

Tri State Compact

Meeting re Bear River Compact
held March 5, 1943, in the office of the
State Engineer of Utah, 403 State Capitol,
Salt Lake City.

A meeting of representatives of Idaho, Utah, Wyoming, United States Geological Survey, United States Bureau of Reclamation and interested water users, to hear a progress report of tri-state investigations of the stream flow of Bear River and its tributaries, and to discuss plans for future investigations was held in the office of the State Engineer, 403 State Capitol, Salt Lake City, Utah, on March 5, 1943, at 10:00 o'clock a.m. The following were present:

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Thomas Curtis	Logan, Utah	U.S. Bureau of Reclamation
E. G. Thorum	Salt Lake City Utah	Utah Power & Light Co.
Robert R. Bowen	Salt Lake City	Utah-Idaho Sugar Co.
Gerald Irvine	612 Kearns Bldg., S.L. City	Utah Power & Light Co.
F. M. Cooper	Grace, Idaho	
Reid Jerman	211 Fed. Bldg., Salt Lake City	U.S. Bureau of Reclamation
M. T. Wilson	303 Fed. Bldg., " " "	U.S. Geological Survey
E. R. Thomas	Box 294, Logan, Utah	U.S. Bureau of Reclamation
F. B. Myers	Evanston, Wyoming.	
James Spofford	State House, Boise, Idaho	State Reclamation Engr.
David P. Miller	Rock Springs, Wyoming.	Supt. Water Div. No. 4
Emil C. Gradert	Robertson, Wyoming	Wyoming
L. C. Bishop	State Engineer, Cheyenne, Wyo.	"
W. V. Iorns	Salt Lake City, Utah	Assoc. Engr., U.S.G.S.
F. W. Cottrell	" " "	Chief Deputy, Utah State Engineer
L. C. Monson	" " "	Asst. Engr., Utah S.E.
R. E. Redden	" " "	Asst. Engr., Utah S.E.
E. J. Skeen	" " "	Special Assistant Attorney General, Utah
Ralf R. Woolley	" " "	U.S. Geological Survey
Ed. H. Watson	" " "	State Engineer - Utah

Mr. Ed. H. Watson, State Engineer of Utah, was elected Chairman of the meeting and E. J. Skeen was elected Secretary.

An oral report was made by Thomas Curtis, Field Engineer in charge of investigations under the direction and supervision of the United States Geological Survey and the Bureau of Reclamation. He stated that new gauging stations had been installed on Smith's Fork and elsewhere and much data had been gathered on stream flow in the Bear River and the upper tributaries. Many good records have been made of the flow of water in canals and ditches in Utah and Wyoming. Some difficulties have been encountered in employing and training dependable men to make measurements on the hundreds of small ditches and canals, particularly in the vicinity of Evanston. There have been no new ditch or canal measurements made in Idaho because of the lack of time and personnel. However, Mr. Curtis stated that the Idaho water commissioner's report and measurements made by the Utah Power & Light Company and large private canal companies are available for study and contain excellent records. In Cache Valley a start has been made to get measurements in all pump areas but no effort has been made to get reports on tributaries of the Bear River, including Logan River, Blacksmith Fork River and the smaller tributaries between Logan and the Idaho line. He reported that office computations are in progress and are approximately 80 per cent completed.

The question was presented to the meeting as to the extent and nature of investigations for the coming year. In this connection, the problem of measuring small scattered ditches and canals was discussed at length. The advisability of installing measuring devices of various types and the possible methods of financing such installation received

careful consideration, and it was decided that each state should do what it can to encourage installation of proper devices and in the meantime should arrange for measurements by water commissioners or ditch riders who would act under the direction and supervision of the field engineer.

L. C. Bishop, State Engineer of Wyoming discussed his experiences on other compact commissions, particularly with reference to the basis for division of water among the states and he suggested that perhaps the "divertible flow" idea could be used to advantage in a Bear River compact. This prompted a general discussion of possible means of dividing the water by compact. It was concluded that any such discussion was premature until the results of investigations of stream flow and water use are available and study has been made of the facts. The necessity of including all tributaries and diversions in the investigation was questioned and after a general discussion it was decided that they should be included so far as funds are available.

After a discussion of the financial aspects of the investigation, it was moved by L. C. Bishop and seconded by James Spofford, that the following resolution be adopted:

BE IT RESOLVED: That investigations of stream flow of the Bear River and tributaries be continued for the year beginning July 1, 1943, in cooperation with the United States Geological Survey and the Bureau of Reclamation in the same manner and to the same extent as in the past; and that the same financial arrangement be continued, to-wit: not to exceed \$10,000.00 to be expended annually, which shall be contributed as follows:

25% by the U. S. Bureau of Reclamation
25% by the U. S. Geological Survey
16-2/3% by the State of Idaho
16-2/3% by the State of Utah
16-2/3% by the State of Wyoming.

BE IT FURTHER RESOLVED: That in addition thereto, each state provide competent gauge readers to take measurements on all diversions from the river and its tributaries in such state, under the direction of the United States Geological Survey and the Bureau of Reclamation engineers; and,

BE IT FURTHER RESOLVED: That each state proceed as fast as practicable to require the installation of necessary measuring devices.

The meeting adjourned at 12:30 p.m. and reconvened at 2:00 p.m., at which time the above resolution was read and unanimously adopted.

It was agreed by those present as follows:

1. As soon as water commissioners, ditch riders or water masters are appointed, in accordance with the foregoing resolution, notice of their appointment should be given to the Logan office of the Bureau of Reclamation.
2. Money contributed by the three states need not be expended in the state which made the contribution but may be expended anywhere that necessity requires.
3. Official representatives of Idaho, Utah and Wyoming, and the interested federal agencies, should each have at least two copies of all reports of investigations. Copies should also be provided for the Utah Power & Light Company and other private companies cooperating in gathering essential data.
4. Copies of all Minutes of Meetings should be sent to all who attend the meetings.

It was suggested by Mr. L. C. Bishop that the Tri-State Committee should take necessary steps to get Congressional authority to make a compact. No official action was taken on this suggestion.

Ed. H. Watson, State Engineer of Utah, was unanimously elected Chairman of the permanent Bear River Compact Committee and given authority to call meetings, confer with representatives of the interested federal agencies and handle necessary committee correspondence.

There being no further business the meeting adjourned.

Ed H Watson
Chairman.

Attest:

E J Skeen
Secretary.

MEETING ON TRI-STATE BEAR RIVER HYDROGRAPHIC INVESTIGATION HELD IN THE OFFICE OF THE UTAH STATE ENGINEER, 403 STATE CAPITOL, SALT LAKE CITY, MARCH 5, 1943, at 10:00 A.M.

<u>Present</u>	<u>Address</u>	<u>Representing</u>
Thomas Curtis	Federal Bldg., S.L.C.	U.S.Bureau of Reclamation
E. G. Thorum	Salt Lake City	Utah Power & Light Co.
Robert R. Bowen	Salt Lake City	Utah-Idaho Sugar Co.
Gerald Irvine	612 Kearns Bldg., S.L.C.	
F. M. Cooper	Grace, Idaho	
Reid Jerman	211 Fed. Bldg., S.L.C.	U.S.Bureau of Reclamation
M. T. Wilson	303 Fed. Bldg., S.L.C.	U.S.G.S.
E. R. Thomas	Box 294, Logan, Utah	U.S.Bureau of Reclamation
F. B. Myers	Evanston, Wyoming	
James Spofford	State Reclamation Engineer, State House, Boise, Idaho	Idaho
David P. Miller	Supt. Water Div.No. 4, Rocks Springs, Wyoming	
Emil C. Gradert	Robertson, Wyo.	
L. C. Bishop	State Engineer, Cheyenne, Wyo.	Wyoming
W. V. Iorns	Salt Lake City	Assoc.Engr. U.S.G.S.
F. W. Cottrell	Salt Lake City	Chief Deputy, Utah State Engr.
L. C. Monson	Salt Lake City	Asst. Engr., Utah State Engr.
R. E. Redden	Salt Lake City	" " " " "
E. J. Skeen	Salt Lake City	<i>Attorney</i> , State Engineer's office
Ralf R. Woolley	Salt Lake City	U.S.G.S.
Ed. H. Watson	Salt Lake City	State Engineer.

Mr. Watson conducted the meeting.

* * *

Mr. Curtis of the Bureau of Reclamation was reporting on the work done on the river and particularly on Mr. Baird's (?) record, which he considered a very good record. On Smith's Fork - that is very important, but that has relatively a large amount of water and to cover that we have two new gaging stations. They are working out very successfully. On the Idaho side, running from the border to here, up to Grace and Soda Springs, we have not had the personnel, time or anything else to go into that territory at all. The data we have on hand is Mr. Barrett's water commissioner report. In the Cache Valley area, we started to get measurements on all the pump areas. We got started late and have not completed all that data yet. There are difficulties with the pumps discharging at the different levels, and we have to work that out still. There is nothing new on the Cache Valley area. The office computations are probably 80 per cent complete, leading toward a synopsis report of what we have done. I cannot give you offhand any of the results

because there are too many ifs and ---- . I think it is up to this meeting now to tell us what they want and where they want us to go. We do not know where to go from here and that is the reason for this meeting.

~~Mr. Spafford~~

Mr. Spofford: In regard to Idaho area, beginning at the border, do you expect to have the personnel and equipment this summer to go ahead and complete data that will be sufficient for compact purposes?

Mr. Curtis: Just among ourselves, I would say yes. - Most of the gaging stations are now in.

Mr. Spafford: In the big canals like the Last Chance, they probably have a fair record of their deliveries?

Yes.

Mr. Cooper: We have very good records. The record is kept separately. The difference between the release storage and the natural flow is kept distinctly separate.

Mr. Curtis said that the smaller ditches in the scattered territory is the hardest problem.

Mr. Spofford said the important point that should be considered is the extent or reaches of the stream that should be covered by the compact. At the present time he thought the entire river should be studied and later on we would know how and to what extent we would want to cover the stream with this compact administration.

Mr. Curtis: If we had an hydrographer at Evanston, the state would need a water commissioner at Evanston to take care of the state adjudication of water to the ditches. That is none of the business of an investigation committee at all, that is purely administration. I vision the hydrographer to carry on with the one or two river riders. If it were possible in the tri-state idea for the installation of measuring devices in that area so that the hydrographer, who is high priced, would not have to stop a half hour and measure the ditches -- it would be much cheaper in the long run. That is the big problem up there, there are so many small ditches. (Mr. Curtis mentioned how Mr. Martin works and the kind of records they have - and don't have - and that from June the record is perfect)

Mr. Miller said he thought they could be assured of the cooperation from Wyoming. We will try our best to see what can be done.

Mr. Curtis: I should like the meeting to go ahead and tell us what to do.

Mr. Bishop suggested that a plan be worked out similar to the plan and what the compact commissioners on the Yellowstone agreed to. You simply start getting these readings on every ditch - of course you would have measuring devices in every ditch. We would take for instance from the record the amount of water that ordinarily would be available to take care of the rights up to 1910 - or whatever date

ordinarily there is water for, - and add up all of the areas in Wyoming, and in the other states, of these priorities and older, and then divide that water on a basis of proportions according to those areas. Then in the administration of it, simply have all these readings daily, or as near as you could get it - figure up the acre feet per day that is being delivered to each state and if they are short in Idaho on an 1888 priority, add up diversions in that state and in each state, and if we had a larger per cent, we would have to regulate according to priority to get that water. This seems most equitable.

Mr. Spofford: In other words, you divide the water available on per centage and priorities.

Mr. Bishop: It amounts to regulation of the stream on a priority basis.

Mr. Spofford said it ~~x~~ had been his experience that where measuring devices and weirs have been installed, people would never go back to the old method.

Mr. Spofford: The idea is to divide up the available water between the priorities irrespective of state lands and the thing now is to decide on the priorities - how you would segregate these priorities.

Mr. Spofford asked Mr. Skeen if the Bureau's measurements on these areas were accepted, what effect it would have upon a federal decree - Dietrich's decree - below Bear Lake.

Mr. Bishop said it would not have any effect that anything agreed to in a compact sets aside everything.

Mr. Skeen would not agree that it would set aside vested rights.

Mr. Bishop would like to see the compact idea tried out for five years.

Mr. Cottrell said it was impossible to arrive at anything until you know what you have to divide up.

Mr. Thorum asked Mr. Bishop if he included the tributaries in the plan.

Mr. Bishop said yes, tributaries, area and all.

Mr. Thorum said it might be hard for a right on Logan River to turn water so that a right in Wyoming could get it.

Mr. Bishop said each state would regulate the priorities but when you add up the total amount of water they would get, and it would be short of the percent they would be entitled to for those priorities established in your compact, then from there on it might be over and above that.

Mr. Cottrell suggested that a complete study would be necessary before anything could be arrived at.

Mr. Spofford suggested that it would require money to finance the administration under a compact and inquired, do we have enough money to continue our investigations and also set that up at the same time, or should we continue another year to try to complete our investigations?

Mr. Skeen inquired how an equitable division between states could be accomplished if state lines are disregarded.

Mr. Bishop replied they would figure up to the priority that there would always be water for, - and ultimately figuring out so many percent for Wyoming, Utah, etc.

How will that work out with reference to return flow?

Mr. Bishop: Measure it in your ditches as you go down the line. We just count what is diverted in each ditch.

Further discussion on how to regulate as to priorities and percentages followed.

Mr. Cooper: If this comprehensive study should continue for a period of two years, don't you think that then we would be in a better position to ~~now~~ arrive at which plan we should adopt?

Further discussion re priorities and areas, and best method of distribution.

Mr. Watson suggested that we approach a plan for our present season as to what we are going to do. Asked Mr. Spofford if it was his intention to discuss the financing of the work for this next year.

It was suggested that the matter of installing measuring devices might be discussed in order that it might be determined what will be necessary and what will have to be paid for.

Mr. Jerman said the major structures are in but there is the question of the smaller ditches. "For our work then it is up to the states to decide as to how far we should go on the measuring devices.

Mr. Cottrell: From a purely distribution standpoint, you should have measuring devices at the head of the canals and that is a state function. If you accomplish that, you accomplish the thing that you ultimately have to do anyway, and if each state would solve that problem then we could clearly solve the rest of that work, and the Bureau could have the benefit of the measurements of these rivers in the various districts.

Further discussion on measuring devices, various kinds and types and how to accomplish installation, and cost of same.

Mr. Watson: If we have come to some conclusion that each state will look after its own measuring devices and install as many as possible people are willing to, then we will take up the question of financing for this year and the following year and how shall we pay for it.

Mr. Bishop said they had the money allotted to take care of the next two years but required a statement which they must have before the first of April or it reverts to the general fund.

Further discussion including who should furnish water commissioners, etc.

Mr. Jerman briefly summed up how the work had been accomplished in the past year, stating Wyoming had and was paying water masters to read gages and they were under direct supervision of the Bureau. In Idaho -- with regard to tributaries where they were part of this development, they entered in. Said Idaho has not participated in the small stream measurements - maybe it is not necessary.

Mr. Bishop said his people would not be satisfied if there were no measurements on Thomas Fork to substantiate regulation.

Mr. Curtis said Thomas Fork is covered quite well but it is very small - that there have been no records but there are only two ditches.

Mr. Spofford said it had been the policy to use the water and when the water is short to put the water master on for a few weeks and in the fall. But that if it is necessary he would be glad to follow the advice of the group and would put a water master on for a longer period.

Mr. Bishop submitted a copy of Wyoming compact.

Mr. Jerman said unless the money is available and the ditch riders are going to be available, there is no use of going ahead.

Mr. Bishop said he believed the money could be raised and did not wish to handicap the project.

Mr. Spofford said Wyoming and Utah had been furnishing more complete data to this investigation than Idaho but they can take that slack up and would work it out.

Mr. Watson said if it was desired to continue the program of \$10,000. Utah would be glad to do her part and each state pay its share.

Mr. Spofford said he felt it was only fair for them to get on the same basis with regard to water commissioners that was had in the other two states and he believed they were financially able to take care of it, and would make every effort to keep up with the other two states and were interested in securing the data for the compact and investigation at the same time.

Mr. Watson asked that the understanding with the Bureau with regard to the states participation during the next biennium be clarified and distinctly understood.

Mr. Jerman said we participate to the extent of Mr. Bishop's ability to participate which is \$3,000 for the next biennium beginning June 1st. Prior to that, we still have \$4,000 of the original \$10,000, and we think that will carry us through to the July 31st period.

Mr. Watson: How far down the river shall we go - all of Cache county or not?

Mr. Bishop: Not any farther than is necessary. Idaho should be able

to tell us how far down is it when you get below Bear Lake.

further discussion

Mr. Thorum explained what the Utah Power & Light Company was doing and said it was making a sizeable contribution of stream measurement flow - which was strictly at its own cost - that record was published by USGS - contributing a sizeable amount of data each year, particularly at Alexander, Weston, Cutler, etc. A long time record - kept up for the development program but which was not now needed from an operating standpoint. But it is kept up and is available. He felt that the tributaries are part of the main river and should be regulated.

Asked how far down the stream the investigation will cover, Mr. Jerman said up to and including the Cutler dam and the two canals below.

Mr. Cottrell: What is not taken care of:

Mr. Jerman: Tributaries from Logan river. - Blacksmith's Fork.

Mr. Wilson: There are a lot of tributaries in Cache Valley and no records of the tributary streams.

Mr. Watson: We will agree to get the information from these tributaries on the lower river.

Mr. Skeen said they are the oldest rights, are included in the Kimball decree and believed we can get them.

Mr. Watson suggested that each state assume its own responsibility in the measuring devices as we have done in the past, that we take the entire stream and all the tributaries and that we finance our program as we have in the past and cooperate with the USGS, and supply competent gage readers on all diversions in the respective states, and that the Bureau of Reclamation carry on at \$10,000 per year, as in the past.

The following ~~motion was~~ resolution, moved by Mr. Bishop, seconded by Mr. Spofford ~~and unanimously adopted~~, but suggested not be voted on until after recess for lunch:

At 2:05 p.m. the meeting of the Tri-State Bear River Committee reconvened with all present except (----3-----).

Mr. Watson called the session to order and requested Mr. Skeen to read the resolution which had been moved and seconded before adjournment.

Mr. Skeen read the resolution made by Mr. L. C. Bishop.

Mr. Jerman suggested that the resolution be amended so as to insert the U.S.G.S., making it read ~~U.S.G.S. and~~ Bureau of Reclamation and U.S.G.S.

After general discussion, it was moved and seconded that with the insertion of "and U.S.G.S.", the resolution as read be adopted. Carried unanimously.

Mr. Wilson inquired as to how long is it desirable to keep water commissioners on during the year.

Mr. Cottrell replied for the time that the water is being diverted. Mr. Jerman said the last understanding was that where streams were used during non-irrigation for stockwatering, and during high water, those men would be on hand so record would be complete.

Mr. Bishop inquired as to how long people should be required to pay for commissioners. Requirements would be different on different streams. Mr. Spofford said they would cooperate even though it might become necessary for the state to bear the expense in order to secure the readings.

Mr. Bishop suggested that in order to secure more complete cooperation, Mr. D. P. Miller of Rock Springs, Utah, should be furnished with a copy of all correspondence in the future.

Mr. Skeen called attention to the fact that it had been suggested by Mr. Jerman that a chairman of this Tri-State Committee should be appointed.

It was moved and seconded and unanimously carried, that Mr. Ed. H. Watson be appointed Chairman of the Tri-State Committee, to carry on any negotiations with the U.S.G.S. and Reclamation Service and to transmit such information to the various States.

Mr. Watson agreed to furnish Mr. Curtis with the information of water commissioners appointed and to carry out the program of going to other tributaries in Cache Valley as soon as possible.

Mr. Jerman requested that as fast as commissioners are appointed to send the information either to the Bureau or to Mr. Thomas, or Mr. Curtis at the Logan office.

Mr. Jerman said that a year ago when we started this, a request was made that each of the participating agents should have a copy of the report. Mr. Spofford has just said that he would like one in his office and that he knows that the Idaho group would like a copy. If we make two copies each, one as a circulating copy and the other to remain in the office, would that be sufficient? It was consensus of opinion that one in each of the five contract departments and one for the agency would be sufficient.

It was agreed money contributed by one state could be expended anywhere that necessity demands on the river.

Further discussion on compact features followed. Mr. Wilson said that the National Resources Planning Board ~~had~~ had compiled all the river compacts. Mr. Bishop suggested that it would be well to get authorization from Washington and also secure the aid of a federal representative when negotiating a compact, and recommended that Mr. Wayne of the Federal Power Commission.

Mr. Watson asked if there was any further business to come before the group.

There being ~~no further~~ nothing further to be considered, it was moved and seconded that they ~~be~~ adjourn subject to call of the Chairman.

March 5, 1943

Mr. L. C. Bishop of Wyoming, moved the adoption of the following resolution:

BE IT RESOLVED: That investigations of stream flow of the Bear River and tributaries be continued for the year beginning July 1, 1943, in cooperation with the U.S.G.S. and the Bureau of Reclamation in the same manner and to the same extent as in the past; that the same financial arrangement be continued, to-wit: not to exceed \$10,000.00 to be expended annually, which shall be contributed as follows:

- 25% by the U.S. Bureau of Reclamation
- 25% by the U. S. Geological Survey
- ~~25%~~
- 16-2/3% by the State of Idaho
- 16-2/3% by the State of Utah
- 16-2/3% by the State of Wyoming.

BE IT FURTHER RESOLVED: That in addition thereto, each state provide competent gauge readers to take measurements on all diversions from the river and its tributaries in such state, under the direction of the Bureau of Reclamation engineer;

U.S. and the

AND, BE IT FURTHER RESOLVED: That each state proceed as fast as practicable to require the installation of necessary measuring devices.

The motion was duly seconded by Mr. Spifford and unanimously adopted.

Motion that Watson serve as chairman to prepare report on the river.

*Mr. Larson to be deputy - District Party
to report to same office of water commission.*