

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
Water Resources Division
Surface Water Branch
P. O. Box 413
Logan, Utah
May 6, 1949

Mr. E. O. Larsen, Chairman,
Bear River Compact Committee
P. O. Box 360
Salt Lake City, Utah

Dear Sir:

The following is a report of the Bear River Compact Engineering Committee meeting held at Logan, Utah April 12, 13, 1949. This report will also serve as minutes of the meeting and joint meeting with the Legal Committee on afternoon of April 12, 1949. While this may be more in detail than necessary, it is believed warranted for future reference.

Meeting convened at 10:00 a.m. in Bureau of Reclamation Offices. Members of Engineering Committee present at the meeting were:

W. V. Iorns - Chairman
E. K. Thomas - Representing Bureau of Reclamation
C. O. Roskelley - Representing State of Utah
Lynn Crandell - Representing State of Idaho
R. D. Goodrich - Representing State of Wyoming

The first order of business taken up was the consideration of the question - "Investigation of the effect on existing water rights of future storage projects on the main stem of Bear River and its tributaries, both above and below Bear Lake." The Chairman presented each of the members with sets of tabulated data titled "Summary Data - Bear River Compact Engineering Committee dated April 12, 1949" and "Storage Data and Hydrographs - Bear River Compact Engineering Committee dated April 12, 1949." The plates titled "Summary of Bear River Storage Operation" and "Comparison of Bear Lake Storable Water and Irrigation Demand below Bear Lake" were explained to the group by the Chairman. Study and discussion of the data followed.

The meeting recessed at noon and at 1:30 p.m. met in joint session with the Legal Committee, Mr. E. J. Skeen presiding. Legal Committee members present were:

E. J. Skeen - Chairman
A. L. Merrill, representing State of Idaho
Arthur Cline - representing State of Wyoming
Clinton D. Vernon - representing State of Utah

Also present at the afternoon meeting were:

Gerald Irvine - representing Utah Power & Light Co.
Ashby D. Boyle - representing Utah-Idaho Sugar Co.

Mr. Skeen briefly outlined the purpose of the joint meeting and then called on the various legal representatives for statements. At this time Mr. L. B. Johnson, T. H. Jackson, and Leo McKinnon, representing Rich County in Utah arrived and were admitted to the meeting.

Mr. A. L. Merrill stated that from Idaho's viewpoint a compact should be on a priority of right basis, should respect the sovereignty of state rights, and steer clear of becoming a valley authority. He questioned some of the changes in the water rights which have occurred in recent years. Relative to the tentative draft of the compact, he questioned the fixed periods of the irrigation season clause, felt that the number of members on the Commission should be enlarged, that the compact as proposed did not provide for appeal to the courts, and that it was lacking in power to enforce its provisions. He also objected to storage above Bear Lake in that it violated the priority of right principle. The compact should also provide for a proving period.

Mr. Irvine pointed out that the rights of the Utah Power & Light Company were on record and that those rights must need be respected, and that the Power Company had contracts of many years standing to deliver Bear Lake storage water to irrigation users below Bear Lake.

Mr. Boyle discussed the dependence of the lower river water users on Bear Lake storage water which they receive under contracts with the Power Company. He maintained that the compact should be based on the priority of right principle and the compact should integrate all rights on the river.

Mr. Vernon and Mr. Kline did not wish to make any statements at this time since they had not yet had sufficient opportunity to study the Bear River problem.

Mr. Skeen then called on Mr. L. B. Johnson, who had previously requested an opportunity to appear before the committees. Mr. Johnson briefly presented demands of the water users in Rich County relative to a compact. A short summarization of the main points of his statements are as follows:

1. The Commission should also appoint a Water Users Advisory Committee to work in conjunction with the Legal Committee and Engineering Committee in formulating a compact.
2. Rich County demands -
 - (a) Irrigation season to be from April 1 to August 31.
 - (b) Upper Bear River water users claim entire usable supply

of Bear River above the mouth of Smiths Fork as theirs during the irrigation season.

- (c) Upper lands should be allowed a seasonal delivery of 3 acre feet per acre instead of a set rate of delivery.
- (d) A study should be made of consumptive use.
- (e) The priority of water use should be -
(1) Culinary water (2) Stock water, (3) Irrigation water, (4) Power water.
- (f) Upper users on river have the right to store for later use any water available.
- (g) The rights of the Utah Power & Light Company should be investigated.

Mr. Johnson also objected to the Legal Committee and the Engineering Committee holding closed meetings and felt that these meetings should be advertised and open to any user who desired to attend.

Mr. Skeen informed Mr. Johnson that the meetings of the Legal Committee were not secret and that his Committee would welcome any interested water user.

Mr. Iorns, as Chairman of the Engineering Committee, stated that the work of the Engineering Committee was of a technical nature and that it was engaged in accomplishing certain assignments given it by the Commission. Practically all of its work consisted of assembling and studying factual data which would be presented to the Commission in a report. If any information was needed from water users they would be notified and hearings held. While no water user would ever be barred from its meetings, their attendance would probably be of little help to the committee in accomplishing its task. Since such a question of policy had never been considered by the committee, Mr. Iorns asked the other members for their comments if their opinion differed from that stated. No comment was offered.

Mr. Skeen then took up the question of extending the compact to include Malad River and the river below Cutler Dam to Great Salt Lake. Discussion on this indicated a lack of knowledge of the status of water rights in the Malad River Basin; that contemplated storage on Malad River in Idaho might adversely effect rights of the Fish and Wildlife Service; summer flow of Malad River in Utah was chemically unfit for irrigation use; and that Water Users in Malad Drainage should probably be consulted before any action was taken. It was suggested and endorsed by the group that before any action be taken, Mr. Skeen should write a letter to Mr. Kulp, Idaho State Reclamation Engineer, asking his views on the inclusion of the Malad Drainage, status of water rights, and to determine the attitude of the Malad River water users.

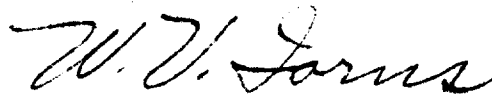
There was some discussion concerning water rights on Bear River and the tentative compact as drafted. No action was taken as the members desired to have more time for study of water rights and the tentative draft.

The joint meeting adjourned at about 5:00 p.m. with tentative date of next joint meeting set for May 10, 1949 at Logan, Utah.

The Engineering Committee reconvened at 8:00 a.m. May 13 in the Bureau of Reclamation offices. Mr. Crandall had prepared a statement summarizing the data discussed the previous morning, relative to storage above and below Bear Lake. This statement was read and endorsed by the group to be included in the Committee's report to the Commission.

Discussion then followed as to what basis was to be used in determining supplemental storage needed above and below Bear Lake. Hydrographs were studied and recommendations made to be used as a guide by the Bureau and Survey offices in preparing tabulations for consideration at the next meeting.

General discussion of the river problems followed and the meeting adjourned at 11:00 a.m.



W. V. Iorns, Chairman,
Engineering Committee.