

FILE

MINUTES OF THE
BEAR RIVER COMMISSION
ANNUAL MEETING

April 18, 1983

Room 320
State Capitol Building
Salt Lake City

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10:30 a.m.

CALL TO ORDER

CHAIRMAN JIBSON: I understand that George Christopulos may not be able to make it. He suffered a heart attack a few weeks ago. We will have someone in from Cheyenne. We are having John Teichert sit in for George, and maybe we'd better get started.

The Annual meeting of the Bear River Commission will come to order. I think we'd better have introductions. I'm Wally Jibson, Chairman. We'll go around the table this way.

THOSE PRESENT

UNITED STATES

Wallace N. Jibson, Chairman
and Federal Representative

IDAHO COMMISSIONERS

Ken Dunn, Director - Idaho
Dept. of Water Resources
Don W. Gilbert
Don S. Rex
Daniel Roberts

LEGAL ADVISOR

Ed Skeen

UTAH COMMISSIONERS

Daniel F. Lawrence
(Secretary-Treasurer)
Blair Francis, Upper Utah
Paul Holmgren, Lower Utah
Calvin Funk, Alternate
Dean Stuart, Alternate

WYOMING COMMISSIONERS

J. W. Myers
S. Reed Dayton
John Teichert (sitting for
George Christopulos)

(Continued next page)

OTHERS IN ATTENDANCE

Dee C. Hansen, State Engineer, Utah
R. Michael Turnipseed, Division of Water Rights, Utah
Barry Saunders, Division of Water Resources, Utah
Norman Stauffer, Division of Water Resources, Utah
Bert Page, Division of Water Resources, Utah
John P. Holmgren, II, Board of Water Resources, Utah
Walter Scott, Hydrographer Commissioner for Utah-Wyoming
Paul Schweiger, Deputy State Engineer, Wyoming
John Buyok, State Engineer's Office, Wyoming
Dick Stockdale, Groundwater Geologist, Wyoming
Marvin Bollschweiler, Hydrographer, Wyoming
Ted Arnow, District Chief, U.S. Geological Survey
Robert W. Hill, Utah State University, Irrigation Engineer
Connie Borrowman, Secretary for the Commission

MR. LAWRENCE: Mr. Chairman, may I introduce Dean Stuart; and I think you had a letter that you were going to read to the Commission. Mr. Stuart has just been appointed Alternate Commissioner from the Upper Bear, Utah.

CHAIRMAN JIBSON: Welcome aboard, Blair and Dean - we're happy to have you. Welcome aboard again, Barry. For those of you who were not here last time, Barry Saunders is working with interstate streams now in Dan Lawrence's office. He'll be working more closely with us. I also have a letter dated April 9th from Governor Matheson.

"Please be advised that the Utah Board of Water Resources has appointed Blair Francis of Woodruff, Utah to replace Simeon Weston as a Member of the Bear River Commission. Also, Mr. Dean M. Stuart has been appointed to replace Mr. Francis as an Alternate Commissioner from Utah. Mr. Stuart also resides in Woodruff.

It is my expectation that both Mr. Francis and Mr. Stuart will be in attendance at the April 18th Annual meeting of the Bear River Commission, and will have full authority to act with other members of the Utah Delegation in accordance with State law and with the terms of the Bear River Compact.

Signed/Scott M. Matheson,
Governor."

CHAIRMAN JIBSON: I think the next item on the agenda is the approval of the Minutes of our regular meeting held November 22, 1982; and as has been customary, I'll review the Minutes. We can make any corrections in those that were circulated some weeks ago.

Review of Minutes
Regular Meeting
November 22, 1982

The Regular Meeting, held in Salt Lake City, was called to order at 10:00 a.m. with all Commissioners present except J.W. Meyers who was represented by Marvin Bollschweiler, Alternate Commissioner from Wyoming. Minutes of previous meeting were reviewed and approved as circulated.

The Chairman reported on problems in getting the consumptive-use study underway that were resolved and the study commenced on July 1, 1982.

Report of the Secretary-Treasurer was made by Bert Page who made a supplemental report to update through October 31, 1982. An unexpended cash balance of \$154,541 would have the 1983 budget of \$115,800 obligated, leaving an unobligated balance of \$38,741. (This amount later was increased by \$5,200 interest.)

The Engineer's report showed that 1982 was much above average in water supply with no interstate regulation required. Discussion of storage taking place during the regular irrigation season led to the conclusion that State law was not violated if other rights were not affected.

Dee Hansen, reporting for the State Engineers' Committee, mentioned Utah had done some spot-checking of acreages computed in the U of U acreage study. Some errors were found of such magnitude that there is a question of whether it is good enough for base-line data map. Ken Dunn expressed concern about making corrections here and there to end up with a patch job that would be extremely difficult to update without doing it by hand again; whereas, with Land-Sat technology and computer application update generation is relatively simple.

We then switched from maps to consumptive use and depletion and had a report from Bob Hill on the objectives of the consumptive use study and what had been done. He showed pictures of the installations, lysimeters, etc., with the objective of verifying methods of evaluating crop-water use.

We then came back to a point that Dan Lawrence had made earlier about present work in his office to update Bear River hydrology or modified streamflow preferably up to the 1976 level of depletion. Norm Stauffer discussed this work and the desirability of using 1976 as a base and then bringing modified flows up through 1982. He mentioned the alternatives of a 2-3 year detailed and expensive study, or a 3-6 month effort with a couple staff members from each State office. Norm got short-circuited by a discussion on water-right development and summarization, which hindsight shows should not have been mentioned at that point. So, we finally got back to Norm's report on the hydrology study going on in Utah, and possibly Commission input.

Ken Dunn felt we did not have enough discussion on either Dee's acreage measurement comments or Norm's hydrology update to relate them and make recommendation. George mentioned the difficulty in Wyoming of updating acreages from 1965 to 1982. Consensus of opinion was that the Commission could not select alternatives without having recommendations from State-office staffs worked out well ahead of time. So, it was assigned to the State Engineers' Committee with input from Norm and others as needed.

Dan introduced Barry Saunders of his office who is now serving as Chief Interstate Streams Engineer and will be involved to a greater extent with the Commission.

George then discussed a problem that is bothering Wyoming on a clear definition of what is 'Domestic Use' under the Amended Compact. The Compact defines Domestic Use as use as determined by State law. Following considerable discussion, it was deemed advisable that George bring back a suggested definition that would probably be a basis for legislative action in Wyoming.

The meeting was adjourned at 12:35 p.m.

MR. REX: Mr. Chairman, on the original Minutes that were mailed out - on page 29 - I made a comment that Idaho is leased to - blank - Energy that is "Hunt" Energy.

CHAIRMAN JIBSON: You might make a note of that - for those of you who didn't bring your Minutes - on page 29 we've left a blank under Don Rex's statement. It should be "Hunt" Energy. Are there any other comments on the Minutes as they were circulated? We would entertain a Motion, then, for approval of the Minutes as circulated.

MR. REX: So move.

MR. FRANCIS: Second the motion.

CHAIRMAN JIBSON: Any other discussion? All in favor say "Aye". The Minutes will be approved as circulated, with the one correction.

REPORT OF CHAIRMAN

CHAIRMAN JIBSON: As many of you know, about the first of January we heard indirectly that a change was contemplated in the Federal Representative to the Bear River Commission. The Federal Representative, as you also know, automatically becomes Chairman of the Commission by terms of the Compact. Answers to inquiries to the White House indicated

that this decision was a policy matter handed down by the President and would apply to most interstate commissions.

The only direct contact that I've had was a phone call on December 15th from Bob Tuttle, Special Assistant to the President, who requested a copy of the last biennial report and a personal resume. He informed me that they were taking a look at all interstate commissions and at the moment were zeroing in on the Bear. He didn't say what they had in mind, and the next word that I got was about a month later from Senator Hatch's office. I spoke with his assistant who had been in contact with Tuttle, and was told that a change would be made regardless of other considerations.

Now, four months later, I still have heard nothing officially, either asking for my resignation or informing me of a reappointment. Answers to several letters from officials in Utah and Idaho (and possibly in Wyoming, I haven't heard of any answers from letters there) were dated in early March, along about March 9th or 10th, and stated about the same thing; that I would be given consideration for reappointment. As you know, the Federal Representative does not serve for a definite period, but serves at the pleasure of the President.

But anyway, you are updated on this; and I've heard no further comments. I watched for the mail again Saturday to see if I'd have anything to report. Ted Arnow informed me this morning that Senator Garn has given a letter to Secretary Watt. Congressman Dan Marriott had told me - and Marriott is on the Interior and Insular Affairs Committee - that he would contact Watt some time ago; and likewise Representative George Hansen. So we've had a lot of local support; and whatever happens, will happen I guess.

MR. TEICHERT: Wally, you didn't inform the Wyoming delegation, I don't think, of this. At least, I wasn't aware.

MR. DAYTON: I was going to ask the question. Maybe it's out of order - should we have been advised about what was taking place?

CHAIRMAN JIBSON: It was kind of a personal matter, I guess. George Christopoulos discussed it with me a number of times. I knew that Wes was a little on the wrong side of the political fence; but I didn't ignore you intentionally. I thought about this other thing, Reed, and the fact that

I should have got in touch with you, and John, and others; and yet, it was kind of a personal matter. I hated to call up everyone and say, "Hey boys, I'm getting canned; do something about it." But George called me about three times, I guess, and he said they would try to do what they could from that end. About that time George became ill. When he was here at our November meeting he had some other health problems, and I wasn't aware of this heart attack until just a couple of weeks ago. But I wasn't sure whether he would contact the rest of you or not. I apologize, at least, for not letting you know. And apparently, as far as I know, they are just sitting on it. Maybe they wanted to wait until this meeting was over with, so that the new Commissioner wouldn't have to appear before you today.

MR. LAWRENCE: I doubt that, I doubt that they even knew there was a meeting today.

CHAIRMAN JIBSON: Probably didn't.

MR. MEYERS: They would have known it if they read the report. At least that there's a meeting in April, on the third Monday.

MR. LAWRENCE: Do you feel Wally - or any of the rest of you - getting formal action by this Commission today would be appropriate; helpful or not helpful, or - . Ken knows how his senators have reacted, or felt. Maybe he'd have an idea.

CHAIRMAN JIBSON: My own feeling is that the only reason action hasn't been taken up to now, as I mentioned, is because of the opposition. I've felt all along that a unified endorsement from this Commission would carry some weight back there. I don't know how the rest of you might feel; but that's my feeling.

MR. LAWRENCE: Your position didn't have a terminal date, and so you don't have to be reappointed. I mean, if they just backed off and said that we cancel all that, and forget it - have they done that? I guess that's the question.

CHAIRMAN JIBSON: Well, that's the point. I also considered that. I have never been reappointed. E.O. Larsen - the only time that I remember in all the years that he was in the Commission, that he at least was either reappointed or confirmed was when he, to comply with protocol,

submitted a resignation once, on the changing of the Administration. I have copies of his letter; and I decided that I would never do that - if they want to 'can' me they can 'can' me. But E.O. did submit a letter of resignation that they could pick up if they so chose, and they wrote him back a letter reaffirming his appointment; and that's the only thing I've seen in 25 years along those lines. It is possible that they'd just back off and say, "well, no definite term here."

MR. MEYERS: Wally, I'm sorry that we didn't know anything about it, or you'd have had a lot of support from us. I'm not very far from the top of the fence, you know. Anyway, we consider Jim Watt one of our boys. If he's got any influence, I'm sure we could put something together with him. I think, certainly, Dan, that you better go ahead and give us a chance to take a formal motion here, a formal action of some kind.

CHAIRMAN JIBSON: We welcome the Cheyenne delegation, and will you introduce yourselves for the group.

MR. SCHWIEGER: Deputy State Engineer. George won't be here today.

CHAIRMAN JIBSON: We understood that he might be a little too much under.

MR. STOCKDALE: Ground Water Control.

MR. BUYOK: State Engineer's Office.

CHAIRMAN JIBSON: We're glad you got in. I realize that your plane was not due until about 10:00, I guess, and probably ran late.

MR. DAYTON: Mr Chairman, I would move, if this body is in agreement and if you feel that it would be helpful, that we submit a letter recommending your reappointment. It could be drawn up by our attorney, Ed Skeen.

MR. GILBERT: That's something that I would second.

MR. SKEEN: Before you vote on that, I'd like to make a comment. Is there a vacancy? I don't think there is; and I don't know about using the expression 'reappointment'.

MR. LAWRENCE: That's the question that I was going to ask, Ed; because there isn't a vacancy, in my view, 'til it's created. The main thing we want to do is make sure that there isn't one somewhere. So you would recommend the continuation, and the full support, and that there not be any change - or something like that.

CHAIRMAN JIBSON: I thought Senator Ferry's letter was well-worded in that respect. He didn't mention a vacancy. I don't believe that I brought it with me; but he just stated that they had appreciated our services over the years and strongly recommended that the appointment continue, or something to that effect.

MR. SKEEN: I recall the same problem that E.O. Larsen had for all the years. I don't think that he was ever appointed for a term of years, and I don't think a vacancy ever occurred until he resigned. He did that against my advice. But he sent in a letter of resignation.

CHAIRMAN JIBSON: You mean the one I mentioned?

MR. SKEEN: Yes. I don't really think there's a vacancy, personally, I don't know whether we should 'kick a sleeping dog', in fact.

MR. LAWRENCE: Are you saying we shouldn't write any kind of a letter, Ed? Are you suggesting we don't respond at all? Well, I think we ought to consider it in that light, and if we do write a letter I think it should be worded so that it makes it clear that we don't think there's a vacancy. I don't think there is, legally. Until a vacancy occurs I question whether they would, or could, legally, make an appointment of a successor. Unless they send out a letter firing Wally, there's no vacancy.

CHAIRMAN JIBSON: They could either fire me, or ask for my resignation. I could do like the EPA individual and refuse to give my resignation.

MR. LAWRENCE: If they do either of those, a vacancy has occurred and they've filled the vacancy before we have a chance to act.

MR. FRANCIS: I'd like to see the Commission have on record, at least, our support, and why we do support you. You know - the continuance of it. I think that this idea of "reappointments" - the wording's wrong - but just explain why the three states prefer and support you.

CHAIRMAN JIBSON: When you say "on record", do you mean on record here, or actually go to Washington?

MR. LAWRENCE: Go to the President of the United States.

MR. FRANCIS: Yes, I think it should go to the President. If Cap Ferry can send one, I don't know why this Commission can't send one in support.

MR. REX: I think even send one to Watt, and to the President, both. Let them know what our attitude is toward this position.

CHAIRMAN JIBSON: In view of that, Reed, on your Motion, then, I think your Motion was really to this effect, with summary of details, perhaps, then?

MR. DAYTON: So they'll understand that we're pleased with your services and would like to see them continued.

MR. SKEEN: And leave off the word "reappointment."

MR. DAYTON: Yes.

MR. LAWRENCE: Let me ask a question of Ted Arnow, or Wally. How do you perceive the Secretary's role in this process? He had a role when Mr. Jibson was appointed. I got the impression, when I talked to Mr. Tuttle in the White House, that it was going to be kind of a unilateral activity right out of the Personnel Division of the White House. Do you have any feel on that?

MR. ARNOW: It's my understanding of it, Dan. I think that Secretary Watt is being involved, because people are writing letters to him - such as - Senator Garn. That letter from Senator Garn has been passed out to Geological Survey to prepare a reply - which is being done. Perhaps if enough letters went to Watt he might, himself, try to take some action.

CHAIRMAN JIBSON: I wonder how it would be, if we did send a letter, if a copy of it went to Secretary Watt?

MR. HOLMGREN: Mr. Chairman, how did this all come about? How did you find out that there was something in the wind?

CHAIRMAN JIBSON: Well, as I mentioned, the call to me in the middle of December by Tuttle of the White House didn't say that he was preparing to 'dump me', but I raised my eyebrows when he said he wanted a personal resume. And then it was nearly a month later that I had a call from Dan Parrish of Senator Hatch's office, who'd been in touch with the White House, and he gave me the word on what was in the wind.

MR. HOLMGREN: How did you find out about this real estate man, or whoever he is?

MR. LAWRENCE: When I talked to Mr. Tuttle in the White House, he said that the Personnel Division of this Administration is much more active than the previous ones. That was his response; that they were just going kind of all the way through, and being very aggressive in replacing. So I guess they had some kind of general directive to review all positions of this kind. That was what he told me.

Well, we have a Motion before us, Mr. Chairman. I call for the question on the Motion.

CHAIRMAN JIBSON: Do we have any discussion on the Motion? All in favor? Any opposed?

MOTION CARRIED UNANIMOUSLY.

CHAIRMAN JIBSON: I wonder Dan, as a suggestion, if you and Ed could kind of kick this back and forth?

MR. SKEEN: I'll be glad to prepare a rough draft.

MR. LAWRENCE: Okay, and how do you propose it be signed? By the Vice-Chairman, for and in behalf of all the Commissioners, or what?

MR. SKEEN: I think the Vice-Chairman should sign it.

CHAIRMAN JIBSON: We will have a new Vice-Chairman today, after election.

MR. ROBERTS: I almost took care of this problem. I took Wally fishing on the Blackfoot Reservoir and a 75 mile-an-hour gale came off the west mountain, you know? It picked me and my boat and Wally, took us right up over the rocks, clear up on the bank. Wally says, "Why didn't you stay out in the water?" And I said, "Do you want to be on the water, or on the rocks?" I could have got rid of him right there, if I'd worked it right!

CHAIRMAN JIBSON: I only had to walk about three miles to get a Blazer, and make my own road back through the sagebrush to try and get that boat loaded, which is a big I-O boat. Really scared the daylights out of me.

REPORT OF SECRETARY-TREASURER

CHAIRMAN JIBSON: Next items on the agenda, then, will be the Report of the Secretary-Treasurer.

MR. LAWRENCE: I'd like to call on Bert to give the Treasurer's report.

CHAIRMAN JIBSON: Before you start, Bert, I might mention that we've been joined by John Holmgren. Glad to have you aboard, John.

MR. PAGE: We have Norm Stauffer back there also.

CHAIRMAN JIBSON: Oh yes, Norm. Have you all signed the roll?

MR. PAGE: This financial report is as of March 31, 1983. You'll recall at the last Commission meeting, in November, we had a one-month report. This is continued along from that period of time. You'll note on here that, again this period, would be beginning cash of \$105,000 plus; and we now have \$6,330 in interest income, and the approved budget shows \$48,000 as being paid in; Utah being noticeably absent. The reason being that the assessments went out in September; ours got in before the close of the fiscal year - so all three states have paid; we're all current. There's \$159,754 available for use for the Commission.

The expenditures we've made so far this year - on the contract with the universities we've paid half of the fee, \$22,560. We've paid on the contract with Wally, \$1,824.13. Treasurer's bond and audit, we're paid \$530. I was too boisterous, I guess, at the last meeting telling Ed how cheap he worked. He caught up with me this time; I got all of his bills. You notice that we paid \$504 for a legal consultant; and there's been some miscellaneous office expenses and supplies and stamps and copies, etc., of \$46.95. Showing expenditures through the first of this month of \$25,465.51; leaving \$134,288.95 to be expended throughout the rest of the year. On the back you'll notice we've listed the checks that have been issued during the year, and, down below, we had an outstanding check of \$50.00; cash in the back of \$3,200.00; and savings of \$131,000.00 - equaling the cash in the bank of \$134,288.95. Are there any questions? Wally.

CHAIRMAN JIBSON: Bert, I'd just like to make a comment, so that we're consistent with my summary of the Minutes. You noticed I said that we had an unexpended cash balance on October 31 of \$154,500.00. Bert showed \$134,000.00; but I included, in this obligated amount of \$115,800, the contract with Utah State University. And I noticed that you've included that as one of our expenditures; so that's the reason that

you're \$22,000 below me. I wondered, Bert, if you meant this unexpended cash balance as of 10/31, or if you meant as of March 31?

MR. PAGE: What it means is that I missed one when I was changing it, it should be March 31, 1983.

CHAIRMAN JIBSON: That clarifies my former report, then.

MR. LAWRENCE: The only question that I have, Mr. Chairman, is what order of knights is check #341 made to? Who is 'Sir Speedy'?

CHAIRMAN JIBSON: 'Sir Speedy' is a xerox company in Logan. Any other discussion?

MR. LAWRENCE: I move we file the Treasurer's Report.

MR. DAYTON: I second it.

CHAIRMAN JIBSON: Any further discussion? All in favor? Opposed?

MOTION CARRIED UNANIMOUSLY.

REPORT OF ENGINEER

CHAIRMAN JIBSON: Our next item will be a report of the engineer. This is the Engineer's Report of our 1983 water supply, expected water supply, and compact operation.

(A copy of the Engineer's Report is attached to, and made a part of, these Minutes.)

CHAIRMAN JIBSON: We're still being amused a little bit by the Applications for Appropriation. Idaho again sent theirs to Box 413; Wyoming sent theirs to Salt Lake, and they eventually wound up in my office; but we would hope that eventually we'll get this Logan address corrected to 880 River Heights Boulevard.

If we check this summary, or estimated budget on page 5, you will notice the total of \$120,000 would be reduced by only \$320 if we correct the cost (per gaging station), but we should do that. In the final

budget on the Minutes, we'll make that correction to \$3,740 per station year. You'll notice the other footnote is that if we did not take any of the budget from the reserve, and as item 12 we have included the contractual service for the second year of \$36,120 - if we did not take any from the reserve this would amount to \$35,473 assessment per state; or if we took that amount from the reserve, then \$25,000 per state would carry the budget. If the Consumptive Use Study were deleted as of July 1st, the end of the first year, our cost per state of the remaining budget would be \$23,433 or somewhat less than the last assessment that was made to the states. I think for two or three years in a row now, we've assessed the states \$24,000. So I think we should discuss this projected budget and decide what you need or, if you prefer, we could have a report from Dr. Hill, who is with us today, before you decide on the budget.

MR. LAWRENCE: I think it is a fact - I don't know whether Idaho's legislature is still in session - I think that it's a fact that each of the three states has already had its appropriation fixed by its legislature, and so we're probably in a position right now to decide. I think it is a matter of deciding what we want to do and how we can reach that. But we won't have any opportunity to go back to our legislators. We're locked in right now, with whatever ramifications. As far as I'm concerned, that \$1,000 - I can handle that.

CHAIRMAN JIBSON: Was this correct, Ken? Did I recall correctly, that you said you might be able to handle \$1,000 - on top of your \$24,000?

MR. DUNN: Yes, Wally, and as it turns out I can handle an additional \$15,000. The legislature, when they appropriated our funds this time, appropriated two studies: one, the Bear River; and one in the Weiser - and in the process reduced it by 25 percent of what we said we needed. So I have an additional \$15,000 that I could put in this year, if the other states could.

CHAIRMAN JIBSON: What about Wyoming?

MR. BUYOK: We have \$29,000 total. That includes our regular \$24,000.

CHAIRMAN JIBSON: So you'd have a \$5,000 increase over your \$24,000 if you want to do it this way, rather than take the balance out of the reserve, if you wanted to carry the program? And you (Idaho) would have, did you say, \$15,000 over and above the \$24,000?

MR. DUNN: Yes.

MR. LAWRENCE: Don't you think that we ought to get the Commission to be an alternate here for a minute? Got \$15,000 more you can loan? It seems to me that we were talking in terms of \$5,000 when I talked to you, Wally, for us. I didn't come prepared to negotiate upwards. I don't think that we can find \$15,000.

CHAIRMAN JIBSON: Well, of course, it would take \$11,473 if you did not take any out of the reserve - over and above your \$24,000.

MR. LAWRENCE: I think maybe one of the options we have is - I don't know whether Idaho and Wyoming can pay in advance on a next-year contract, or not.

MR. DUNN: Mr. Chairman - you know, I'd match whatever Wyoming can; but, frankly, I'm not going to pay in advance because, in offering this \$15,000 it also goes along with my closing an office in Twin Falls, and reducing another twelve people in my Department; so I'm not paying another thing in advance.

CHAIRMAN JIBSON: The assessments were made in October, I believe, to the states for the 1983 program. Even though our contract, rather than starting the 1st of October, starts the 1st of July, it will come out of the 1983 fiscal year budget. So if you decided on a certain amount over and above the \$24,000, it would be assessed to you about the 1st of October.

MR. DUNN: Mr. Chairman, did I understand Dan to say that he could, or could not, meet a \$5,000 amount?

MR. LAWRENCE: When Wally called me before, it seems to me that I was talking about \$5,000 that he was hoping we could reduce it to. I said I could then, and I'll just trust that if I could, I could. But I didn't bring any other backup data; in fact, the reason Bert left is that we're required to get our work program completed by the 1st of May. It's going to be real tough for me to go beyond \$5,000 - I know that. We're not laying off any people like you are; and I suppose if we considered laying people off as the alternative, we weren't prepared to go that far. I was hoping that we could work something out that wouldn't require a reduction in force in the Utah staff.

CHAIRMAN JIBSON: If each state were to go \$5,000 over the \$24,000 it would not require a very large amount out of the reserve to carry the program; or - even less than \$5,000. We have a pretty good reserve built up, Dan. Our interest factor has been good and so even with the \$45,000 for this year's program we still have a pretty good reserve. So if you wanted to split that, rather than hold the reserve up there this high and try to meet the whole \$35,000 per state - anywhere in between, we could balance out from the reserve.

MR. LAWRENCE: If you wanted to excuse me for a minute and postpone this, I could make a phone call and see if I can come up with any kind of a different offer - if it's that critical. Why don't we go with \$5,000 then?

CHAIRMAN JIBSON: Is that okay with Wyoming? Your assessment this fall, then would be \$29,000 rather than \$24,000. Is that okay, Ken?

MR. DUNN: Yes.

CHAIRMAN JIBSON: And should we go on?

MR. DAYTON: If it were \$5,000 that's quite a percentage of increase. As compared with \$24,000, that's a pretty big increase.

MR. LAWRENCE: It is.

MR. DAYTON: I'm just speaking personally now. I think it's too large an increase.

CHAIRMAN JIBSON: Well, this is not the usual run-of-the-mill budget Reed, that we're trying to cover here. We're trying to cover the continuation of a special study.

MR. LAWRENCE: But President Dayton is right. Whether you call it run-of-the-mill or not, it's in the budget; and the budget is a budget, and it's an increase from what we have to pay.

MR. DUNN: Mr. Chairman. We've made a commitment to this study last year and it's going to be several years. We're taking some additional money out of reserve this year. It's a \$5,000 increase and it is a large percentage increase, but it is for a study. If that's not acceptable we better stop right here. We better make it \$24,000 and drop that study - because this will be the second year for it, and to me it would be a waste of money if we stop at the end of this first year.

MR. FUNK: Is this a 5-year deal?

CHAIRMAN JIBSON: It's a projected 5-year study, and we will have a report from Bob Hill today on it. It is a projected 5-year study; but we have not approved - we cannot approve - anything but a year-to-year basis on it.

MR. DUNN: I understand that; but if we're going into it without the idea of certainly trying to get to the five years, we need to stop now.

MR. LAWRENCE: I agree; and the second question is, if we projected \$5,000 now, if we could only get \$5,000 next year, would that keep us alive? Or have we got to look to \$20,000 next year as an increase?

CHAIRMAN JIBSON: Well, I haven't done any figuring on that, Dan. Again, I would say that if you could just - off the cuff here - if you could go \$5,000 this year and \$5,000 next year and balance out of the reserve, we could probably carry it for 1983 and 1984. I would like Bob, when he gives a report to us, to cover the eventuality of having to cut it short; and either get the field work done and sit on the data, or compute it on a two-year, three-year, or even a one-year basis. If we could maybe get a little discussion? Ed has suggested that perhaps we ought to have Bob's report moved up now, before we further discuss and rule on the budget.

MR. DUNN: Mr. Chairman, before you do that, I'd like to ask some general questions about the budget, if I may. As I see your 'double asterisk' note on the bottom of page five, it says \$35,473 per state. Now, as I understand, that would be the cost of the assessment plus the study per state that we would be spending this next year, so -

CHAIRMAN JIBSON: If we took nothing out of the reserve.

MR. DUNN: Nothing out of the reserve. So that means there's \$11,473 per state coming out of the reserve for the Commission and that's a deficit of \$34,000 for the study. That's going to be for another four years; and we're reducing that deficit - at least we tentatively talked about \$5,000; so we're something like \$29,000 a year short, for another three years; and that's \$100,000 that we're either going to have to make up in additional assessments or - I guess our reserve is gone, and probably then some.

CHAIRMAN JIBSON: Ken, I might clarify just one point, there. You mentioned \$34,000, rather than the \$31,420 that I show. The reason is that our present budget does not require a full \$24,000 per state, exclusive of this study. It requires \$23,433 - so if the states were to raise \$25,000 per state, then the deficit to come from the reserve would be \$31,420 rather than \$34,000. What you say otherwise is correct. We've got to look ahead here; and we'd have four more years of the study if we complete it.

MR. DUNN: The other thing we have is the increasing cost of operating the Commission. I don't anticipate, over the next four years, the budget to remain constant there; so our regular assessment is going to be increasing some. Again, I think it's important that we make the decision now that we're going to commit ourselves to some pretty substantial increases for the next four-year period. If we don't recognize that, and commit to that, at least in our heads if not in our hearts, we ought to stop this thing. It just doesn't make sense to me that if we went through this last year, the very same thing, realizing we were going to have some budget problems, but we all hoped to raise an additional \$20,000 to restore the reserve account; if we can't do it next year - and our feelings are that we can't do it next year - I think now's the time to make the decision.

CHAIRMAN JIBSON: One of the reasons I suggested that maybe before we take final action on this, we hear from Bob - I'm curious as to what results we might get out of a two-year program, or a three-year program. I realize that this is projected as a five-year plan, and we've kicked back and forth even the possibility of doing the necessary field work during the summer months, and sitting on the data, if we feel that we can't handle it these next few years.

MR. SCHWIEGER: Mr. Chairman, I'd like to just ask, from Wyoming's viewpoint - we're just entering into the budgetary process ourselves, and our budget will start in February of next year; and I don't think we'd have too tough a time trying to come up to speed with the budget. If it gets critical, we do get a good hand on a solid budget.

MR. HANSEN: Dan, why don't we try and go this way and see if we can?

MR. LAWRENCE: Well, I think maybe when Ken gets through asking his questions it would be alright to hear from Bob, and then I'm prepared to make an alternate suggestion.

CHAIRMAN JIBSON: Is that okay, that we should get some comments from Bob at this time? You know, just off the cuff Bob, maybe you could tell us what this would be if we only had a two-year program.

DR. HILL: I'd like to respond to the question, but it's almost impossible to anticipate what you ask.

On the 24th of March, Bob Burman came over from Wyoming, Chuck Rockway from Kimberly, and Rick Allen came down to Logan and we had a meeting of the principal investigators and discussed our plan of work for the coming season - which includes a full weather station at Hilliard Flat plus three lycimeters, plus, if we can find a place, we'll put some access tubes in. Rocks are a problem at Hilliard Flat. At Randolph, we have already put the weather station in - last Thursday. We put one weather station in the same location as last summer, by Sage Junction, southeast; and we put a second weather station up in the sagebrush land, west. Those two are in place and we'll have three lycimeters installed there plus maybe 6 to 8 neutron access tubes in grass and alfalfa fields that are above the water table. We're looking for a site, with Rick Allen and Chuck Rockway, now, in the north end of Bear Lake Valley, with lycimeter, to have some access to the weather station, somewhere in the southwest of Montpelier - maybe in the swamp area out towards the airport. It is grassy through there.

We'll also probably maintain the same site of Talmage as we did last year; check that last year's weather station, with access to all our lycimeters there. And perhaps the same site toward Swan Lake. Crested and dry land alfalfa with access to the weather station. That's our plan of work for the station. For personnel, Gary Graybow, a graduate student at Utah State last summer, will continue to work with us this summer and will perform the field work for the regional Idaho sites, and paid back with their sub-contracts, for the Utah sites, and also for the Wyoming sites. We would make a weekly visit to all of these sites. It will probably take two-and-a-half days to make the circuit and to get the

information. We anticipate we'll do some data analysis each week as we go along, particularly to check to see if we have problems with the weather stations or the lycimeters. If we do have a problem we can correct it.

We anticipate on the 3rd, 4th, 5th of May to have a lycimeter party; by that, Bob Burman will come over from Laramie and I and Rick Allen, we hope, can be with us at Randolph, along with Gary and whatever other students I can gather up, with shovels, and we'll put in some lycimeters. Bob has had a lot of experience with these lycimeters. They're 3 1/2' x 3 1/2' x 4' deep; and he said he'd be glad to come over and work with us, getting the first ones installed. We're hoping the weather cooperates with us.

Following that, we would go to Hilliard Flat and Montpelier area to put in lycimeters in those two locations. May 19 and 20, Wally, if you'll recall, was when we'd anticipated a field trip with the entire Bear River Commission, those who could be present - starting at Logan, and going up the Bear to look at the different research sites, the weather stations in place, the lycimeters, access tubes, and so on; and I guess we can discuss that in more detail. We've made tentative contact with both the University of Wyoming and the University of Idaho, and if I recall right, John, you've already been contacted by Bob? Those dates are okay? I think for the research people they are okay. Jim, I don't know if your office has been contacted concerning that. Maybe it was Alan Robertson, perhaps. We had tentatively checked those dates out, Wally, and they looked like they were as good as they could be, considering everybody involved. It's a Thursday and a Friday, if I recall correctly. That constitutes the report I sent in to Wally as of the 1st of April, in which we included our plan of work and site description for the 1983 season.

Back to the questions. Are there any questions on where we are up to this point in time? In summary then, if we stop the study right now, we would have one year's worth of data - not a full season - in all three states. We had temperature radiation data only at Hilliard Flat, no measured water-use data, lycimeter, neutron system at all. At Randolph we were able to get access tubes in the ground the last part of May, and

have the full set of weather data for the season there at Randolph, in alfalfa, but nothing in the meadow. At Talmage, which is west of Soda Springs, we have access tubes in alfalfa and in irrigated alfalfa and I believe dry-land wheat, and weather stations at both locations, for essentially the mid-May though end-of-September season. At Preston we have weather stations - the same situation up towards Swan Lake just north of where the Twin Lakes aqueduct goes across the highway. That's what we would have at the end of one year's worth of data collection.

We've also, as part of the contract, built the lycimeters, but not installed them. You recall, we were a little late getting things worked out last year so we waited to get the lycimeters built until we had things firmed up. The lycimeters are now built, but not installed. So that's where we'd sit if we stopped the contract at this point in time.

The estimated water use by alfalfa is about 23 inches at Randolph and Talmage; this is our field estimate. There's some uncertainty about that, because we don't know how well things adjusted during that one season. Twenty-three inches is our estimated water use based on our field measurements. I have no idea at this point in time what the measured water use will be on wet meadow lands, as we have no way of measuring that without lycimeters. So that's where we'd be, Wally, if we stopped at this point in time. Right now we have nothing down in the meadow land. All we have is owned by alfalfa.

MR. TEICHERT: Does that twenty-three inches include the rainfall?

DR. HILL: Yes; that's the net evapo-transpiration by the crop - so it would include rainfall, plus irrigation, plus depletion of soil water in the spring from stored snow-melt. Incidentally, last week we attended a meeting at Rich County with the sponsorship of the county agent. We talked about irrigation water management; and we had made a reading in the access tubes prior to the meeting. There's about 4 1/2" of moisture that we've gained since the end of September in those 5 foot zone profiles. So over the winter we've gained 4 1/2" in Sage Junction.

MR. DUNN: Mr. Chairman, I need this clarified a little bit. What you're talking about, with the 23" consumptive use of the plant, irrespective of irrigation, is what the plant uses in order to grow?

DR. HILL: That's right. We have to subtract rainfall off of that. We've checked that value against some of the equations. The Soil Conservation Service Blaney-Criddle equation, which has been used fairly standard for a long time, with their coefficient, is roughly 12% low. It would underestimate that value by about 12% at both Randolph - and I forget what the figure is at Talmage, but it would be low there at Talmage also.

CHAIRMAN JIBSON: Now Bob, you mentioned that you didn't have a full season last year because you started the first of July?

DR. HILL: The contract started the 1st of July.

CHAIRMAN JIBSON: Well, you started a little before; but by the 1st of July, you will have had one season - but not the one season. Can you give us any feel for what we might get out of a two-year or three-year study if our budget stays tight, and we have to terminate something?

DR. HILL: Well, for those of you who may not be aware, the only salaries that come out of this money from the Commission is that for graduate research assistance. There are no professional salaries, with the exception of maybe some of Rick Allen's salary money at the University of Idaho. None of us as professionals would be affected if the contract were terminated; we'd still be on staff, and if Idaho and Wyoming are like us, we've been told there will be no raises this year, and we have to cut programs at the Universities by 1-1/2%. So we would not be affected by the Bear River Commission program, personally. Graduate students - we just wouldn't be able to support the three graduate students in Wyoming, Idaho, and Utah. We would have to terminate support or find other means of support for them. So as far as personnel goes, that would be the impact.

Technically, and Mr. Skeen can respond or comment on this; if we went into court, if we were challenged in court today we would have one year's worth of data. You can appreciate that may not have as much weight as if we had two or three. The reason we set it up for five years for the technical purposes, is so we hope to get at least four years of good field data; three definitely good years, hoping for a fourth year, of good field data on which to base our comparisons. You folks have been

around a lot longer than I have and know what happens from year-to-year. Last year I counted up, we had six nights of frost at Randolph between the 1st of June and the 10th of September. I don't know how you raise alfalfa under those conditions.

CHAIRMAN JIBSON: That's not unusual.

DR. HILL: Mike was asking if we could get something more usable - and I don't know. There are some of the problems, practically, that we're facing for production purposes. And I, technically, feel we can make recommendations on one year's worth of data, but each year we add, we feel stronger about water comparisons.

DR. STAUFFER: I'd like to ask Bob - you mentioned stations pretty much in the Upper Bear. What about Cache Valley, and Box Elder counties?

DR. HILL: Okay. With the county agents, we're trying to set up throughout the State a program involving irrigation water management, in which we would have at least temperature irrigation station in each county representing the main agriculture. As of right now, we're uncertain what we're going to do with Box Elder County. We may have some access tubes there from this other program. Whether we'll have a weather station or not, we're uncertain right now. We're trying to get together the money for a weather station. In Cache Valley, you might appreciate, we have gobs of weather data and crop water use data on research. And we don't have much out in the farm fields. As far as research goes, we have an awful lot of research.

MR. FRANCIS: In this important information, who all receives access tubes and lycometers?

DR. HILL: The access tubes, we haven't been charging for those; they're just 2-inch aluminum pipe. At the time we get done with the study, we'll just pull them up out of the ground. If the farmer wants us to pull them up, we'll pull them up. You can have them; they're ten-feet long. We get them at - what do they cost - I don't know; not very much actually. The lycometers, now, I assume at the end of four years in the ground they're going to be essentially non-usable.

MR. FRANCIS: For cost efficiency, right after you get a bunch of the stuff out, you could run for 'x' amount of years without having to buy this equipment. There would be an appreciable amount of savings.

DR. HILL: Well, once we got them in the ground there's cost of having them there, unless we have to replace them. The main cost is in the travel and making visits to the site.

CHAIRMAN JIBSON: After you got through with your study, would you have to get those lycimeters out to avoid implements - plows, and so forth - from running into them?

DR. HILL: Lycimeters, definitely, would have to come out. Or at least we'd have to dig them down and cut them off below.

CHAIRMAN JIBSON: What will they be? Galvanized?

DR. HILL: They're a standard steel. We've painted them on both sides with rustoleum, hoping that the paint is a little thicker than 1/16" steel.

MR. TEICHERT: Say you get down to your fourth and fifth year, and the information you gather, is it something standard that a Water Commissioner could read those gauges, or whatever is necessary at that time?

DR. HILL: Well, the lycimeters, I would doubt that. They're a little fussy. On the access tubes, the way things are going in the State of Utah with response of farmers in various counties, we've been overwhelmed with their desire to have an irrigation management program. We've got requests from more counties than we can handle right now through Extension. So, I could see down the road where Extension could handle some of the access tube readings on a week-to-week basis as part of a county-wide program, which would be beyond the research program. Now, this is being done in Millard County and Iron County and Washington County this year; and if we can get it started, it will be through Extension in Box Elder County. I don't know; maybe Rich County.

CHAIRMAN JIBSON: Do we have any questions of Bob?

MR. LAWRENCE: Is it appropriate to come back to the budget, then, at this time?

CHAIRMAN JIBSON: I think so.

MR. LAWRENCE: Mr. Chairman, Utah is prepared to suggest that we assess each of the three states \$10,000 for this assessment - somewhere between \$15,000 and my \$5,000 - and we'll come up. That would make the draft on

the reserve probably total about \$6,000, if I figured it out right. I would move that.

CHAIRMAN JIBSON: If I understand your Motion, Dan, you said that you would move that we assess each state \$10,000 over and above the \$24,000.?

MR. LAWRENCE: Yes; for this specific project - not as the Bear River Commission assessment. In other words, the \$24,000 is what we have; and if we agree, that each state will pay \$10,000 towards the research.

MR. DAYTON: Which would make a total of \$34,000.?

MR. LAWRENCE: Yes.

CHAIRMAN JIBSON: You've heard the Motion; is there a second?

MR. GILBERT: Second.

MR. DUNN: We will consent; and then I'd like to debate.

CHAIRMAN JIBSON: Okay, it's been moved and seconded that the states be assessed \$10,000 over and above the \$24,000 for the 1983 fiscal year, to take care of this study, along with whatever balance we would need out of the reserve.

MR. LAWRENCE: Okay now, are you talking about the year that begins July 1, as far as your Idaho budget is concerned?

MR. DUNN: That's correct.

MR. LAWRENCE: That's fine with us. We could pay it, actually, any time during that year and it would be whenever the Commission needs it, I guess.

CHAIRMAN JIBSON: Well, if we enter into a contract as of July 1, of course there will not be a payment due until January 1. So my thinking was that any assessment for this program, comes from the 1984 fiscal budget and will be available by January 1.

MR. DUNN: Mr. Chairman, Wyoming has some problems. As I understand it, you have \$5,000 now; correct?

MR. BUYOK: That's correct.

MR. DUNN: Well, I wonder if it would be possible, if you order this \$10,000 for Wyoming to pay their \$5,000 sometime after July 1 and before January 1, and for the year you budgeted to budget an additional \$5,000

so that you're at the same level, essentially, that we're at ? -
Realizing that payment's going to come.

MR. SCHWIEGER: Yes. See, our funds won't be available until the following July 1. It will be what we get into our next budget session. It depends on how much faith you've got in us.

MR. LAWRENCE: Well, I am confused. I thought you said you had \$15,000, and he had \$15,000, and I was the only guy that was dragging my feet.

MR. SCHWIEGER: No, I think Dee misread us when we were talking. We've got \$5,000 in excess for the biennium - for the current period we're in right now. We budgeted some \$24,000 a year - which was \$48,000 - then we bumped it \$5,000, because we anticipated some inflation. So we have \$5,000 available.

MR. HANSEN: Well, I heard him say the \$10,000 and thought that was for a year, and it was for two.

MR. LAWRENCE: Can you give us that \$5,000 on the 1st of August?

MR. SCHWIEGER: We can give you the \$5,000 and then we'd have to go back into budget session and try to budget ourselves to get up to speed with the rest of you, which we hope we could do.

MR. MYERS: Your holdover money of some \$30,000 - the other half of it would have to come out of that; correct? I mean, if the states can't come up with it, why then you'll have to . . .

CHAIRMAN JIBSON: The Motion that Dan made, Wes, was that instead of taking the \$31,420 out of reserve, we would assess an additional \$10,000 for each state, over and above the \$24,000 for this first year. Alright, that would take care of \$30,000 out of the \$36,120 projected budget. So then only \$6,120 would need to come out of the reserve for the 1983 operation - rather than \$31,420.

MR. LAWRENCE: That was on the assumption that Wyoming already had it appropriated.

MR. SCHWIEGER: We don't have.

CHAIRMAN JIBSON: Now, you said that you had \$5,000; but you couldn't get the extra \$5,000 by next January 1st?

MR. SCHWIEGER: That's right.

CHAIRMAN JIBSON: So, in view of that, do you want to shoot for \$5,000?

MR. LAWRENCE: I withdraw my Motion, I guess, and make a substitute Motion that we assess each state \$5,000 and take the rest out of reserves, with the promise that we will try to look ahead so our reserves won't be tapped beyond their capacity in the next little while.

CHAIRMAN JIBSON: Is that okay with the second?

MR. GILBERT: Yes.

CHAIRMAN JIBSON: Okay, it's been moved and seconded that we assess the states \$5,000 over and above the \$24,000, which would be \$29,000, that would be due this fall, probably in October. Is that when you send the assessments out, Bert? So it would be \$29,000 that would be assessed to the states this October; and the balance, if we carry the full program for the next year, would come out of the reserve. Do we have any other discussion, then, on that Motion? If not . . . all in favor? Any opposed?

MOTION CARRIED UNANIMOUSLY.

MR. LAWRENCE: I never could figure how come we have two fiscal years. The states are the ones that were worried about putting up the money, and so we have a different fiscal year than the states, for the Commission.

CHAIRMAN JIBSON: It's a matter of the by-laws; and it would be a simple matter to change it. However, it wouldn't be so simple for Ted, in our stream gaging program, because he has to work on an October 1 - September 30 fiscal year, and that's where the bulk of our budget comes.

MR. DUNN: It works marvelous in Idaho because GS then can flop their money whichever way they want to go. Ted may not have such a bad deal to change, though.

MR. ARNOW: We could probably do it.

MR. LAWRENCE: Well, I don't suggest that we do it today, but I think that we ought to think of how complicated it makes our lives to have it the way we do.

CHAIRMAN JIBSON: Well, beginning in the 1984 fiscal year, if you would like to consider that, we can certainly amend the by-laws if that's needed. I just don't recall right off-hand how the by-laws are stated on this.

MR. SKEEN: It just requires notice.

CHAIRMAN JIBSON: If it's in the by-laws I think it is. But for 1984, Dan, you think maybe we better go ahead?

MR. LAWRENCE: Yes; that just came out; I wasn't making any Motion.

MR. DUNN: Mr. Chairman, if I might then, for fiscal year 1985, for which we will begin our budgeting process in the next month or so, and I suspect Dan will too - what are we looking at for an assessment? How much money do I need to ask for? \$24,000 plus \$20,000 again?

CHAIRMAN JIBSON: Actually the stream gaging program for 1983 was increased by only 4%, and I know you work on a biennium, and we still have to budget each year in the Commission. I don't know that any of us have a feel for what we might expect in 1984, or 1985. Probably a nominal increase in the stream gaging budget which, after all - except for these special budgets like University of Utah, Utah State - the stream gaging budget is about 80-85% of our total. So what happens to stream gaging is really what governs increase in our budget. All we can do is make wild guesses when we have to guess a biennium ahead of the next fiscal year; and I didn't do it in my report today. It was an oversight. If you have to have it before the November meeting. But I'm sure Ted wouldn't want to make any projections on that, would you Ted? What we might get down the road, two more years?

MR. ARNOW: Depends on two things; it depends on inflation, and it depends on federal pay raises. If there are no federal pay raises, and no inflation, then it won't change. If federal employees get a fifteen percent increase in salary, why the costs will go up.

MR. DUNN: I don't know if I understand, now, but it seemed to me \$20,000 for the university study is a number that we need to be looking at; is that right - to replace part of our reserves again for FY '85? That's what we tried for this time. We've managed to get \$5,000. What are we going to do for next year?

MR. HANSEN: You all realize that Wyoming is locked in to 1985?

MR. DUNN: Well, That's what we're looking for now, though, is the FY '85 budget. That's where we're starting.

MR. SCHWIEGER: We're locked in to June of '84; that's right.

MR. LAWRENCE: That's where we are, too.

MR. DUNN: And that's where we are. We're starting now our budgeting for that following year, and that's what we'd have to look for. Wyoming's got to be adding two years to that.

MR. LAWRENCE: That's right.

MR. MYERS: Well, when you boil it down, the only reason we could start on this program was when we had the reserve fund. What we're doing here is trying to look ahead and say, 'we're going to assess each state so much', before the Legislature has a chance to act on it, and we just can't get by with that.

CHAIRMAN JIBSON: Well, these assessments would not be made - the only assessment that would be made as a result of this meeting today, is the assessment this fall. And your Legislature will not have to act on that. As we look further down the road, Wes, - all that we can do today is say 'well, the 1984, or 1985, looks like this'. But, we're not making any assessments based on that.

MR. LAWRENCE: But, Senator, that's exactly what Ken is saying. I think Wyoming is probably the same as Utah. We have to go to our Legislature with a request. And that's what he's talking about, is what are we going to go to our Legislature and ask?

CHAIRMAN JIBSON: Well, even though you don't go before the November meeting - or do you? Do you have a Legislative Council that you have to go through?.

MR. LAWRENCE: You bet; we start preparing next month.

MR. DUNN: We start preparing the following budget starting in May.

CHAIRMAN JIBSON: Is that for '84-'85 biennium?

MR. LAWRENCE: Yes sir. And Wyoming has to do it for two years.

MR. SCHWIEGER: Yes, we'll do it for two years. Mr. Chairman, we'll go into the budget session; we'll have a meeting with the Governor probably the tail-end of November, or first part of December. That's our process. Then coming out of there, what would be the Executive Budget, then, is presented to the Legislature in January.

MR. LAWRENCE: But in an anticipation of that meeting in December, you're going to present some stuff in August.

CHAIRMAN JIBSON: Bob, do you have any feel at all for future-year budgets, after the second year? Now, here we're looking at \$31,000 plus, for this next year.

DR. HILL: That'll be budgeted. We have budgeted \$12,040 for each state. We split it three ways, so if you add that back together you'll get \$36,120 for the study.

CHAIRMAN JIBSON: Each year?

DR. HILL: Each year. And that's for making field visits; data analysis; and report preparation.

CHAIRMAN JIBSON: Okay. Now to get us off 'dead center', if you went into the Legislature for \$29,000 a year for the next four years - plus \$20,000 -

MR. DUNN: That's a lot of money; but one of these years you're not going to get any money from Idaho in its assessment, I suspect; or Utah, or Wyoming.

CHAIRMAN JIBSON: When you say the usual assessment; actually, it has been \$24,000.

MR. DUNN: Well, I understand that. But life doesn't go along with \$24,000 -

CHAIRMAN JIBSON: And then what you're saying is an additional assessment of \$20,000 - not per year, but for the two years?

MR. DUNN: For a year. We would essentially do the same thing as we did this year. This year we asked them to renew our assessment - \$24,000; and we were asking for an additional \$20,000 per year to fund the study. And I'm saying next year we ought to probably seek \$25,000 for the normal

assessment for operating the Commission and \$20,000 to continue the study. It's going to take \$12,000 plus per state, for that study and it's going to be something under \$8,000 to put back in the reserves - each year until it's finished.

CHAIRMAN JIBSON: Did you make that in the form of a Motion?

MR. LAWRENCE: I don't know if it's necessary, if we agree on it.

MR. DUNN: I think we just need to know what we're going into.

MR. LAWRENCE: That's okay with me.

CHAIRMAN JIBSON: Wyoming, how does this sound to you?

MR. SCHWIEGER: Sounds interesting. We'll sure go ahead. We don't really have a big problem, usually, being budgeted for things like this Bear River Compact. We argue that it's earmarked funds. If we use it, we use it; if we don't, we turn it back. So, philosophically, we won't have any big problems.

MR. LAWRENCE: Okay; we've 'beat that to death', haven't we? I suggest that we move to the next item.

CHAIRMAN JIBSON: Alright; if you don't think we need a Motion on it - we have an understanding of what we're going to ask for. We really should approve the budget, for these other items - stream gaging and so forth.

MR. LAWRENCE: I make a Motion we approve the budget.

CHAIRMAN JIBSON: Do we have a second to that Motion?

MR. HOLMGREN: I'll second it.

CHAIRMAN JIBSON: Any more discussion? All in favor? All opposed?

MOTION CARRIED UNANIMOUSLY.

ELECTION OF OFFICERS

CHAIRMAN JIBSON: I've inserted another item in the agenda before we get to the Report of the Committees. We need, each year in our Annual meeting, to elect officers. It has been customary to elect a Vice-Chairman. He's elected for one year, but we go by states and leave

the Vice-Chairman in for two years. Sim Weston was elected for his first year in our April 1982 meeting; so if we follow protocol here, Utah would then have the Vice-Chairman for the 1983 year. Sim Weston has been replaced on the Commission by Blair Francis. So I think we'll have a Motion then in order to nonimate the Vice-Chairman for Utah's second year.

MR. FRANCIS: Mr. Chairman, I'd like to nominate Paul Holmgren.

CHAIRMAN JIBSON: Paul Holmgren has been nominated. That would be to serve from this year through next spring, which would be the second year for Utah. Is there a second for that nomination?

MR. LAWRENCE: Second it.

CHAIRMAN JIBSON: It's been moved and seconded; and now we perhaps haven't followed Robert's Rules of Order exactly, but usually the nominee has been elected by acclamation. All in favor of Paul Holmgren as Vice-Chairman for this coming year? Any opposed?

MOTION CARRIED UNANIMOUSLY.

CHAIRMAN JIBSON: We also should elect a Secretary-Treasurer; and for 39 years it's been Dan Lawrence. (Laughter) So I'd entertain a Motion.

MR. FUNK: Is he good for another year?

MR. DAYTON: So move.

CHAIRMAN JIBSON: Its been Moved that we continue Dan Lawrence as the Secretary-Treasurer of the Commission.

MR. ROBERTS: Second it.

CHAIRMAN JIBSON: All in favor? Any opposed? So be it.

MOTION CARRIED UNANIMOUSLY.

CHAIRMAN JIBSON: The Engineer is an appointed offical, and I won't give you a chance to vote me out.

REPORT OF COMMITTEES

CHAIRMAN JIBSON: Okay, let's get down to the Report of the Committees. We'll hear first from the State Engineers' Committee by the Chairman of that Committee, Dee Hansen.

MR. HANSEN: We really don't have much of a report. I called Mike (Turnipseed) and said, "Have you got your report ready?" I delegated, you know. I don't know what he's got to say, but it may be very short.

MR. TURNIPSEED: I didn't read it in the Minutes, but I did see where there was to be a committee set up - Ken Dunn - and you were talking about an Interim Committee - and I don't think that was ever set up. There was quite a bit of discussion last time about the interpretation of the satellite photos. And I borrowed a photo from Parker Hill - it's a U-2 photo - and they are real easy to interpret; except I don't know any way to do that by computer. This is a photo over in Nevada. It's easy to interpret irrigated acreage; and I think you'd get accuracy down to within hundredths of an acre. But I don't know if there's any kind of computerized reader that can read those kinds of things.

CHAIRMAN JIBSON: Mike, one criticism of U-2 on anywhere around January 1, 1976, was that we had a lot of cloud cover.

MR. TURNIPSEED: I personally don't think there's anything magic with '75. I don't think the irrigated acreage changed from '75 and you could get accurate photos from '74. I think you'd be real close to the irrigated acreage of January 1, 1976. I don't know how the other states feel about that; but I know in my area -

CHAIRMAN JIBSON: Are you suggesting that we disregard the University of Utah study and really start right from U-2? And each state interpret?

MR. TURNIPSEED: There was quite a bit of discussion in the Minutes that they wanted something that could be done automatically so they wouldn't have to go back ten years henceforth, or twenty years henceforth, and try to annually recover something that had been -

CHAIRMAN JIBSON: Yes, that's for update.

MR. TURNIPSEED. Oh, for update? If you want to get something that can be digitized now, stored on tape discs or some way you can store it, by township or section or whatever, then I think if the Land-Sat is unacceptable, then this is your only other choice; unless you want to wait for manual interpretation.

MR. BUYOK: Also, I'd like to mention that as part of Wyoming's water development program, the Water Development Commission is planning to fly the Bear River Basin of Wyoming - the entire basin of Wyoming also - this coming summer. That might be kind of interesting, too.

MR. LAWRENCE: You're just going to have them go all the way down?

MR. BUYOK: We're having an outfit out of Minneapolis do it and it will cost about \$210,000. The Bear River Basin will cost about \$80,000.

CHAIRMAN JIBSON: I can see this for update; but, what are we really suggesting as far as somewhere around January 1, 1976? Whether we go to 1974, or 1975, or '77 -

MR. HANSEN: We are trying to establish an average baseline acreage for each state. That was the intent, originally, and we have some question with the study we did with the University of Utah. I don't have any question that we could get it with this type of photo, but it is very expensive for each state.

CHAIRMAN JIBSON: You mean in the future? Future photography?

MR. HANSEN: If you go back now, it will cost quite a bit; but if you go future, then it's really going to be expensive.

CHAIRMAN JIBSON: Bob, did you have a comment on that?

DR. HILL: This particular photo, when we got it, cost \$50. We got it through the USGS in Denver. There's sixty-five thousand irrigated acres represented by it. You can see the fields there. I think the price may have gone up since then. I'm told it's \$150 for each of those photos. You might have eight or nine of those photos for the Lower Bear.

CHAIRMAN JIBSON: The main item of expense, then, if we decided to back up - would be interpreting those photos and coming up with new acreages.

MR. HANSEN: And being uniform in that interpretation. You could still end up with some error, depending on how you interpreted this; the same as we did with the other. You have to have the same team, almost, doing all three states, or you get some variation of interpretation. Another thing - what time of year do you get the flight; do you have cloud cover when you want to get it; there're all kinds of problems with U-2 that we have run into. You have some crops that come on slow, and then if you get into July you've got the grain already matured and it shows up dry. So the timing on the flight has to be very critically analyzed, and then you may find that you have clouds that day. So finding a flight may be tough. We might have to go '73, -'74, -'75, or '76, and come up with the baseline - to find the photos that will cover the area with that kind of clarity; that's beautiful! But in the real world, you won't have that.

MR. LAWRENCE: Do you need more than one flight in one given year, so that you have a spring and a fall, or something?

MR. HANSEN: Not if it's adequately timed. See, if you have maturity in the spring then you have everything showing up here, because, like this year, everything is just saturated and if you took a photo like that I don't know how - well, it has to be timed to when it starts getting dry enough that you get a difference in the clarity of the irrigation, to show that it is being irrigated. You know, you can't get a flight - in April, for instance, it would cover Salt Lake Valley great; but in Rich County you wouldn't have anything - you'd have to wait until June, or some time to get Rich County.

CHAIRMAN JIBSON: I wonder, at this point, rather than the Commission trying to make a decision here, if we just continued to refer this back to the Committee and have you kick it around and study it?

MR. DUNN: Yes, Mr. Chairman; I'd like to see that. Perhaps that May 19th or 20th time when everybody is going to look through the Bear, then we could get together, and maybe some of our staff, and figure it out - if we can't come up with an acceptable method.

MR. HANSEN: Yes, we need to find out what's available, and then report to you what is available and then make the decision how you want to go.

CHAIRMAN JIBSON: How does that sound to Wyoming? It isn't something that we have to have an answer immediately on; but if you check the Minutes carefully, from the last meeting especially, we still don't know for sure what we want to use for a base line map.

MR. LAWRENCE: I think that's what we ought to do. Does that have to be cranked into our budgets too, and we need to - not into the Commission budget, but Ken and I and Wyoming have to figure how we are going to satisfy that requirement. Do you want a Motion that we will refer that back or do we just do it?

CHAIRMAN JIBSON: I think it should be alright to refer it back for continuing study of the State Engineers' Committee.

MR. HOLMGREN: I would so move.

MR. GILBERT: I'll second that.

CHAIRMAN JIBSON: Any further discussion? All in favor? Opposed?

MOTION CARRIED.

CHAIRMAN JIBSON: Our second committee report - you will recall in the last meeting we discussed what is defined as 'domestic use' under the Amended Compact, and it was decided that it would be desirable if Wyoming would bring us a suggested definition. You'll recall that the Compact says it is as defined under state law - so it doesn't mean that with your definition this Commission is going to say 'alright, this is the definition'. But the definition that you bring us, as I understand it, would be about what you may take to your Legislature, in your state, to define 'domestic use'. Can we have a report then?

MR. STOCKDALE: Mr. Chairman, I'm Dick Stockdale, Ground Water Geologist from the Wyoming State Engineer's Office.

Perhaps a little history might be in order here, so that we're all talking from the same vantage point. At the November 22 meeting there was quite a lot of discussion concerning the different statutory definitions of 'domestic use', both in Idaho and in the State of Utah. It appeared that there was sort of a problem associated with definitions,

ranging from one that was relatively generalized in the State of Utah, to one that is pretty specific in the State of Idaho, and Wyoming kind of fell in the middle of all this. Part of the problem that we felt arose on this, was the business of all the small-type, miscellaneous uses that were being made in the Evanston area; primarily oil-field related offices, shops, this type of thing. After considerable discussion, Mr. Skeen pointed out to the Commission that he felt the only way the Commission could adopt any type of definition of 'domestic use' was to have it changed in the state statutes.

With that in mind, George Christopoulos and I put together a definition of 'domestic use' related primarily to our own statutes, tailored to amend those so that we might get some of these miscellaneous uses into some type of tested definition. The major problem that we encountered was that under Wyoming law we have what's called a 'Preferred Use Statute' which has two connotations; surface water 'preferred use statute' relates to the method by which different types of uses can be condemned and the domain can be complete. In the case of our groundwater statutes, 'preferred uses' relate very specifically to stock and domestic uses being preferred over any other use. So there is a distinction there, and I'm not sure that the other states have that distinction; but in Wyoming we certainly do. What this statute tells us is that any stock in a domestic well, in theory at least, at this point in time, has a better right than a well that's used for any other purpose - irrigation, municipal, and so forth.

We have been advised by our attorneys that they feel that this statute is probably unconstitutional; but until it's tested, they have nothing more to go by than that statute. So as a consequence, we had to try to figure out some way to get around this 'preferred use' means. What we did was to take an approach similar to what Colorado has done. In Colorado you can get two different types of domestic uses. You can get a domestic use which would be for household use and the watering of lawns and gardens; or, you can get a domestic use that is strictly for use within that household. There are the two types of use. What we've attempted to do is come up with a definition which would be a 'preferred domestic use', and a 'non-preferred domestic use'. 'Preferred domestic use' would be in the traditional sense, a single-family dwelling, the

maximum quantity of water would be appropriated at 25 gallons a minute, and the amount of commercial use of water for the irrigation up to one acre of lawns and gardens. The 'non-preferred use' then, would be the appropriation of underground water for 'non-preferred domestic use', and would be defined as follows: "to be used for non-commercial, potable, and related sanitary water use in the irrigation of lawns where the area to be irrigated does not exceed one acre, or the yield or flow of the well does not exceed .056 cfs or 25 gallons a minute".

Now, what transpired with this proposed definition, and in going back through the Minutes, George has indicated that the approach he wanted to take was to try to go to our Legislature and get the statute changed before it ever came back here. We approached our legal staff with this idea and fortunately we ran into some very philosophical differences with our lawyers. That seems to be happening with increasing frequency. But they essentially told us that based on the problem regarding the constitutional question, concerning the preferred use statute, we would probably be far better off to not try to amend this law at this point in time. It's felt that the challenge of the preferred use statute should be made first to determine whether or not it has any validity. So as a consequence we did not introduce this proposed amendment, change to our law, and we are still back where we were in November with respect to the definition of domestic use, as far as our state is concerned. Because of that, and because of George's absence here today, I don't know if he necessarily wants to place our definition of 'non-preferred domestic use' before the Commission at this time or not. That's where things stand as far as we're concerned.

CHAIRMAN JIBSON: Do we have any comments from Utah and Idaho on this?

MR. HANSEN: I don't think I would like to go along with the definition - I would prefer to wait until George is here to discuss it.

CHAIRMAN JIBSON: Ken, do you have any comment?

MR. DUNN: Basically the same thing. The quantity is too high and the acreage is probably too high.

CHAIRMAN JIBSON: The one acre of lawns and the .056 cfs?

MR. STOCKDALE: Well, as I say the question arose and of course was prompted by construction and utilization of many of these office facilities in Evanston. As most everyone is aware, I'm sure, things have slowed down considerably, so we aren't 'under the gun' as we normally are at this point. Certainly I would suggest to the Commission that this be rescheduled as an item for the November meeting, when George is here.

CHAIRMAN JIBSON: Okay.

MR. HANSEN: Could I ask Ed a legal question? If the Commission says in the Compact it calls for a 'Commission-established procedure' or whatever - just for talking purposes, if the Commission were to accept and pass a limitation of three acre-feet per domestic use - and I don't know what it ought to be, but I'm just throwing that out - then are the three states, who may have differing laws, bound by that, within that basin?

MR. SKEEN: Well, that's easy to answer. No. I think it's up to each state legislature to define it, or for the courts.

MR. HANSEN: What I'm saying is - the states pass the Compact; and as part of that Compact they said the Commission would establish the procedure. If the Commission establishes the procedure, and you're not bound by it, why did we vote on the Compact?

CHAIRMAN JIBSON: I don't think that's right. The Commission doesn't establish a procedure for the definition of domestic use. The Compact states very clearly that this will be based on state law, so the Commission is not establishing a procedure here. Is that right, Ed?

MR. SKEEN: That's correct.

MR. HANSEN: Maybe I need to re-word it. I'll re-word it and re-read it; but there are a number of places in the Compact where we said that evaporation would be by a 'Commission-approved procedure'. What if that differs from whatever we have at stake?

CHAIRMAN JIBSON: You mean just the general case?

MR. HANSEN: Yes.

CHAIRMAN JIBSON: Do you want to answer that, Mr. Skeen?

MR. SKEEN: The Compact, of course, just provides 'as determined by State law' on domestic use, and it's not something that the Commission would have authority to determine to make binding on the three states.

CHAIRMAN JIBSON: But, Dee brings up the question, Ed - in other areas of the Compact where we say a 'Commission approved procedure', if we approve a procedure and it is not in harmony with state law, which takes precedence?

MR. SKEEN: Well, we'd have to have a little more specific question before I'd attempt to answer that.

CHAIRMAN JIBSON: Norm?

DR. STAUFFER: I'd like to try to clear it up - or muddy it up. I think the 'Commission approved procedure' is to determine the total depletion in each state. Yet on the domestic uses it says, these are excluded from the depletion; and this is the problem.

MR. HANSEN: Yes, that's what I'm trying to get at. If Wyoming is granting an acre of 56/1000 of a second-foot, and Utah is only granting 15/1000 of a second-foot and 1/4 of an acre, we've got a real disparity. And so on depletion you've got a disparity; and that's why I'm concerned. I want to get some clarity in before the Commission does approve the procedure.

MR. SKEEN: In other words, there may be a different depletion figure in Wyoming than there would be in Utah, because of a different definition of domestic use.

MR. HANSEN: Yes, there may not be a difference, in reality, in depletion but if they're excluding an acre of ground, and we're only excluding a quarter of an acre -

MR. DUNN: We exclude a half.

MR. HANSEN: And I think we have to be uniform, or we're going to start granting an acre.

MR. STOCKDALE: Well, I think this is the maximum they place on this, and in most cases there is not that much used.

MR. LAWRENCE: Is your question, Dee, do we have to go to each of the legislatures after the Commission approves the procedure, to get the legislature to ratify for the Bear River Compact a change in the law, or modification?

MR. HANSEN: I don't know what the procedure ought to be, but I want it to be uniform; or else I'll start approving everything in Rich County in one acre.

MR. DUNN: Mr. Chairman, this whole thing came up last time, and that was part of our problem. Domestic is excluded from the Compact, and George says 'well, that's easy; I'll let towns with 1,000 be domestic use'. And I guess they can do that with a state. I think Dee brings up a point; I think we've got an open-end in the Compact that we probably need to figure out a way to close up. If Dee's going to allow an acre; I'll probably allow two. (Laughter)

MR. MYERS: Mr. Chairman, this is not without precedent. There are a lot of things that have great variation, and if they say by state law, it means by state law. In Wyoming we get one second-foot for seventy acres; across the state line, on identical land, Utah gets one second-foot for forty acres; you go up to Idaho, with some variation, they get one for thirty-five acres. So this isn't the only thing where we have a variation by state law.

MR. DUNN: Well, Mr. Chairman, that's correct. Inches mean different things in different states; but the depletion is covered under the Compact for irrigated agriculture. So whatever you allow makes no difference; you have a certain amount of depletion and you can use it however you want to. But 'domestic uses' are not covered under the Compact. That's the difference.

MR. TEICHERT: I think the big question here, though, is not so much in the domestic as in these other uses; for their small uses, probably not as much as one household would use, where they just have an office with water. In most cases they won't have a lawn and their uses are smaller. Whether these should be included with domestic - where they are much smaller uses, is the question.

MR. HANSEN: My point is, I don't care what it is; only that we're uniform - that we're all doing the same thing.

CHAIRMAN JIBSON: Well, technically, it's hard to be uniform if three state laws are different.

MR. HANSEN: We don't do it by state law; it's an administrative decision.

CHAIRMAN JIBSON: So you could tie in with whatever the other two states decide.

MR. HANSEN: Yes. If they use an acre, I can change that tomorrow; I don't have any problems.

MR. MYERS: That's the kind of law to have.

MR. DUNN: I really think that it's something that we can look at if we're going to resolve domestic use.

CHAIRMAN JIBSON: Well, let's just hold it in abeyance today. We certainly are not in a position to act on it. We're not in a position to try to change the Compact; but it could be continued in the Committee, by study, so that there is some uniformity in it. So, unless you have something further on it, we'll just hold it in abeyance as of now.

MR. SKEEN: I think that's what should be done. I'll be glad to give some further thought to it, Dee; and I think it's separating state law from precedence. I think it ought to be studied with that in mind.

CHAIRMAN JIBSON: Now our next item is listed as a report on the USU contract which we've had.

MR. BUYOK: I just had one more thing. I did a study of a University of Utah irrigated acreage comparison, and I'd like to hand out the results I got from them.

CHAIRMAN JIBSON: Do you want to discuss it any, John, or just as a matter of information for the Commission?

MR. BUYOK: No.

CHAIRMAN JIBSON: In view then, of going to the next subject, and if we wanted to come back to this we can - in view of our acceptance of the budget and what we talked about with USU, the Secretary and Chairman, then, will prepare a contract beginning July 1 with USU on the basis that we have budgeted. If the states are able to come up with \$29,000 apiece, any difference will be taken out of the reserve. Is that the understanding that we all have? That we will go ahead with a new contract. So much for that. Do we have any other unfinished business that should come before the Board?

MR. DUNN: Mr. Chairman, only clarification. Will you notify everybody of that 19th and 20th tour of the areas, or what?

DR. HILL: We've got the van scheduled. We'll tell you where to meet and all that stuff. Wally, could you put together an agenda -

CHAIRMAN JIBSON: Yes, we'll work out an agenda and we'll mail it to all on the mailing list. All who can make it, we'll have to figure out a place to meet to start with.

DR. HILL: I think we could start at Logan, say around 8:00 or 10:30 in the morning on the 19th.

CHAIRMAN JIBSON: Okay, did we get John's report down at this end of the table? Do we have anything further then? If not, a Motion will be in order to adjourn.

MR. ROBERTS: I move we adjourn.

MR. GILBERT: I second.

CHAIRMAN JIBSON: All in favor? Any opposed? Meeting is adjourned.

MEETING ADJOURNED AT 1:00 p.m.

BEAR RIVER COMMISSION

STATEMENT OF INCOME AND EXPENDITURES

FOR THE PERIOD OF OCTOBER 1, 1982 TO MARCH 31, 1983

<u>Income</u>	<u>Cash On hand</u>	<u>Misc. Income</u>	<u>Approved Budget</u>	<u>Total Revenue</u>
Cash Balance 10/1/82	\$105,423.61	\$-----	\$-----	\$105,423.61
State of Wyoming	-----	-----	24,000.00	24,000.00
State of Idaho	-----	-----	24,000.00	24,000.00
State of Utah	-----	-----	-----*	-----
Interest on Savings and other income	-----	6,330.85	-----	6,330.85
<hr/>				
TOTAL INCOME TO March 31, 1983	\$105,423.61	\$ 6,330.85	\$ 48,000.00	\$159,754.46

*Funds were paid September of last year and are included in beginning cash balance.

DEDUCT OPERATION EXPENSE

EXPENDED THROUGH U.S.G.S

	<u>APPROVED BUDGET</u>	<u>UNEXPENDED BALANCE</u>	<u>TOTAL EXPENDITURES</u>
Stream Gaging	\$ 57,600.00	\$ 57,600.00	\$ -----
SUBTOTAL	\$ 57,600.00	\$ 57,600.00	\$ -----

EXPENDED THROUGH COMMISSION

Contract-Universities	\$ 45,120.00	\$ 22,560.00	\$ 22,560.00
Personal Services	9,400.00	7,575.87	1,824.13
Travel	500.00	500.00	-----
Treasurer Bond and Audit	500.00	30.00CR	530.00
Printing and Reproduction	2,000.00	2,000.00	-----
Legal Consultant	500.00	4.43CR	504.43
Office Expenses and Supplies	200.00	153.05	46.95
SUBTOTAL	\$ 58,220.00	\$ 32,754.49	\$ 25,465.51
TOTAL	\$115,820.00	\$ 90,354.49	\$ 25,465.51

UNEXPENDED CASH BALANCE AS OF 3/31/83

\$134,288.95

BEAR RIVER COMMISSION

DETAILS OF EXPENDITURES

FOR PERIOD ENDING MARCH 31, 1983

340	Van Cott, Bagley, etc.	\$	1.90
341	Sir Speedy	\$	26.95
342	Postmaster	\$	20.00
343	Utah State Treasurer	\$	16,000.00
344	Van Cott, Bagley, etc.	\$	248.10
345	Van Cott, Bagley, etc.	\$	254.43
346	Wallace Jibson	\$	1,824.13
347	Utah State University	\$	22,560.00
348	Gilchrist & Co., CPA's	\$	480.00
349	Fenton Beacon Insurance	\$	50.00

\$41,465.51

Less Savings 16,000.00

Total Expense \$ 25,465.51

BANK RECONCILIATION

March 31, 1983

Cash in Bank per Statement 04-01-83 \$ 3,216.33

Less: Outstanding Checks 50.00

Total Cash in Bank \$ 3,166.33

Plus: Savings Accounts - Utah State
Treasurer 131,122.62

TOTAL CASH IN SAVINGS AND IN CHECKING ACCOUNT \$134,288.95

BEAR RIVER COMMISSION
880 River Heights Blvd.
Logan, Utah 84321

April 18, 1983

Engineers Report

Wallace N. Jibson

1983 Water Supply and Compact Operation

Water Supply

With forecasts for flooding from so many areas in our part of the country, it is surprising and disappointing to learn that Smiths Fork is expected to yield only 80 percent of its 15-year average flow in the April-September period. Early April storms over most of the basin hopefully will mark an upward trend, and the April 1st forecast will prove to be on the low side as it was last year by about 15 percent. Forecast for flow at the point of diversion to Bear Lake also is about 80 percent, so failure to have lowered the Lake as much as desired this past year may be just what is needed.

Other flows expected past key stations in Bear River basin range from 117 percent in the Upper Bear to 89 percent in lower basin tributaries. In fact, Little Bear River apparently has the lowest forecast in the State at 79 percent. The table below compares the 1983 forecast at key stations with measured runoff in 1981 and 1982 and with the 1963-77 average runoff. The forecast falls between a dry 1981 and a 150-percent 1982.

Streamflow in Acre-Feet

April-July

	<u>Average</u> <u>1963-77</u>	<u>Measured</u> <u>1981</u>	<u>Measured</u> <u>1982</u>	<u>Forecast</u> <u>1983</u>	<u>Forecast as</u> <u>Percent of</u> <u>Average</u>
Upper Bear	114,000	100,400	145,900	133,000	117%
Smiths Fork	120,000*	60,300*	173,800*	96,000*	80%
Logan River	118,000	66,700	175,100	105,000	89%

* April-September.

Reservoirs

The near-record gain in Bear Lake during 1982 is shown in the hydrograph on page 4 along with the delayed draft that started after mid-August. Large releases continued through the fall and winter months and even up to date when 870 cfs was measured in the Outlet Canal on April 13th. Even so, with 640 cfs inflow from Bear River plus peripheral tributary inflow, the Lake level showed little change. Active storage of 1,095,960 acre-feet was being maintained at 5,919 feet elevation. This is more than a foot higher than last year, but the present potential for gain is much less, perhaps in the range of two feet.

Released water from Bear Lake plus low-elevation snowmelt, have produced early flows of about 4,500 cfs past the Corinne gage and required a few days of spilling at Cutler Dam. This, of course, is all good news to the Great Salt Lake Chemical Company.

Woodruff Narrows Reservoir on April 5th was storing a total of 45,660 acre-feet with about 5½ feet to spillway at 57,300 acre-feet. Woodruff Creek Reservoir was spilling and Sulphur Creek Reservoir was storing about 4,000 acre-feet of its spillway capacity of 7,100 acre-feet. Late snowmelt will fill Whitney Reservoir, now storing about half of its 4,740 acre-feet capacity. Porcupine Reservoir in the lower basin is storing 8,200 acre-feet or about two-thirds of its capacity.

Budget

Cooperative offerings for stream gaging are not firm at this time, but Ted Arnow is suggesting about a four percent increase in the program next year which would bring the cost per gaging station year to \$3,750. If we continue 32 gaging stations, the total cost is \$120,000 to be divided equally between the USGS and the Commission. (See Budget detail on page 5).

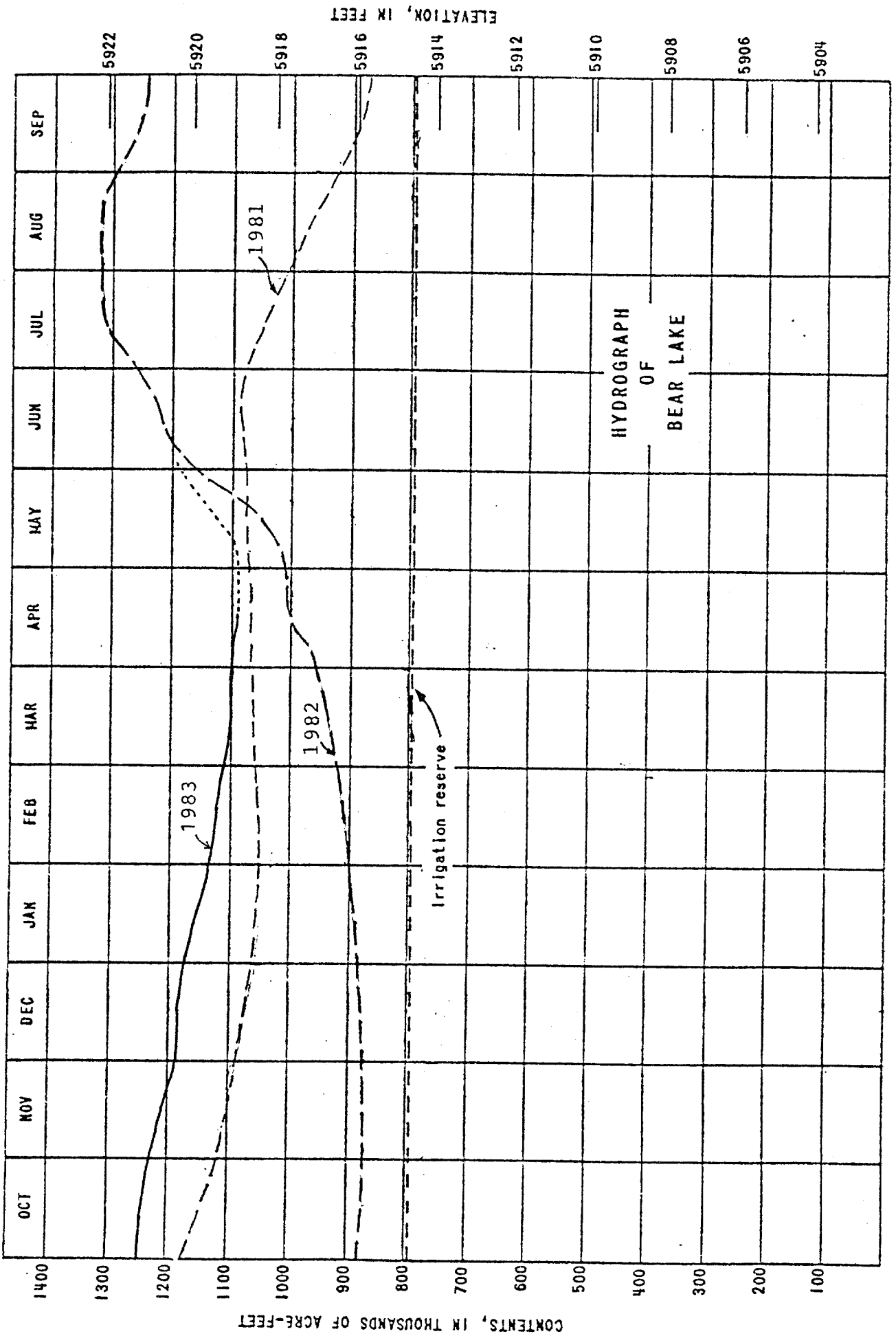
The first year of the contractual program for consumptive use studies will end June 30, 1983. Dr. Hill submitted a progress report on January 1, 1983 and was paid half of the \$45,120 first-year contract as per the agreement. As lysimeters have been purchased in the amount of \$9,000, and with no increase applied for inflation, Dr. Hill estimates a second year requirement of \$36,120 or \$12,040 per state. I have contacted officials in each state who informed me in each instance, that they could not hope to get this kind of increase over and above the regular Commission budget. The first year budget of \$45,120 is being paid from reserve funds

of the Commission. After checking the remaining balance in the reserve, we find that most of the second-year requirement could be met from this balance without total depletion, and I have suggested this as a possibility as it would be desirable to get at least two years completed of the projected 5-year study.

Accordingly, I have included this contractual service in the 1984 budget for your consideration. Ken Dunn, George Christopulas, and Dan Lawrence each felt that the last year assessment of \$24,000 to each state might be increased by about \$1,000 if the program is continued. As shown in the footnotes, if each state paid a total of \$25,000 as a regular assessment this fall, \$31,420 from the reserve would carry the study another year. (Administrative allocation has been reduced by \$1,000 for the Engineer and \$1,900 for the Biennial Report, the latter to be paid from current year budget.) Between \$12,000 and \$13,000 would remain in the reserve, following this projected obligation.

Applications for Appropriations

A summary of applications submitted since our November meeting is shown on the last three pages of this report. Several applications for industrial use, many of which are temporary permits, are reported in Wyoming. These are supplemented by other miscellaneous and irrigation requests related to the oil industry. No applications of particular significance are noted in Idaho and Utah.



BEAR RIVER BUDGET FOR STREAM GAGING AND COMPACT ADMINISTRATION

Fiscal Year Ending September 30, 1984

April 18, 1983

<u>Detail of Budget</u>	<u>Stream- Gaging Allocation (Coopera- tive Agreement)</u>	<u>Administrative Allocation (Direct Expenditure</u>	<u>Total Budget</u>
(1) Personal Services (USGS)	\$ 59,800	\$ 0	\$ 59,800
(1a) Personal Services (Engineer)	0	8,600	8,600
(2) Travel & Subsistence (USGS)	14,580	0	14,580
(2a) Travel & Miscellaneous (Engineer)	0	400	400
(3) Fiscal & Administ. (USGS, SLC)	21,600	0	21,600
(4) Washington Service Chge (USGS)	10,800	0	10,800
(5) Rental Office-Storage (USGS)	See item (3) above		0
(6) Digital Recorders (Rental, USGS)	1,762	0	1,762
(7) Supplies, Computer, Publ, Misc.	11,458	200	11,658
(8) Biennial Report (Commission)	0	0	0
(9) Treasurer Bond & Audit (Commission)	0	500	500
(10) Printing & Reprod. (Commission)	0	100	100
(11) Legal Retainer & Fees (Commission)	0	500	500
(12) Contractual Service (Consump. Use)	<u>0</u>	<u>36,120</u>	<u>36,120</u>
TOTAL	\$120,000	\$46,420	\$166,420
<u>Allocation of Budget</u>			
U.S. Geological Survey	\$ 60,000	\$ 0	\$ 60,000
Bear River Commission	<u>60,000</u>	<u>46,420</u>	<u>106,420**</u>
TOTAL	\$120,000*	\$46,420	\$166,420

*32 gaging stations at \$3,750 per station year.

**\$35,473 per State or \$25,000 per state and \$31,420 from reserve.

\$23,433 per state if Consumptive Use Study is deleted.

Presented to Commission: 4-18-83

Applic. Number	Date of Filing	Name	Source	Use	Location	Amount (cfs)	Act'n
STATE OF WYOMING (EXCLUDES DOMESTIC AND STOCKWATER)							
* 24 1/311	11-8-82	Country Club Cons.	Bear River	Ind.	S1T16N.R.121W Uinta	0.30	App.
* 24 2/311	11-8-82	Jim's Water Serv.	Yellow Cr Trib BR	Ind.	SE 1/4 SE 1/4 S24, T15N R121W	0.44	App.
* 24 3/333	12-8-82	Big K Corp.	Twin Cr Tr-BR	Ind.	S4T21N, R118W Linc.	0.444	App.
* 24 1/351	1-27-83	State Land et al.	Yellow Cr Tr-BR	Ind.	S12T14NR121W Uinta	0.111	App.
* 24 5/358	2-16-83	Gulf Oil Co.	Rixley Dam-BR	Ind.	S25T23NR120W Linc.	0.111	App.
* 24 4/362	2-28-83	State Land et al.	Bear River	Ind.	S25T23NR120W Linc.	0.50	App.
* 24 4/370	3-30-83	Frontier Pipeline	Bear River	Ind.	S7T14NR119W Uinta	2.81	App.
24 1/362	2-25-83	Seale & Lindley	Yellow Cr Tr-BR	Irr.	S1T14NR121W Uinta	1.60	Pend.
UW 17-4-3	11-4-82	Amoco	Ground Water	Misc.	S36T14NR121W Uinta	0.334	App.
UW 17-9-4	11-8-82	Parsons Co.	Ground Water	Misc.	S31T16NR120W Uinta	0.055	App.
* UW17-2-34	1-4-83	Amoco	Ground Water	Misc.	S7T18NR119W Uinta	0.334	App.
* UW17-3-34	1-3-83	Amoco	Ground Water	Misc.	S11T19NR118W Linc.	0.334	App.
* UW17-9-34	1-4-83	Amoco	Ground Water	Misc.	S26T13NR121W Uinta	0.334	App.
* UW17-12-34	1-10-83	Amoco	Ground Water	Misc.	S31T14NR120W Uinta	0.334	App.
UW17-9-37	1-7-83	P.C.D. Enter.	Ground Water	Misc.	S12T14NR121W Uinta	0.055	App.
UW17-4-56	2-7-83	Chevron & St. Land	Ground Water	Ind.	S36T16NR120W Uinta	0.260	App.
UW17-10-84	3-1-83	Chevron & St. Land	Ground Water	Ind.	S6T15NR119W Uinta	0.260	App.
UW17-11-84	3-14-83	Chevron	Ground Water	Ind.	S5T15NR119W Uinta	0.260	App.
UW17-12-32	12-29-82	Production Oper	Ground Water	Misc.	S18T16NR120W Uinta	0.044	Pend.
UW17-5-69	2-25-83	Seale & Lindley	Ground Water	Irrig.	S6T14NR120W Uinta	0.084	Pend.
UW17-6-69	2-25-83	Seale & Lindley	Ground Water	Irrig.	S6T14NR120W Uinta	0.120	Pend.
UW17-3-83	3-10-83	Overland West C.	Ground Water	Misc.	S19T16NR120W Uinta	0.055	Pend.
UW17-6-85	3-14-83	Utah Power	Ground Water	Misc.	S8T15NR120W Uinta	0.055	Pend.
UW17-5-87	3-17-83	Evanston City	Ground Water	Munic.	S31T15NR120W Uinta	1.670	Pend.
UW17-6-91	3-22-83	Sims & Sims	Ground Water	Misc.	S36T16NR121W Uinta	0.066	Pend.
UW17-7-91	3-22-83	Sims & Sims	Ground Water	Misc.	S36T16NR121W Uinta	0.445	Pend.
UW17-11-98	3-31-83	Amoco and BLM	Ground Water	Misc.	S22T20NR120W Linc.	0.334	Pend.
				Pending	Approved	Total	
Total Surface Water (WYO)				1	600 cfs	4.716 cfs	6.316 cfs
Total Ground Water (WYO)				2	873 cfs	2.560 cfs	5.433 cfs
In the past six months, 2.68 cfs surface water and 2.78 cfs ground water, previously reported, were cancelled.							
* Temporary Permits.							

APPLICATIONS TO APPROPRIATE WATER
BEAR RIVER DRAINAGE
STATE OF UTAH

Presented to Commission: April 18, 1983

AREA CODE	DATE OF FILING	NAME	SOURCE	USE	LOCATION	AMOUNT (CFS)	ACTION
23-3655	10/20/82	STEWART, Reid S.	STATE OF UTAH				
23-3658	12/31/82	Swan Creek Power Assoc.	Richardson Spr	Domestic	S2T13NR4E	0.222 cfs	Pending
23-3660	01/25/83	LAMBORN, L.D.	UGW-Well	Power S/I	S6T14NR5E S31T13NR6E	50.0 cfs 1.0 cfs	Pending Pending
25-8459	11/16/83	SKABELUND, R.E. & GIBBONS, G.R.	Morrison & Bowman Spr/others	Power S/I	S24T14NR1E S2T10NR1E	2.0 cfs 0.03 cfs	Pending Pending
25-8462	12/10/82	MISKIN, Kyle D.	UGW-Well	Natural Resources Res.	Cache		
25-8463	10/20/82	UTAH STATE UNIVERSITY	UGW-Well	Irrigation D/S/I	Cache		
25-8465	01/24/83	PETERSEN, Vance	Unnamed Drain	Irrigation D/S/I	Cache	0.5 cfs	Pending
25-8466	01/31/83	STETTNER, Hazel	UGW-Well	Irrigation D/S/I	Cache	0.5 cfs	Pending
25-8468	02/04/83	ZOLLINGER, Doyle	UGW-Well	Irrigation D/S/I	Cache	0.1 cfs	Pending
25-8470	02/15/83	UTAH STATE UNIVERSITY	UGW-Well	Irrigation D/S/I	Cache	0.05 cfs	Pending
25-8473	02/17/83	Cornish Town Corp	UGW-Well	D/Cul&DarRes.	Cache	0.3 cfs	Pending
25-8477	03/03/83	KIDMAN, Dennis S.	Pearson Spr.	Municipal D/S/I/Dairy	Cache	0.5 cfs	Pending
25-8480	03/07/83	JACKSON, Leroy & OLSEN, Frank P.	UGW-Well Lemon-Housely S&BeaverDam	Power	Cache	0.50 cfs	Pending
29-2813	11/10/82	STANDER, Tony L.	UGW-Tile Drains/I	Power	S32T10NR2W	2.0 cfs	Pending
29-2814	11/23/82	WILSON, Duane L.	UGW-Well	D/I	B.E. S3T11NR3W	0.5 cfs	Pending
29-2815	11/30/82	NELSON, Grant H.	Sur.Drain	D/S	B.E. S13T9NR2W	0.03 cfs	Pending
29-2816	01/12/83	Fed.LandBankAssocOfUtah	UGW-Well/Exist	D/S/I	B.E. S31T10NR3W	2.0 cfs	Pending
29-2817	01/17/83	MUNNS, Eldon T.	UGW-Well/Exist	Stockwater	B.E. S35T12NR4W	0.06 cfs	Pending
29-2818	01/17/83	MUNNS, Eldon T.	Spring Area	Stockwater	B.E. S28T12NR3W	0.10 cfs	Pending
29-2718	01/17/83	MUNNS, Jay W.	Jensen-Harris Spr Overflow	S/I	B.E. S28T12NR3W	0.10 cfs	Pending
29-2823	02/03/83	HOLMGREN, John P.	UGW-Well	Irrigation	B.E. S13T10NR3W	0.5 cfs	Pending
29-2830	02/22/83	CLARK, C.R.	Pond/Sur.run-off/slough	S/I	B.E. S6T9NR2W	0.1 cfs	Pending
29-2832	03/01/83	STEED, G. Clyde	Unnamed Str.	Stockwater	B.E. S17T13NR2W	2.0 cfs	Pending
29-2833	03/08/83	THOMPSON, Ray D	Shallow Well	Irrigation	B.E. S10T11NR3W	12.0 A.F.	Pending
29-2834	03/09/83	CUSICK, Dennis/Joyce	UGW-Well	Irrigation	B.E. S15T10NR3W	0.045 cfs	Pending
29-2837	03/28/83	MASON, Hal J.	Drains	S/I/FishCult	B.E. S17T13NR2W	0.1 cfs 30.0 A.F.	Pending Pending

PENDING APPLICATIONS: 63.237 CFS, INCLUDING 2.87 CFS GROUND WATER; AND 42.0 ACRE-FEET STORAGE

Presented to Commission: 4-18-83

Applic. Number	Date of Filing	Name	Source	Use	Location	Amount (cfs)	Act'n
<u>STATE OF IDAHO (EXCLUDES DOMESTIC AND STOCKWATER)</u>							
13-7370	10-25-82	Douglas Webb	Spring	Irrig.	S18T15SR41E	0.04	Pend
13-7373	1-7-83	Eldon I Bennett	Groundwater	Irrig.	T16SR40E	0.20	Pend
13-7376	1-18-83	David Bouck	Groundwater	Comm.	T15SR38E	0.04	Pend
13-7377	1-18-83	Evan O. Koller	Drains	Irrig.	S26T16SR38E	0.80	Pend
13-7379	1-18-83	J.L. Christensen	Spring	Comm.	S32T13SR41E	0.13	Pend
13-7380	1-18-83	J.L. Christensen	Spring	Comm.	S05T14SR41E	0.13	Pend
13-7381	1-31-83	Ed Moser	Groundwater	Irrig.	S29T15SR40	0.08	Pend
13-7382	2-4-83	Alan Rudd	Trout Creek-BR	Power	S20T11SR41E	0.14	Pend
13-7383	2-18-83	Alan Rudd	Trout Creek-BR	Power	S16T11SR41E	0.14	Pend
13-7384	2-25-83	Lavell Koller	Drain	Irrig.	S24T16SR38E	0.80	Pend
13-7385	2-25-83	Lavell Koller	Spring	Irrig.	S13T16SR38E	0.10	Pend
15-7085		Malad	Groundwater	Irrig.	T14SR36E	1.12	
15-7087	2-10-83	Albert Bingham	Spring	Irrig.	S26T16SR36E	1.00	Pend
				Pending			
Total Surface Water (Idaho)				3.28 cfs			
Total Ground Water (Idaho)				1.44 cfs			
<u>Change in Status, Past Six Months (Previously Reported)</u>							
52.30 cfs (including 33.95 cfs ground water) pending or approved to licensed.							
98.00 acre-feet (recreation, Boy Scouts) pending or approved to licensed.							
85.29 cfs of Ground Water and 1.48 cfs of Surface Water, withdrawn or lapsed.							