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JUN 15 1951

To: E. O. Larson, Federal Representative and Chairman,
Bear River Compact Commission

From: E. J. Skeen

Subject: Meeting of Drafting Committee, June 4 and 5, 1951.

A meeting of the Drafting Committee of the Bear River Compact Commission was held on June 4 and 5, 1951, at Salt Lake City. The following committee members and advisors were present:

Idaho:

A. L. Merrill, Special Assistant Attorney General
Fred M. Cooper, Compact Commissioner
Mark R. Kulp, State Reclamation Engineer and
Compact Commissioner

Utah:

Clinton D. Vernon, Attorney General
C. O. Roskelly, Engineering Advisor
Joseph M. Tracy, State Engineer and Compact Commissioner

Wyoming:

H. S. Harnsberger, Attorney General
L C. Bishop, State Engineer and Compact Commissioner
P. L. Spaulding, Assistant Compact Commissioner
E. C. Gradert, Assistant Compact Commissioner

Advisors:

W. V. Iorns, Geological Survey, Chairman of Engineering Committee
E. J. Skeen, Bureau of Reclamation, Chairman of Legal Committee

Others Present:

Gerald Irvine, Utah Power and Light Company
Elmer Thorum, Utah Power and Light Company

Mr. Vernon served as Chairman

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The draft of compact as revised since the Compact Commission meeting of March 26 and 27, 1951, was considered article by article. Most of the discussion was directed to articles III, IV and VI which provide, respectively, for the creation and duties of a Bear River Commission; the administration of the river in times of shortage of water; and the storage of water above Bear Lake. The interests of the states and major water users within the states were fully and frankly discussed and the effect thereon of the proposed draft was analyzed. Various suggestions for modification of the draft were considered and it was decided that members of the committee prepare and submit revised versions of the various articles within 30 days, that another meeting of the committee be held in about 45 days, and that a request be made for a 60-day postponement of the next Compact Commission meeting originally set for June 21 and 22, 1951.

I believe that substantial progress was made at the drafting committee meeting. It is recommended that the Compact Commission meeting be postponed to the latter part of August.



Copy to: N. B. Bennett, Liaison Officer
Washington, D. C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Water Resources Division
Surface Water Branch
P. O. Box 413
Logan, Utah
May 19, 1949

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

Dear Sir:

The following is a report of the Bear River Compact Engineering Committee meeting held in Logan, Utah May 10, 1949. This report will also serve as minutes of the meeting and joint meeting with the Legal Committee on that date.

Joint session of the Legal and Engineering Committee convened at 10:10 a.m., E. J. Skeen presiding, in Bureau of Reclamation offices.

Following are those who were in attendance:

Legal Committee

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

Engineering Committee

W. V. Iorns, Chairman
E. K. Thomas, representing Bureau of Reclamation
C. O. Roskelley, representing State of Utah
Lynn Crandall, representing State of Idaho
R. D. Goodrich, representing State of Wyoming

Other invited advisors and water users representatives present were as follows:

F. V. Olson, U. S. Fish and Wildlife Service
V. T. Wilson, U. S. Fish and Wildlife Service
E. G. Thorum, Utah Power & Light Co.
Leo McKinnon, Water Commissioner Rich County, Utah
Gerald Irvine, Utah Power & Light Co.
W. M. Burton, Deseret Land & Livestock Co.
J. L. Gibson, Deputy Attorney General, Utah

Mr. Skeen suggested since Mr. Vernon and Mr. Kline had not made statements at the previous meeting, that they be given this opportunity to express any of their state's legal points relative to a compact. There followed some discussion of what should be considered by the group.

Mr. Vernon was in favor of treatment of the entire river on the basis of priority of rights. He pointed out that this was the basic principle for division of water between users in each of the three states; that while there exists some divergence of interest of Water Users in the upper and low river areas in Utah, he believed these could be settled; and he would like to have the group take up the tentative draft and discuss various points.

Mr. Kline stated that a compact on a strict priority basis would have small chance of passing the Wyoming Legislature and he was in favor of a division method as suggested in the tentative draft. There was considerable discussion on various problems that stood in the way of mutual agreement between the states.

Mr. Burton, of the Deseret Land & Livestock Company, discussed the various ways the Chapman Canal had been treated in the original tentative draft and in the suggested subsequent revisions. Mr. Iorns briefly reviewed the status of the Chapman Canal irrigation and storage rights and explained why the changes had been suggested.

Mr. Skeen outlined the letter he had written to Mr. Mark R. Kulp relative to including the Malad Basin in the compact, but that he had not as yet received an answer. A telephone call was made to Mr. Kulp's office to determine the present status of developments before considering the question of extending the scope of the compact below Cutler Dam. Mr. Kulp's office reported that sufficient answers from water users relative to his inquiries had not been received to determine their position. The group discussed the various problems and resultant effects of including the Malad Basin and the lower river.

The joint meeting recessed at 11:10 a.m., and the Engineering Committee immediately convened to study and pass on its report to the Commission. Mr. O. A. Christensen, Mr. E. G. Thorum and Mr. Leo McKinnon were asked to join the Committee. Copies of a "Proposed Draft of Report of the Engineering Committee to the Bear River Compact Commission" had previously been mailed to members of the Committee. This report was studied page by page with corrections being inserted and notes taken on recommended changes to be made before a final report is drafted. The Committee recessed for lunch at 12:30 p.m., and met again at 1:15 p.m. The study was completed and the Committee approved the report with the condition that members would further study it and submit any additional recommendations to the Chairman within ten days.

The Legal and Engineering Committees reconvened in joint session at 2:10 p.m. Mr. Skeen requested that the report of the Engineering Committee be read to the joint group as the findings may influence future work of the Legal Committee.

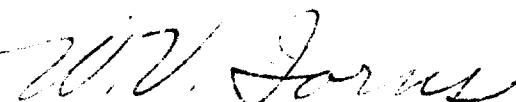
Mr. Iorns read the summarized sections of the report, omitting tables and supporting data. Questions and discussion on the summarized information took place following each section. The group recommended that one hundred copies of the Engineering Committee's final revised report be prepared for the Commission. The Legal Committee requested four copies of the preliminary proposed draft of the report. Mr. Olsen, of the Fish and Wildlife Service, requested a copy of the preliminary proposed draft.

Mr. Skeen noted that the report completely covered three of the five problems assigned by the Commission. Of the remaining problems, the question "Determination for compact purposes of the nature and extent of existing water rights" would be taken up by the Legal Committee at a later meeting. Mr. Iorns said he would make available for their use, all decrees, data, and maps on water rights which had been assembled by the Project Office.

The assignment of "Study of the question as to whether the scope of the Compact should be enlarged to include the main stem of Bear River to Great Salt Lake and the Malad River" was taken up. There was considerable discussion, especially on the inclusion of Malad Basin in Idaho. The motion was made by W. V. Iorns and seconded by Mr. Clinton D. Vernon - "It is the recommendation of the Legal and Engineering Committees to the Commission that the scope of the Compact be enlarged to include the drainage of the Bear River below Cutler Dam to its mouth at Great Salt Lake and to include the tributary drainage of Malad River in Utah and Idaho." The motion was passed by voice vote.

Mr. Iorns stated that the final Engineering Committee report should be ready within six weeks and that further meetings of the Engineering Committee probably would not be necessary prior to a Compact meeting. He recommended that an effort be made to schedule another Compact Commission meeting within six weeks to two months from this date.

There being no further business, the meeting adjourned at 4:00 p.m.



W. V. Iorns, Chairman,
Engineering Committee