

BEAR RIVER COMMISSION

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T E N T A T I V E D R A F T
of
B E A R R I V E R C O M P A C T
IDAHO, WYOMING AND UTAH

PART IV

Prepared for

BEAR RIVER COMPACT COMMISSION

By

Leshar S. Wing, Regional Engineer
Federal Power Commission

and

W. V. Iorns, Project Engineer

U. S. Geological Survey

March 31, 1948

Revised TENTATIVE DRAFT
of
BEAR RIVER COMPACT
IDAHO, WYOMING AND UTAH

(Original draft dated March 31, 1948 revised
~~including~~
to include revisions dated July 29, 1948)
~~Pages 1, 2, 6, 11, 13 to 20~~

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July 29, 1948

ARTICLE I

- A. Where the name of a State is used in this Compact, as a party thereto, it shall be construed to include the individuals, corporations, partnerships, associations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, appropriators, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Bear River System under the authority of said State.
- B. Any individual, corporation, partnership, association, district, administrative department, bureau, political subdivision, agency, person, permittee, or appropriator authorized by or under the laws of a signatory State, and all others using, claiming, or in any manner asserting any right to the use of the waters of Bear River System under the authority of said State, shall be subject to the terms of this Compact. Where the singular is used in this article, it shall be construed to include the plural.

ARTICLE II

As used in this Compact, the following names, terms and expressions are described, defined, applied and taken to mean as in this Article set forth:

- A. The State of Idaho, the State of Utah, and the State of Wyoming are hereinafter designated as "Idaho," "Utah," and "Wyoming," respectively.
- B. The terms "Commission" and "Bear River Compact Commission" mean the agency created as provided herein for the administration of this Compact.
- C. The term "Bear River Basin" means the territory drained by the Bear River and its tributaries in Idaho, Utah, and Wyoming above the Wheelon Dam.
- D. The term "Bear River System" means the Bear River and all its tributaries including springs and swamps, from their sources to the Wheelon Dam.

~~or channels~~

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- E. The term "Tributary" means any stream which in a natural state contributes to the flow of the Bear River, including interstate tributaries and tributaries thereof.
- F. "Smiths Fork" a tributary to Bear River which rises in Lincoln County, Wyoming and flows in a general southerly direction to its confluence in a group of channels with Bear River near Cokeville, Wyoming.
- G. The term "Interstate Tributaries" means the following:
1. "Mill Creek" which rises in Summitt County, Utah and flows in a general northwesterly direction across the Utah-Wyoming state line to its confluence with Bear River in section 23, Township 13 North, Range 120 West, Sixth Principal Meridian.
 2. "Yellow Creek" which rises in Summitt County, Utah and flows in a general northerly direction crossing the Common boundary between Utah and Wyoming three times above its confluence with Bear River in Section 12, Township 15 North, Range 121 West, Sixth Principal Meridian.
 3. "Thomas Fork" which rises in Lincoln County, Wyoming and flows in a general westerly direction to where it crosses the Wyoming-Idaho state line near Geneva, Idaho then in a southerly direction to its confluence with Bear River in Section 10, Township 14 South, Range 46 East, Boise Meridian.
 4. "Raymond Creek" a tributary to Thomas Fork and which crosses the Wyoming-Idaho state line near Raymond, Idaho.
 5. "Cub River" which rises in Franklin County, Idaho and flows in a general southwesterly direction across the Utah-Idaho state line to its confluence with Bear River in Section 6, Township 13 North, Range 1 East, Salt Lake Base and Meridian.

6. "Worm Creek" a tributary to Cub River which rises in Franklin County, Idaho and flows in a general southerly direction across the Idaho-Utah state line to its confluence with Cub River north of Lewiston, Utah.
- H. The term "Utah-Wyoming State Line above Evanston" is the common boundary line between Utah and Wyoming south of Evanston, Wyoming.
- I. The term "Wyoming-Utah State Line near Woodruff" is the common boundary line between Wyoming and Utah east of Woodruff, Utah.
- J. The term "Utah-Wyoming State Line near Randolph" is the common boundary line between Utah and Wyoming east of Randolph, Utah.
- K. The term "Wyoming-Idaho State Line" is the common boundary line between Wyoming and Idaho near Border, Wyoming.
- L. The term "Idaho-Utah State Line" is the common boundary line between Idaho and Utah south of Preston, Idaho.
- M. The term "Mouth of Smiths Fork" is taken for the purposes of this Compact to mean the confluence of the Collett Creek branch of Smiths Fork with Bear River south of Cokeville, Wyoming.
- N. The term "Stewart Dam" means the diversion dam on Bear River in section 34, Township 13 South, Range 44 East, Boise Meridian, at head of intake canal to Mud and Bear Lakes.
- O. The term "Rainbow Canal" means the intake canal to Mud and Bear Lakes with point of diversion at the Stewart Dam.
- P. The term "Dingle Inlet" means the conveyance canal between the Dingle Irrigation Company canal and the Rainbow Canal by which water is at times diverted from Bear River into the Rainbow Canal below its headgates.
- Q. The term "Wheelon Dam" means the dam across Bear River in the Narrows between Cache Valley and the Salt Lake Basin.

- R. The term "Upper Wyoming Section" means that area in Uinta County, Wyoming, irrigated from Bear River, but excluding lands under the Bear River Canal and Francis Lee Canal.
- S. The term "Middle Wyoming Section" means that area above the mouth of Smiths Fork in Lincoln County, Wyoming, irrigated from Bear River, but excluding lands under the Beckwith Quinn West Side Canal.
- T. The term "Lower Wyoming Section" means that area in Lincoln County, Wyoming, irrigated from Smiths Fork and Bear River below mouth of Smiths Fork, and including lands under the Cook Canal in Idaho.
- U. The term "Upper Utah Section" means the areas in Summit County, Utah, irrigated from Bear River and its tributaries, except Mill Creek and Yellow Creek.
- V. The term "Middle Utah Section" means the areas in Rich County, Utah, irrigated from Bear River; areas under the Bear River Canal and Francis Lee Canal in Uinta County, Wyoming; and the areas in Lincoln County, Wyoming, under the Beckwith Quinn West Side Canal.
- W. The term "Lower Utah Section" means the areas in Cache and Box Elder Counties, Utah, irrigated by canals from Bear River whose points of diversion are at or above the Wheelon Dam, except the lands served by the West Cache Canal and Cub River Pump Canal.
- X. The term "Upper Idaho Section" means the area in Bear Lake County, Idaho, irrigated by canals from Bear River whose points of diversion are at or above the Stewart Dam, but excluding lands under the Cook Canal and the Rainbow Canal.
- Y. The term "Lower Idaho Section" means the areas in Idaho, irrigated by canals, from Bear River diverting below the Stewart Dam and above the Idaho-Utah State Line, and includes the areas in Cache County, Utah, served by the

Jacks Canal and Cub River Pump Canal.

- Z. The "Hilliard East Fork Canal" is that irrigation canal which diverts water from the right bank of the East Fork Bear River in Summit County, Utah, in the southeast quarter Section 16, Township 2 North, Range 10 East, Salt Lake Meridian, and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston, Wyoming, into the southwest quarter, Section 21, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- AA. The "Lannon Canal" is that irrigation canal which diverts water from the right bank of Bear River in Summit County, Utah, East 1,480 feet from West quarter corner Section 19, Township 3 North, Range 10 East, Salt Lake Base Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston into the south half, Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- BB. The "Hilliard West Side Canal" is that irrigation canal which diverts water from the right banks of Bear River in Summit County, Utah, near the northwest corner Section 18, Township 3 North, Range 10 East, Salt Lake Base and Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line above Evanston into the south half, Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming.
- CC. The "Francis Lee Canal" is that irrigation canal which diverts water from the left bank of Bear River in Uinta County, Wyoming, near the northeast corner Section 30, Township 18 North, Range 120 West, Sixth Principal Meridian and flows in a westerly direction across the Wyoming-Utah State Line near Woodruff, into Section 16, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah.
- DD. The "Bear River Canal" is that irrigation canal which diverts water from the right bank of Bear River in Uinta County, Wyoming, near the southeast corner

of Section 19, Township 18 North, Range 120 West, Sixth Principal Meridian and runs in a westerly direction crossing the Utah-Wyoming State Line into Section 9, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah.

EE. The "Chapman Canal" is that irrigation canal which diverts water from the left bank of Bear River in Uinta County, Wyoming, near the northeast corner section 36, Township 16 North, Range 121 West, Sixth Principal Meridian, and runs in a northerly direction crossing over the low divide into the Salteratus basin drainage near the southeast corner Section 36, Township 17 North, Range 121 West, Sixth Principal Meridian and then in a general westerly direction crossing the Wyoming-Utah State Line near Woodruff, ~~and into the Neponset Reservoir.~~ The point of determination of flow for delivery to Utah shall be at the U.S.G.S. gaging station, located immediately below the last diversion to Wyoming lands and above the first diversion to Utah lands.

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FF. ~~The "Neponset Reservoir" is that reservoir having a nominal capacity of six thousand (6,000) acre-feet, located principally in sections 34 and 35, Township 9 North, Range 7 East, Salt Lake Base and Meridian, Utah.~~

GG. The "Beckwith Quinn West Side Canal" is that irrigation canal which diverts water from the left Bank of Bear River in Rich County, Utah, near the northwest corner Section 7, Township 11 North, Range 8 East, Salt Lake Base and Meridian and runs in a northerly direction crossing the Utah-Wyoming State Line near Randolph into Section 28, Township 22 North, Range 120 West, Sixth Principal Meridian, Wyoming.

HH. The "Cook Canal" is that irrigation canal which diverts water from the left bank of Bear River in Lincoln County, Wyoming, near the northwest corner Section 7, Township 25 North, Range 119 West, Sixth Principal Meridian, and runs in a westerly direction crossing the Wyoming-Idaho State Line in

in several laterals into Sections 23 and 26, Township 14 South, Range 46 East, Boise Meridian, Idaho.

- II. The "West Cache Canal" is that irrigation canal which diverts water from the right bank of Bear River in Franklin County, Idaho near the southwest corner Section 25, Township 14 South, Range 39 East, Boise Meridian and runs in a southerly direction crossing the Idaho-Utah State Line into Section 34, Township 15 North, Range 1 West, Salt Lake Base and Meridian, Utah.
- JJ. The "Cub River Pump Canal" is that irrigation canal which diverts water from the left bank of Bear River in Franklin County near the southeast corner Section 20, Township 16 South, Range 39 East, Boise Meridian and runs in a southeasterly direction crossing the Idaho-Utah State Line in several laterals into Township 15 North, Ranges 1 and 2 East, Salt Lake Base and Meridian, Utah.
- KK. The term "natural flow" means the usual and ordinary flows in the natural watercourse and includes floodwaters and such return flows as enter the natural watercourse but excludes storage waters.
- LL. The term "divertible flow" means the quantity of water that could be diverted from the stream flow above a designated point of measurement during a specified period of time. It is comprised of three elements; (a) the total net inflow to storage; (b) the total diversions; and (c) the remaining flow in the stream at the designated point of measurement for which the divertible flow is being determined. It is computed as follows:
- The algebraic sum of:
1. The quantity of water (in acre-feet) that flowed into reservoirs situated above the point of measurement during the specified period of time; less the outflow and diversions made directly from reservoirs (in acre-feet) during the same period; plus

2. The quantity of water (in acre-feet) that was diverted from the stream above the point of measurement (including diversions made directly from reservoirs) during the specified period of time; plus

3. The quantity of water in the stream (in acre-feet) that flowed past the point of measurement for which divertible flows are being determined during the specified period of time.

~~MM.~~ MM. The term "mean daily divertible natural flow" means the average divertible natural flow occurring during a 24-hour period, beginning at 12:00 midnight.

NN. The term "Irrigation Season" normally means that period in each calendar year between May 1 and September 30; however, if unusual and abnormal conditions should occur, then the period may be changed in that calendar year by unanimous agreement of the Compact Commission.

OO. The term "Non-Irrigation Season" means that period of time extending from October 1 of one year to April 30 of the following year inclusive, unless due to abnormal conditions the period is changed by unanimous agreement of the Compact Commission.

PP. The term "Point of Diversion" means the point or place at which water is taken or removed from the channel of the Bear River or from any tributary thereof.

QQ. The terms "Divert" and "Diversion" mean the taking or removing of water from the Bear River or any tributary thereof when the water so taken or removed is not returned directly into the channel of the Bear River or of the tributary from which it is taken.

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ARTICLE III

- A. This Compact is entered into by each signatory State in the exercise of its sovereign powers for a governmental purpose, and its provisions shall be administered by a Commission, composed of one representative from each signatory State, to be known as the (Bear River Compact Commission). The State representatives on this Commission shall be selected in such manner as each signatory State shall elect. The President of the United States shall be requested by the Commission to designate a representative of the United States to sit with such Commission, and such representative of the United States, if designated by the President, shall, when present, act as Chairman of the Commission without vote.
- B. The salaries and necessary expenses of each State representative shall be paid by the respective State; all other expenses incident to the administration of this Compact not borne by the United States shall be allocated to and borne equally by each of the three States.
- C. In addition to other powers and duties herein conferred upon the Commission and the members thereof, the jurisdiction of the Commission shall include the collection, correlation, and presentation of factual data, the maintenance of records having a bearing upon the administration of this Compact, and, by unanimous action, the making of recommendations to the respective States upon matters connected with the administration of this Compact. In connection with the performance of its duties hereunder, the Commission may employ such services and make such expenditures as may be reasonably necessary, within the limit of funds provided for that purpose by the respective States. The Commission shall compile a report for each year ending September 30th, and shall transmit it to the Governors of the signatory States on or before December 31st following the year covered by the report.

- The Director, United States Geological Survey, the Commissioner, United States Bureau of Reclamation; the Chairman, Federal Power Commission; or comparable officers of whatever Federal agencies may succeed to the functions and duties of these agencies, and such other Federal officers and officers of appropriate agencies of the signatory States having services or data useful or necessary to the Compact Commission, shall cooperate, ex officio, with the Commission in the execution of its duty in the collection, correlation, and publication of records and data necessary for the proper administration of the Compact; and these officers may perform such other services related to the Compact as may be mutually agreed on with the Commission.
- E. The Commission shall have power to formulate rules of procedure, rules, and regulations, and to perform any and all acts it may find necessary to carry out the provisions of this Compact, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations. All rules of procedure, rules, and regulations of the Commission shall be filed in the Office of the State Engineer of each signatory State and shall be kept in a convenient form for public inspection and examination during reasonable business hours.
- F. The Commission herein authorized shall have power to sue and be sued in its official capacity in any Federal Court of the signatory States, and may adopt and use an official seal which shall be judicially noticed.

ARTICLE IV

The Commission shall itself, or in cooperation, or in conjunction with an appropriate Federal, State or other responsible agency, cause to be maintained and operated a stream gaging station equipped with an automatic water stage recorder on each of the following streams and canals at the places indicated to wit:

- A. Bear River at or near the Utah-Wyoming State Line above Evanston, Wyoming.
- B. Hilliard East Fork Canal at or near point of diversion.
- C. Lannon Canal at or near point of diversion.
- D. Bear River in Woodruff Narrows near Wyoming-Utah State Line near Woodruff, Utah.
- E. Chapman Canal below last Wyoming diversion and above first Utah diversion near Wyoming-Utah State Line.
- F. Bear River at or near Utah-Wyoming State Line near Randolph, Utah.
- G. Bear River above ^{Sublette Cause} ~~mouth of Smiths Fork~~ near Cokeville, Wyoming.
- H. Smiths Fork above diversions.
- I. Bear River at or near Wyoming-Idaho State Line near Border, Wyoming.
- J. Bear River below Stewart Dam.
- K. Rainbow Canal below point of diversion.
- L. Dingle Inlet above confluence with Rainbow Canal.
- M. Outlet Canal below control gates.
- N. Thomas Fork above confluence with Bear River.
- O. Bear River near Alexander, Idaho.
- P. Bear River at or near Idaho-Utah State Line near Preston, Idaho.
- Q. Bear River below Wheelon Dam.

In addition, such other gaging stations as the Commission finds necessary

in connection with its duties. Such gaging stations shall be equipped, maintained and operated in such manner as to produce reliable records at all times.

If at any time it should be the unanimous finding and determination of the Commission that because of changed physical conditions, or for any other reason, reliable records are not obtainable or cannot be obtained, at any of the stream-gaging stations herein referred to, such stations may, with the unanimous approval of the Commission, be abandoned, and with such approval another station, or other stations, shall be established and new measurements shall be substituted which, in the unanimous opinion of the Commission, will produce substantially the same results, so far as the rights and obligations to deliver water are concerned, as would have existed if such substitution of stations and measurements had not been so made.

ARTICLE V

A. The States of Idaho, Utah, and Wyoming hereby agree that the waters of Bear River and its interstate tributaries shall be apportioned among said states as follows:

1. Bear River -- Main Stream from source to mouth of Smiths Fork.

a. The State of Utah, shall at all times have the right to divert, in the Upper Utah Section, 10 cubic feet per second of natural flow from Bear River and its tributaries, upstream from the Utah-Wyoming State Line above Evanston. All natural flow in excess of 10 cubic feet per second shall be allowed to flow from Utah to Wyoming through the natural watercourses or through canals crossing the state line and serving lands in Wyoming.

2 a

b. Each day during the irrigation season of each year, the mean daily divertible natural flow of the Bear River ^{Main Stem and including} ~~(excluding tributaries)~~ determined at or near the Utah-Wyoming State Line near Randolph, shall be divided between Utah and Wyoming, and apportioned among the Upper Wyoming, Middle Utah, and Middle Wyoming sections according to the following schedule, except that when the divertible flow determined at the Utah-Wyoming State Line above Evanston, is less than 50 cubic feet per second, each section may divert all divertible natural flows in its respective reach of the river:

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- a. The natural flow of Mill Creek, an interstate tributary to Bear River, shall be apportioned among its various users on the basis of priority of rights; said rights being those legally accepted in adjudications of Utah and Wyoming, and apportioned on the basis of one cubic-foot per second of flow for each 60 acres of land.
 - b. The natural flow of Yellow Creek, an interstate tributary of Bear River, shall be apportioned among its various users on the basis of priority of rights, said rights being those legally accepted in adjudications of Utah and Wyoming, and apportioned on the basis of one cubic-foot of flow per second for each 60 acres of land.
3. Bear River -- Smiths Fork and Main Stem between a point immediately above the mouth of Smiths Fork, and Stewart Dam.
- a. Each day during the irrigation season of each year the mean daily divertible natural flow *of Smiths Fork Main Stem and Bear River Main St.* determined immediately below Stewart Dam and including flows into Rainbow Canal and Dingle Inlet, shall be divided between the Lower Wyoming Section and Upper Idaho Section according to the following schedule, except that the Lower Wyoming Section may divert during the irrigation season unused water, if any, up to 365 acre-feet daily, provided such unused water otherwise would pass Stewart Dam or flow into the Rainbow Canal, either at head or through the Dingle Inlet.

Total Mean Daily Divertible Natural flow	Lower Wyoming Section	Upper Idaho Section
Acre-feet Daily	Acre-feet Daily	Acre-feet Daily
0	0	0
730	145	585 2 ¹
930	150	780
1,120	220	900
1,510	610 870 (439.06)	900 1,290 (650.4)

Note: Intermediate quantities shall be computed by proportional parts.

Further, the maximum total diversions of natural flow in the Lower Wyoming Section and the Upper Idaho Section shall not exceed 1,510 acre-feet daily. *when flows past Stewart Dam Equal 790*
~~However, neither State may store as hereinafter provided and or temporarily divert, for its beneficial use but not to exceed its maximum allocation, any unused part of the above flow allotted to the other, but no continuing right to such unused flow shall be established thereby.~~

Further, [↑]neither State may store during the irrigation season ^② for the beneficial use of its respective section not to exceed fifty percentum of that sections unused allocation, ~~the~~ the remaining fifty percentum of which shall be delivered past the respective sections lowest point of diversion to compensate for return flow.

Further, Wyoming shall, during the irrigation season deliver to Idaho, through the Cook Canal, for the irrigation of lands in Idaho under the Cook Canal system, such water as is adjudicated to these

lands by Wyoming, but not to exceed 49.29 cubic feet of flow per second. Water delivered to this canal shall be from the Lower Wyoming allocation and applied in the order of priority.

4. Interstate Tributaries -- Between Smiths Fork and Stewart Dam.
 - a. All natural flow of Thomas Fork, during the irrigation season, shall be allowed to flow from Wyoming to Idaho through the natural water-courses or through canals crossing the State Line, for delivery by Idaho to lands in Idaho and Wyoming, in accordance with priority of rights as decreed and adjudicated in Idaho.
 - b. All natural flow of Raymond Creek during the irrigation season may be diverted by Wyoming for lands in Wyoming and Idaho, in accordance with priority of rights as adjudicated in Wyoming.
5. Bear River -- Main Stem from Stewart Dam and headgates of the Rainbow Canal to Wheelon Dam. All divertible natural flow of Bear River in the Lower Idaho Section and Lower Utah Section shall be apportioned among the various users on the basis of priority of rights: said rights being those legally accepted in Idaho and Utah.
6. Interstate Tributaries -- Between Stewart Dam and Wheelon Dam.
 - a. The waters of Cub River, an interstate tributary to Bear River and Worm Creek an interstate tributary to Cub River shall be apportioned among the various users on the basis of priority of rights; said rights being those legally accepted in Idaho and Utah.
7. Each State shall have the right, during the non-irrigation season, to divert and use, through irrigation ditches, for general domestic uses, including watering stock and culinary purposes, such of the waters of the river system as are available and necessary for such domestic purposes.

8. All water in the main stem of the river upstream from Stewart Dam and including the main stem of Smiths Fork, in excess of that necessary ~~and~~ *including watering stock and culinary purposes and such* for domestic uses shall be allowed to flow down the natural water course, during the non-irrigation season.

B. It is recognized that variable climatic conditions, stream flow regulation, and other causes will produce diurnal and other unavoidable variations and fluctuations in the stream flows at the interstate measuring stations, and it is agreed that in the performance of provisions of part "A" of this article minor compensating irregularities and fluctuations in the flow shall be permitted; but where any deficiency of the mean daily flow at an interstate measuring station may be occasioned by neglect, error, or failure in the performance of the duty of the upstream-state water officials having charge of the administration of the diversions from the stream, each such deficiency shall be made up within the next succeeding period of 72 hours by delivery of additional flow at the interstate measuring station over and above the amount allotted, sufficient to compensate for such deficiency.

ARTICLE VI

A. Present vested rights within each State and between States relating to the beneficial use of the waters of the Bear River, ^{Main Stem and Smiths Fork Main Stem} except as specifically set forth herein, are recognized by this Compact. All rights to the beneficial use of the waters of the Bear River, ^{Main Stem and Smiths Fork Main Stem} heretofore established, except as herein limited or specifically defined, and hereafter established under the laws of any signatory State, shall be satisfied solely from the proportion of the water allotted to that State as provided in Article V.

B.

~~ARTICLE VII~~
ARTICLE VII

A. A lower signatory State shall have the right, by compliance with the laws of an upper signatory State, to construct or participate in the construction and use of any dam, storage reservoir, or diversion works in such upper State for the purpose of conserving and regulating water that may be apportioned to it, provided that such right is subject to the rights of the upper State; and, provided further, that should an upper State elect, it may share in the use of any such facilities constructed by a lower State to the extent of its reasonable needs upon assuming and guaranteeing payment of its proportionate share of the cost of construction, operation, and maintenance. Similarly, an Upper State shall have the same right to construct or to participate in the construction of facilities in a Lower State in order to provide for exchange of storage waters, accumulated from its allocation as provided in Article V, for natural flow.

ARTICLE VIII

A signatory State shall have the right, upon compliance with the laws of another signatory State, to acquire in such other State by purchase, or through exercise of the power of eminent domain, such easements and rights of way for the construction, operation, and maintenance of pumping plants, storage reservoirs, canals, conduits, and appurtenant works as may be required for the enjoyment of the privileges granted herein to such State.

ARTICLE IX

Should any facilities be constructed by a signatory State in another State under the provisions of Article VII, the construction, operation, repairs, and replacements of such facilities shall be subject to the laws of the other State.

ARTICLE X

In the event water from another drainage basin shall be imported into the Bear River Basin or transferred from one tributary basin to another by the United States, Idaho, Utah, or Wyoming, or any of them jointly, the State having the right to the use of such water shall be given proper credit therefor in determining its share of the divertible flows apportioned in accordance with Article V herein.

ARTICLE XI

The provisions of this Compact shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

ARTICLE VIII

A signatory State shall have the right, upon compliance with the laws of another signatory State, to acquire in such other State by purchase, or through exercise of the power of eminent domain, such easements and rights of way for the construction, operation, and maintenance of pumping plants, storage reservoirs, canals, conduits, and appurtenant works as may be required for the enjoyment of the privileges granted herein to such State.

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ARTICLE XI

The provisions of this Compact shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

ARTICLE XII

No action taken by the Compact Commission shall be valid except by the unanimous consent of the Commissioners representing the signatory States.

ARTICLE XIII

This Compact may be terminated at any time by unanimous consent of the signatory States, and upon such termination all rights then established hereunder shall continue unimpaired.

ARTICLE XIV

Nothing in this Compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, in any Federal Court or the United States Supreme Court, for the protection of any right under this Compact or the enforcement of any of its provisions.

ARTICLE XV

The physical and other conditions characteristic of the Bear River are peculiar to the territory drained and served thereby and to the development thereof, have actuated the signatory States in the consummation of this Compact, and none of them, nor the United States by its consent and approval, concedes thereby the establishment of any general principle or precedent with respect to other interstate streams.

ARTICLE XVI

The Commission shall at the request of any member of the Commission meet to review any of the provisions of this Compact which are not substantive in

character and which do not affect the basic principles upon which the Compact is founded and may by unanimous agreement make such changes, or modifications as are fair, just, and equitable; provided, however, that the provisions hereof shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

ARTICLE XVII

This Compact shall become operative when approved by the Legislature of each of the signatory States and consented to and approved by the Congress of the United States.

ARTICLE XVIII

Nothing in this Compact shall be deemed:

- A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Bear River Basin nor its capacity to acquire rights in and to the use of said waters;
- B. To subject any property of the United States, its agencies, or instrumentalities to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes.

- C. To subject to any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the Compact.

ARTICLE XIX

Should a Court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or of the United States, all other severable provisions of this Compact shall continue in full force and effect.

IN WITNESS WHEREOF the Commissioners have signed this Compact in quadruplicate original, one of which shall be filed in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

character and which do not affect the basic principles upon which the Compact is founded and may by unanimous agreement make such changes, or modifications as are fair, just, and equitable; provided, however, that the provisions hereof shall remain in full force and effect until amended by unanimous action of the Legislatures of the signatory States and consented to and approved by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

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Nothing in this Compact shall be deemed:

- A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Bear River Basin nor its capacity to acquire rights in and to the use of said waters;
- B. To subject any property of the United States, its agencies, or instrumentalities to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes;

- C. To subject to any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the Compact.

ARTICLE XIX

Should a Court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or of the United States, all other severable provisions of this Compact shall continue in full force and effect.

IN WITNESS WHEREOF the Commissioners have signed this Compact in quadruplicate original, one of which shall be filed in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.