

No 6

AGENDA

TRI-STATE NEGOTIATING COMMITTEE MEETING

Cokeville, Wyoming

April ¹⁹~~2~~, 1971

CALL TO ORDER

S. Reed Dayton, Acting Chairman

REVIEW OF MINUTES, SALT LAKE CITY MEETING

TECHNICAL SUB-COMMITTEE REPORT

OPEN DISCUSSION

ASSIGNMENTS

SELECTING SITE AND DATE OF NEXT MEETING
(Idaho is to be the host)

No 6

MINUTES OF THE
TRI-STATE BEAR RIVER
NEGOTIATING COMMITTEE MEETING

APRIL 19, 1971

MINUTES

TRI-STATE BEAR RIVER NEGOTIATING COMMITTEE

Minutes of Tri-State Bear River Negotiating Committee meeting held Monday, April 19, 1971 at 1:15 p.m. in the old school Gymnasium in Cokeville, Wyoming.

Those present:

IDAHO

R. Keith Higginson, Idaho Department of Water Administration, Boise
Ferris M. Kunz, Idaho Water Resources Board, Montpelier
✓ J. C. Hedin, Idaho Negotiating Committee Member
✓ William G. Jenkins, Idaho Negotiating Committee Member, Malad City
Edwin C. Schlender, Idaho Water Resources Board
C. J. Marshall, Idaho Water Resources Board, Jerome
Wayne T. Haas, Idaho Water Resources Board, Boise
Bob Haynes, Idaho Water Resources Board, Boise

UTAH

Daniel F. Lawrence, Director, Utah Division of Water Resources, Salt Lake City
Paul Holmgren, Utah Bear River Negotiating Committee, Box Elder County
Simeon Weston, Utah Bear River Negotiating Committee, Randolph
Marion Olsen, Utah Board of Water Resources, Paradise
Orson Christensen,
J. G. Christensen, Asst. Director, Utah Division of Water Resources, Salt Lake City
Ethan Axtmann, Utah Division of Water Resources, Salt Lake City
S. Bryce Montgomery, Utah Division of Water Resources, Salt Lake City
Norman Stauffer, Jr., Utah Division of Water Resources, Salt Lake City
Bert A. Page, Utah Division of Water Resources, Salt Lake City
Dee C. Hansen, Utah Division of Water Rights, Logan

WYOMING

S. Reed Dayton, Wyoming Negotiating Committee Member, Cokeville
J. W. Myers, Wyoming Bear River Negotiating Committee, Evanston
John A. Teichert, Wyoming Water Division #4 Superintendent, Cokeville
Richard L. Thompson, West Wyoming R.C.&D., Kemmerer

Others Present:

E. J. Skeen, Legal Advisor, Bear River Commission, Salt Lake City
E. O. Larson, Federal Representative, Bear River Commission, Salt Lake City
Wallace N. Jibson, U.S.G.S., Asst. Secretary, Bear River Commission, Logan
Clifford Aildredge, U.S. Bureau of Reclamation, Logan, Utah
Dean E. Bischoff, U.S. Bureau of Reclamation, Logan, Utah
Paul Willmore, U.S. Bureau of Reclamation, Salt Lake City
Donald J. Watkins, Utah Power & Light Company, Salt Lake City
Robert B. Porter, Utah Power & Light Company, Salt Lake City
Harold D. Walter, Thomas Fork, Montpelier, Idaho
John I. Walter, Thomas Fork, Montpelier, Idaho
Gerald Hidalyo, Thomas Fork, Geneva, Idaho
Heber J. Boehme, Thomas Fork, Raymond, Idaho
Roland Johns, Cokeville, Wyoming

Connie Borrowman, Secretary

S. Reed Dayton, Chairman, called the meeting to order.

CHAIRMAN DAYTON: We welcome you this afternoon. We had hoped for sunshine, but I suppose you are getting the same kind of weather where you came from. We do have sunshine every once in a while. We are grateful for your presence. I thought this afternoon we would ask each one to stand and tell us who you are, who you represent.

(Those present introduced themselves.)

REVIEW OF MINUTES

CHAIRMAN DAYTON: We appreciate Mrs. Borrowman for taking the minutes of this meeting. Our first order of business this afternoon will be a review of the minutes by Dan Lawrence.

MR. LAWRENCE: The last meeting was held in Utah, and we prepared a 4-page summary. I think rather than me try to edit this I will just read the summary we have prepared. We do have one copy for Wyoming and one copy for Idaho of the verbatim transcript, and also the tape if you do want to recommend an amendment to this abbreviated minutes.

(Mr. Lawrence read the enclosed Summary of Minutes of the meeting held in Salt Lake City on November 24, 1970.)

MR. LAWRENCE: As I said, this is my own abstract of the total minutes, and I may have skipped the key points and I may have missed some. I have furnished each state with a verbatim transcript if you desire now, or in the future, to recommend changes.

CHAIRMAN DAYTON: You have heard the minutes. Is there some discussion or any questions or any additions or corrections?

MR. OLSEN: I move the adoption of the minutes.

MR. KUNZ: I'll second it.

Motion passed.

TECHNICAL SUB-COMMITTEE REPORT

CHAIRMAN DAYTON: The next order of business is the report of the technical sub-committee. I think Mr. Lawrence was going to introduce this.

MR. LAWRENCE: As Chairman of the technical sub-committee, I would like to make an introductory statement. At the previous meetings of the technical sub-committee and in the discussions of the Tri-State Committee Negotiators, it seemed that there was general consensus of opinion that formal reports by the technical sub-committee to the main body would have to be quite limited. That probably the direction that we should go would be to have a great deal of dialogue between the technical members, discussing the results of the model studies, the operation studies, and the various research by the sub-committee; and then each state would go into caucus and discuss this among themselves. You recall that at the various times that we have tried to make a technical report we have run into the problem of whether or not this aspect of the report sort of preempts the functions and the duties of the negotiators themselves -- whether the technical sub-committee is pre-judging for the main body. And we have had to hold up on some statements because we couldn't agree amongst ourselves as to whether this should be placed in the record as a united position of all three states. Then it would be a limitation and a constraint against the negotiators.

With that in mind, the staffs of the three states have been going ahead and making some studies. And they have met together -- and they met this morning. One of the problems is that Mr. Bishop, as was announced this morning, and Pete Hutchings of Wyoming -- the Wyoming contingent of the technical committee are not here. They did not have opportunity to meet with the Wyoming people after their meeting this morning; and for that reason we feel that it would not be appropriate to make a full-scale report of the findings to this body. But I would like Wayne (Haas) to go into some detail as to what you have been doing in this 6-months' time,

and the studies that have been made, how the technical people in the states have been working. I would like Mr. Jim Christensen to perhaps respond if he hears something that you forgot, Wayne, or if he desires.

MR. HAAS: Mr. Chairman, as we discussed at the last meeting, the Tri-State Negotiating Committee meeting; the Idaho Water Resource Board has a computer program which we have been using where we can simulate different types of operation on the Bear River system. We offered to make this available to the Tri-State Negotiating Committee to make any runs using any type of problems that the states might want to include; and then we would make the results available to the various states. We thought that in this way this would give the members of the Committee some insight that would help them in their negotiating. The staffs of Wyoming, Utah, and Idaho have met, as Dan pointed out. We did reach some agreement on what type of studies we would run, what would be shown in Wyoming, type and amount of storage, some sample projects in Idaho, and Utah uses. When you completed the computer studies and you have sent them out to Utah and Wyoming, it was our understanding that the staffs of each of the states would give this to their teams.

This is only the first study. I think that the staff felt this morning that we will continue to work together and try to cover areas that we feel that by reaching some agreement on various aspects of study, that we can provide more helpful information to our various negotiating members. I think that is about all I have to report at this time. If there is some specific detail that -- or any questions --

MR. CHRISTENSEN: I might add that during this period of time the Utah staff has continued to work on a model of the entire Bear River system to supplement with the Idaho model. We haven't come along as fast as we had originally anticipated, but it is about ready for use now. I have no further data on this particular subject.

MR. LAWRENCE: Jim, would you like to respond to the idea of whether the committee has completed its assignment or whether they should continue, and what can they develop for their respective states by continuing to work together?

MR. CHRISTENSEN: I think the committee has not finished its work. There is room for the tri-state sub-committee to continue to work together. For instance, bringing these two models together would be one aspect of it. There are aspects -- I think Mr. Willmore may report on later that - on particular projects - that will have to be worked out jointly. But I think as you stated in your opening statement, the staff is somewhat limited in what we can agree on. It is real easy to slip over into policy areas, so we would recommend closer liason between the staffs and the individual negotiating teams so that we don't step out of line.

MR. LAWRENCE: I guess, Mr. Chairman, then, that is our report.

MR. HAAS: Pete (Hutchison) agreed with the substance of the report that has been made here this morning that we would report that the sub-committee had completed this specific assignment; but we would not interpret, as Dan mentioned, the full study. We would announce that it has been available for the staff of each state, and they would do their own studies. For example, we asked Wyoming what they would want to show for additional storage above Bear Lake; and then just whatever each state wanted to put in just to get some sample runouts. I am sure that these boys will be going over that with the Wyoming delegation members.

MR. HIGGINSON: Mr. Chairman, I would like to ask the committee -- have we yet got technical agreement among the states on the flow of the River? Why can't you agree on figures? You are using all the same source of data, aren't you? Why does it take an interpretation from a Negotiating Committee to have you agree on figures?

MR. LAWRENCE: I think we have a valid reason for that.

MR. HAAS: The sub-committee was asked to make a report on the hydrology. The reason we couldn't get the report ready for the last meeting was not that we disagreed on figures, but that we were not in agreement on which set of figures

should be shown. For example, we had worked up the data for a period from 1927 to 1965, and updated those to reflect the present conditions. Wyoming felt that the data that should be presented was not that data, but was the historical data.

MR. HIGGINSON: Can't we agree on those figures; that one represents one thing and one the other? There isn't any disagreement on that, is there?

MR. HAAS: Wyoming wasn't entirely -- they wanted to do some additional review work on the figures that reflected present conditions. These were reported briefly, and they weren't absolutely certain. But the last time in considering this report they want this review work, but they also felt that what we should be presenting was not figures reflecting present conditions, but historical conditions. In other words, not flows from 1942 up to the present, but actually historic flows.

MR. CHRISTENSEN: We don't disagree with the basic data presented to us. We have problems with some of the assumptions that come out of it in describing the hydrology. I suppose if we had a knock-out drag-down session we could accomplish ironing that out; but it seems premature. We need to go into that kind of session with some other questions at the direction of this Committee.

MR. MYERS: What is the basic difference between a historic flow and a revised flow? If it shows so much historically, what do you apply to it to change it? to modernize it?

MR. HAAS: You take the historic records, picking any years, -- if you took those historic years you have so much flow. Since that period of time there is a certain amount of new uses developing and taking place. If those new uses had been present in 1942, what would that flow have been? Then, you say, under today's conditions, what are the flows that you would expect under a 1942 water year, what are those flows?

MR. AXTMANN: I have seen a concrete indication here, Mr. Myers, that there have been changing rules of thumb about operation each year. For instance, the way the Power Company operates Bear Lake. Instead of emptying Bear Lake you could still

