications to appropriate water is shown on pages 7 and 8. All except one of the Wyoming applications previously have been presented to the Commission and are repeated here for the followup action taken as shown in the footnotes.

Of the three applications reported in Idaho, two would appropriate noteworthy quantities from underground pumping in Caribou and Bear Lake Counties. Utah applications also are primarily for underground rights in relatively small amounts. The application from West Cache Irrigation Company would divert 9.0 cfs, probably by pumping, from Bear River at a point west of Smithfield.

We note from a press release that Woodruff Creek Dam has been approved for financing and would impound about 4,000 acre-feet. Your attention is called to an application presented to the Commission October 23, 1961 to store 2,000 acre-feet on Woodruff Creek. Nothing further has been received to show the amount of water allocated under storage provisions of the Compact or other pertinent information on this right. For all of the larger reservoirs developed under terms of the Compact, the Commission has been supplied with a breakdown of storage (active, dead, holdover, etc.), area-capacity curves, compact allocation, etc.

Printing of Bear River Compact

Mr. Bingham has informed us by letter of December 27, 1967 that Senator Wallace Bennett would request an extra printing of 500 copies of the Bear River Compact. Mr. Bingham agreed to follow through on this project to see that included in the printing would be statutory citations as to ratification by the States as suggested by Mr. Skeen.

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount
<u>State of Wyoming</u>						
19 1/346	3-15-66	Cokeville L.&L. Co.	Bear River	Irrigation	Tr85 T24N R119W Lincoln	0.557 cfs (a)
19 2/346	3-15-66	do	do	do	Tr86 T24N R119W Lincoln	0.49 cfs (b)
20 6/18	12-29-66	Ted O'Neil	Twin Creek	Stock	S 7 T22N R119W Lincoln	0.224 ac-ft (c)
20 1/19	12-29-66	Ted O'Neil	Twin Creek	Stock	S 7 T22N R119W Lincoln	0.072 ac-ft (c)
20 2/39	1-18-67	Harold Burton	Gas Hollow	do	S 3 T12N R120W Uinta	0.19 ac-ft (b)
20 3/39	1-18-67	do	Homer Hollow	do	S34 T13N R120W Uinta	1.04 ac-ft (b)
20 4/39	1-18-67	do	do	do	S34 T13N R120W Uinta	3.24 ac-ft (b)
20 5/39	1-18-67	do	Burton Hollow	do	S27 T13N R120W Uinta	3.87 ac-ft (b)
20 6/39	1-18-67	do	do	do	S34 T13N R120W Uinta	0.96 ac-ft (b)
20 1/40	1-18-67	do	N.Fk. Burton H.	do	S27 T13N R120W Uinta	0.12 ac-ft (b)
20 2/40	1-18-67	do	Sage Creek	do	S33 T13N R120W Uinta	0.33 ac-ft (b)
20 3/125	4- 2-68	Lewis Ranch	Clear Creek	do	S20 T21N R117W Lincoln	5.4 ac-ft (d)
<p>(a) Notice of completion of beneficial use. (b) Notice of completion. (c) Rejected. (d) Pending (first presentation to Commission).</p>						
<u>State of Idaho</u>						
42025	9- 5-67	Don C. Rigby	Underground	Irrigation	S21 T 8S R 40E Caribou	7.0 cfs
42211	12-22-67	Wm. G. Reese	do	do	S31 T15S R 40E Franklin	1.0 cfs
42297	1-30-68	Elmer Haylock	do	do	S10 T14S R 46E Bear Lake	6.4 cfs
<u>State of Utah</u>						
38492	10-13-67	Jess Harris	Underground	Irrig. stock	S 4 T12N R 1E Cache	0.5 cfs
38500	10-16-67	Paul R. Meacham	do	Irrig. dom. stk.	S28 T10N R 1E Cache	0.067 cfs
38505	10-19-67	Donald E. Scott	Scott Spring	Irrig. stock	S36 T13N R 3W Box Eld.	1.0 cfs *
* Approval pending						

Appl. No.	Date of Filing	Name	Source	Use	Location	Amount
<u>State of Utah (Cont.)</u>						
38506	10-19-67	LaRon Falslev	Underground	Dom. stock	S 2 T12N R 1W Cache	0.015 cfs
38510	10-30-67	Cache Valley Dairy Assn	Bear River	Ind., Milk Proc.	S19 T13N R 1E Cache	2.0 cfs
38523	11- 6-67	Clayton/Elgie Robinson	Underground	Dom. stock	S25 T13N R 5E Rich	0.015 cfs
38549	11-21-67	USU, Animal Science	do	Irrig. dom. stk.	S30 T11N R 1E Cache	0.5 cfs*
38566	12- 4-67	Fred Alvey	do	Irrig. stock	S 9 T13N R 1E Cache	3.0 cfs*
38573	12- 7-67	Rabould Bldg., Inc.	do	Irrig. dom. stk.	S10 T10N R 1W Cache	0.5 cfs*
38574	12- 6-67	Darrell Ravenberg	do	do	S12 T 9N R 2W Box Elder	0.05 cfs*
38575	12- 6-67	do	Unnamed Spring	do	S12 T 9N R 2W Box Elder	0.01 cfs*
38583	12-15-67	Verl Godfrey	Unnamed drain	Irrig. stock	S34 T14N R 2W Cache	0.03 cfs*
38585	12-28-67	Irving B. Moore	Bear River	Irrig. dom. stk.	S5&8T 2N R10E Summit	0.5 cfs*
38634	2- 7-68	Reed Jessop	Drain	Irrigation	S21 T11N R 1E Cache	0.1 cfs*
38638	2-14-68	Norris J. Hubbard	Underground	Irrig. dom. stk.	S35 T 8N R 2W Box Elder	0.1 cfs*
38659	2-29-68	Carl A. Isaacson	Osmond Spring	Irrig. dom. stk.	S 6 T14N R 5E Rich	0.015 cfs*
38660	2-21-68	Max or Grant Fridal	Underground	Irrig. stock	S27 T12N R 4W Box Elder	3.0 cfs*
38661	2-25-68	Darrell L. Godfrey	Unnamed Spring	Irrig. stock	S36 T13N R 3W Box Elder	0.2 cfs*
38667	2-28-68	Clair D. Berntson	Underground	Irrig. stock	S 5 T11N R 1E Cache	1.0 cfs*
38676	3- 7-68	Clyde C. Longhurst	do	Stock	S22 T 9N R 7E Rich	0.015 cfs*
38696	3-14-68	Charles W. Bourne	do	Dom. stock	S 2 T12N R 3W Box Elder	0.045 cfs**
38724	3-19-68	West Cache Irrig. Co.	Bear River	Irrigation	S25 T13N R 1W Cache	9.0 cfs*
38728	4- 2-68	A. Darrell Rigby	Underground	Irrig. dom. stk.	S22 T12N R 1E Cache	0.1 cfs*
* Approval pending.						
** March 29, 1968 applicant requested cancellation of application.						

BEAR RIVER PROGRAM

DETAIL OF BUDGET

Fiscal Year ending June 30, 1969

April 15, 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	\$46,150	\$5,150	\$ 0	\$51,300
Travel & Subsistence	3,750	450	0	4,200
Fiscal & Administrative	2,410	280	0	2,690
Washington Office Service	5,390	620	0	6,010
Office & Supplies	2,300	300	100	2,700
Annual Report	0	0	500	500
Treasurer's Bond & Audit	0	0	300	300
Transcript of Minutes	0	0	100	100
Legal Retainer Fee	0	0	300	300
Miscellaneous	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	\$60,000	\$6,800	\$1,300	\$68,100
 <u>Allocation of Budget</u>				
Geological Survey	\$30,000	\$ 0	\$ 0	\$30,000
Bear River Commission	<u>30,000</u>	<u>6,800</u>	<u>1,300</u>	<u>38,100</u>
Total	\$60,000	\$6,800	\$1,300	\$68,100

MR. MYERS: I would like to follow up on Mr. Harper's suggestion and make a motion that we go ahead with this suggested investment of our surplus funds by our Treasurer, subject to the advice of Mr. Skeen.

MR. DAYTON: I second the motion.

MR. JOHNSON: I think Utah would add their second to that motion.

Motion carried.

Printing of the Bear River Compact

MR. JIBSON: I would just like to note concerning the printing of the Compact, that it is being done on official Congressional plates. We don't know if they are finished yet, but there will be no cost to the Bear River Commission. It will be necessary, if we combine them as we did before, to add by a local printer the bylaws under the same cover, and there will be a cost here. I think, of course, that it would be desirable to add the bylaws to the Compact.

MR. MYERS: I make a motion that the proposed budget be accepted by the Commission as read in Mr. Jibson's report.

MR. KUNZ: I second the motion.

Motion carried.

REPORT OF THE SECRETARY-TREASURER

CHAIRMAN LARSON: We will now have the report of the Secretary.

MR. LAWRENCE: Mr. Chairman, I don't have any formal report to make. I would like to call on Mr. Bert Page to make a combined report of the Secretary-Treasurer. Mr. Bingham has agreed to that.

(Mr. Page provided each Commissioner with a copy of the financial statement for the period of July 1, 1967 to April 15, 1968. Copy attached.)

MR. PAGE: You will notice from the statement that the beginning cash balance as of July 1, 1967--with a carryover from prior year--was \$6,783.29. The approved annual budget for each state was \$11,700. As you will remember, there was a credit coming to Idaho and Utah for the past year because they had paid too much money. This amounted to \$333.33 for Idaho and \$333.34 for Utah. The money paid by the States, plus the cash on hand, gave us a total amount available of \$41,216.62.

Under Operating Expense, some money is expended directly by the Commission and some is expended through the Geological Survey. The operating expenses that were expended through the Geological Survey to date is \$16,704.00 (two quarters). The money expended directly by the Commission, which includes

Treasurer Bond, and Audit, Transcription of Minutes, and Office Expense and Supplies amounts to \$320. The total disbursement to date is \$17,024.00 leaving a cash balance on hand of \$24,192.62. There are no checks outstanding.

I wanted to make one comment here comparing this to a year ago, the cash balance we carried over a year ago was \$5,999, and the total amount we had available after the expenditures was \$23,051, so we are in about the same financial situation right now as we were a year ago. That is the report, Mr. Chairman.

MR. JIBSON: I might mention that from this \$24,192.62 balance, we have two quarters yet to be billed from the Geological Survey. So we have in the neighborhood of \$17,000 that will be obligated from the \$24,193.

MR. JOHNSON: What was the obligation a year ago against the \$23,051?

MR. PAGE: It would have been about the same as it is now.

MR. LAWRENCE: I would move that the Bear River Commission accept the financial report as given.

MR. FOSTER: I second the motion.

Motion carried.

REPORT OF THE LEGAL CONSULTANT

CHAIRMAN LARSON: Do you have a report to make, Mr. Skeen?

MR. SKEEN: I don't have a report this time, Mr. Chairman.

REPORT OF COMMITTEES

CHAIRMAN LARSON: We have already heard a report of the Budget Committee. Is there a report from the Operations Committee or the State Engineers Committee?

MR. LAMBERT: I don't think we have anything to report. Mr. Bishop and I have been working very closely on this stock pond problem and I think it is getting a little more solved each year. I may say that the State of Utah is going to, this next summer, have a reinvestigation of all of our stock pond and stock rights on the Upper Bear with the purpose to see that there has been conformance to agreements that we have made on this and that they have conformed to the restrictions that have been made on stock pond development. I understand, of course, that Idaho still hasn't got a lot to get their teeth into this. I feel sooner or later that all three states have to do the same thing. I don't think Wyoming and Utah can go ahead and restrict development if we don't have it a three-way proposition. I think Idaho should do the same thing.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES
FOR THE PERIOD OF JULY 1, 1967 to APRIL 15, 1968

<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
TOTAL INCOME TO APRIL 15, 1968	\$6,783.29	\$35,100.00	\$666.67	\$ - - -	\$41,216.62

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	\$14,343.00	\$12,757.00
Personal Service	4,779.00	1,645.00	3,134.00
Travel	600.00	350.00	250.00
Fiscal Charge	257.00	128.00	129.00
Washington Office Charge	585.00	293.00	292.00
General Office	279.00	137.00	142.00

Sub-Total	\$33,600.00	\$16,896.00	\$16,704.00
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EXPENDED THROUGH COMMISSION

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	150.00	115.00	35.00

Sub-Total	\$ 1,500.00	\$ 1,180.00	\$ 320.00
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Total Disbursements	\$35,100.00	\$18,076.00	\$17,024.00
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UNEXPENDED CASH BALANCE AS OF APRIL 15, 1968			\$24,192.62
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BEAR RIVER COMMISSION

DETAIL OF EXPENDITURE

FOR PERIOD ENDING APRIL 15, 1968

Voucher
Number

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
135	Sonya Ames	35.00
136	U. S. Geological Survey	<u>8,699.00</u>
TOTAL EXPENDITURES PER PAGE 1		\$17,024.00

BANK RECONCILIATION

APRIL 15, 1968

Cash in Bank Per Statement 4/1/68	\$24,192.62
Less: Checks Outstanding	<u>None</u>
TOTAL CASH ON HAND AND IN THE BANK	<u>\$24,192.62</u>

CHECKS OUTSTANDING

NONE

There is some question as to just how much effect this does have on stream-flow. I don't think any of us know the answer, but there is no question that if you impound water, even in small amounts, and put no regulating device in a reservoir, that there is some impairment of downstream rights whether it is infinitesimal or whether it is significant would have to be studied in this particular case.

I will say that Mr. Bishop, Mr. Higginson, and I went back to Washington relative to a broad service problem where they are starting their reservation doctrine administratively. We went back with Chris Wheeler of Oregon, and we had quite a long session, much talk, and I am sorry to say I don't think we got very far with the Forest Service. They are very cooperative as long as they don't do anything. However, I do think this has got to be pushed. We have got to have standard administration of water throughout all of our river systems. We feel that we have got to make a report now to the Western State Engineers at our annual meeting next September. Then, of course, instructions will be made as to what we do on this for the next year. We feel this is important because we have open-end water rights on stream regardless of whether they are government owned or state owned or individually owned or company owned, because you can't have proper administration of water on a stream with open-end water rights. That would mean that somebody could come in and do anything they pleased with complete disregard of the water users on that system. We certainly--and I think I speak for Mr. Bishop and Mr. Higginson--will not let this die. I think we have got to have some decisions on this. I believe, unless Mr. Bishop or Mr. Higginson have something more, that is all the State Engineers have.

MR. JOHNSON: Did that report require a motion?

MR. LARSON: No.

MR. JOHNSON: We have a tabulation here of requests for water. Some of them are for stock ponds. We have some here from Uintah County. I wondered what action might be taken on them and what kind of a forage area would you have to have for the stock to drink 3.24 acre-feet?

MR. TEICHERT: I think these are reservoirs that have been built for a number of years and we are making an effort to get them recorded.

MR. JIBSON: You will notice, Mr. Johnson, that footnote (b) says that we have received notice of completion of the reservoir. I don't know how many years since they were built. These have been presented to the Commission before. All of the Wyoming applications except the very last one here on Clear Creek which is pending have been presented to the Commission before. In line with the resolution passed about a year ago, Mr. Bishop has sent us notices on rejection or completion and any other information concerning the application. On the particular one you mentioned, they have had notice in the State Engineer's Office that it has been constructed.

MR. JOHNSON: What was the application for, an overnight irrigation reservoir?

MR. BISHOP: No. It is a stockwater reservoir.

MR. JOHNSON: Well, it is too much water.

MR. BISHOP: Three acre-feet? Admittedly the cows won't drink that much water, but I think it is probably necessary to have that much storage in order to provide the opportunity for the cows to have a drink.

MR. JOHNSON: Here is one in Franklin County for 7 acre feet. It's underground water but is for irrigation. Are there any restrictions over in Idaho?

MR. HIGGINSON: Are you talking about Caribou County, Mr. Johnson?

MR. JOHNSON: Yes. Specifically under the State of Idaho, Don C. Rigby, underground, and it is for irrigation and he is asking for 7 cfs. That is quite a stream of water. What are you doing in Idaho with these applications, are they within the basin?

MR. HIGGINSON: Well, this particular one, if it is a question of whether it is in or out of the basin, it is in the vicinity of Bancroft, and to answer the question of where the underground water divide is, it separates the Portneuf Drainage from the Bear River Drainage. We included it here so that you wouldn't have any question that we were not telling you the whole story. I rather suspect that it is in the Portneuf Drainage, and they are able to drill fairly successful wells over in that area.

MR. JOHNSON: I want to know if you men are watching these little amounts of water that could eventually dry up the Bear River. We have a lot of them. Anyway they are a draft on the river. It would seem to me that if the stock watering ponds are overnight, they are fine, but if they are for livestock there has got to be tremendous forage.

I am not trying to find fault. I think we have a river basin here that we must watch very closely because our limitations, or what nature gives us, and it kind of fooled us this time.

(There was no report from the Operations Committee.)

MR. JIBSON: I think we are fortunate that the Operations Committee has not been in session. As long as things are going smoothly we don't call them in session, but if we have some problems come up--especially in a dry year--they can expect to be called in session. We hope they don't feel that they are a committee in name only.

MR. JOHNSON: I do believe, Mr. Chairman, that it is an excellent provision in case it gets tough for you, you have got someone to confer with and someone to share the blame with.

I think the minutes should show appreciation to Mr. Crandall and his staff of the Bureau of Reclamation for the work they have done for the Commission over the years, and especially in preparing information on the storage possibility

in the Upper Basin. We are grateful for the presentation made here today, and I make it as a motion that we thank them for coming and for their report.

MR. DAYTON: I second the motion.

Motion carried.

(The meeting adjourned at 12:05 p.m.)