

BEAR RIVER COMMISSION

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ENGINEERING COMMITTEE RECOMMENDATIONS
(NA 1 & 2, 1951 Meeting at Logan)

REVISIONS FOR 8-1-51 PROPOSED DRAFT
Based on Engineering Committee Recommendations
As prepared by W.V. Iorns

W.V. IORNS SUGGESTED REVISIONS
Dated 11-12-51 to 8-1-51 Proposed Draft

TABULATION OF ADJUDICATED

and

PLANIMETERED IRRIGATED ACREAGES

REPORT TO COMPACT COMMISSION
DEC 20, 1951

DRAFTING COMMITTEE DRAFT OF
DEC 19, 1951 ART. II, V, VI & VII

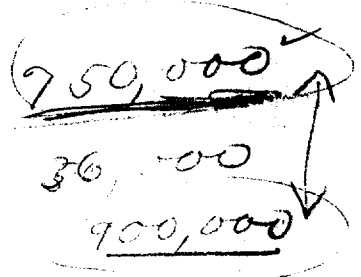
Prepared by

W.V. Iorns

U.S. Geological Survey

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Nov 15, 1951

Water Resources Division
Surface Water Branch
P. O. Box 413
Logan, Utah
Nov. 15, 1951

BEAR RIVER COMPACT ENGINEERING COMMITTEE

Mr. Crandall
Mr. Foskalley

Mr. Person
Mr. Thomas

Gentlemen:

Following our meeting on November 1 and 2, I prepared an acreage tabulation of adjudicated and actually irrigated (planimetered on land use maps) lands above Bear Lake. A copy of this tabulation is enclosed for your information. The tabulation is prepared by states in which the canal point of diversion occurs. Summary tabulations show acreages using State line divisions and also a tabulation showing acreages adjusted by including the Hilliard East Fork, Lannon and Hilliard West Side canals in the Upper Wyoming section and the Francis Lee and Bear River canals in the Lower Utah section. The later is the basis on which the Engineering Committee prepared its recommendation.

I have prepared substitute Articles for the August 1, 1951 proposed Compact draft based on the Engineering Committee's recommendations. In order to better define the river sections in the Upper Division, the definition of the divertible flow was changed; however, the total water remains the same.

I have also prepared substitute Articles for the August 1, 1951 draft which follow the same principle of division (basis of irrigated acreage), but place all interstate canals under administration of the State in which their points of diversion occurs. This method considerably simplifies some parts of the Compact, as you will note. Compact administration of interstate tributaries are also taken into account as well as making the point of division between the Upper two divisions at Pixley Dam instead of the mouth of Sublette Creek. This later group of substitute Articles, I have marked as being my suggestions under date of November 12, 1951.

I have sent copies of these suggested revisions to Mr. Skeen for his consideration.

A letter has been received from Mr. Vernon calling a meeting of the Drafting Committee for 10:00 a.m., Thursday, November 29 at the Office of the Attorney General, Capitol Building, Salt Lake City, Utah. I hope you will all be able to attend this meeting.

Sincerely yours,

cc: E. J. Skeen

W. V. Iorns, Chairman,
Engineering Committee

CENTRAL DIVISION

When the flow of Bear River at Border Gaging Station is in excess of 400 second-feet, there shall be no regulation of diversions in Wyoming in the Central Division for the benefit of downstream users in Idaho and Utah. When the flow of Bear River at Border Gaging Station is 400 second-feet or less, the total diversions in Wyoming from Grade Creek, Pine Creek, Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork, and the main stem of Bear River between the mouth of Sublette Creek and the Wyoming-Idaho State line at Border shall not exceed 43% of the total divertible flow.

The total divertible flow shall be the sum of the following three items:

1. Diversions in second-feet in Wyoming consisting of all diversions ~~from~~ from Grade Creek, Pine Creek, Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork, and the main stem of Bear River between the mouth of Sublette Creek and the Wyoming-Idaho State line at Border.
2. Diversions in second-feet in Idaho, consisting of all diversions from the main stem of Bear River between Wyoming-Idaho State line at Border and Stewart Dam, including West Fork and Rainbow Inlet canals, which divert at Stewart Dam.
3. Flow in secondfeet of Bear River at gaging station 300 feet downstream from Stewart Dam.

The Cook Canal, which diverts water from the main stem of Bear River in Wyoming irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the 43% of divertible flow allocated to Wyoming.

When the flow of Bear River at the Border Gaging Station is 400 second-feet or less and there is water flowing in Bear River past Stewart Dam, or being diverted through the Rainbow Inlet Canal or Dingle Inlet Canal, the diversions in that part of Wyoming in the Central Division, if less than 207 second-feet, may be increased to the extent of such flow, less 5 second-feet allowance for leakage at Stewart Dam, and not exceeding a total of 207 second-feet diversions.

The provisions of this Section shall apply only to the division of natural low waters.

ARTICLE IV

This Article shall apply only to the interstate division of natural flow water under existing right. Except during/emergencies hereinafter defined for each division, water shall be distributed and otherwise administered in each signatory State in accordance with State law.

UPPER DIVISION

When the flow of water across a State boundary line in the Upper Division is insufficient to satisfy water rights in a lower Section of this Division, any three aggrieved water users may file a petition with the Commission alleging that by reason of excessive diversions in another Section, they are being deprived of water to which they are justly entitled and that by reason thereof, a water emergency exists and praying for the interstate division of water in accordance with this Compact. If the Commission finds that a water emergency exists and that interstate control of water is necessary, ~~the Commission~~ ^{It} shall, by appropriate order, ~~require the allocation of the divertible flow~~ ^{allocate} to the Sections of this Division as follows:

- Upper Utah Section _____ percent
- Upper Wyoming Section _____ percent
- Lower Utah Section _____ percent
- Lower Wyoming Section _____ percent

The divertible flow in the Upper Division shall be the sum of the following items:

1. All diversions in second-feet from East Fork and West Fork and from the main stem of Bear River from its origin to the mouth of Sublette Creek.
2. Flow in second-feet of Bear River passing Pixley Dam.

ARTICLE V

A. Existing rights to store water above Bear Lake in reservoirs constructed prior to the date of this compact, are hereby recognized and confirmed.

B. The right is hereby granted to divert annually to additional storage above Bear Lake not to exceed _____ acre feet of water, provided that water may be diverted to ^{such} storage only between October 1 of one year and April 30 of the following year. Not more than _____ acre-feet of additional storage water shall be used in any one signatory state.

C. The rights granted by this Article are not subordinate to Bear Lake storage rights. ~~The storage rights specified in paragraphs A and B of this Article constitute all rights to store water above Bear Lake.~~

D. The storage rights specified in paragraphs A and B of this Article constitute all rights to store water above Bear Lake.

E. Subject to existing rights, each State shall have unrestricted use of water for stock water and domestic uses. The capacity of any stockwater reservoir constructed subsequent to the date of this compact in excess of 20 acre-feet shall be included in the additional storage above Bear Lake as provided in Paragraph B of this Article.

ARTICLE IX

The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed:

Name of Canal	Priority	Point of Diversion			Second-foot	Irrigated acreage
		Sec.	Twp.	Range		
Hilliard East Fork	1914	SE $\frac{1}{4}$ 16,	2 N.	10 E. S1EM	28.00	2,644 Wyo.
Lannon	1896	NW$\frac{1}{4}$ 19,	3 N.	10 E. S1EM	8.85	620 Wyo.
Lannon	1898	do	do	do	4.57	317 Wyo.
Hilliard West Side	1891	NW $\frac{1}{4}$ 18,	3 N.	10 E. S1EM	56.50	2,160.07 Wyo.
Chapman	1886	NE $\frac{1}{4}$ 36,	16 N.	121 W.6th PM.	16.46	1,155 Wyo.
	1886	do	do	do	102.11	7,152 Utah
	1912	do	do	do	.57	40 Wyo.
	1912	do	do	do	3.43	239.8 Utah
	1912	do	do	do	11.39	796.3 Utah
	1913	do	do	do	.79	55 Wyo.
	1905(?)	do	do	do	120.00*	6,000 ac. ft. stor. Utah
Francis Lee	1879	NE $\frac{1}{4}$ 30,	18 N.	120 W.6th P.M.	2.20	154 Wyo.
	1879	do	do	do	7.41	519 Utah
Bear River	1874	SE$\frac{1}{4}$ 19,	18 N.	120 W.6th PM.	21.93	1,535 Utah
	1874	do	do	do	1.05	74 Wyo.

* Not to exceed 134 second-foot may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes.

All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the state in which the point of diversion is located, are recognized and confirmed.

All interstate rights shall be administered by the State in which the point of diversion is located.

ARTICLE II (Revisions for 8/1/51 draft).

As used in this Compact

- 1) the term "Bear River" means Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;
- 2) the term "Upper Division" means the portion of Bear River between its source in the Uinta Mountains and the mouth of Sublette Creek in Section 20, Township 24, North, Range 119 West, Sixth Principal Meridian;
- 3) the term "Central Division" means the portion of Bear River between the mouth of Sublette Creek and the Stewart Dam, a diversion dam in Section 34, Township 13 North, Range 44 East, Boise Meridian, at the head of the intake canal to Mud and Bear Lakes. The Sublette Creek drainage shall be included in this division;
- 4) the term "Lower Division" means the portion of Bear River between Stewart Dam and Great Salt Lake, including Bear Lake;
- 5) the term "Commission" means the Bear River Commission, organized pursuant to Article III of this Compact;
- 6) the term "additional storage" means storage in reservoirs constructed subsequent to _____ 19__.
- 7) the term "water user" means a person, corporation, or other entity diverting water from Bear River for beneficial use. Stockholders of mutual irrigation companies are not "water users" as the term is used herein.
- 8) the term "second-foot" means a flow of one cubic foot of water per second of time passing a given point;
- 9) the term "acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;
- 10) "Border Gaging Station" means the stream flow gaging station on Bear River near the Wyoming-Idaho boundary line in the northeast quarter of the northeast quarter Section 15, Township 14 South, Range 46 East, Boise Meridian.

ARTICLE II (Revisions for 8/1/51 draft).

As used in this Compact

- 1) the term "Bear River" means Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;
- 2) the term "Upper Division" means the portion of Bear River between its source in the Uinta Mountains and the mouth of Sublette Creek in Section 20, Township 24, North, Range 119 West, Sixth Principal Meridian;
- 3) the term "Central Division" means the portion of Bear River between the mouth of Sublette Creek and the Stewart Dam, a diversion dam in Section 34, Township 13 South, Range 44 East, Boise Meridian, at the head of the intake canal to Mud and Bear Lakes. The Sublette Creek drainage shall be included in this division;
- 4) the term "Lower Division" means the portion of Bear River between Stewart Dam and Great Salt Lake, including Bear Lake;
- 5) the term "Commission" means the Bear River Commission, organized pursuant to Article III of this Compact;
- 6) the term "additional storage" means storage in reservoirs constructed subsequent to _____ 19__.
- 7) the term "water user" means a person, corporation, or other entity diverting water from Bear River for beneficial use. Stockholders of mutual irrigation companies are not "water users" as the term is used herein.
- 8) the term "second-foot" means a flow of one cubic foot of water per second of time passing a given point;
- 9) the term "acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;
- 10) "Border Gaging Station" means the stream flow gaging station on Bear River near the Wyoming-Idaho boundary line in the northeast quarter of the northeast quarter Section 15, Township 14 South, Range 46 East, Boise Meridian.

ARTICLE II (Cont'd. Revisions for 8/1/51 draft).

- (1) "Smiths Fork" means 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.
- (2) "Grade Creek" means a tributary to Smiths Fork which rises in Lincoln County, Wyoming and flows in a westerly direction to its confluence with Smiths Fork in Section 17, Township 25 North, Range 118 West, Sixth Principal Meridian.
- (3) "Pine Creek" means a tributary to Smiths Fork, which rises in Lincoln County, Wyoming, emerges from its mountain canyon in Southwest Quarter Section 34, Township 25 North, Range 118 West, Sixth Principal Meridian and in its natural channel would be tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian.
- (4) "Bruner Creek and Pine Creek Springs" means tributaries to Smiths Fork which rise in Sections 31 and 32, Township 25 North, Range 118 West, Sixth Principal Meridian and in their natural channels would be tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian.
- (5) "Spring Creek" means a tributary to Smiths Fork which rises in Sections 1 and 2, Township 24 North, Range 119 West, Sixth Principal Meridian and flows in a general westerly direction to its confluence with Smiths Fork in Section 4, Township 24 North, Range 119 West, Sixth Principal Meridian.
- (6) "Sublette Creek" means a tributary to Bear River which rises in Lincoln County, Wyoming and flows in a general westerly direction to its confluence with Bear River in Section 20, Township 24 North, Range 119 West.

ARTICLE IV (Revisions for 8/1/51 Draft

*Suggested
substitution*

This Article shall apply only to the interstate division of natural flow water under existing rights. Except during water emergencies hereinafter defined for each Division, water shall be distributed and otherwise administered in each signatory State in accordance with State law.

Upper Division

1. When the flow of water in the main stem of Bear River across a State boundary line in the Upper Division is insufficient to satisfy water rights in a lower Section of this Division, any ~~these~~ aggrieved water users may file a petition with the Commission alleging that by reason of diversions in another Section, they are being deprived of water to which they are justly entitled and that by reason thereof, a water emergency exists and requesting the interstate division of water in accordance with this Compact. If the Commission finds that a water emergency exists and that interstate control of water is necessary, it shall, by appropriate order, allocate divertible flow to the River Sections of this

Division as follows:

- Upper Utah Section 1 percent - *2.8*
- Upper Wyoming Section 47 percent - *47.3*
- Lower Utah Section 42 percent - *42.2*
- Lower Wyoming Section 10 percent - *9.7*

This divertible flow shall be the total of the following five items:

a. Upper Utah Section divertible flow is the sum of all diversions in ~~an~~ second-feet from Bear River and its tributaries upstream from the point where Bear River crosses the Utah-Wyoming State line above Evanston, except the Williard East Fork, Lannon and Williard West Side canals and any future interstate canal or canals crossing said State line and serving lands in Wyoming.

ARTICLE IV (Cont'd. Revisions for 3/1/51 Draft)

- b. Upper Wyoming Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Utah-Wyoming State line above Evanston and the point where the river crosses the Wyoming-Utah State line east of Woodruff, Utah and including the Hilliard East Fork, Lannon, and Hilliard West Side canal and any future interstate canal or canals crossing the Utah-Wyoming State line above Evanston and serving lands in Wyoming, but excluding the Bear River and Francis Lee canals.
- c. Lower Utah Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Wyoming-Utah State line east of Woodruff and the point where the river crosses the Utah-Wyoming State line north of Randolph, Utah and including the Bear River and Francis Lee canals and any future interstate canal or canals crossing the Wyoming-Utah State line east of Woodruff and serving lands in Utah.
- d. Lower Wyoming Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Utah-Wyoming State line north of Randolph and the mouth of Sublette Creek.
- e. Flow in second-feet of Bear River passing the last ^{diversion} diversion upstream from the mouth of Sublette Creek.

Central Division

When the flow of Bear River at Border Gaging Station is in excess of 400 second-feet, there shall be no regulation of diversions in Wyoming in the Central Division for the benefit of downstream users in Idaho and Utah. When the flow of Bear River at Border Gaging Station is 400 second-feet or less, the total

ARTICLE IV (Cont'd. Revisions for 8/1/51 Draft)

Bruner Creek, and

diversions in Wyoming from Grade Creek, Pine Creek, ~~Pine Creek~~ Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork, and the main stem of Bear River between the mouth of Sublette Creek and the Wyoming-Idaho State line at Border shall not exceed 43% of the total divertible flow.

The total divertible flow shall be the sum of the following three items:

1. Diverions in second-feet in Wyoming consisting of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork, and the main stem of Bear River between the mouth of Sublette Creek and the Wyoming-Idaho State line at Border.
2. Diverions in second-feet in Idaho, consisting of all diversions from the main stem of Bear River between Wyoming-Idaho State line at Border and Stewart Dam, including West Fork and Rainbow Inlet canal^s, which divert at Stewart Dam.
3. Flow in second-feet of Bear River at gaging station 300 feet downstream from Stewart Dam.

The Cook Canal, which diverts water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the 43% of divertible flow allocated to Wyoming.

When the flow of Bear River at the Border Gaging Station is 400 second-feet or less and there is water flowing in Bear River past Stewart Dam, or being diverted by the Rainbow Inlet Canal or ~~Single Inlet Canal~~, the diversions in that part of Wyoming in the Central Division, if less than 207 second-feet, may be increased to the extent of such flow, less ²⁰ ~~5~~ second-feet allowance for leakage at Stewart Dam, but not exceeding a total of 207 second-feet diversions.

ARTICLE IV (Cont'd. Revisions for 8/1/51 Draft)

Lower Division

When the flow of water across a State boundary line in the Lower Division is insufficient to satisfy water rights in the lower State, any ~~these~~ aggrieved water users therein may file a petition with the Commission alleging facts showing that by reason of diversions in the Upper State, they are being deprived of water to which they are justly entitled, and that by reason thereof, a water emergency exists and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to State boundary lines for any part of the Division as necessary, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

The water emergencies provided for above shall terminate with the end of the current irrigation season unless sooner terminated by the Commission.

ARTICLE V

Existing rights to store water above Bear Lake in reservoirs constructed prior to the date of this Compact, *but not exceeding 15000 acre feet* are hereby recognized and confirmed.

The right is hereby granted to divert annually to additional storage above Bear Lake not to exceed _____ acre-feet of water, provided that water may be diverted to storage only between October 1 of one year and April 30 of the following year. ~~Not more than _____ acre-feet of additional storage water shall be used in any one signatory State.~~

The rights granted by this Article are not subordinate to Bear Lake storage rights.

The storage rights specified in paragraphs A and B of this Article constitute all rights to store water above Bear Lake.

Subject to existing rights, each State shall have unrestricted use of water for stock water and domestic uses. The capacity of any stockwater reservoir constructed subsequent to the date of the Compact in excess of 20 acre-feet shall be included in the additional storage above Bear Lake as provided in Paragraph B of this Article.

ANNEX IX

The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed:

Name of Canal	Priority	Point of Diversion Sec. Twp. Range	Second- Feet	Irrigated Acreage	
Willard East Fork	1914	SE 16, 2 N. 10 E. S18M	28.00	2,644	Wyo.
Lamon	1896	NE 19, 3 N. 10 E. S18M	8.85	620	Wyo.
	1898	do	4.57	317	Wyo.
Willard West Side	1891	NW 18, 3 N. 10 E. S18M	56.50	2,160.07	Wyo.
Chapman	1886	NE 36, 16 N. 121 W. 6th PM.	16.46	1,155	Wyo.
	1886	do	102.11	7,152	Utah
	1912	do	.57	40	Wyo.
	1912	do	3.43	239.8	Utah
	1912	do	11.39	796.3	Utah
	1913	do	.79	55	Wyo.
	1905 (?)	do	134.00*	6,000	ac.ft Stor.
Francis Lee	1879	NE 30, 18 N. 120 W. 6th PM.	2.20	154	Wyo.
	1879	do	7.41	519	Utah
Bear River	1874	SE 19, 18 N. 120 W. 6th PM.	21.93	1,535	Utah
	1874	do	1.05	74	Wyo.

* Not to exceed 134 second-feet may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes.

All other rights to the use of water carried in interstate canals and ditches, adjudicated in the State in which the point of diversion is located, are recognized and confirmed.

All interstate rights shall be administered by the State in which the point of diversion is located, with the following exceptions:

The State Engineers of Utah and Wyoming jointly shall appoint and fix the compensation and expenses of special water Commissioners who shall have authority

to direct the diversion of water into the Williard East Fork, Lannon, Williard West Side, Francis Lee, and Bear River Canals in accordance with this Article. The proportion of such compensation and expenses to be paid by each State shall be determined by the relative numbers of acres of land therein and in that other State served by the particular canal as shown by the above table.

All waters in the Williard East Fork, Lannon, and Williard West Side canals and any future interstate canal or canals crossing the Utah-Wyoming State line above Johnston and serving lands in Wyoming, shall be derived from the allocations as set forth in Article IV for the Upper Wyoming Section during times when a water emergency exists.

All waters in the Chapman, Bear River, and Francis Lee canals and any future interstate canal or canals crossing the Wyoming-Utah State line east of Woodruff, Utah and serving lands in Utah, shall be derived from the allocations as set forth in Article IV for the Lower Utah Section during times when a water emergency exists.

The water rights described in this Article shall, except as herein provided, be administered in the same manner as other water rights on Bear River.

ARTICLE II (Revisions for 8-1-51 draft).

is used in this Compact

- 1) the term "Bear River" means Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;
- 2) the term "Upper Division" means the portion of Bear River between its source in the Uinta Mountains and Pirley Dam, a diversion dam in the Southeast quarter of Section 25, Township 23 North, Range 120 West, Sixth Principal Meridian;
- 3) the term "Central Division" means the portion of Bear River between the Pirley Dam and the Stewart Dam, a diversion dam in Section 34, Township 13 South, Range 44 East, Boise Meridian, at the head of the intake canal to Mud and Bear Lakes;
- 4) the term "Lower Division" means the portion of Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;
- 5) the term "Commission" means the Bear River Commission, organized pursuant to Article III of this Compact;
- 6) the term "additional storage" means storage in reservoirs constructed subsequent to _____ 19____;
- 7) the term "water user" means a person, corporation, or other entity diverting water from Bear River for beneficial use. Stockholders of mutual irrigation companies are not "water users" as the term is used herein.
- 8) the term "second-foot" means a flow of one cubic foot of water per second of time passing a given point;
- 9) the term "acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;
- 10) "Border Gaging Station" means the stream flow gaging station on Bear River near the Wyoming-Idaho boundary line in the northeast quarter of the northeast quarter Section 15, Township 14 South, Range 46 East, Boise Meridian.

- 11) "Smiths Fork" means 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.
- 12) "Grade Creek" means a tributary to Smiths Fork which rises in Lincoln County, Wyoming and flows in a westerly direction to its confluence with Smiths Fork in Section 17, Township 25 North, Range 118 West, Sixth Principal Meridian.
- 13) "Pine Creek" means a tributary to Smiths Fork which rises in Lincoln County, Wyoming, emerges from its mountain canyon in Southwest Quarter, Section 34, Township 25 North, Range 118 West, Sixth Principal Meridian and in its natural channel would be tributary to Smiths Fork in Section 36, Township 25, North, Range 118 West, Sixth Principal Meridian.
- 14) "Bruner Creek and Pine Creek Springs" means tributaries to Smiths Fork which rise in Sections 31 and 32, Township 25 North, Range 118 West, Sixth Principal Meridian and in their natural channels would be tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian.
- 15) "Spring Creek" means a tributary to Smiths Fork which rises in Sections 1 and 2, Township 24 North, Range 119 West, Sixth Principal Meridian and flows in a general westerly direction to its confluence with Smiths Fork in Section 4, Township 24 North, Range 119 West, Sixth Principal Meridian.
- 16) "Sublette Creek" means a tributary to Bear River which rises in Lincoln County, Wyoming and flows in a general westerly direction to its confluence with Bear River in the Southeast Quarter of the Southeast Quarter of Section 20, Township 24 North, Range 119 West.
- 17) "Mill Creek" means a tributary to Bear River which rises in Summit 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.

(18) "Yellow Creek" means a tributary to Bear River which rises in Summit County, Idaho and flows in a general northerly direction crossing the common boundary between Idaho and Wyoming three times above its confluence with Bear River in Section 12, Township 15 North, Range 121 West, Sixth Principal Meridian.

(19) "Thomas Fork" means a tributary to Bear River which rises in Lincoln, County, Idaho 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.

(20) "Raymond Creek" means a tributary to Thomas Fork which rises in Lincoln County, Idaho and crosses the Wyoming-Idaho State line near Raymond, Idaho.

ARTICLE IV (Revisions for 8-1-51 Draft)

A. This Article shall apply only to the interstate division of natural flow water under existing rights. Except during water emergencies hereinafter defined for each Division, water shall be distributed and otherwise administered in each signatory State in accordance with State law.

B. Upper Division

1. When the flow of water in the main stem of Bear River across a State boundary line in the Upper Division is insufficient to satisfy water rights in a lower Section of this Division, any three aggrieved water users may file a petition with the Commission alleging that by reason of diversions in another Section, they are being deprived of water to which they are justly entitled and that by reason thereof, a water emergency exists and requesting the interstate division of water in accordance with this Compact. If the Commission finds that a water emergency exists and that interstate control of water is necessary, it shall, by appropriate order, allocate to the River Sections of this Division *divertible flow* as follows:

Upper Utah Section ~~7~~ percent

Upper Wyoming Section ~~43~~ percent

Lower Utah Section ~~40~~ percent

Lower Wyoming Section 10 percent

This divertible flow shall be the total of the following five items:

~~a. Upper Utah Section divertible flow is the sum of all diversions in second-feet from Bear River and its tributaries upstream from the point where Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming.~~

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- b. Upper Wyoming Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Utah-Wyoming State line above Evanston and the point where the river crosses the Wyoming-Utah State line east of Woodruff, Utah.
 - c. Lower Utah Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Wyoming-Utah State line east of Woodruff and the point where the river crosses the Utah-Wyoming State line north of Randolph, Utah.
 - d. Lower Wyoming Section divertible flow is the sum of all diversions in second-feet from Bear River main stem between the point where the river crosses the Utah-Wyoming State line north of Randolph and Pixley Dam.
 - e. Flow in second-feet of Bear River passing ^{Pixley Dam} the last diversion upstream from the mouth of Sublette Creek.
2. When the flow of water across a State boundary line in Mill Creek and/or in the Yellow Creek is insufficient to satisfy water rights on these streams in a lower State, any three aggrieved water users may file a petition with the Commission alleging that by reason of diversions in the upstream State, they are being deprived of water to which they are justly entitled and that by reason thereof, a water emergency exists and requesting the interstate division of water in accordance with this Compact. If the Commission finds that a water emergency exists and that interstate control of water on the stream and/or streams is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to State boundary lines.

Central Division

1. When the flow of Bear River at Border Gaging Station is four hundred (400) second-feet or less, a water emergency shall be deemed to exist in the Central Division and the total diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork and all its tributaries above the mouth of Hobble Creek, and the main stem of Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border shall not exceed forty-three (43) percent of the total divertible flow determined as follows:

The total divertible flow shall be the sum of the following three items:

- a. Diversions in second-feet in Wyoming consisting of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, the main stem of Smiths Fork and all its tributaries above the mouth of Hobble Creek, and the main stem of Bear River between Pixley Dam, the point where the river crosses the Wyoming-Idaho State line near Border, Wyoming.
- b. Diversions in second-feet in Idaho, consisting of all diversions from the main stem of Bear River between the point where the river crosses the Wyoming-Idaho State line near Border and Stewart Dam, including West Fork Canal and Rainbow Inlet Canal, both of which divert at Stewart Dam.
- c. Flow in second-feet of Bear River at gaging station 300 feet downstream from Stewart Dam.

However, when the Wyoming portion of total divertible flow is less than ~~200~~ and seven (207) second-feet and there is water in excess of five (5)

second-foot flowing past Stewart Dam or into the Rainbow Canal either at its head or through the Bingle Inlet Canal, the Wyoming diversions may be increased by the usable extent of such flow up to but not exceeding a total diversion of two hundred and seven (207) second-feet.

2. When the flow of water across the Wyoming-Idaho boundary line in Thomas Fork and/or in Raymond Creek is insufficient to satisfy water rights on these streams in the lower State, any three aggrieved water users may file a petition with the Commission alleging that by reason of diversions in the upstream State, they are being deprived of water to which they are justly entitled and that by reason thereof, a water emergency exists and requesting the interstate division of water in accordance with this Compact. If the Commission finds that a water emergency exists and that interstate control of water on the stream and/or streams is necessary, it shall ~~be~~ put into effect water delivery schedules based on priority of rights and prepared without regard to State boundary lines.

Lower Division

When the flow of water across a State boundary line in the Lower Division is insufficient to satisfy water rights in the lower State, any three aggrieved water users therein may file a petition with the Commission alleging facts showing that by reason of diversions in the Upper State, they are being deprived of water to which they are justly entitled, and that by reason thereof, a water emergency exists and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall be put into effect water delivery schedules based on priority of

rights and prepared without regard to State boundary lines for any part of the Division as necessary, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

b. The water emergencies provided for above shall terminate with the end of the current irrigation season unless sooner terminated by the Commission.

ARTICLE V

Existing rights to store water above Bear Lake in reservoirs constructed prior to the date of this Compact, are hereby recognized and confirmed.

The right is hereby granted to divert annually to additional storage above Bear Lake not to exceed _____ acre-feet of water, provided that water may be diverted to such storage only between October 1 of one year and April 30 of the following year. Not more than _____ acre-feet of additional storage water shall be used in any one signatory State.

The rights specified in Paragraphs A and B of this Article are not subordinate to Bear Lake storage rights and constitute all rights to store water above Bear Lake.

Subject to existing rights, each State shall have unrestricted use of water for stock water and domestic uses. The capacity of any stockwater reservoir constructed subsequent to the date of this compact in excess of 20 acre-feet shall be included in the additional storage above Bear Lake as provided in Paragraph B of this Article.

ARTICLE IX

The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed:

Name of Canal	Priority	Point of Diversion			Second-Foot	Irrigated acreage	
		Sec.	Twp.	Range			
Willard East Fork	1914	SE 16,	2 N.	10 E. SLEM	28.00	2,644	Wyo.
Chapman	1886	NE 36,	16 N.	121 W. 6th P.M.	16.46	1,155	Wyo.
	1886		do		102.11	7,152	Utah
	1912		do		.57	40	Wyo.
	1912		do		3.43	239.8	Utah
	1912		do		11.39	796.3	Utah
	1913		do		.79	55	Wyo.
	1905 (7)		do		134.00*	6,000	ac.ft. stor. Ut.
Francis Lee	1879	NE 30,	18 N.	120 W. 6th P.M.	2.20	154	Wyo.
	1879		do		7.41	519	Utah

* Not to exceed 134 second-feet may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes.

All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the State in which the point of diversion is located, are recognized and confirmed.

All interstate rights shall be administered by the State in which the point of diversion is located.

HINE RIVER BASIN

Tabulation of Adjudicated Acreages and
Acreage as determined by Logan Office on Bureau
of Reclamation Land Use Maps.

Summaries show comparison of irrigated lands
in river sections as based on State lines and as
adjusted by placing some interstate canals under
the administration of the State in which the lands
are principally located.

Prepared by W. V. Iorns

U.S. Geological Survey

11-9-51

UPPER DIVISION

Upper Utah

<u>Name of Canal</u>	<u>Adjudicated Acreage</u>	<u>Planimetered Acreage</u>
Wright Transmountain	263	263 (a) } Utah
Hovarka East Fork	217	217 } Utah
Hilliard East Fork (b)	2,644	2,644 -
Lannon	937	937 -
Hilliard West Side	2,160	2,072 -
Total Upper Utah	6,221	6,133 - 480 <u>5653</u>

(a) Not planimeted, adjudication acreage used.

(b) Utah Application 9,155 and 9,156. Water Users Claims 114 and 115 not completed. Land descriptions furnished by Wyoming State Engineer used after being checked on maps.

2644
937
2072
5653

11330
480
5

2644
937
2072
5143
15094

PLANNED IRRIGATION

Upper Wyoming

<u>Name of Canal</u>	<u>Adjudicated Acreage</u>	<u>Planimetered Acreage</u>
Leah	5,143	4,753
Probie	591	584
Manielson	381	400
Line Grove and Crown	2,274	2,236
McGraw & Big Bend	1,043	1,013
Koser	65	107
Leah	840	822
Leah & Blanchard	260	207
Myers No. 2	625	654
Harer	138	151
Hoffman	180	234
Knoder	195	194
Myers No. 1	305	258
Myers Irrigating	280	232
Booth	853	800
Evanston City Pipe Line	322 (c)	322 (c)
Leah	326	332
Cornelison	76	76
Evanston Water Supply	410	528
Anderson	399	407
Knight No. 1 & No. 2	498	440
Evanston Water	1,956	1,527
Barton	148	148
Faulkner	90	118
Rocky Mountain Blythe	833	833
Fife	23	20
Johnson-Karramore	87	66
Bruse Barton	168	196
A. W. Sims	261	252
Crompton No. 2	200	212
Fearne	40	48
Saxton-Turner	35	30
Saxton-Irrigation	225	288
John Sims	134	194
Southern Pacific	313	288
Howard	0	72
Saxton Thomas	118	92
Rossey	523	819
Alay	68	76
Sims, Blythe & Turner	428	428
Bowms	80	76
Russell	15	20
Turner	184	200

John Anderson
30

(c) Adjudicated land description used.

WATER DIVISION

Upper Wyoming (Cont'd.)

Name of Canal	Adjudicated Acreage	Planimetered Acreage
Upper Morris <i>{ Bartlett Morris Bros</i>	275	271
Chapman (Wyo.)	1,250	1,176
Chapman (Utah)	8,188 (d)	8,188 (d)
Lower Morris	1,287	1,283
Bruce Bowns	333	364
Tunnel	788	759
Fowkes	233	237
Christensen	148	161
Upper Island	294	256
Blight Irrigation	455	616
Ascock & Cowlshaw	278	287
Lower Island	0	269
Francis Lee	673	675
Bear River	1,609	1,838
Total Upper Wyoming	36,914	37,131

2,513

(d) Recommended figures for correcting adjudication

Lower Utah

Neville	273	273
Reese	491	412
Booth	275	307
Randolph Woodruff	9,836	9,550
Crawford Thompson	4,876	5,635
Dykens	1,072	1,298
Randolph Sage	9,077	9,380
Mottin	1,342	1,382
Enberg	720	820
B.Q. West Side	5,844	5,813
Total Lower Utah	33,806	34,870

Note: Utah Adjudication includes only actual cropped land and does not include border strips of willow and waste lands as common in Wyoming and Idaho adjudications; these additional border lands have been included in planimetered acreage.

Lower Wyoming

B. Q. West Slough	2,005	1,882
McFarland	360	300
B. Q. East Side	2,480	2,104
Fixley Dam Backwater	190	292
Fixley Canal	2,467	2,614
Fixley (East of River)	798	950
Stoffer Pump	157	136
Total Lower Wyoming	8,457	6,278

27th June 1931

yards

<u>Name of Canal</u>	<u>Allocated acreage</u>	<u>Manometered acreage</u>
<u>Stea Bear River</u>		
Farrett		217
Hights		785
Lyman West Side		297
Lyman East Side		234
Wyder		351
Rocky Point		175
Book	2,911	2,925
J. F. Richards	321	419
<u>Stea Smiths Fork</u>		
Min Bourne	514	179
utton Flat	122	301
Perry & Partridge	256	263
Progress	271	218
Smelle	257	659
Cooper	420	414
Wheelock	151	364
Covey System	4,035	4,396
Tanner, Hunt & Garratt	319	288
Whites Water	271	915
Martin	100	149
Bourne	105	117
Georgeon	266	210
Stoner Nichols	221	369
Morgan	117	144
Cokeville Water	207	69
Tanner	208	110
Smiths Fork Canal	127	142
South Branch No. 1 & 2	63	737
<u>Grade Creek</u>		
Grade Creek Canal	307	372
<u>Clear Pine Creek</u>		
Goodell & Collett Canals	277	360
V. H. Canal	110	575
<u>Brumer and Bruner Springs</u>		
Haggerty East, Haggerty West, and Bruner Creek Canals		88 (e)
<u>Ring Creek</u>		
Canals above Covey Canal		22 (e)
Total system	17,416	16,784

Includes only lands above Covey Canal. Balance of lands now served by Covey Canal System.

<u>Name of Canal</u>	<u>acres</u>	<u>Immastered acreage</u>
Aller	...	66
uffer	...	936
acific	...	650
anstrum	...	257
loyd	...	316
elps Estate	...	327
ngle Irrigation	...	1,751
eam Crockett	...	2,603
lack Otter & Peg Bar	...	5,872
entpeller-Preston	...	3,317
nt Larocco	...	697
quire	...	511
est Fork	...	5,712
Total Idwa	...	23,278

...

State Line Divisions

All interstate claims included in allocation to State and under administration of state in which point of diversion occurs. (W. V. Iorns Suggestions 1-12-51 - based on engineering foundation recommendations).

Upper Division

Section	As indicated		Metered on Land Use Maps		Recom.
	acreage	% of Division Total	acreage	% of Division Total	
Upper Utah	6,221	7.28	6,133	7.10	7
Upper Wyoming	36,944	43.25	37,131	42.97	43
Lower Utah	33,806	39.57	34,870	40.35	40
Lower Wyoming	8,457	9.90	8,278	9.58	10
Totals	85,428	100.00	86,412	100.00	100

Central Division

Wyoming	17,492	43.56	16,784	41.90	43
Idaho	22,664	56.44	23,278	58.10	57
Division Total	40,156	100.00	40,062	100.00	100

late line divisions listed as that Willard East Fort, Cannon and Willard East Fort canals are included in allocation to Upper Wyoming section and the Francis Lee and Bear River canals are included in the allocations for the Lower Utah section (Engineering Committee R/1-2/51 recommendation).

Upper Division

Section	Indicated		Planned on Land Use Maps	
	Acreage	% of Division Total	Acreage	% of Division Total
Upper Utah Sec.	480	0.56	480	0.56
Upper Wyoming Sec.	40,141	47.29	40,273	46.60
Lower Utah Sec.	36,086	42.25	37,381	43.26
Lower Wyoming Sec.	8,457	9.90	8,278	9.58
Division Totals	85,164	100.00	86,412	100.00

Central Division

(Same as Central Division on previous page).

State Line divisions altered so that Williard East Fork, Lannon and Williard West Side canals are included in allocation to Upper Wyoming Section and the Francis Lee and Bear River canals are included in the allocations for the Lower Utah Section (Engineering Committee II/1-2/51 Recommendation).

Upper Division

Section	Adjudicated		Planimetered on Land Use Maps	
	Acreage	% of Division Total	Acreage	% of Division Total
Upper Utah Sec.	480	.56	480	.56
Upper Wyoming Sec.	40,403	47.29	40,273	46.60
Lower Utah Sec.	36,086	42.25	37,381	43.26
Lower Wyoming Sec.	8,457	9.90	8,278	9.58
Division Totals	85,428	100.00	86,412	100.00

Central Division

(Same as Central Division on previous page).