

*Not Yet Approved*

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VERBATIM MINUTES

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE MEETING

ROOM 303  
STATE CAPITOL BUILDING  
SALT LAKE CITY, UTAH

November 24, 1975  
1:00 p.m.

Submitted by  
Connie Borrowman, Secretary

SUMMARY OF ACTIONS

1. The Committee approved the Verbatim Minutes of the meeting held August 27, 1975, as submitted. page 2

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE

Meeting Held

November 24, 1975  
Salt Lake City, Utah

THOSE PRESENT

NEGOTIATORS

IDAHO:

Keith Higginson  
William G. Jenkins  
Joe Hedin  
Clifford Skinner  
Edwin C. Schlender  
Russell A. Westerberg

UTAH:

Marion Olsen, Committee Chairman  
Daniel F. Lawrence  
Gordon Peart  
Simeon Weston  
Calvin Funk  
Paul Holmgren

WYOMING:

George L. Christopoulos  
J. W. Myers  
S. Reed Dayton

OTHERS PRESENT:

Clem Lord, Interstate Streams Engineer, Cheyenne, Wyoming  
Floyd Bishop, Technical Advisor, Cheyenne, Wyoming  
Marvin Bollschweiler, Evanston, Wyoming  
Russell Staker, River Commissioner, Montpelier, Idaho  
Bert Page, Division of Water Resources, Salt Lake City, Utah  
E. O. Larson, Federal Representative, Salt Lake City, Utah  
Richard Skeen, Attorney, Salt Lake City, Utah  
Wallace N. Jibson, U.S. Geological Survey, Logan, Utah  
Thomas O. Parker, Regional Solicitor, Salt Lake City, Utah  
Joseph Francis, Commissioner of Agriculture, Salt Lake City, Utah  
Ted Arnow, Geological Survey, Salt Lake City, Utah  
John Jensen, Bureau of Reclamation, Salt Lake City, Utah  
Jay Haight, Utah Power & Light Company, Salt Lake City, Utah  
Robert Porter, Salt Lake City, Utah  
Connie Borrowman, Minute Secretary, Salt Lake City, Utah

MINUTES

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE MEETING

November 24, 1975 -- Salt Lake City, Utah

1:00 p.m.

Verbatim Minutes of the Bear River Tri-State Negotiating Committee meeting held November 24, 1975, in Room 303, State Capitol Building, Salt Lake City. The meeting commenced at 1:00 p.m., with Chairman Marion Olsen presiding.

WELCOME AND INTRODUCTIONS

CHAIRMAN OLSEN: I think we should proceed with the meeting. We have another meeting scheduled following this immediately; and in order to have sufficient time to make our discussions, I think we should stay on time at the beginning, and see if we can meet the deadlines of these meetings.

We welcome you today to Salt Lake City, and the State Capitol of Utah. We appreciate the effort you have made in attending this meeting, and the interest that you have that brought you here. We hope that out of this meeting might come information and discussion that will be beneficial to all concerned. We all know why we're here; and I'm sure the interest of each of our states and the combination of interest among our states has brought us together. We hope that we can forward our discussions to a point where it will be helpful to all concerned.

At this time I think it would again be well to have an introduction. There are one or two faces - not many - that are new; but in order to know who, and where we are all from - Keith, would you like to introduce the representatives from your state that are in attendance today?

MR. HIGGINSON: Mr. Chairman, the Idaho delegation is as it has been. There are no new persons here from Idaho. I think you have met all of Idaho's people - unless you would have me -

CHAIRMAN OLSEN: No, no.

MR. HIGGINSON: We have no new ones from Idaho.

CHAIRMAN OLSEN: Fine. Wyoming - George?

MR. CHRISTOPULOS: Well, we have one new face - Clem Lord, who is our interstate streams engineer. He replaced his son, Joe Lord.

CHAIRMAN OLSEN: That's a little in reverse to what we generally have. He must be younger than he thought he was. He would be your only one?

MR. CHRISTOPULOS: Yes.

CHAIRMAN OLSEN: I guess we don't have anyone from Utah, that is new or different, in attendance here.

There are other chairs we can move into if you have more people, George, that you would like to have sit beside you at the end of the table here - next to Skinner, or someplace. Have them come forward if you'd like. I know Floyd (Bishop) is no stranger among us. We appreciate his coming back today and meeting with us.

I think the reason we called the meeting today was that after our last meeting we appointed a subcommittee of a very small 'mini' group to give complete study to the negotiations and come up with some recommendations. I am sure they have met; I have talked with a few of the men on the committee - and they have met and have some information for us.

#### APPROVAL OF MINUTES OF AUGUST 27, 1975, MEETING

CHAIRMAN OLSEN: You all received a Verbatim copy of the Minutes of the August 27 meeting that we held. I hope that you have taken the opportunity to read the Minutes. And as a matter of business today, I think it would be well to approve those Minutes, if it's your desire to do so. I would entertain a Motion to approve them; and if there is discussion on them, we'll hold that, too.

MR. LAWRENCE: I move we approve the Verbatim Minutes of the August 27 meeting.

MR. HIGGINSON: Second.

CHAIRMAN OLSEN: Any discussion on the Minutes? Those in favor say 'aye'. Opposed?

Those Minutes, then, will be approved - and recorded as sent out.

#### REPORT OF 'MINI' COMMITTEE

CHAIRMAN OLSEN: Alright, then, we'll move to the business of the meeting today, and call on Keith Higginson. You act as Chairman of the 'Mini' group?

MR. HIGGINSON: No; Dan's the Chairman. We decided since he was sitting in the big chair in his office, he had to be the Chairman.

CHAIRMAN OLSEN: Then he has delegated the report to Keith to give. So, I guess that's the reason I got my instructions down the line.

Okay; we'll be glad to hear from you, Keith.

MR. HIGGINSON: For those of you who were not here at the last meeting, or who may have forgotten the discussion - in the Verbatim Minutes, let me just read the Motion that was made by Mr. Westerberg, that we passed.

"I would offer a Motion that each negotiating group from each state appoint two of its members to a 'mini' committee - or however you want to term it - to meet and work out the details at a time to be certain on or before October 15, and have the details of their findings and a report of their suggestions available to the Compact committee at their next regular meeting in November."

Then that Motion was discussed; and subsequently passed.

The committee members were selected by each state, and did meet on October 24 - (we did not meet before October 15, but we did meet shortly thereafter) - here in Salt Lake, in Dan's office, and had a discussion for the better part of a half-day concerning Bear River matters - particularly relating to the Compact itself, and the desires of each state concerning future development plans on the River system.

It appeared that we were basically talking about amendments to two major articles of the Compact - although there were some other, rather 'housekeeping' items, that were included in that discussion - such as the day for the termination of the water emergencies in the various divisions which had been discussed; the question of an annual versus a biennial report. We considered those to be 'housekeeping' items, and we could take care of them at a later time. The major provisions that we were talking about were Article IV and Article V. Article IV relates to the handling of water in the various divisions of the River system; and Article V talks about the storage allocation for new storage to be created above Bear Lake.

As this developed following our discussion - and it was a very frank discussion; and I, for one, really appreciate the frankness of that discussion, indicating the desires of the various states and the problems and questions of the various proposals by the states - it developed from that discussion, and it appeared, that someone ought to take the first step of drafting some material which could be laid in front of the members of the various state negotiating committees, so that we could at least begin the process of talking about a Compact revision. Somehow, I was 'volunteered' to do that; and that's why I'm here today, I guess.

So I have prepared a draft which incorporates, at least in concept, some of those things that were discussed at the meeting. I think that most of you here have a copy; and those who don't, I would be glad to furnish copies. The Power Company has no interest in this matter - but I'll give them a copy, anyway.  
(Laughter)

What we have here is a first-cut rough draft, of possible revisions to the Bear River Compact. This is not an all-inclusive draft, because it does not include those items that I referred to earlier as 'housekeeping items'. Those can be added in a final draft, prior to the Compact Commission taking action on it. But these embody the major questions which would be involved in an amendment to Articles IV and V.

I don't suppose in the 45 minutes we have left, that we want to go through and now discuss this; but maybe I can just, in general, outline what this draft does.

First, it attempts to define the water below Bear Lake that is "developable". It's defined as the water that is available for development and use, that is not subject to a water right that has a priority earlier than January of 1974, and has not been applied to beneficial use prior to January, 1974. That would mean that all existing rights which have been applied to beneficial use before January '74 would take the water before you would consider that there is water available below Bear Lake for development. So we're only talking about the water after first satisfying all existing water rights on the River, as of that cutoff date.

It then, would amend Article IV, which would allow to the State of Idaho a block of that water. We have considered the figure, in these draft revisions - allocate to the State of Idaho a block of that water for development and use under laws of the State of Idaho, provided that the effect of that development in the State of Idaho would not deplete the flow of the River system of more than 200,000 acre-feet of water in any year.

It would require that the State of Idaho would annually report to this Commission the appropriations that had been made pursuant to State law from that block of water, together with the depletion that had been assigned to that appropriation, based upon standard methods of providing that budget calculation. It may be that if there is a similar provision in a later suggested amendment to Article V, the Commission needs to adopt, as a Commission, methodology to a system of arriving at the depletion to be assigned to a proposed appropriation of water. This would mean whether a storage reservoir; whether it's a diversion

from a stream or tributary; or whether it's a ground-water development. We would have to arrive at an estimate of the effect of that proposed appropriation upon the flow of the River system.

The revision would provide that the existing language of the Compact, which requires the State of Idaho to recognize appropriations made in Utah, and the Commission to put into effect a delivery schedule which is adopting without regard to state lines, would only be applicable to those rights in existence as of that January, 1974 date - and that rights thereafter established in Idaho would be subject to the total limitation of depletion that I just mentioned.

The revision suggests that, because there is currently leakage of a small amount of water annually from the Blackfoot River system to the Bear River system, and there are currently proposals to raise enlarged Blackfoot Reservoir dams and dikes, and there is a potential of an increase of that leakage from the Blackfoot to the Bear, - any increase would not be subject to Compact. It would be Idaho water - available for use in Idaho without regard to the limitations of the Compact; because it would have come out of the Blackfoot and Snake River system in Idaho - and it would be new water in the Bear River system, and Idaho should be entitled to it.

The revision then recommends that with regard to the River system above Bear Lake that, in addition to the current allocation of a right to store, there would be additional increments of storage that could be made by Utah, Wyoming, and Idaho. And the figure -- No figure has been put in there; we left that figure blank - because it was my understanding at our discussion in October that the Utah and Wyoming people were not entirely in agreement as to what they would like to see as far as new storage above Bear Lake. So we left the figure blank, to be entered at a later date. But we would suggest, in connection with that, that we also insert a figure for depletions of the River system that would result from any new development above Bear Lake; and that similarly, Utah and Wyoming, annually, advise the Commission of the appropriations that had been authorized in those states, and the depletions that would be chargeable against those appropriations, to fit within this Compact limitation.

We further are suggesting that there be an Article written (which is on page 6 of this draft material, under paragraph D) in which there would be a limitation as to storage above Bear Lake, under whatever theory of storage that anyone might be using - so that they would be clear in the future as to the storage



limitation. As you know, we have had some discussion as to whether you can convert direct flow rights to storage outside of the Compact limitation, or whether that was included within. So if you clarify that, whatever we agree to as to storage, we would suggest that there be language in the Compact so that there would be no question in the future but what that Compact allocation does include all methods of creating storage.

Essentially, Mr. Chairman, that is it; and I'm sure that you haven't had an opportunity to read it in enough detail that you are ready to discuss it -- but, perhaps you are.

CHAIRMAN OLSEN: Thank you, Keith. Any members of the Committee associated with this meeting that was held, who would like to comment at this time? Grif, you're a member of that committee. Do you want to add anything to what Keith has said, in reference to that October meeting?

MR. JENKINS: I would just like to toss in a comment - that I think we have been struggling for quite some time on just how are we going to get a handle on this thing? How are we going to proceed from here? I think now, Idaho has presented what we feel is a vehicle which will allow us to 'climb up in the saddle' and start 'riding that horse' off on a direction that will do some good to all. Now, we may have to 'change the cinch a little and lengthen the bridle', or something else; but I think we have something here that will provide us a vehicle to do the job. I would encourage us to examine it seriously; decide what we want to do with it; within our own groups focus on what changes, what numbers, we want in these blanks; and then come back, and let's sit down and have some hard negotiating sessions and see if we can push this thing along.

CHAIRMAN OLSEN: Very good. Thanks, Grif. I appreciate your help in staying with the committee. George, do you have any comments?

MR. CHRISTOPULOS: No; nothing more than probably what has already been said. I think that we do have a vehicle that we could start with. I think probably the thing to do now is for the states to go back and review this draft and see what modifications they might have and what numbers they feel should be plugged in; and then perhaps come back to the mini group and hash it out a little more, and then come back to the Negotiating Committee.

CHAIRMAN OLSEN: Reed, you were on the committee.

MR. DAYTON: I don't think I would have anything to add. I think there may be one or two things that Wyoming might want to add into this as we meet in committee, as George has suggested.

CHAIRMAN OLSEN: Fine. That would open up the opportunity to do this - to get the input from the total committee and get back, as George has suggested.

Dan - ?

MR. LAWRENCE: First, I'd like to offer an excuse for the absence of Dee Hansen, who is the other member of Utah's mini group. Dee is in court in Provo today on a matter which has been causing concern, on Provo River water rights, the Provo City water rights - and he was unable to get that schedule changed.

Further, I'd like to say that Mr. Higginson substantially followed the directions of the committee in selecting the items that he has considered in his draft. So, while I recognize that it is Idaho's draft, we can't blame them fully for the idea; because we did meet in our first meeting and went over the items which we felt need to be considered - and this work fairly well follows the instruction of the committee on what ought to be revised. We appreciate the effort that Mr. Higginson and his group have put forth in making this first draft.

I think now, that maybe the few minutes that we have remaining today ought to be devoted to questions - so that we understand as well as possible the interpretation of the words; and then we have to go back to our own state groups and decide whether this document is somewhere near the kind of changes which can be seriously considered by the body as a whole. I think that we, on the small committee, have acted in good faith; and now we've got to be sure that our constituents and the people that we represent will support us in this - and to what extent they will, or won't. We had hoped that each state could meet this year - in the calendar year 1975 - so that early in 1976 the small group could meet again and start hammering out input to this document.

There may be some questions that come up in the quick reading, here, for clarification - that ought to be discussed the rest of this meeting. Otherwise, I think the important thing is to see if there is any degree of understanding, and if we should continue along this line.

Maybe to start that off -- Keith, you mentioned water rights established prior to January 1, 1974. . Do we need to elaborate on the definition of a water right?

MR. HIGGINSON: I think we do, Dan. I think there's perhaps a difference of opinion between Utah and Idaho with regard to a cutoff date. Utah has used the term, 'approved filings'; and we have suggested that instead of approved filings it ought to be water that has actually been diverted and applied to beneficial use prior to a particular date, that ought to determine the cutoff - because, as I have indicated before, there are filings in both states which, by very routine acts of the State Engineer of each state, can become approved filings.

I think what we want to do is start with the status quo kind of situation on the River - and not consider applications that may merely be approved but not yet consummated in development to beneficial use - as the point at which we start. For example, there are in Idaho, filings, both by the Bureau of Reclamation, for the Oneida Dam and Caribou Project. The Caribou is an approved filing. The Bureau filings are pending and have been pending for some ten to twelve years - which could, by my signature, become approved filings. The same thing is true in Utah with regard to filings such as Smithfield and Honeyville and Plymouth - and various other dam sites; large filings on the River which, by a stroke of Dee Hansen's pen become approved filings. And to use that as the basis for cutoff, I think is inappropriate. I think we ought to talk about water rights that are actually in beneficial use, that have been completed, the development's been made, by whatever they decide the policy is. We used the 1974 date in here because it's the same date that Idaho had suggested earlier. We suggested it back in 1973 in our negotiating statement - that we would be willing to accept a cutoff date of something like January, 1974; and we used the same figure here.

CHAIRMAN OLSEN: Any other comments with regards to this?

MR. LAWRENCE: I think he has pretty well answered any questions I had on this interpretation of it.

MR. CHRISTOPULOS: There is maybe one item there in that connection. I see January 1, 1974 back there, in connection with the Upper and Central divisions. We do have some water allocated under the present Compact which, for various reasons, hasn't been developed. I presume that would not come under this?

MR. HIGGINSON: Well, George, it wasn't the intent of this, that the date would affect the allocation of water for additional storage. It only affects new appropriations made under this provision for new storage. I'm talking about the new paragraph C. It would only be applicable to any new block of storage above Bear Lake.

CHAIRMAN OLSEN: One point of clarification, Keith; in reference to water rights - are rights which have been used and put to beneficial use. That would be left up to whom, to make that determination? A right that, today, is not on record - is that what you are referring to?

MR. HIGGINSON: We are talking about -- Well, to answer the first question - I think it is the responsibility of the State Engineer of each state to advise the Commission concerning those rights. I think that's the only place in the states where you could get the information on which you could make that kind of a determination. I would feel it would be the State Engineer's responsibility to advise the Commission of those rights that were prior to the Compact in the state, and those that came after. Then, if there are none of those that come after that date, then this depletion could be -

CHAIRMAN OLSEN: Yes.

MR. LAWRENCE: There is a statutory provision whereby the State Engineer, in approving an application to appropriate, in Utah, gives the applicant a date under which he must make proof of beneficial use; and he must file that, and then the State Engineer, of course, issues a certificate. There may be some cases where only a portion of that approved application has been put to use and, therefore, there may not be a certificate issued; but there could be water used - and the State Engineer probably would have to look at the agreement whereby he reviewed the works. Now, this may not be that hard in Utah, because the State Engineer is very actively pursuing adjudication in the Bear River Basin right now. I would suppose that he has a handle on what water is being used in unprotected rights; although he isn't here to say for himself.

CHAIRMAN OLSEN: It seems like this has been one of our efforts that we have put towards determining in each state - what the water rights are, how they are established, and what they amount to. And this has to do that, in adjudicating.

Any other comments?

MR. LAWRENCE: There are some blanks in the draft. I don't know if -- the statement on page 1, Idaho has indicated an amount for the other states to react to on the depletion above the Utah-Idaho line. For storage above Bear Lake there is no amount suggested. It seems to me that someone should put the numbers in there fairly soon if we are going to seriously consider that. I thought Wes, maybe, would suggest 200,000 for the two states as a starting point, or something.

MR. HIGGINSON: I would like to inform you that the 200,000 figure there is not that kind of a figure for Idaho. We didn't put it in there with the idea that, obviously, it was going to be cut in half or something. We put a figure there that we thought was an acceptable figure.

MR. MYERS: Well, I'm sure we can come up with a figure, and something that we can back up, too, with just a little study. I hesitate -- we can start out by putting 200,000 in there. I wrote a figure down here - it wasn't that much; but -

MR. HIGGINSON: Let's start with your figure.

(Laughter)

MR. MYERS: Well, I was just scratch-padding. I wasn't actually ready to put the figure in.

CHAIRMAN OLSEN: We only have 500,000; we ought to have a little bit left for the Lower Bear in Utah.

MR. MYERS: I still think if Utah and Wyoming work together on the Upper we can come to something pretty reasonable - and it will fit with Idaho, too. I think this thing's on the road at long last.

CHAIRMAN OLSEN: That sounds good.

MR. LAWRENCE: I might mention one other item. In the proposal for the Utah-Idaho, on the Lower Bear, the statement doesn't have any restriction on storage below Bear Lake - it is clearly a depletion item. In the proposal above Bear Lake you have two points - you have the proposed storage limitation and the proposed depletion, if I'm reading this right. It may be that each of the states will want to consider the compatibility or incompatibility of that.

MR. CHRISTOPULOS: I had the same thought - that there should either be a storage limitation on the lower, or maybe just depletion at both places.

MR. HIGGINSON: Mr. Chairman, this is certainly something we can think about. I would point out, however, that there is a considerable difference. The storage in the lower River does not affect any storage on the main stem of the River below; the storage above Bear Lake does affect, directly, Bear Lake storage. That's the major difference. Any storage that you now create above Bear Lake affects Bear Lake storage. Any storage that you effect on the main stem below, as long as it is storage subject to the existing water rights, has no effect on anybody.

MR. JIBSON: This includes ground-water development, and additional storage - the two combined?

MR. HIGGINSON: Yes; right.

CHAIRMAN OLSEN: Further comments?

MR. MYERS: I was just thinking about that other statement that was just made. I think they're all tied together more than the Idaho viewpoint recognizes. For all these years the lower water has not been stored and has been allowed to run into the Lake. The upper water has been used in lieu thereof. So, when you do store water down below, for good management purposes, rather than letting it run into the Lake, that should - theoretically, at least - release some of the upper water that has been used down below. So, I don't feel that it's as 'Scot-free' as that; I feel that it's all tied together.

MR. HIGGINSON: I didn't say it was 'Scot-free'. I said there is that distinction, however.

MR. MYERS: Yes. But I'm just saying that I don't feel that it is completely down below. I think the upper has a direct relationship to the lower.

MR. HOLMGREN: Mr. Chairman, I would like to ask Keith -- How much water do you feel is coming into the Bear River system from the Blackfoot reservoir right now? Do you have any idea?

MR. HIGGINSON: I wish I had that figure; I don't have it. We have had a study made by the Geological Survey - an estimate of the flow on the Blackfoot to the Bear, and the figure is available. Those are estimates.

MR. JIBSON: We are measuring the surface water which arises at Five-Mile Meadow, which I understand is overflow from Blackfoot reservoir. We have been measuring that for the Corps of Engineers for the past 8 or 10 years, with the idea that if they did raise it 6 feet, 7 feet, or whatever is planned, then we would have a comparison at that point.

MR. HOLMGREN: That's exactly the question I was going to ask. You would have to have some basis to compare.

MR. HIGGINSON: That's right. There would have to be some kind of a reasonable way of estimating or determining that increase.

CHAIRMAN OLSEN: But you do now have a measuring point that you think could be used - ?

MR. HIGGINSON: We have a base of streamflow measurements, plus we have an estimate of underground flow based upon the ground-water records, and water levels, and so forth. Any change in those water levels we could calculate the increase.

MR. LAWRENCE: Do you feel that the predominant amount coming through is represented in the surface measurements, or in the ground water? And, as Wally says, they are measuring some for the Corps, but there's also some diffused waters or waters that are hard to measure, which you are assuming is coming in, too - right?

MR. HIGGINSON: I am not in a position today to give you any kind of a figure. I should have it; but I don't have it with me.

MR. LAWRENCE: But do you know if the surface is greater - or less?

MR. HIGGINSON: No; I can't tell you right off the top of my head. It has been three years or so since I read the report.

MR. BISHOP: Mr. Chairman, I think some comment should be made on the difficulty of trying to administer water on the basis of depletions. The 'state of the art' in determining depletion rate is not all that sophisticated. I think in a practical sense you have a very difficult problem in trying to limit water used on the basis of the depletions. For instance, in Wyoming -- I believe it's incompatible with Wyoming water law to do that. Our allocation of water to irrigators is based on a diversion rate, and to add to that the limitation of an annual depletion becomes very difficult. I think the practical problems involved with that approach, for Wyoming - and I think for the other states - are significant; and should be considered before you adopt this program. It may well be that Wyoming would have to make some changes in basic water law in order to provide for that kind of a limitation.

CHAIRMAN OLSEN: This would have to be taken into consideration.

Okay - we maybe ought to move at this time in setting up a time-table for future meetings. I think it was proposed that -

MR. LAWRENCE: I suggested that we hope that the mini group can meet again in January; and that would require some pretty hard discussions in each of the states. Maybe that's too pressing - with Christmas holidays, and Legislatures in session.

CHAIRMAN OLSEN: Well, it would necessitate meetings on a state basis prior to that time. How do you feel about this, gentlemen? Are we trying to push too hard; or should we move forward on this time-table and try to get our state committees together, and start to estimate recommendations from the material we have today before us? How do you feel about it?

MR. JENKINS: Well, I was wondering if we could explore, just a minute. It's kind of a 'chicken and egg' kind of thing. I think the states' groups would like to see

the other's numbers before they meet; and yet then need to meet to get the numbers to the other parties. It may require two meetings to resolve among ourselves as to what we're going to do.

CHAIRMAN OLSEN: Well, I was thinking that out of the state meetings would come these figures that are blank today, and then we could report it to the small group for consideration prior to bringing it back to the main body of our Committee. It's up to you, gentlemen; just whatever you feel. If we can keep Wyoming and eastern Utah from getting froze down. Maybe we've got plenty of time, if we can't do anything else, only meet - you know, with wintertime upon us.

MR. HOLMGREN: Mr. Chairman, I feel that Grif certainly has a point there. I was wondering if possibly each state group should meet earlier than the mini group and explore some possibilities from each state, and then give it to our representatives to the mini group, and say "This is an idea that we have in Utah". And you fellows have an idea of the amount of water you want. And then let the mini group 'chew on it' and see if it's a reasonable figure; or unreasonable. Maybe there's some compromises that need to be made. I think possibly each state should meet before the mini group - to give them authorization to present a certain figure. That might help get the 'egg before the chicken', or whatever you want to do.

CHAIRMAN OLSEN: It's necessary for the state groups to get together, I think, to fill in these blank places; and then maybe the small group, when they meet, will be able to modify or make suggested changes to the figures that are proposed in these places. At least, it's a place to start. What about a time-table on this? That's my concern. Do we have time between now and the first of the year - with all of your Christmas celebrating? If we do have time, it seems like now we have something to look to; and we're anxious to get on the way with it.

How about you, Keith?

MR. HIGGINSON: Mr. Chairman, I think we can get the Idaho group together before the end of the year and have our meeting, and be prepared to have our meeting with the other states. But one of the problems, as Grif points out - before we could really meet, I would like to see what figures you are going to suggest to go in those blanks. We have a figure that was given to us at our meeting in October; but it was given to us only by Utah - and I don't know whether that's Utah's final figure; or what Wyoming is going to come in with. Just for your information, we ran a computer study on the Utah figure; so we know, from our standpoint, what the possible effect of that kind of a figure is upon the operation of the River system.



And before we would be prepared to say 'yes' or 'no' to any kind of a figure, we'd like to have the same kind of a figure from Wyoming and run it through our program, so that we can tell operationally what it will mean on the River.

CHAIRMAN OLSEN: Why don't we meet as state groups, and fill in the blanks, and forward the information to the other states at that time, for consideration prior to your other meeting? Then, if necessary, we could move from there.

MR. LAWRENCE: I would suggest that, without committing any of the states to the acceptance of the paragraphs or anything, we agree - Utah and Wyoming - to give Idaho notice of the figures which we would like them to consider; and do it by mail before our mini group meets.

MR. HIGGINSON: If you can do it in the next couple of weeks, it will help us in scheduling with our committee.

CHAIRMAN OLSEN: What date? Let's set up a date. I think we've got to deal in dates, if we're going to say 'soon'.

MR. HIGGINSON: Two weeks today.

CHAIRMAN OLSEN: Two weeks today. This is the 24th -- that would be December 8th. That would necessitate a meeting of the states prior to that date.

MR. HIGGINSON: We'll need some agreed upon methodology, as to how you are going to arrive at a figure. You may not have to have the meeting; you may do it by meeting this afternoon? Is that possible - to have Utah and Wyoming get together after this meeting and agree on some kind of a figure, so that we've got something to discuss when we meet again?

CHAIRMAN OLSEN: Are you hearing the question, George?

MR. CHRISTOPULOS: No; would you repeat that again?

MR. HIGGINSON: I was just wondering if it was possible for Utah and Wyoming to individually meet after this meeting today, and at least give us a beginning figure? If we could do it today, it would be even better.

MR. LAWRENCE: Let's try it. If we can't meet today, we can maybe correspond - or we can meet. I am sure it should be a realistic figure.

CHAIRMAN OLSEN: Let's do it by mail or telephone. Let's not do it by air, should we? That runs into a little expense when we start flying around to do these things. The sooner we can get it accomplished, the better. Is that agreeable, then, George -

that we try? How about the Utah group? Do we have time? I don't suppose you're committed to -

MR. HOLMGREN: Today?

CHAIRMAN OLSEN: Yes, today. Just for a few moments. It shouldn't take too long after the Compact meeting - Mr. Larson's meeting - just for a few moments. That won't be a very long meeting.

MR. LAWRENCE: That's only to fill in the blanks on the storage above Bear Lake.

MR. HOLMGREN: Just a comment here. We are meeting to try to establish some kind of a figure on the acre-feet of water; but I hope this doesn't mean that we accept all this? We still have a right to reject it; or change it; or - ?

CHAIRMAN OLSEN: Oh, yes. I think in the discussion -

MR. LAWRENCE: I even said that; and made it clear, I think.

MR. HOLMGREN: When did you say that?

MR. LAWRENCE: When did I say that, Connie?

MRS. BORROWMAN: I'm not sure - a few minutes ago.

CHAIRMAN OLSEN: We don't know how long ago; but it's in the Minutes. It would have to be a 'minute' ago, then.

Then we're not setting up any definite date time-table as far as meeting is concerned? This could be determined by -

MR. JENKINS: Could we set up a time-line, by which time the initial state meetings would be held and the other states would be advised of what the numbers would be for those blanks? And then that would allow us, in turn, to do some of our own scheduling. I think we are all in a position now, that any day we want to have a meeting in December, we better get tied down today - or it's pretty soon not going to be there.

MR. HOLMGREN: Mr. Chairman, could we make that mini-group meeting sometime in late January - if we can't get together in December? I know Sim and these fellows have a Utah Cattlemen's meeting coming up the fore-part of December; we have a convention in Las Vegas that will take up the week of the 8th of December, the Sugar Growers; and there are a few other meetings after that. I'm sure I can make adjustments to some meeting in December if you throw it out. But I'm just thinking - in case we can't, with Christmas coming on - generally January is a pretty dry month; there's not much going on.

MR. HIGGINSON: Except the Legislature is in town. I think Wes would agree, there's nothing going on.

(Laughter)

MR. LAWRENCE: Keith made a point that he didn't really elaborate on. I think it's pretty critical. If this concept has any value at all, it means that each state will have to run computer runs, and do whatever evaluation they want to make on their appraisal of the effect of any of these numbers. And that's why the important thing is to have a base to start. And we have some blanks for numbers in here; and Idaho, nor Utah, nor Wyoming - none of us, can run these through to see the effect unless we have some numbers. That's even more important, I think, than setting the date of the mini meeting. So each state can have something to work from -- unless they want to run the spectrum through, and then they have answers for all possibilities.

MR. HIGGINSON: Mr. Chairman - along with what Dan has said - one of the problems that we have in running any kind of a modeling study is the assumption as to the potential proposed uses of the water that might be stored in any way; and in this study we did, we ran it on the basis of 60,000 acre-feet of additional storage, assuming that all of the water would be used for irrigation, and that it would have a 50% depletion of the water stored and diverted after return flow. That's a very gross way of going at a calculation. And we have allocated the water equally in all of the canals in the upper Utah and Wyoming area, and the central area, without regard to which canals might need water and which ones may have a sufficient supply. So, in order for us to really be able to run a study properly, along with the figure we need some kind of an indication of potential uses for that water, so that we can put a depletion figure against it and estimate the effect upon the streamflow, and so forth. Now, that's a little more involved than just putting a figure in a blank. And somewhere down the line - if we can't get it now - we're going to need that kind of information, at least, in the way of a gross estimate, or something, so that we can run the study. The computer can do anything we tell it to do; but we need to know what to tell it to do.

CHAIRMAN OLSEN: You're saying, too, that the figures the other two states put in these blanks should be a depletion figure?

MR. HIGGINSON: I am suggesting that the figure should be put in the blanks; but along with that, we should have some general indication, at least, as to how the water might be used. If it's all going to be municipal and industrial water, and

therefore perhaps all consumptively used; whether it's all going to be irrigation water, with return flow coming back into the system; or what are the proposed uses for the water.

CHAIRMAN OLSEN: And you're saying, with agriculture, that you figure about a 50% -

MR. HIGGINSON: We did for this purpose - in this study. If it's all going to go to new land, and under sprinklers, then it would be a greater percent than pumping.

CHAIRMAN OLSEN: Right. Well, we ought to have our guidelines, and -

MR. HIGGINSON: Just a general idea.

CHAIRMAN OLSEN: Yes; so that we're all shooting at about the same target, in setting up the figure.

MR. LAWRENCE: I think we'll make an attempt right after this meeting to come up with some figures.

MR. MYERS: Mr. Chairman, I note that Idaho also has one blank to fill in for Thomas Fork. Could they fill that out at the same time?

MR. HIGGINSON: Okay.

MR. LAWRENCE: And I agree with Paul. It might be that it would be pretty difficult for me to meet before January 15 in the mini group - with the legislative demands, and other commitments.

I don't think we can set a date today, can we, for that group? I think the six of us can get together on that.

CHAIRMAN OLSEN: Okay.

MR. LAWRENCE: Mr. Chairman, we have encroached on the other time.

CHAIRMAN OLSEN: Have we? I've got three minutes yet.

MR. LAWRENCE: We are encroaching closely, then.

CHAIRMAN OLSEN: I didn't mean to do that. It has been a pleasure to meet today. I'm sure that we have been able to talk very frankly about one thing and another. And we will, then, meet after this meeting, and fill in these blanks.

MR. HIGGINSON: We will do the same thing for the Thomas Fork blank.

CHAIRMAN OLSEN: We will declare this meeting adjourned then, at this time, and make ready for the next meeting.

Meeting adjourned at 2:00 p.m.