

BEAR RIVER COMPACT COMMISSION

Transcript
of
Meeting
held
January 28, 1955

Room 307
32 Exchange Place
Salt Lake City
Utah

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Melvin Lauridsen	Montpelier, Idaho
J. Warren Serrine	Dingle, Idaho
A. R. Linford	Raymond, Idaho
Harold D. Walter	Cokeville, Wyoming
Wesley W. Hubbard	Grace, Idaho
Harley Cochran	Pegram, Idaho

UTAH:

Robert B. Porter	Assistant Attorney General, Salt Lake City, Utah
Gerald Irvine	Utah Power and Light Company Salt Lake City, Utah
E. G. Thorum	Utah Power and Light Company, Salt Lake City, Utah
Ford F. Scalley	Utah-Idaho Sugar Company, Garland, Utah
C. O. Roskelley	Engineer, Utah-Idaho Sugar Company, Salt Lake City, Utah
A. V. Smoot	Corinne, Utah
W. A. McMurray	Deseret Livestock Company, Salt Lake City, Utah

WYOMING:

H. T. Person	Dean of the School of Engineering, University of Wyoming, Laramie, Wyoming
F. B. Myers	Evanston, Wyoming
Arden Pope	Sage, Wyoming
David P. Miller	Rock Springs, Wyoming

and Mr. Kulp indicated to Mr. Clyde last week at Portland that they would not be able to attend the meeting on January 21 as originally arranged.

E. J. Skeen,
Secretary."

THE CHAIRMAN: If you will come to order we will go ahead with the meeting of the Bear River Compact Commission. I believe we have some new advisers or new attendance this morning. Would the Commissioners care to introduce the ones from their own area? Idaho?

COM. COOPER: I would like to introduce Wesley Hubbard, who is the President of the Last Chance Canal Company. I would also like to introduce Mr. Linford--you were introduced last time, weren't you?

MR. LINFORD: Yes.

COM. COOPER: And Mr. Graydon Smith, our Attorney General, is here.

MR. LAURIDSEN: There are two more boys from Bear Lake: Harley Cochran from Pegram, and Harold Walter is from Border.

THE CHAIRMAN: Is that all for Idaho?

MR. MERRILL: Mr. Serrine wasn't here last time.

MR. LAURIDSEN: They all know him.

THE CHAIRMAN: Wyoming, have you anyone?

COM. BISHOP: I don't think we have any new ones. We have Mr. Miller, Mr. Myers, and Mr. Person. Anybody else

from Wyoming? Oh, and Mr. Pope.

MR. POPE: From Sage.

THE CHAIRMAN: We have the transcript of the last meeting available for you to look at; and if you can sometime go over it, then we can approve it for the record. I would like to say that at the last meeting you made some kind of a record. Mrs. Crowder, who has had considerable experience in taking the proceedings in compact commission meetings, said this is the longest one-day transcript she has ever written, and it is divided into three parts, the morning session, the afternoon session, and the night session. She had a debate in her mind whether she should call it a night session or an evening session. An evening session usually goes to nine or ten o'clock, and since we went to twelve, she called it a night session. There are 235 pages for you to look over before we approve the minutes.

MR. KULP: The newspapers would call it the sunrise edition.

THE CHAIRMAN: I imagine Mrs. Crowder took testimony for rather long sessions of the Colorado River Commission, which held forth for many years, but still this is a longer record.

COM. BISHOP: I think we should give Mrs. Crowder the privilege of cutting out everything that is irrelevant and immaterial, in which event it could be reduced to 25 pages.

MR. KULP: To about two pages.

THE CHAIRMAN: It is too late now; we already have

the transcript.

COM. BISHOP: I think she should charge for it just the same. I don't mean we will cut her short on the fee.

THE CHAIRMAN: Your suggestion might be a good thing to put in a little bit later in the day, depending on what takes place, Mr. Bishop.

I think the first thing we should do here is to call for any comments that any of the State Commissioners may have since the last meeting. Are there any comments that you care to make, Idaho?

COM. COOPER: At our last meeting I think we tentatively agreed on the deletion of Paragraph A under Article IV:

"When the direct flow of water in Bear River at Border Gaging Station is less than 400 second-feet, no diversion from Bear River for irrigation shall exceed one second-foot for each 50 acres of land."

Now we have discussed this question of the protection of the rights of the users on Bear Lake, that is, the irrigation users, the contract with the users in Bear River Valley; and we want inserted at the end of Paragraph B in Article V, after the tabulation there of "Additional storage," "Lake surface elevation"--

MR. PERSON: What page is that, Fred?

COM. COOPER: It is on page 15, just previous to C-- add it on to Paragraph B:

"Water emergencies shall be deemed to exist in the

Upper and Central Divisions whenever the waters of Bear Lake are at or below an elevation where all of the water stored in such lake shall, under the terms of this Article, constitute a reserve for irrigation."

COM. CLYDE: May we ask Fred to read that again slowly? I couldn't catch all that.

(Proposed language reread.)

MR. MERRILL: Do you want the reinstating of A that you read?

COM. COOPER: No, I made a statement that we temporarily agreed on that deletion but we wanted this other in. Now the reason for that is, you will note that in B under V, this statement is made:

"The waters of Bear Lake below elevation 5,912.91, Utah Power & Light Company datum (the equivalent of elevation 5915.66 feet mean sea level datum 1927 adjustment) shall constitute a reserve for irrigation."

We feel when the Lake reaches that point, that the users upstream who have been granted this allotment of 35,500 acre-feet in Utah and Wyoming, and a thousand feet on Thomas Fork for use in Idaho--we feel that they should participate in the sharing of the lack of water and that their amount should be reduced accordingly. In other words, when this critical area is reached, we don't feel that it is fair for them to be permitted to take their full allocation and thus reduce the chances of the rights of the users below being filled. We

don't think that is fair.

COM. CLYDE: Mr. Chairman--

THE CHAIRMAN: Mr. Clyde.

COM. CLYDE: I may not understand fully, Fred, what you are getting at; but it was my understanding that the thing you are proposing is now fully covered in the setting up of that irrigation reserve. That is what we set it up for and that is the reason we start off with zero and increased the reserve as the storage increased. If there is no storage, then there need be no increase in the reserve. But the basic reserve which starts off with zero, 5912.91--that is your basic reserve as it now stands with no upstream storage; and as upstream storage is permitted, that irrigation reserve is increased for the express purpose of taking care of it. Therefore, I can't quite see the point of it. Maybe I have missed something.

COM. COOPER: Maybe I have missed something from your point of view, Dr. Clyde. But we contend that when it reaches this critical area, those upstream should be reduced in the supply granted them from this allocation. You can reduce it percentagewise or otherwise; but we feel that when a critical period is reached, they should not be permitted to continue storing while our supply, which is a supply for irrigation, shall continue to be in jeopardy.

MR. JIBSON: Are you defining a water emergency with respect to storage or direct flow irrigation?

COM. COOPER: I am defining it, when it gets to this point they can't store any more until we are restored to a higher level.

MR. JIBSON: You are speaking strictly of storage, not of any direct flow emergency? You see, we have a water emergency defined on direct flow rights during the irrigation season. You are not referring to our direct flow allocations, are you?

COM. COOPER: No.

MR. JIBSON: You are just referring to the off season, the storage season?

COM. COOPER: That is right.

COM. BISHOP: Isn't it true, under the Article the way it is lined up, all the Power Company has to do is pump more water and keep us from storing any water upstream?

COM. COOPER: No, that isn't the condition at all, Mr. Bishop. There is this critical elevation; this elevation is set up here for the purpose of protecting lower users' irrigation rights.

COM. BISHOP: I am in favor of protecting the irrigation users, but I can't see why the Power Company can't just pump all the water they want to and cause it to get down to this elevation where we can't store any more. It seems to me it is entirely in their hands to pump all they want to and keep us down there to where we can't store any water at all.

COM. COOPER: We are not interested in protecting the

rights of the Power Company at all. What we are interested in is protecting the rights of the irrigators--

COM. BISHOP: That is true, Fred.

COM. COOPER: --and that is the point exactly. When you get to this point, 5915.66, and you are permitted to continue to store, then it continues to reduce the Lake. Our experience of '34 taught some of we older men like Dr. Clyde and myself that there must be some more protection put in there, because we had to divide that water in cupfuls.

COM. BISHOP: But it isn't your irrigation diversions that puts it down to that point; and the point I am making is that the more the Power Company pumps, the lower the water level goes.

COM. COOPER: But if they continue to pump, they are jeopardizing their own rights, because they are going to get in difficulty with the water users and the Utah-Idaho Sugar Company. What I am contending is, when it reaches this point, then you people ought not to be permitted to take your full allocation and continue to take it.

MR. PERSON: Fred, I am not quite clear what this means. You say when the storage gets below a certain point-- I know what point you are talking about, I understand that-- you say a water emergency shall exist. You mean then our regulation goes into effect of 43-57?

COM. COOPER: That is exactly right.

MR. PERSON: In the Upper Division?

COM. COOPER: That is right.

MR. PERSON: Is that what you mean?

COM. COOPER: That is what I mean, that it goes into effect, that a water emergency shall exist. Now I made a misstatement to you there a minute ago.

MR. JIBSON: That was what I was trying to get straight, whether you were talking about direct flow or storage rights.

COM. COOPER: That is right.

MR. JIBSON: I wanted to get that straight.

MR. PERSON: What you are trying to do with this language: Whenever we are getting into this irrigation reserve, then our Division goes on 43-57--

COM. COOPER: Yes.

MR. PERSON: -- and whatever it is in the Upper Division--49.3 in the Upper Division, and so on.

COM. COOPER: There will be an emergency exist and there will be regulation.

COM. CLYDE: I am still confused; will you try to help me out. This language that you use here, "Water emergencies shall be deemed to exist in the Upper and Central Divisions whenever the waters of Bear Lake are at or below an elevation where all of the water stored in such lake shall, under the terms of this Article, constitute a reserve for irrigation." Now that is the language you want to add. Now what is the specific meaning of that?

Let us take an example here. Supposing we have builded 10,000 acre-feet of additional storage, which places the limit of 5913.56 as the point below which all the water in the lake will constitute an irrigation reserve. Now am I clear up to that point?

COM. COOPER: Restate that again. I am not clear on just what you mean.

COM. CLYDE: Supposing we have builded under the terms of this Compact, 10,000 acre-feet of additional storage. Under the Compact, on page 15, that would fix the elevation of the lake surface at 5913.56. And your amendment would say that whenever the level got down to the level of 5913.56, all the water in the lake below that point would constitute an irrigation reserve. Is that what you mean by this amendment?

COM. COOPER: That is right. That is right.

COM. CLYDE: Well now, where do we go from there? What is the meaning of it? We have already got it fixed in this Compact on page 15. That is what the table is for, it fixes the reserve.

MR. JIBSON: Mr. Chairman, I think what he means there--if I get it right, Mr. Clyde--is that it is a further criteria of when a water emergency exists. In other words, we have a criteria now that when the flow at Border gets to a certain point, or the divertible flow gets to a certain point and the divertible flow in the Upper Division gets to 1250, a water emergency shall be deemed to exist and we go on a percentage

allocation. As I get the proposal here, it means that this is a further water emergency; whenever the lake is below that point, a water emergency would be in existence and we would be on that percentage allocation from the time it is below that point in the irrigation season. Is that right?

COM. COOPER: That is correct.

MR. JIBSON: It has nothing to do with storage in the storage season. It has nothing to do with the storage above Bear Lake during the storage season.

COM. CLYDE: You say this has nothing to do with the amount of water we can put in storage?

MR. JIBSON: Not as I get it. It deals only with direct flow rights, and it just places another time on which our percentage allocations would go into effect on direct flow irrigation rights, as I get it.

COM. CLYDE: Is that right?

COM. COOPER: That is right.

COM. CLYDE: I appreciate that clarification because I tied this up with the amount we could store. If ^{it} has no tie-up with the amount we can store, it is just an additional definition of your water emergency. It says that when the lake gets down to that point, we have an emergency, and the direct flow rights shall be divided as proposed; is that the understanding?

COM. COOPER: That is right.

MR. JIBSON: Technically, it might be under Article

IV rather than Article V, since that is the meaning.

COM. CLYDE: That is the reason I raise the question, because this coming in Article V after Paragraph B, you would think it is tied up to the amount of water you can store. And if it isn't tied up to the amount of water you can store, I think it should be in Article IV, which states what constitutes an emergency and when we start to divide the direct flow water.

MR. JIBSON: Fred, this would be in addition to the other criteria?

COM. COOPER: That is right.

COM. CLYDE: Mr. Chairman, may I ask Mr. Jibson another question: In connection with this amendment, has there been any study made to show the relationship between the time when the emergency would take effect based upon this amendment, and the time when the emergency would take effect based on the other criteria of direct flow that we have been discussing?

MR. JIBSON: No, we haven't looked into it directly. This is the first time I have heard of the amendment. In previous studies we do have the elevations of the lake for the various years; and possibly by going back to them, we could get a quick idea, although I am not sure of it. I just haven't given it enough thought to know how it enters the picture. I mean, we might have a series of years in which the lake is below that level all the time during the series of years, which would automatically mean that you would have a water

emergency and be under control from the beginning of the irrigation season each spring. You would have an automatic allocation right from the beginning of the irrigation season. I can think of a few years of that. In 1954, for instance, the lake passed through the present emergency sometime in July, which wouldn't have entered the picture because we would have been in a water emergency prior to that time anyway because of direct flow limitations.

COM. CLYDE: Let's take a year like 1952; was the level of the lake in 1952 at the beginning of the runoff season below the control point?

MR. JIBSON: No. Prior to 1954 we had a period of at least four or five years--I have forgotten exactly--when the lake was never below that point, so it would never have entered the picture.

COM. CLYDE: Then the only time that would be effective would be in a cycle like the 1930's when it was way down?

MR. JIBSON: From 1930 until about, I believe, 1946, why the lake was below this level a good deal of the time.

COM. CLYDE: This amendment would put the river under control whenever the storage in Bear Lake was below a given elevation--

MR. JIBSON: That is what it amounts to.

COM. CLYDE: --regardless of what the flow in the river was.

MR. JIBSON: That is right.

COM. CLYDE: If the lake was down, it would put the stream under control.

COM. COOPER: That is right.

THE CHAIRMAN: Further comments?

COM. COOPER: I move, Mr. Chairman, that that amendment be inserted into the Compact.

MR. PERSON: This is kind of a new idea. That is, I don't know what our Commissioner thinks, but I would like to think about this. It is a completely new idea. Frankly, I think what it does--that is, offhand--Fred, is just makes a lot of regulation that is completely unnecessary, doesn't it?

COM. COOPER: If you are not taking into consideration the rights below Bear Lake, why, it would be unnecessary. But if you would like to consider them, then it is necessary.

MR. PERSON: It puzzles me. Take the Upper Division. They get 40.5 percent and we get 49.3 percent; and Upper Utah gets 0.16 percent; and the next Section, 9.6 percent. How is that going to help Bear Lake if we give some of it to Utah? And that is what this regulation would do, wouldn't it?

COM. CLYDE: May I comment on that, Mr. Chairman?

THE CHAIRMAN: Mr. Clyde.

COM. CLYDE: Let us take a case where the lake is below this controlling elevation, we will say of 5913.56--just assume we have got 10,000 acre-feet of storage. And we come along to a year and we operate under the terms of an emergency which says whenever the divertible flow in the Upper Division

reaches 1250 we go under regulation. Now if that divertible flow gets down to 1250 and the lake is above this controlling elevation, then the 1250 will govern.

MR. PERSON: Yes.

COM. CLYDE: But supposing we had a flow of 1700 second-feet in the Upper Division and we were below the controlling elevation in Bear Lake, it would mean that we would have to go under regulation in the Upper Division and pass that water down on the assumption that it would get to the lake and add to that storage.

MR. PERSON: But there is nothing in this amendment that assures getting it down there. All it does is assure that we will be regulated to give you 40 percent, or whatever that percentage was. That is all it does. It doesn't get any water to the lake.

COM. CLYDE: It merely means we start dividing it whenever the lake is below 5913.56, we start regulation, and regardless of how much water there is in the river.

MR. PERSON: That is right, but it does not assure any water getting down to the lake.

COM. CLYDE: The thing I would like to see if we can get the data, is how many years in the record there was when that condition would have existed.

MR. JIBSON: If you have Report No. 24 handy, Plate 3, I believe we can get an overall picture of that quite hurriedly.

COM. CLYDE: Plate 3?

MR. JIBSON: Plate 3, which shows the Bear Lake content on September 30th each year from 1924 to 1948.

COM. COOPER: What page is it?

MR. JIBSON: It is Plate 3. It isn't page numbered.

COM. CLYDE: That is in terms of content.

MR. JIBSON: This is content. Keep in mind this is as of September 30 each year.

COM. CLYDE: Yes.

MR. JIBSON: If you drew a horizontal line at 685,000 approximately--that is the equivalent of our elevation 5912.91, I believe--the period below that line would be affected under this proposed criteria. You will notice in the period from about 1931 or 1930 on through till 1945, with a short exception in 1938 and 1939, the criteria would have been in effect during the entire period.

COM. CLYDE: About eight years of the total it would not be controlling.

MR. JIBSON: Since that time, since 1948, the lake has been above that level until 1954, I think.

MR. MERRILL: Above which level is that?

MR. JIBSON: Above our irrigation reserve level.

MR. KULP: Under the present draft of the Compact, this lake wouldn't have been regulated as it was from 1925 to 1948.

MR. JIBSON: You mean it wouldn't have been under

for that long a period?

MR. KULP: Probably.

MR. JIBSON: No.

MR. KULP: Because we would have taken care to see that the releases were for irrigation only.

MR. JIBSON: The releases prior to 1930 would have been different; therefore, the net effect on the lake would have been less than under actual conditions, that is true.

THE CHAIRMAN: Apparently there is no second to your motion, Mr. Cooper. Any second, either Utah or Wyoming? (No response.) Are there any further motions?

COM. CLYDE: Mr. Chairman, may I add a comment on that point: It appears from this Plate 3, and from a consideration of the fact that we essentially have three separate divisions, of the river, that there is no guarantee at all that any regulation in this Upper Division would ever get into Bear Lake; there is no guarantee of it as I see, by this. And all such regulation would do would be to shove this water down from the topmost division, successively down through the other divisions, and it would not be a guarantee that it would go into the lake. Now some of it may get there, but this amendment would not guarantee it.

MR. PERSON: No.

COM. COOPER: Mr. Chairman, is there anything guaranteed in this Compact? Isn't it all predicated on the flow, on the available water?

COM. CLYDE: That is the way the Compact is written now, but this introduces another provision which merely says that you are going to start regulation whether or not regulation is necessary in the respective divisions which would be affected, as I see it. It merely says that since 1926 we would have been under regulation every year, including 1952, except for those two cases.

MR. PORTER: All year.

COM. CLYDE: All year--be under regulation all the time.

MR. PERSON: I think your conclusion that it wouldn't dump any water in Bear Lake is absolutely right.

COM. CLYDE: Because the users below, when they get dry, they are going to take what is at the headgate.

MR. PERSON: That is right.

COM. CLYDE: I think we are just adding something there that isn't essential, that isn't necessary.

MR. SCALLEY: As an irrigator below Bear Lake, we are more interested in the water that is in Bear Lake. To the irrigator below, it is not a question of water going into the lake.

THE CHAIRMAN: Any further comments? There was no second to your motion.

MR. JIBSON: Mr. Chairman, just another thought on that Upper Division regulation: Inasmuch as a full hundred percent of the water is being divided, and inasmuch as either

state can take its unused allocation in the other portion of the state, I can't at the moment see where regulation would mean anything when there was a relatively large amount of water up there. I mean, it would just be a token figure in the Upper Division.

COM. COOPER: Explain what you mean by that on the board. I can't follow your thinking. It just occurs to me that if there is water saved up above and diverted into the stream rather than used--it looks to me like it would go into the lake. Just demonstrate there, will you, Mr. Jibson, what you mean by that?

MR. JIBSON: I am not sure that I can. I am not sure just how to state what I am thinking here without going into it a little deeper. Let us suppose that the divertible flow in the Upper Division is in the neighborhood of 2,000 second-feet. Under the present conditions, both states would be allowed to divert any or all of this that they could. When the divertible flow gets down to 1250, then there is some regulation; but the regulation provides essentially for a hundred percent utilization of the water. It won't be a hundred percent utilized because there will be some return flows at the lowest point in the Division which cannot be taken back up; but essentially it provides for a hundred percent utilization of it.

Now whether or not that went into effect at 1250, or went into effect at 2,000, I can see considerable difference

perhaps in the sections within the Division. But just offhand, I can't see why we will gain water at the lowest end of the Division by putting this regulation into effect up here. I may be wrong on that. I just haven't been able to think it through yet. But just on the face of it, it doesn't seem to me we are going to gain anything there.

COM. COOPER: Mr. Chairman, may I ask Mr. Jibson another question: If it were set and the diversions were cut one to 50, wouldn't that help?

MR. JIBSON: Oh yes, that is an entirely different matter there. But under the percentages as they are now set up, there is no one-to-50 lid.

In other words, Wyoming would get, say, 40 percent of this in the Upper Section of Wyoming. Well, that 40 percent of 2,000 would be way in excess of one to 50; but under the present draft of compact, they would still get 40 percent of 2,000, which may be more or may be less than they are diverting. But even if it were less and they were reduced, that water would be available for use in the two lower sections; and if they couldn't use it, the Upper Section of Wyoming would have a right to take it back up. So in the long run, you are not getting any regulation, is that right?

MR. PERSON: That will help Bear Lake, that is right. We are getting regulation between us.

MR. JIBSON: Yes.

COM. COOPER: Then isn't it your thinking that clause

would be of assistance to protecting the lower users?

MR. JIBSON: I can see where it would be of considerable assistance in the Central Division by putting regulation in effect earlier; but I am not sure that applies to the Upper Division.

MR. IRVINE: Mr. Jibson, you mean to say that the provisions relating to when regulation goes into effect are so arranged that regulation doesn't have any benefit here? Even if regulation helps the Lower Basin, that by reason of the provision that the Upper Division can take the water back up and use it elsewhere, it nullifies any effect of the regulation? Isn't that what you just said? That is what you said.

MR. JIBSON: In general terms I would say that there would be no particular benefit of regulation in the Upper Division for people below the Upper Division.

MR. IRVINE: That is quite a surprise to me. I thought it had some purpose.

MR. JIBSON: The regulation in the Upper Division, its purpose is to regulate the water between Utah and Wyoming. In an extremely dry year, Mr. Irvine, you are going to use up practically every acre-foot of water in the Upper Division--we saw that in 1954--under regulation or without regulation. The flow at Pixley Dam is practically dried up except for a little return flow that cannot be used.

Now in your wet years or in your average years, if the Lower Section in Wyoming is not using their allocation and

there is water going on through the section, the Compact allows the Upper Section of Wyoming to take that back upstream to the extent that they can. So in the average and better than average years, it essentially means that there is no regulation. There may be a few years that the regulation in the Upper Division will put more water past Pixley Dam, but in general I would say there is no appreciable benefit below Pixley Dam from the regulation up there.

COM. CLYDE: Will that hold true if you retain that provision of one to 50?

MR. JIBSON: Well if the provision of one to 50 were put into effect on everyone, why that wouldn't hold true, no. There would be considerably more water passing through the Division if you had a lid on all diversions.

COM. CLYDE: Article IV, A, says: "When the direct flow of water in Bear River at Border Gaging Station is less than 400 second-feet, no diversion from Bear River for irrigation shall exceed one second-foot for each 50 acres of land."

MR. JIBSON: That has been deleted.

COM. CLYDE: Maybe we ought to put it back.

MR. MERRILL: I think so too. There is no question about it.

MR. PERSON: Of course again, you will find that wouldn't have any effect. And that 400 you are wanting to put in all the time, I challenge you to get it through either the Utah Legislature or the Wyoming Legislature if you put it in.

MR. JIBSON: One of our points in deleting that was, after Border gets below 400--

MR. PERSON: You are below that anyway.

MR. JIBSON: --everyone in the Upper Division is below that. That isn't true in the Central Division.

COM. CLYDE: It wouldn't hurt anybody in the Upper Division because they are already taken care of; and if there were any control it would come in the middle division?

MR. JIBSON: If it were placed on the 400 again.

COM. CLYDE: Well then, there isn't any reason why it shouldn't stay there, is there? If that stays, it will do the same thing, as I understand it, that Fred is proposing with this amendment.

COM. COOPER: Virtually the same thing, yes.

MR. PERSON: It doesn't do the same thing at all. There are political reasons, that is all; just practical politics. That is, our law provides on Smiths Fork they can divert one cfs for 35 acres when the water is available, and that clause gets us into trouble. Actually it doesn't reduce the water, whether they are diverting one cfs for ten acres or one cfs for 40 acres, it all comes back anyway. There is just a short period in there. But our people for some reason object to more regulation than necessary to give their neighbors the water they need. And that is all that does; it regulates us just to regulate us.

COM. CLYDE: You are way ahead of me on the politics.

I can't keep up with that. I was looking at it from a practical standpoint. In the Upper Division it won't have any effect.

MR. PERSON: It never once went into effect.

COM. CLYDE: In the Central Division, as I see it, there would be some regulation, when there is plenty of water for everybody.

MR. PERSON: That is right.

COM. CLYDE: And that is what your people are objecting to.

MR. JIBSON: Essentially the difference in the Central Division is that it is a lid. You will recall the graphs in Report No. 28, when regulation was first initiated, the allocation to Wyoming is a flat line for a period ranging from a few days up to a month, and that flat line represents one to 50. With deletion of the one to 50, regulation would have started at the same time, but instead of a flat line, they would have been drawing 43 percent of the divertible flow, which would have put them above that flat line for those periods.

COM. CLYDE: It would have been a help to them to take it out?

MR. JIBSON: Help to Wyoming?

COM. CLYDE: Yes.

MR. JIBSON: Very certainly in the Central Division.

MR. PERSON: Actually I don't think it would mean

we would consume more water. George, you know as well as I do, there is a period when they divert one to 50, or one to 40 on Smiths Fork, and it is coming back. But our people feel our statute which allows them to divert one cfs for 35 acres has some meaning.

MR. MERRILL: That was passed after we got into this compact. Before we got into this compact, it was one to 70.

MR. PERSON: That is right, 1948. It wasn't passed for this particular one. It was passed for someplace else.

MR. MERRILL: It looks that way to us.

COM. COOPER: Our people would be happy with one to 50. If we could get a foot for 50 acres, we would be happy.

MR. PERSON: I think we should keep in mind the people on Smiths Fork. You see, it is a narrow valley and the water does come back. The other thing is, by July 10th they are always out of water; and you people, Fred, you have water until September 1st and October 1st.

COM. COOPER: Come down and visit with us, and you will find out differently. This chart here that was prepared by Mr. Iorns shows--

MR. PERSON: You don't have direct flow water but you have storage water that protects you.

COM. COOPER: We are protected but it is expensive. That protection comes expensive.

MR. PERSON: But at least you have it.

COM. COOPER: It is like high-priced insurance. We

are protected but it costs us money for that protection. It costs us definitely more than your storage is going to cost you, you see. You will agree with that, Doctor?

MR. PERSON: I think so.

COM. COOPER: Thank you, sir. If there isn't a second to this motion, Mr. Chairman, I will withdraw it. We can probably consider it later in our deliverations. But for the time being, I will withdraw the motion to clear the record.

THE CHAIRMAN: Have you any further remarks for the moment then?

COM. COOPER: Not for the moment.

THE CHAIRMAN: Have you any report to make since the last meeting, Utah?

COM. CLYDE: No, I have no further report.

THE CHAIRMAN: Any report from Wyoming?

COM. BISHOP: None from Wyoming.

THE CHAIRMAN: We have Articles IV and V yet, of course, to try to work out. Since the last meeting we have received some comments from other Government agencies.

We have in a way reached a stalemate on Articles IV and V. Article V was dependent upon an agreement being reached on IV; and the problem there, it seems to me, is a matter for settlement between Idaho and Wyoming. Now how do you want to proceed? Would the two states like to go in a caucus and see if you can work out something on that Central Division?

COM. CLYDE: I can't see any practical relationship

between Article IV and V. Can we do away with Article V and then go to Article IV?

THE CHAIRMAN: We took that up last time, and I believe it was Idaho that said they wouldn't vote on Article V until Article IV is disposed of. But we don't seem to be disposing of the Central Division very fast, and I mentioned it just as a suggestion, whether the two states would like to caucus and see if they can work out something. How do you want to proceed?

MR. PERSON: I am sure Mr. Jibson has been thinking about this since two weeks ago when we were here; maybe he has got a suggestion.

MR. JIBSON: I have a little information worked out on some of these problems that came up at the end of the meeting last time, if you care to go into that. I have got some information to distribute.

THE CHAIRMAN: Idaho, would you like that?

COM. COOPER: I would like to have Mr. Jibson, if he will, place that on the board so we can all see it and get that information.

MR. JIBSON: I have it made up (indicating documents).

COM. COOPER: Maybe your explanation of that would help.

MR. JIBSON: Yes. (Distributes document.) (See pages 29a to 29f, inclusive.)

MR. JIBSON: We had considerable discussion at our

B E A R R I V E R C O M P A C T

SUGGESTED METHODS FOR INITIATING REGULATION

CENTRAL DIVISION

Prepared by

W. N. Jibson

U. S. Geological Survey

Jan. 26, 1955

The tabular data contained herein has been assembled by request of the Idaho Commission following the meeting of Jan. 12, 1955. It includes information and suggestions offered by Mr. W. V. Iorns to Messers Person, Cooper and Merrill under date of Jan. 21, 1955.

In order to show the application of the inclusion of 400 cfs flow at Border as an equitable initiating date for regulation, Table I has been prepared for years of diversion record. The table is self-explanatory with the columns arranged to show, with a few exceptions, the earlier date first as we read from left to right. The last column shows the date under the present draft of the Compact on which Wyoming Section diversions are cut below 1 cfs for each 50 acres.

TABLE I

Year	Canal Rights at Cutler Reduced	Flow at Border drops below 400 cfs	Border below 300 cfs or Total Divertible Flow below 900 cfs	Last Chance Canal Rights are Reduced	Wyo. Diversions less than 1:5 under 810 provision
1944	July 3	July 14	July 16	July 17	July 19
1945	July 8	July 18	July 21	July 24	July 26
1946	June 26	June 27	June 30	June 28	July 9
1947	July 7	July 21	July 23	July 23	July 27
1948	July 6	June 29	July 7	July 8	July 15
1953	July 1	July 6	July 19	July 18	July 23
1954	May 13	May 25	May 30	May 15	July 6

Table II shows a comparison of the flow at Border since 1938 with the date on which the primary Last Chance rights, totalling 440 cfs, are cut. The Supplemental rights (218 cfs) of the Last Chance Canal Company have not been included in this analysis.

TABLE II

Year	Date Right Cut	Flow at Border cfs	Year	Date Right Cut	Flow at Border cfs
1938	July 23	236	1947	July 23	356
1939	May 26	466	1948	July 8	258
1940	Below all season		1949	July 17	416
1941	June 30	510	1950	Aug. 16	292
1942	June 24	392	1951	Aug. 1	393
1943	July 26	350	1952	July 26	330
1944	July 17	306	1953	July 4, 18	374
1945	July 24	304	1954	May 15	<u>497</u>
1946	June 28	366		16-year Mean	365

Tabulations under the general heading of Table III show for each year of diversion records the effect on Wyoming diversions of each of several suggested criteria. These include:

1. In Col. (4), the effect of regulation as specified in the present draft in which regulation is initiated when the flow at Border falls below 400 cfs and diversions are limited to a maximum of 1:50.
2. In Col. (5), the suggestion by Dean Person that when the flow at Border is less than 300 cfs, or the total divertible flow is less than 900 cfs, diversions in Wyoming shall not exceed 43% of the total divertible flow.

3. In Col. (6), the same criteria as in Col. (4) except 350 cfs flow at Border has been substituted for 400 cfs.
4. In Col. (7), the use of only one criteria which would initiate regulation when the total divertible flow is less than 810 cfs. The maximum rate of 1:50 prior to this date is excluded.

The period of time shown each year is the time involved when the various criteria would take effect as indicated by the short horizontal lines in each of the four columns. Total 24-hr. second-feet are shown for the period each year to indicate the difference between actual diversions and allowable diversions under each criteria. These differences are shown in acre-feet.

TABLE III

1944

Date	Flow at Border	Total Divert. Flow	Wyoming Diversions				810
			Wyoming Actual Diversion	400 and 810	300 or 900	350 and 810	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
July 13	447		382	382	382	382	382
14	387	973	395	348	395	395	395
15	348	929	395	348	395	395	395
16	317	847	383	348	364	348	383
17	306	832	373	348	358	348	373
18	300	811	366	348	348	348	366
19	289	795	371	342	342	342	342
	Total (24-hr. cfs)		2,665	2,464	2,584	2,558	2,636
	Difference (Acre-Feet)			-398	-161	-212	-58

TABLE III (Cont'd.)

29d

1945

Date	Flow at Border	Total Divert. Flow	Wyoming Diversions				
			Wyoming Actual Diversions	400 and 810	300 or 900	350 and 810	810
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
July 17	409	1,018	383	383	383	383	383
18	383	998	384	384	384	384	384
19	366	957	378	348	378	378	378
20	342	912	373	348	373	348	373
21	325	879	368	348	378	348	368
22	306	866	371	348	372	348	371
23	293	862	368	348	370	348	368
24	304	849	368	348	365	348	368
25	304	829	381	348	356	348	381
26	302	806	357	346	346	346	346
27	297	739	327	318	318	318	318
	Total (24 hr. cfs)		4,058	3,831	4,023	3,897	4,038
	Difference (Acre-feet)			-450	-70	-320	-40
			<u>1946</u>				
June 26	412		441	441	441	441	441
27	383	1,041	453	348	453	453	453
28	366	1,010	435	348	435	435	435
29	342	941	422	348	422	422	422
30	318	888	410	348	382	410	410
July 1	304	861	410	348	370	410	410
2	291	843	406	348	362	406	406
3	380	829	393	348	356	393	393
4	325	881	377	348	379	348	377
5	318	861	385	348	370	348	385
6	328	866	396	348	372	348	396
7	337	855	388	348	368	348	388
8	308	849	378	348	365	348	378
9	288	803	360	345	345	345	345
	Total (24 hr. cfs)		5,654	4,962	5,420	5,456	5,639
	Difference (Acre-Feet)			-1,370	-464	-393	-30
			<u>1947</u>				
July 20	406	914	342	342	342	342	342
21	388	952	382	348	382	382	382
22	364	923	381	348	381	381	381
23	356	900	373	348	373	373	373
24	325	886	374	348	381	348	374
25	306	830	368	348	356	348	368
26	299	819	361	348	352	348	361
27	285	808	356	348	348	348	356
28	276	779	345	344	344	344	344
	Total (24 hr. cfs)		3,282	3,122	3,259	3,214	3,281
	Difference (Acre-feet)			-317	-46	-135	-2

TABLE III (Cont'd.)
1948

Date	Flow at Border	Total Divert. Flow	Wyoming Actual Diversion	Wyoming Diversions			
				400 and 810	300 or 900	350 and 810	810
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
June 28	413		506	506	506	506	506
29	398	1,086	490	348	490	490	490
30	386	1,051	469	348	469	469	469
July 1	386	1,051	444	348	444	444	444
2	373	1,042	430	348	430	430	430
3	344	1,005	419	348	419	348	419
4	323	950	408	348	408	348	408
5	306	919	418	348	418	348	418
6	303	901	429	348	429	348	429
7	294	880	420	348	378	348	420
8	258	880	410	348	378	348	410
9	247	893	425	348	384	348	425
10	274	888	433	348	382	348	433
11	265	862	421	348	371	348	421
12	258	861	412	348	371	348	412
13	240	840	404	348	361	348	404
14	232	813	399	348	350	348	399
15	225	786	389	338	338	338	338
Total (24-hr. cfs)			7,726	6,412	7,326	6,853	7,676
Difference (Acre-feet)				-2,600	-794	-1,730	-99

1953

July 5	419	1,175	520	520	520	520	520
6	393	1,135	509	348	509	509	509
7	368	945	501	348	501	501	501
8	353	962	494	348	494	494	494
9	340	1,003	494	348	494	494	494
10	340	969	466	348	466	466	466
11	368	1,025	477	348	477	477	477
12	348	1,066	470	348	470	470	470
13	335	1,051	466	348	466	466	466
14	335	1,022	465	348	465	465	465
15	374	1,015	459	348	459	459	459
16	350	1,041	440	348	440	440	440
17	338	1,012	442	348	442	348	442
18	307	1,007	443	348	443	348	443
19	296	952	432	348	409	348	432
20	291	877	401	348	377	348	401
21	278	836	357	348	360	348	357
22	272	800	330	344	344	344	344
Total (24-hr. cfs)			8,166	6,432	8,136	7,845	8,180
Difference (Acre-feet)				-3,440	-60	-637	+28

TABLE III (CONT'D.)

1954								
Date	Flow at Border	Total Divert. Flow	Wyoming Actual Diversions	Wyoming Diversions				
				400 and 810	300 or 900	350 and 810	810	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	
May 24	416	No	No					
25	370	record	record	348				
26	352	prior	prior	348				
27	329	to	to	348		348		
28	324	June 1	June 1	348		348		
29	314			348		348		
30	298			348	—	348		
31	288			348		348		
June 1	259	944	476	348	406	348	476	
2	236	914	480	348	393	348	480	
3	210	886	480	348	382	348	480	
4	199	848	490	348	365	348	490	
5	201	851	510	348	366	348	510	
6	206	866	526	348	372	348	526	
7	226	913	548	348	392	348	548	
8	236	904	536	348	389	348	536	
9	226	888	525	348	382	348	525	
10	236	906	548	348	390	348	548	
11	239	901	545	348	388	348	545	
12	228	888	536	348	382	348	536	
13	224	872	530	348	375	348	530	
14	220	872	527	348	375	348	527	
15	218	865	537	348	372	348	537	
16	228	883	556	348	380	348	556	
17	228	903	556	348	388	348	556	
18	220	890	545	348	383	348	545	
19	214	882	549	348	380	348	549	
20	210	893	565	348	384	348	565	
21	199	925	590	348	398	348	590	
22	180	964	643	348	414	348	643	
23	177	944	649	348	406	348	649	
24	184	904	614	348	388	348	614	
25	206	954	650	348	410	348	650	
26	210	1,017	685	348	437	348	685	
27	236	1,033	691	348	445	348	691	
28	284	1,037	677	348	446	348	677	
29	275	1,015	624	348	437	348	624	
30	254	1,002	596	348	430	348	596	
July 1	234	963	579	348	414	348	579	
2	212	917	556	348	394	348	556	
3	189	874	542	348	376	348	542	
4	180	837	524	348	360	348	524	
5	173	821	511	348	353	348	511	
6	175	774	489	333	333	333	333	
Total (24-hr.cfs)*				20,186	12,513	14,085	12,513	20,030
Difference (Acre-feet)*					-15,200	-12,100	-15,200	-310

* From June 1 to July 6

last meeting as to the relationship, if any, in the flow at Border of 400 second-feet, and the total divertible flow of 810 second-feet in the Central Division. Since that meeting I have gone back into previous reports in considerable detail and have corresponded with Mr. Iorns, who originated the 400 second-feet, to try to get the facts straight on it.

THE CHAIRMAN: Would you like to wait until Mr. Merrill and Mr. Cooper get back?

MR. JIBSON: Oh yes. I didn't notice they were gone.

(Informal recess until Com. Cooper and Mr. Merrill return.)

MR. JIBSON: In order to clarify some of these things, I have prepared some tabulations which I have just passed out. I think we might go through this word for word and discuss it a little bit.

"The tabular data contained herein has been assembled by request of the Idaho Commission following the meeting of January 12, 1955. It includes information and suggestions offered by Mr. W. V. Iorns to Messrs. Person, Cooper, and Merrill under date of January 21, 1955.

"In order to show the application of the inclusion of 400 cfs flow at Border as an equitable initiating date for regulation, Table I has been prepared for years of diversion record. The table is self-explanatory with the columns arranged to show, with a few exceptions, the earlier date first as we read from left to right. The last column

shows the date under the present draft of the Compact on which Wyoming Section diversions are cut below 1 cfs for each 50 acres."

Now before going into that table, I would like to read from Mr. Iorns' letter to these three individuals in which he discusses the basis for his 400 and 810 recommendation.

"In report No. 15 a rather extensive study was made on the relation of flows at the Border gaging station and the time that rights were cut below Stewart Dam. My recommendation of limiting all rights to not to exceed 1 second-foot for each 50 acres when Border falls below 400 cfs was not based entirely on the relation of Wyoming rights, upper Idaho rights and the Last Chance rights. It took into account the relation of supplies and rights on down to Cutler Dam. The 810 divertible flow limitation is based entirely on the relation of Idaho and Wyoming irrigated acreages in the Central Division. The time of occurrence of 400 at Border and 810 divertible flow in the Central Division are not the same and were not intended to be the same. When Border is less than 400 cfs, high water is definitely over and supplies in the Central and Lower Divisions are not sufficient to provide more than 1 second-foot to each 50 acres of land. The objective of the 400 limitation is to place Wyoming on the same basis as downstream rights."

Now coming back to Table I, for the years of diversion

records, I have the first column headed, "Canal Rights at Cutler Reduced." These dates in Column 1 are the dates when it was necessary to deliver storage to the canals at Cutler. The natural flow was not sufficient to completely fill their rights. You will notice that that date in each year is earlier than any date in the successive columns.

Now the next date in each year will be when the flow at Border drops below 400 second-feet. There is one exception in 1954; the Last Chance Canal rights were reduced on May 13 and the flow at Border dropped below 400 second-feet on May 25th. But with that exception, this occurred at an earlier date than any of the successive columns.

The next column is the date on which Border fell below 300 second-feet or the total divertible flow was below 900 second-feet, whichever one happened to take precedence there. And I might state in connection with that, that the 900 second-feet total divertible flow would have been the initiating criteria in 1944, 1945, 1946, 1947, and 1948. The 300 second-feet flow at Border would have been the initiating criteria in 1953 and 1954.

The next column over is the date on which the principal rights on the Last Chance Canal Company are reduced. It is the time when the natural flow arriving below Soda Reservoir is less than 440 second-feet, which would be necessary to fill their principal right of 440 second-feet. Now that occurs in three years out of the seven prior to the time the

flow at Border was below 300 second-feet or the total divertible flow was 900 second-feet. In four of the years it occurs at a later date or equal date. But you will notice that the dates in general are fairly comparable with the exception of 1954, when there are 15 days difference between the two.

In the last column is the date under the present draft of the Compact and including the one-to-50 limitation, on which Wyoming diversions on a section basis would be less than one to 50; and in every case that occurs at a later date than any of the other criteria in this table.

That is a brief summary in tabular form of the derivation, we might say, of the 400 second-feet flow at Border. I had made the statement in the previous meeting that it was the flow that was necessary to protect the Last Chance rights. That was true, but I didn't go far enough in the light of this recent correspondence from Mr. Iorns. He had considered the other rights below Bear Lake in addition to Last Chance rights.

Now going on over to the next table--

COM. CLYDE: Mr. Chairman, may I ask Mr. Jibson one question: Does that mean in effect that it doesn't make very much difference whether it is 300 or 400, or 900 or 810?

MR. JIBSON: I think I can perhaps answer that better after I get through with the rest of the discussion that hinges onto it.

COM. CLYDE: All right.

MR. JIBSON:

"Table II shows a comparison of the flow at Border since 1938 with the date on which the primary Last Chance rights, totalling 440 cfs, are cut. The Supplemental rights (218 cfs) of the Last Chance Canal Company have not been included in this analysis."

I might state to clarify the relationship of these rights, that we have a supplemental right of 218 second-feet of the Last Chance Canal Company and a later right of 440 second-feet, which is their basic or primary right; and in between these two, we have a thousand second-feet to the Grace power plant. It is obvious from the total of these three rights that this supplemental right is cut fairly early each year. The corresponding flow at Border would be well up in the 12, 14, 16 hundreds.

COM. COOPER: Mr. Chairman, as a matter of fact we seldom get that supplemental right.

MR. JIBSON: I was going on to explain, when Mr. Iorns made his studies in Report No. 15, that apparently due to canal capacity and other causes, the 440 was about the maximum rate of diversion that was ever in the canal system. I believe in some years it did go 480 or something like that. But in general, his studies disregarded this because this right hadn't been in effect. In the wet years since that study, which took into account the years 1924-1948, the flow has been increased, and in two or three of the years there were

brief periods in which practically the entire right was diverted. But in general, this right is cut out extremely early.

MR. MERRILL: May I ask, that Last Chance Canal amount that you are considering, does that include those other rights such as the Bench Canal, the Tanner Canal, and the Gentile Valley Irrigation Company?

MR. JIBSON: No, this right includes the other rights of the Last Chance Canal, the Bench and the Tanner and so forth, with the later date of priority.

COM. COOPER: 1912.

MR. JIBSON: It does not include the Gentile Valley Irrigation.

MR. MERRILL: And the Thatcher Canal rights?

MR. JIBSON: The Gentile Valley Canal has not been considered in this because the natural gain from the spring in that area has always been able to take care of that other canal.

Table II. Our record at Border goes back to 1938. I could have extended this further back by correlating it with the record at Harer. But for the 16 years there is an average of 365 second-feet flow at Border on the day on which the primary right was cut. And you will notice the range is from 236 in 1938 to about 510 in 1941. In 1940 the right would have been cut from the beginning of the season, so we couldn't get a relationship.

Coming down to Table III:

"Tabulations under the general heading of Table III show for each year of diversion records the effect on Wyoming diversions of each of several suggested criteria. These include:

I believe if you turn over to the first portion of Table III on page 3 for 1944 and study these columns as I define the various criteria, it might be a little easier to understand.

"In Col. (4), the effect of regulation as specified in the present draft in which regulation is initiated when the flow at Border falls below 400 cfs and diversions are limited to a maximum of 1:50."

That is essentially the draft before it was tentatively modified in the last meeting.

"In Col. (5), the suggestion by Dean Person that when the flow at Border is less than 300 cfs, or the total divertible flow is less than 900 cfs, diversions in Wyoming shall not exceed 43% of the total divertible flow."

"In Col. (6), the same criteria as in Col. (4) except 350 cfs flow at Border has been substituted for 400 cfs."

In Mr. Iorns' letter to the two states, I believe that was offered as a compromise solution.

"In Col. (7), the use of only one criteria which would initiate regulation when the total divertible flow

is less than 810 cfs. The maximum rate of 1:50 prior to this date is excluded."

This was also offered as a possible extreme by Mr. Iorns, in which we pay no attention to the flow at Border but initiate regulation strictly on an 810 second-feet divertible flow without a one to 50--that would automatically be one to 50 regulation because 810 second-feet is based on one to 50.

"The period of time shown each year is the time involved when the various criteria would take effect as indicated by the short horizontal lines in each of the four columns. Total 24-hr. second feet are shown for the period each year to indicate the difference between actual diversions and allowable diversions under each criteria. These differences are shown in acre-feet."

Now the period of time involved, I have taken one day prior to the earliest date on which any one of these criteria would have taken effect, and one day later than the latest date that any of the criteria would have taken effect, in order to arrive at totals for this period each year which would indicate the difference among the various suggestions.

In 1944 the flow at Border dropped below 400, you will notice, between July 13 and 14. Therefore, the 400 and 810 criteria in Col. (4) would have taken place at that time. The total divertible flow dropped below 900 between the 15th and 16th, which would have initiated regulation under the criteria in Col. (5). The same date would have applied under

a criteria of 350 and 810 in Col. (6). And then in Col. (7), the total divertible flow dropped below 810 between July 18th and 19th, which would have initiated regulation on the 19th.

On that particular year and for that particular period--keep in mind that this is not for the entire season but just for the period to show the differences--Wyoming would have been reduced 398 acre-feet in total diversions from what they actually diverted under the 400 and 810 provisions with the one-to-50 limitation. Under the 300 or 900 they would have been reduced 161 acre-feet from the total diversions. Under the 350 and 810 they would have been reduced 212 acre-feet. And under the sole criteria of 810 divertible flow, they would have been reduced 58 acre-feet.

It is rather apparent that in a year such as 1944, the differences are small as between any of the suggestions.

Coming over to 1945, the total acre-feet involved is still not of very large magnitude. That is, between the present draft of Compact and the suggestions by Dean Person, there would be about 300 acre-feet difference--that is, the difference between 450 and 70--which wouldn't have been too large. And between the 350 and 810, and the present draft of Compact, there would have been about 130 acre-feet difference.

In 1946 the differences become a little larger and we have between 900 and a thousand acre-feet involved as between the first three methods.

MR. KULP: With a longer period.

MR. JIBSON: With a longer period during the time of the four criteria. The longer period, incidentally, usually concerns the 810 divertible flow in Col. (7) more than it does the other three.

In 1947 our differences are small again, comparable to 1945, which is usually the case in any of these studies.

In 1948, which was a drier year, you will notice that the time involved between the first three is about eight days; and the difference in this case becomes about 1800 acre-feet as between the criteria in Col. (4) and that in Col. (5), close to 900 as between Col. (4) and Col. (6).

Coming down to 1953, we see quite a difference this year. We also see quite an extension of time as between the first three methods. There is in the neighborhood of 13 or 14 days involved as between the present draft and the suggestion by Dean Person; and about 3400 acre-feet involved between the two criteria, 2800 acre-feet involved between the present draft and the criteria of 350 and 810 as suggested in Col. (6).

Then in 1954 we have a tremendous period involved, most of which enters the picture from the 810 total divertible flow. You see, we have to go from May 24th until July 5th before the 810 total divertible flow enters the picture. As between the other criteria, there are not too many days involved. But there is quite a lot of water involved between the methods, in the neighborhood of 3,000 again as between the 400 and 810, and the 300 and 900 provision. You will also

notice in this table that the principal reason for that large amount of water involved is because of the one-to-50 limitation, which would have restricted Wyoming's diversion to 348 from May 25th until July 5th. Following that time, the divertible flow is below 810 and they would have received 43 percent of the total divertible flow.

As a comparison in Col. (5), the figures following June 1st--we couldn't go clear back into May because we didn't have diversion records--the figures following June 1st are actually 43 percent of the total divertible flow. So the difference in the two columns just taken from June 1st to July 6th amounted to 3,000 acre-feet, which is essentially the difference between having a one-to-50 lid in that year and having 43 percent of the total divertible flow.

The 350 and 810 are very closely comparable in this particular year to the present draft of the Compact in Col. (4) because there were only a couple of days in which the flow dropped from 400 to 350; and Wyoming would have been limited to 348 second-feet total diversions under both criteria for the remainder of the period until they got down to 43 percent of the total divertible flow. And then here again, as in other years, the criteria under Col. (7) would have shown practically no difference from their actual diversions until July the 6th.

Now perhaps from looking through those later tables, Mr. Clyde, that will partially answer your question as to the

differences in terms of acre-feet and time involved.

Do you have any other questions on this tabulation?

COM. BISHOP: I had a question, Mr. Chairman, I would like to ask Mr. Jibson. On Table I can you give us the dates that the 900 would have applied. I believe you said in two years the 300 was the governing figure. I would like to know, if it was 900 and the 300 was cut out, what would it do?

MR. JIBSON: All right, I will give you the dates then. In 1944, Mr. Bishop, July 16th, the total divertible flow dropped below 900. Just a minute. (Examines documents.)

COM. BISHOP: As I understand it, the 900 was the governing figure until you got to--

MR. JIBSON: To 1953.

COM. BISHOP: --to 1953. And if you carried it all the way through on the 900--of course, what I would like to see is the 300 out; our people don't like the double situation.

MR. JIBSON: You want the dates in 1953 and 1954 at which the 900 would have governed--

COM. BISHOP: Yes.

MR. JIBSON: --had the 300 been out.

COM. BISHOP: Yes, what dates.

MR. JIBSON: All right, I will give you those in just a minute. (Examines documents.) In 1953 it would have been one day later, July 20th. In 1954 it would have been June the 3rd, three days later.

COM. BISHOP: There is very little difference there for the amount of regulation that would be necessary to go by two figures where one figure would do. Of course, the way we look at it, frankly we believe the 810 is the right figure there; but I believe Dean Person thinks that the 900 might be a fair figure, is that right, Dean?

MR. PERSON: I committed myself by mistake; I was weak a week ago.

COM. BISHOP: My thought was, we cut out the 400 and the 300 and just make it 900. There would be very little difference from the 810; it is a higher figure. There would be a minimum of regulation and it would be much more acceptable to our Wyoming people on Smiths Fork.

COM. COOPER: Mr. Chairman, in the light of the information that we have received from the engineers in both instances, both Mr. Iorns and Mr. Jibson, it doesn't appear to us that it would be the proper procedure and the right attitude toward our people to make that kind of concession. Mr. Iorns makes a very definite statement here, and he has had the engineering charts for sometime, and Mr. Jibson worked with him; and they both confirmed the fact that the 810 and the 400 are the right basis for criteria with which to measure this situation. We can't see where we can now place ourselves in the position of making this concession.

MR. PERSON: Just for the record, the 400 clause came in first; and it came in when we needed regulation between

Idaho first section and Wyoming Smiths Fork section. And Wyoming didn't like the 400; we said it wasn't the right figure. And the Engineering Committee, after spending a day and a half studying it, came up with the 810, at Mr. Crandall's suggestion, and we substituted it for the 400. But for some reason or other, we could never get rid of that 400, the mistake we made earlier in the Compact.

COM. COOPER: Mr. Chairman, Mr. Crandall admitted later to us that he had been mistaken.

MR. PERSON: I haven't known Mr. Crandall to be mistaken very often.

COM. COOPER: And that he had been persuaded into that. He had so much on his mind that he was a little confused under the persuasion of you gentlemen; and, therefore, he made a mistake.

COM. BISHOP: I realize, Fred, a fellow makes a mistake being persuaded a lot of the time; I have made an awful lot of those.

THE CHAIRMAN: I would like to ask Idaho and Wyoming since this matter concerns the two states, you have a lot of information available, do you think it would help to caucus during the noon hour and try to get together; or do you want to keep on discussing it formally in this meeting? What is your pleasure?

COM. COOPER: We of course will consider the proposition, we will discuss it among ourselves, and then we can meet

with Wyoming if they so desire. That probably would be the right procedure inasmuch as we are in a deadlock now. In the light of the information, we think we would be making a concession here that would be unfair to our people.

THE CHAIRMAN: Well, we seem to be in a deadlock and the Chairman just wondered whether or not it would be helpful if you had a caucus during the noon hour and discussed it informally?

COM. BISHOP: Mr. Chairman, we don't feel about it the way Mr. Cooper does; however, we are always ready to talk it over.

THE CHAIRMAN: How do you wish to proceed? If you wish, we can recess the meeting until two o'clock or some other time--one-thirty?

COM. COOPER: I would prefer to meet with our own people, and then we can meet with Wyoming at one-thirty in any room that you may designate, and we can discuss it then. We would like to talk it over among ourselves first before we meet.

COM. BISHOP: I think that is a good suggestion, Mr. Cooper, and we will meet with our people and see what their reactions are.

THE CHAIRMAN: If you want another conference room, I certainly will turn over my office upstairs to you; that is a nice quiet place, when I am not there anyway.

(General discussion.)

THE CHAIRMAN: We will recess then until two o'clock.

COM. BISHOP: Let's make it one-thirty. I would like to get done here today if we can, and I can't see any reason why we should take so long. It seems that we have got a half hour now before noon, and we should get done with our conference with our own people by that time, don't you think, Fred?

COM. COOPER: We can get with our people now and go to lunch, and we will meet you here at one o'clock.

COM. BISHOP. We will meet here at one o'clock with Idaho.

THE CHAIRMAN: We will recess until one-thirty.

(11:40 a.m. Noon recess.)

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(2:40 p.m. Meeting reconvened. All Commissioners present.)

THE CHAIRMAN: Are you ready now, Mr. Cooper? Have you anything to report from your caucus during the noon recess?

COM. COOPER: Yes. I move that the following be adopted:

"Whenever the flow of Bear River at Border is less than 350 cfs, the total diversions in the Wyoming Section of the Central division shall not exceed 348.3 cfs; and whenever the total divertible flow in the Central Division is less than 900 cfs, the total diversions in the Wyoming Section shall not exceed 43 percent of the total divertible

flow."

THE CHAIRMAN: Is that a substitution for a?

MR. MERRILL: No, just part of a.

THE CHAIRMAN: Under 2. a.

MR. PERSON: In other words, Fred, you are moving that the 810 become 900, and the 400 at Border become 350?

COM. COOPER: Under this wording.

MR. PERSON: Yes. In other words, on page 10, Article IV, 2, a, the 810 in that second line becomes 900 and the 400 in the fourth line becomes 350?

COM. COOPER: No, that isn't it. Delete under Central Division, a, "When either the divertible flow as hereinafter defined for the Central Division is less than 810 second-feet, or the flow of Bear River at Border Gaging Station is less than 400 second-feet, whichever shall first occur. ." delete that and substitute: "Whenever the flow of Bear River at Border is less than 350 cfs, the total diversions in the Wyoming Section of the Central Division shall not exceed 348.3 cfs; and whenever the total divertible flow in the Central Division is less than 900 cfs, the total diversions in the Wyoming Section shall not exceed 43 percent of the total divertible flow."

MR. MERRILL: ". .a water emergency shall thereupon be deemed to exist in the Central Division"--and then the rest as it is.

MR. PERSON: No. No.

MR. SMITH: What is wrong with that?

MR. PERSON: It puts a completely new light on it. Why didn't you propose substituting the 900 for the 810, and the 350 for the 400?

COM. COOPER: 348.3 cfs protects Wyoming, doesn't it?

MR. PERSON: No, sir, I will say it doesn't.

COM. COOPER: It gives them a full rate.

MR. SMITH: That is all you are irrigating in that section.

MR. PERSON: No, you see with the 900 second-feet we are getting quite a bit more than that--on the basis of 900 second-feet. That is even worse than the 400, Fred, frankly.

COM. COOPER: No, I don't get your point there.

MR. PERSON: You might not but I have. That is one point I got.

COM. COOPER: What do you think about that Wallace?

MR. JIBSON: Off the record.

(Discussion off the record.)

COM. COOPER: Mr. Chairman, does Wyoming have a counter-proposal?

MR. PERSON: Yes, the one I made before, that we make the 810, 900; and the 400, 300.

COM. COOPER: No.

THE CHAIRMAN: Are you withdrawing your motion?

COM. COOPER: No, not yet.

THE CHAIRMAN: It wasn't seconded.

COM. COOPER: I just asked if they had a counter-proposal, and then I would withdraw it if it suited us. We are still figuring on that thing. He is just a little too fast for us.

MR. PERSON: Fred, I will make a proposal, and I am really going to be in trouble with our Commissioner. I hope he doesn't hear this, but he always hears the things I don't want him to hear. I suggest we make the 810, 900; and the 400--this is on page 10--310.

MR. MERRILL: How do you harmonize those things?

MR. PERSON: They are very close together.

COM. COOPER: You are just getting more difficult.

(General discussion.)

COM. CLYDE: I move that we make the figure 350 in place of 400 on page 10, Central Division, a, line 4; and that we make the figure 870 in place of 810 on line 2 under Central Division, a.

THE CHAIRMAN: You have heard the motion. Is there a second?

(Informal recess.)

COM. COOPER: Mr. Chairman, we have discussed this subject at some length and in considerable detail with the Idaho group, and we feel that we should not under any circumstances yield to the proposal of less than 400 second-feet as it is now set up in the Compact; however, for the sake of

coming to an agreement with the parties involved, we will second Dr. Clyde's motion.

MR. MERRILL: Of 870 and 350.

COM. COOPER: Of 870 and 350.

COM. BISHOP: Before I would vote on that I would want to have a conference with the Wyoming group.

THE CHAIRMAN: You have heard the motion made by Commissioner Clyde and seconded by Commissioner Cooper. If you want to caucus, we will recess for a few minutes.

(3:23 p.m. Recess.)

(3:27 p.m. Meeting reconvened.)

COM. BISHOP: Mr. Chairman, Wyoming is ready to vote on that motion.

THE CHAIRMAN: You have heard Mr. Clyde's motion, seconded by Mr. Cooper. If there are no further comments on the motion, we will poll the states. Idaho?

COM. COOPER: Aye.

THE CHAIRMAN: Utah?

COM. CLYDE: Aye.

THE CHAIRMAN: Wyoming?

COM. BISHOP: Aye. I think it ought to be 300, but in the interest of harmony--(Applause.)--in the interest of harmony I am willing to concede.

THE CHAIRMAN: Are there any other paragraphs to discuss in Article IV? I don't recall whether A in Article IV was tentatively or permanently deleted.

MR. MERRILL: Tentatively only.

COM. COOPER: Tentatively only.

THE CHAIRMAN: Before we go on to Article V--

COM. COOPER: I move we proceed with Article V and discuss Article V before we--

THE CHAIRMAN: Is that satisfactory to Wyoming and Utah to proceed with Article V before we consider A of Article IV?

MR. PERSON: A was tentatively deleted, wasn't it?

THE CHAIRMAN: Yes.

MR. PERSON: And e was revised--that was separate?

MR. SKEEN: That was permanently passed on.

COM. BISHOP: I move that we delete Paragraph A of Article IV.

COM. CLYDE: Second the motion.

COM. COOPER: We are not going to favor that until we pass on Article V.

COM. BISHOP: Okay, I will withdraw my motion and we will go ahead, and then we can go back to that.

COM. CLYDE: Mr. Chairman, I move we approve Article V as revised. I think we have all the revisions that we have worked out before. The first revision was in the line immediately following the tabulation, which says: "Additional rights are hereby granted." Then in the next line, after the word "of" near the end of the sentence, we inserted, "Bear River."

MR. MERRILL: My notes show: "Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more for use in Utah and Wyoming, and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water and no more for use in Idaho."

THE CHAIRMAN: As I understand it you are both in agreement; one is reading all the language, the other just the insert.

(General discussion.)

COM. CLYDE: Maybe I had better read that down through. My copy reads:

"Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more for use in Utah and Wyoming, and to store in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water and no more for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river Division, and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One-half of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining

one-half thereof is allocated to Wyoming, but in order to attain the most beneficial use of such additional storage consistent with the requirements of future water development projects, the three Commissioners for Utah and the three Commissioners for Wyoming are hereby authorized, subject to ratification by the legislatures of said states, to modify by written agreement the allocations of additional storage."

MR. MERRILL: Mel, your suggestion should be considered on V.

(General discussion.)

COM. CLYDE: Did you get that, Mr. Merrill?

MR. MERRILL: What is that?

COM. CLYDE: In line 3, "and to store in Idaho or"-- immediately following the word "store" I omitted the words, "in any water year."

MR. MERRILL: ". .of Bear River water. ."--"in any water year" is already in the type.

COM. CLYDE: But it refers to the 35,500, and the other refers to the thousand, you see.

MR. MERRILL: What line would that be?

COM. CLYDE: In line 3 under the tabulation, immediately following the word "store," and then it would read, ". .to store in any water year. ."

MR. PERSON: Wouldn't that be better punctuation if after "Wyoming" you use a semicolon?

MR. SKEEN: I believe it would. I think it would help it a good deal.

COM. CLYDE: ". .to store in any water year in Idaho or Wyoming. ."

THE CHAIRMAN: It is in the transcript here, Mr. Merrill. We thought about it last time.

MR. MERRILL: Mr. Lauridsen had a suggestion in the next line.

MR. LAURIDSEN: I will ask Mr. Linford to get up and explain in regards to the storage for Idaho.

MR. MERRILL: I have reference to your suggested place of use; that is all I have in mind.

MR. LINFORD: With reference to this thousand acre-feet, we people on Thomas Fork feel, as I expressed once before, that we are suddenly taken into the Compact and a quota set out and acted upon. We had been informed over a period of years we weren't a part of the Compact, and therefore we didn't have any voice. Getting up the storage, one way or other, we were taken into the Compact unbeknownst to most of we people, at least, and it was acted on, a thousand acre-feet.

According to the figures that have been prepared, Mr. Jibson shows our needs up there are about 9100 acre-feet in an average year over a 10-year period; and according to the amount of water we have per acre, we had less taken care of than any area in the Division.

As a compromise we have asked Idaho to up that thou-

sand acre-feet to 2,000 acre-feet, and asked Wyoming to go ahead with another thousand acre-feet, and we would settle for 3,000. This would take care of existing permits in Wyoming. That is about the gist of our proposal.

We have contacted Mr. Cooper and talked it over with Mr. Bishop and Mr. Persons from Wyoming. We feel that is about the least amount we could get along with. It is about a third of what our demands actually are, or our needs actually are. And we feel like, inasmuch as we are a part of the thing, if it could be settled on that figure, why, we would be happy about it.

COM. BISHOP: Mr. Chairman, the situation on Thomas Fork as I see it is this: The thousand acre-feet we have allocated to Thomas Fork is for irrigation of lands in Idaho. The small area that should be irrigated there in Wyoming, as I understand it, would have to be deducted from the allocation to Wyoming.

Now, if additional storage is to be allowed there--I am in favor of it, I think they probably need it, I wouldn't argue that point at all--but I don't think it should come from any allocation that has been made to Utah and Wyoming above Stewart Dam.

COM. COOPER: Mr. Chairman, I would like to ask Mr. Bishop a question: You mean by that, that in spite of the fact that the Wyoming users have a permit for 441--is that right?--acre-feet in Wyoming, that you wouldn't be willing to

take care of their rights out of this allocation of upstream storage?

COM. BISHOP: You misunderstood me I believe. Maybe I didn't express myself correctly, Mr. Cooper. I said that Wyoming would take care of that--

COM. COOPER: They will take care of this.

COM. BISHOP: --out of our allocation; but we don't think we should take care of the 2,000 acre-feet additional for use in Idaho.

COM. COOPER: I get what you mean.

COM. BISHOP: That is what I mean.

COM. COOPER: Thank you.

THE CHAIRMAN: Any comments:

COM. COOPER: Mr. Chairman, I move that we recess for fifteen minutes.

COM. CLYDE: Mr. Chairman, may I ask one question before we recess: Why was this matter of storage on Thomas Fork never brought up before, never came into the discussions except for the thousand acre-feet at any time?

MR. PERSON: I think I could answer historically. At one time we left Thomas Fork out, as I understood, completely, and then about a year ago--

MR. MERRILL: Two years ago.

MR. PERSON: --it came in all at once with a thousand acre-feet. That is just the history of it. For a while we thought it was completely out of the picture.

MR. JIBSON: Part of the answer would also be, even though it is an interstate stream, all the irrigated land has been in one state; and it was originally felt that it was a state problem rather than an interstate problem. It does, however, enter into the interstate picture inasmuch as the storage sites are in the other state. So the question has been in the past whether it was an interstate problem or a state problem, and whether it should be in or shouldn't be in the Compact.

COM. CLYDE: Thomas Fork is still above Stewart Dam.

MR. JIBSON: It is above Stewart Dam.

MR. PERSON: Any water used out of the Thomas Fork storage in Wyoming will be charged to Wyoming. Any storage that is used in Wyoming certainly will be charged to Wyoming the way the Compact is now written.

COM. COOPER: That would give them now, 1,441 acre-feet?

MR. PERSON: Provided that 441 is used in Wyoming.

COM. BISHOP: It isn't, Fred; it is supposed to be used in Idaho. Our Legislature has requested that I grant it, and it has been granted and all for use in Idaho. I believe the permit does say there is a small area there in Wyoming; but if there is, I am willing to concede that we have to take care of that from our allocation.

MR. LINFORD: I can't tell you offhand the exact amount of the permits; but this thing is accompanied by a plot

and it totals up somewhere around a thousand acre-feet, and there is just a little less than half of a thousand acre-feet that is Wyoming land.

COM. BISHOP: Here is a copy of the application on file (producing documents), and the bill that has been prepared for passage by our Legislature conforms with this application. And this isn't the application that you are interested in either, is it, for 1,008 acre-feet?

MR. LINFORD: These plots show the same acreage. They use the same plots in this other application, don't they?

COM. BISHOP: I wouldn't say as to that.

MR. PERSON: You see, there is one already approved by our Legislature.

COM. BISHOP: That is right.

COM. COOPER: For how much?

MR. PERSON: 341--

MR. LINFORD: 441.

MR. PERSON: --441, and it shows some to be used in Wyoming, and some to be used in Idaho.

COM. BISHOP: Mostly in Idaho.

MR. PERSON: Mostly in Idaho with that one. The way the Compact is written, there is no question, I think, we are going to take care of that part used in Wyoming. On the new one, where does it show it to be used--in both states again, doesn't it?

COM. BISHOP: Yes, but mostly in Idaho again.

MR. PERSON: But that one hasn't gone before our Legislature.

COM. BISHOP: There is a bill in now for it.

MR. PERSON: Who introduced the bill?

COM. BISHOP: I think the Senator over at Cokeville, Reed Dayton.

MR. PERSON: Now don't you approve these, Mark?

MR. KULP: Not unless they come to me.

MR. PERSON: They are supposed to.

COM. BISHOP: I think they are supposed to be filed with you the same as me. Haven't you got copies of this? I will give you these right now so you will be sure to have those.

MR. KULP: That is not an application, is it?

COM. BISHOP: No, but for your information I will give you these prints.

MR. KULP: Under the Compact you would have to notify me, but otherwise there is no requirement.

COM. BISHOP: It is supposed to be filed with you so you can check against your records to see if there are conflicts in what they want to irrigate, supplemental or otherwise. I think we have got to get together on it. But whether it should be passed by our Legislature is a matter that I think should be determined here. If there is something wrong about it and it isn't in the public interest, then it shouldn't pass the Legislature.

COM. COOPER: Of course, as far as we are concerned, we didn't have any information that these people wanted 3,000 acre-feet total at any time in our negotiations in this Compact. All the information we had was that they wanted a thousand acre-feet; and that is the reason that we inserted that into the Compact as it now stands. Mr. Kulp, our State Engineer, made a statement of the fact that it should be in there, and acting upon that premise, we had it put in there. Now then, when this comes up, it puts us in the position whereby we haven't any authority to make a statement until we discuss it with the people who actually have a right to the storage rights, have them decreed to them. That is the position we are in.

COM. BISHOP: Here is something here that these gentlemen agree with, and we just as well tell you about it now. If our Legislature passes the bill which is before it to allow this 1,008 acre-feet, it is going to be ahead in priority of the other 2,000, it doesn't matter where you get it from. There is no way that that can be changed, unless we can come to an agreement and these should be cancelled and not be passed by our Legislature. Because the law of priority would apply on these rights, I don't see how we can get around it.

COM. COOPER: You have on file an application for 1,008 acre-feet?

COM. BISHOP: Yes, with these maps.

MR. KULP: In addition to the 441?

COM. BISHOP: I believe the 441 is in there. I believe it shows in the tabulation here.

(General discussion.)

COM. BISHOP: I think, Mark, in order to have the proper cooperation between our states, if this hasn't been filed in your office, I should ask the Legislature to not pass that bill until such time as it has been filed and checked in your office; because it might be all balled up, I might not want to allow it.

MR. PERSON: Maybe this isn't the storage you want to allow.

COM. BISHOP: It has been my thought always on these interstate applications that they should be filed in both states because of the fact that there may be conflicts there that should be removed that might change materially the area to be irrigated.

MR. LINFORD: I would like to make a statement sort of in answer to Mr. Cooper's statement a while ago, the statement he just made. The reason that there wasn't more than the thousand acre-feet mentioned in there, the officers of our organization, our water district, had never been informed that there was any permits before the State of Wyoming Legislature; and we have had information from time to time stating that we weren't part of the Bear River Compact, and therefore we didn't have a delegation present at the meetings. We certainly would have been trying to get some storage through a long time ago

had we known we were going to become part of the Compact. We feel we were brought into the thing suddenly. And as far as the existing permits, we had no information--at least the Chairman of our Water District had no information and our Secretary. And we suddenly read in the paper these things are happening and we are taken in for a thousand acre-feet, and therefore we got to work on it.

We thought if we got ready to store, if we were set out, it was a matter of getting permits and of course checking with people that had any storage rights, but not the Bear River Compact. That is the answer, the reason we didn't ask for any more in the first place, because we didn't know we would have an opportunity. We didn't know we were a part of the Compact at all.

COM. COOPER: It is unfortunate that happened. We acted in good faith.

MR. LINFORD: We realize that, Mr. Cooper.

MR. WALTER: I don't believe Thomas Fork asked for the thousand acre-feet to begin with. I believe you will find that was John P. Etcheverry.

MR. LINFORD: Our Water District didn't ever ask.

(General discussion and informal recess.)

COM. CLYDE: Mr. Chairman, I made a motion a short time ago that Article V be approved as revised. I read the revision of Article V, A. There are some revisions in Article V, B, and possibly we should read those before we take further

action. V, B reads as follows according to my notes: "The waters of Bear Lake below elevation 5,912.91"--insert the word, "feet"--Utah Power & Light Company Bear Lake datum (the equivalent of elevation 5915.66 feet based on the mean sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation." I think that is the only revision.

MR. MERRILL: Except on the next page--

COM. BISHOP: Mr. Chairman, Wyoming isn't ready to go on from A.

MR. MERRILL: --"Lake surface elevation, Utah Power & Light Co. datum"--we made that change.

MR. THOMAS: Mr. Chairman, one small correction. I believe Mr. Clyde said, "the mean sea level datum of 1929"; technically that should be "sea level datum."

COM. CLYDE: There are no further revisions as far as my notes go in Article V.

COM. BISHOP: Mr. Chairman, Wyoming will go along on that Article V if they will change that one-half to, "Forty-four percent of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining fifty-six percent is allocated to Wyoming."

MR. MERRILL: Out of that 56 percent you would take care of all of the Thomas Fork requirements?

COM. BISHOP: I should say not! We really need 2,000

acre-feet on Smiths Fork. Those people need it, while they did agree in a meeting they could get along without it and they probably have a better water supply than most of our streams. We are not including that area in our demand for supplemental water. I thought we went a long ways, George, when we offered to leave out Smiths Fork entirely. We are not providing a bit of storage for Smiths Fork. And then based on the areas in the two states as furnished us by the Geological Survey group, we should have 56 percent to your 44 percent.

COM. CLYDE: I don't agree with that for the reason I specified before and I will specify again. The whole purpose of this upstream storage is to provide supplemental water to lands presently irrigated on the basis of need. And an analysis has been made of these acreages on the basis of need, and that analysis shows 64 percent of that water should go to Utah lands and 36 percent to the Wyoming lands. We yielded on that point down to 50 percent.

The acreages are, as you say, 56 and 44, that is true. But acreage is not a good measurement of the water for supplemental uses. The reason I yielded to 50 was for this purpose: We set this water up and divide it equally because the users of this water are the same people, and most of the storage reservoirs that will be developed will be joint reservoirs; they have to work them out together. And therefore, we left this thing open-ended on purpose so that we could make such adjustments as are necessary.

Now the adjustment which you propose amounts to 6 percent. If we took half of that, it amounts to 3 percent; and I don't think we can guess that close at this time. So therefore, I think we should stick to the original tentative proposal, that we stick to half and half; and we make such adjustments as are necessary to make the best use of that water. I would like to see it where it is.

COM. BISHOP: I would like to ask at the beginning what organization prepared this information that you speak of whereby your needs were so much greater than those of Wyoming.

COM. CLYDE: The investigation was made by the engineers employed by the three states, and it was based on consumptive use of water with an irrigation season lasting to the 15th of July, in which they took the actual diversions to these canals and then made up the difference from storage between the amount of water necessary to carry them up to the middle of July--which was our expressed irrigation season--and the amount they had from natural flow under regulation.

COM. BISHOP: They couldn't have taken into consideration the canals in Wyoming. The only reason they weren't irrigating at all was because they had no water to irrigate with.

COM. CLYDE: They took those canals because the hydrographs are in the report--I don't remember the number of the report but I think it is 28 or 29--in which they plotted out the actual diversions from those canals for those six

years that were measured; and then they took the hypothetical curve that would carry it up to July with a full supply, and then they took the area between the two curves, which showed the amount of additional water they would need to bring it up to a full supply, and that totalled, as I remember, the figure 64 and 36.

When this question came up, we agreed we would drop that down to 50-50 on the grounds that we don't know exactly where the reservoirs will be built, we don't know exactly the lands that will be covered; and it leaves the thing adjustable within the limit of 6 percent, as you say. We can go up or we can go down.

And inasmuch as it is the same people that is doing it essentially, Wyoming and Utah users are joint users of this storage, it seems to me that is the logical and consistent way to divide that water. With this we have got a chance to develop most effectively. If we hew any hard and fast lines, we take away our opportunity to do that.

I wouldn't be able to say now, I wouldn't propose to say now whether it should be 48-52, or 47-53, but around that point. We can work it out. We have got the tools with which to do it. And we have got the situation which indicates that the major storage site in the Upper Basin is Woodruff Narrows, which will be used jointly by Wyoming and Utah. Then we have got to provide storage upstream for the Wyoming users to the fullest extent, and the same way downstream; but the bulk of it

will be at Woodruff Narrows with a giant reservoir.

So it seems to me this gives us an opportunity to work it out most effectively, and I believe we can sell this. I have talked to the people up at Randolph and I finally got them to go along on a 50-50 division with the understanding that we would take a new look at it as it is developed. And they will stick with me on that I am sure. I am not sure what they would do if I should propose a 44-56.

COM. BISHOP: We are quite willing to go along with you, George, on the Woodruff Narrows site, and cooperate with you in constructing it on the basis of needs below, and all. But what I am thinking of is the tributaries of the river that are going to be short on account of this percentage which is not being given proper consideration.

MR. MERRILL: Doesn't this Article V take care of you there wherein it says that "the three Commissioners for Utah and the three Commissioners for Wyoming are hereby authorized, subject to ratification of the legislature of the respective states, to modify by written agreement the allocations of additional storage"?

COM. CLYDE: I feel that it does. It was put in for that express purpose. We could use all of the water in the Woodruff Narrows Reservoir, but I don't think we should do it.

COM. BISHOP: Mr. Myers suggests that we strike out the division entirely, like I had suggested before, which I

would rather do than to not be able to get together on the terms of a compact. But I couldn't justify going back to my people with a situation whereby I had agreed to a 50-50 division when our area is 56 percent of the irrigated land leaving out Smiths Fork.

COM. CLYDE: I think that would be a mistake and I don't believe our Legislature would approve an open-ended contract of that kind, because they would say, "You have no compact if you have no tentative arrangement on the division." As I say, that 50-50, we can adjust that back and forth. We are only apart six percent on that thing. I don't know whether that six percent is right or not.

COM. BISHOP: We could get along just as well on adjusting 56-44.

COM. CLYDE: I think not.

COM. BISHOP: I will give you my word on that.

MR. MYERS: If it has to be adjusted, why mention the 50-50 percent.

(Mr. M. T. Wilson hands document to Com. Bishop.)

COM. BISHOP: This gentlemen calls my attention to a report here. I am a little high. It shows only 53 and 47 in this report of May 8, 1953.

COM. CLYDE: I didn't check those figures back, Clark.

COM. BISHOP: Here they are, George (indicating document). If I had something like this to base it on, I

wouldn't quarrel over the 3 percent. I don't know where I got the 56; I have been talking it so long I really believed it. But if I am wrong 3 percent, I am willing to apologize and back up 3 percent.

COM. CLYDE: My point is, we are so close together now, gentlemen, if we are going to split this 50-50, and we will get together for adjustment.

COM. BISHOP: It will be easier for you to go before your people with this report and show them those figures than for me to go and explain how some experts explained your land was hungrier than ours.

COM. CLYDE: Here is the point that disturbs me: This report shows we need 64 percent to bring our acreage up, and you need 36 percent to bring your total acreage up to a full supply. We can't argue against that. I have yielded on 14 percent there and I have been getting the devil for it; but I am still willing to fight the thing through on the basis of the development that takes place. And if it shows we should go down to 47 percent when we get into this development, that is where it will have to go. But I don't feel I am justified as of this moment yielding more than 50-50. In other words, we have got a half-and-half division, and we will sit down and work this thing out as we develop the water.

COM. BISHOP: I assume the reason they left Smiths Fork out was that they considered it did have sufficient water.

COM. CLYDE: That has been reported two or three

times, that they didn't need any storage on Smiths Fork. I don't know how true that is.

COM. BISHOP: I happen to know there is one canal there that irrigates quite a considerable acreage that does need storage. And I realize under the proposition I made that if they get any storage, which they probably would if they asked for it--I don't see anything in the Compact that would keep them from getting it--it would come from our 53 percent, if that is what we got.

MR. JIBSON: Were you talking about the Covey Canal system when you said there was a canal there that needed it?

COM. BISHOP: Yes, that is right; they need storage.

MR. JIBSON: I am not attempting to argue with you on it, but I tried to find out from one of our men that lived at Cokeville the last 25 years, what the situation is on Covey Canal. From what I know of it, it seems to me it is a question of having a long, extended canal on a very flat gradient, rather than a question of water not being available at the head. I took a look at some of our records to see if there was water passing the head of Covey Canal at the time they were in need of water down near the end of Covey Canal; and the water has been there at the head of it but it has been impossible to get it through.

It is an extremely long canal and people who live up there say it is a bad design. I am not an expert on that canal and I wouldn't argue too much on it; but I did talk it

over with one of the engineers who has lived in there for a long time. He thinks it isn't a question of needing storage on there; it is a question probably of having too many water rights coming under the size of the canal and the design of the canal.

I bring that up to attempt to clarify it a little bit because every year I have examined the records, the water has been available at the head of the canal.

COM. BISHOP: Isn't it true they would be one of the first ones regulated on account of the fact that they have a late priority?

MR. JIBSON: They probably would. But I did take into account the effects of regulation, not for each individual canal but the whole section; I took into account as accurately as I could the effects of regulation in Wyoming, because it should be taken into account, and that would drop our percentage from in the neighborhood of 68 percent to 62 percent in our previous studies.

(General Discussion.)

THE CHAIRMAN: You heard Mr. Clyde's motion that pertained to Article V.

COM. CLYDE: Yes, I move the adopt of Article V as revised.

THE CHAIRMAN: Is there a second to Mr. Clyde's motion, or comments?

COM. COOPER: I am sorry, my attention wasn't directed

to you people. I would like to know what the motion was.

COM. CLYDE: The motion was to adopt Article V as revised.

COM. COOPER: I will second the motion.

THE CHAIRMAN: Any comments on the motion? (No response.) I will poll the states. Idaho?

COM. COOPER: Aye.

THE CHAIRMAN: Utah?

COM. CLYDE: Aye.

THE CHAIRMAN: Wyoming?

COM. BISHOP: No.

THE CHAIRMAN: Well, we are back where we were then.

COM. CLYDE: I move we adjourn, Mr. Chairman.

COM. BISHOP: Second the motion.

MR. MERRILL: Oh no, after all these 14 years.

COM. CLYDE: The motion is before the House. I am getting sick and tired of coming up here, having a tentative agreement and reaching this position after a full and complete discussion, and then come up to this point and kick it out of the window. That is the position Utah is going to take. I cannot change it until I call the group together, and that cannot be today.

COM. COOPER: Dr. Clyde, my sympathies are with you, but let's try and discuss the thing a little bit further. I got angry too the other night. Let's think it over a little bit. Let's not adjourn the meeting at the present time.

THE CHAIRMAN: Is that agreeable?

COM. CLYDE: I will withdraw my motion and give us another hour or two to consider it further. But the position I have stated is the position that Utah has got to take.

COM. BISHOP: I don't see how I can go before my people and justify accepting less water per acre for Wyoming land than they have for Utah land.

COM. CLYDE: This isn't accepting less water, Clark; this is merely providing a means of utilizing this upstream storage on a common ground. I am not asking for anything excepting an opportunity to work out the use of this storage to the mutual advantage of all concerned. It isn't a question of acre-feet of water; it isn't a question of acreage. We have got to a point now where we can solve this thing on the ground, and I just can't see any other solution to it.

Our people were very much disturbed when I yielded on the matter. They say, "Here we have got a need for the thing we have been trying to get, and you give it away." I said, "I gave it away because I think the only people who can determine where that should be used are the people on the ground. We can't tell it here but we have got a provision whereby we can work it out if given an opportunity." And on those grounds, they went along with me, but that is the only thing. They said, the last thing, "You cannot yield another bit on that division of water." They permitted me to leave that open end in there for further negotiations. And that,

gentlemen, is where I will have to stand. I can't go beyond that.

COM. BISHOP: I have got my people to get along with too.

MR. PERSON: I suggest we recess for two and a half minutes and Wyoming caucus.

COM. COOPER: I recommend we give them 15.

(4:27 p.m. Recess.)

(4:37 p.m. Meeting reconvened.)

COM. BISHOP: Mr. Chairman, my advisers have overruled me and so I am going to ask the Secretary to change my vote from "no" to "Yes" on that motion of Mr. Clyde.

COM. CLYDE: I appreciate that. And I apologize for getting off the beam, but I appreciate it very much.

COM. BISHOP: My advisers probably know what is best to do about it.

THE CHAIRMAN: The only section remaining now is A in Article IV, the one that was temporarily deleted. You made a motion and then you withdrew it--somebody did, either you or Mr. Cooper.

COM. CLYDE: Mr. Bishop made a motion to delete Article IV, A.

THE CHAIRMAN: But he withdrew his motion for Article V.

COM. CLYDE: Do you want to make it again?

COM. BISHOP: I so move.

COM. CLYDE: I will second it.

COM. COOPER: Paragraph A, Article IV?

COM. CLYDE: Yes.

THE CHAIRMAN: That consists of three lines, so we get it straight.

COM. CLYDE: That is right.

THE CHAIRMAN: Are there any comments on the motion before we call for a vote?

MR. KULP: The lower river is the one that wanted it in.

THE CHAIRMAN: Do you have comments then" (No response.) The motion was made by Mr. Bishop and seconded by Mr. Clyde that A be permanently deleted from the draft.

COM. CLYDE: The basis of that was, according to the engineers' report, it had no meaning, therefore was superfluous and had no particular place here.

COM. COOPER: If it isn't going to interfere with our users we will agree to it.

COM. CLYDE: I have a note here, as far as Utah is concerned, when the flow at Border is less than 400, no water is available at any diversion point that would satisfy a one to 50 acre-foot diversion, so it becomes unmeaningful.

THE CHAIRMAN: Are you ready for the question?

COM. COOPER: Question.

THE CHAIRMAN: I will poll the states. Idaho?

COM. COOPER: Aye.

THE CHAIRMAN: Utah?

COM. CLYDE: Aye.

THE CHAIRMAN: Wyoming?

COM. BISHOP: Aye. This would automatically make Section B, Section A, I assume.

MR. KULP: There is a reference to that somewhere else in the Compact.

MR. MERRILL: I don't think there is.

THE CHAIRMAN: Before we take final action I would like to read the communications from the other Government departments that commented on the draft, that we didn't have the last meeting. They are very short; I can read them quickly.

This first letter is from George E. Roderick,
Assistant Secretary of the Army:

"Dear Mr. Larson:

"Reference is made to your letter of 28 December 1954 inclosing a draft of the Bear River Compact for review and comment.

"A review of the draft of the Compact indicates that the interests of the Department of the Army would not be affected by the provisions of the Compact as now drafted.

"I appreciate the opportunity to review the draft.

"Sincerely yours,

Edward A. Bacon, Deputy
for George E. Roderick
Assistant Secretary of the
Army (CMA)."

The next letter I have here is from the Federal Power Commission, Washington, D. C.:

"Dear Mr. Larson:

"This is in response to your letter of December 29, 1954, requesting the Federal Power Commission's comments on the December 20, 1954 draft of the proposed Bear River Compact, a copy of which was inclosed.

"Attention has been given by the Commission's staff to an examination of the text of the draft with particular reference to Articles IV and V which deal, respectively, with the entitlements of each State to the natural flows of Bear River and with existing and future storage rights in the river.

"It is recognized that because of the great length of the river, the numerous crossings of State lines, the differences in State water laws, and the varying status of water rights, the division of water among the States is an extremely difficult and complex matter. We are advised by Mr. Leshar S. Wing, the Commission's regional engineer in San Francisco, who has assisted in the development of basic information for the drafting of the compact, that the division of water as made in Article IV conforms closely to established water rights and uses. It appears unlikely that the proposed provisions of this article would sufficiently alter the present consumptive use of the water above Bear Lake to affect adversely power production in

the 'central' and 'lower' divisions of the river between Bear Lake and Great Salt Lake.

"Provision is made in Article V for unrestricted use for power purposes of the storage in Bear Lake between the maximum water level and elevation 5912.91 feet. Below 5912.91 feet the waters in Bear Lake are to be reserved for irrigation, with release for use in generating power to be such as not to be inconsistent with its use for irrigation, except in emergencies. The effect of this provision would be to limit the firm-energy generation to that which is available from Streamflow.

"Provision is also made in Article V for increasing the reserve for irrigation in Bear Lake to compensate for reduction in storage in the lake due to the increase in consumptive use of water above Bear Lake as additional reservoirs are built above Stewart Dam for irrigation purposes. This increase in irrigation storage in Bear Lake would be deducted from that previously assigned solely to power, thus resulting in a further restriction in power operation. Since storage above Bear Lake is likely not to be constructed for some time, and also not all at once, the reduction in power production due to such storage may be heavily discounted.

"Despite the limiting effects of the proposed provisions of Article V, it is believed ~~that~~ the average annual-energy output of hydroelectric plants on Bear River probably

would not be materially affected. These plants are now used primarily for the production of energy and spinning reserve and it does not appear that the present method of operation will be materially altered by reason of the compact.

"The Commission appreciates the opportunity to review this draft of the Bear River Compact and make comments thereon.

"Sincerely yours,

Jerome K. Kuykendall,

Chairman."

The next letter is from the Department of Agriculture:

"Dear Mr. Larson:

"We appreciate the opportunity of reviewing the draft of the proposed Bear River Compact transmitted with your letter of December 28, 1954.

"In 1949, in addition to furnishing you the requested information concerning water rights on the Bear River and its tributaries in which the Department of Agriculture has an interest, the Department also indicated an interest in the safeguarding of water rights of individual farmers and local organizations, especially where the Department had outstanding agricultural loans to owners of land where water rights were involved.

"The water-right interests of this Department appear to be adequately protected under Articles VII and XII 2. of

the draft we received. The consideration of the Bear River by divisions as outlined in the Compact provides for equitable treatment of the water rights of the farmers and ranchers in each area.

"The Department appreciates the problems of developing an acceptable Compact because of the unusually complicated water-right situation on the Bear River. We trust that the work of the Commission, as evidenced by the draft recommendation, will result in the ultimate solution of the water-right controversies and problems of the Bear River.

"Sincerely yours,

E. L. Peterson
Assistant Secretary."

The remaining letter is from the Department of the Interior, Geological Survey, Washington, D. C. :

"Dear Mr. Larson:

"In reply to your letter of December 29, enclosing for review and comment a draft of the Bear River Compact, dated December 20, 1954:

"I am quite gratified that the representatives of the States of Idaho, Utah, and Wyoming have succeeded in preparing a draft of compact for the Bear River which gives promise of satisfactorily composing the interstate questions on that stream. The Geological Survey has had a special interest in this negotiation because of the intimate association of its field employees for many years in the data collection and analyses pertinent thereto and of the

prospect that such association is likely to continue in some form in the future.

"We have been pleased to examine the December 20 draft of the compact and I report to you that the provisions thereof seem quite acceptable insofar as the Geological Survey is concerned.

"Sincerely yours,

Thomas B. Nolan
Acting Director."

So we will put these communications, I assume, in the record the same as those we received from the other Government departments.

COM. CLYDE: Mr. Chairman, I think all the articles of the Compact except Article IV have been approved in toto. I wonder if you want to have a motion to approve Article IV as revised. We approved it in parts. I just raise the question.

THE CHAIRMAN: I think so.

COM. CLYDE: I would move that Article IV be approved as revised.

COM. COOPER: Second the motion.

THE CHAIRMAN: You have heard the motion and the second. Idaho?

COM. COOPER: Aye.

THE CHAIRMAN: Utah?

COM. CLYDE: Aye.

THE CHAIRMAN: Wyoming?

COM. BISHOP: Aye.

COM. CLYDE: Mr. Chairman, with respect to the preparation of the final draft of the Compact and the place for signatures. Is it the desire of the group to have a place for all of the Commissioners in each of the respective states? I notice the form used here provided for only one signature for each state. You will recall on the Columbia Compact, Mark, there were many Commissioners from most of the states. Maybe we should settle on that.

THE CHAIRMAN: Don't we have two Commissioners from Idaho?

COM. COOPER: We have three from Idaho. We want lines for all of them.

COM. CLYDE: I would like to have all my advisers here sign.

THE CHAIRMAN: How many from Wyoming?

COM. BISHOP: I would like to have all my advisers that are here sign.

THE CHAIRMAN: We can work that out. First of all, is it the desire of the Commission to sign the Compact tonight?

COM. CLYDE: I don't believe we have to sign it tonight, do we? This will have to be reproduced.

COM. BISHOP: It will have to be carefully checked; otherwise we will have some errors.

COM. CLYDE: I would like to have the advisers from

Utah sign also.

MR. SKEEN: Can you indicate how many from each state and I will make a record.

COM. CLYDE: Seven signatures from Utah.

COM. COOPER: Three from Idaho.

COM. BISHOP: Four from Wyoming. Is it your idea we will set a date like we did on the Columbia to sign it?

MR. PERSON: I think it ought to be typed and sent to us all.

THE CHAIRMAN: How do you want the names on yours, you as Compact Commissioner?

COM. CLYDE: Commissioner, and six advisers.

THE CHAIRMAN: Wyoming, how do you want yours shown?

MR. PERSON: Leave us about four or five places, and then whoever is here can sign it.

MR. SKEEN: I think we had better send out a draft to each state for final checking, and then have a meeting and have it executed by all.

THE CHAIRMAN: Can you get all the advisers?

MR. SKEEN: All who are here.

COM. CLYDE: We could do that.

MR. PERSON: You have to have at least four copies.

COM. BISHOP: Four ribbon copies.

MR. KULP: You ought to have five: One for the archives of the Commission, one for each state, and one for the Federal agent.

COM. BISHOP: Make five.

MR. SKEEN: Now do you want them typewritten or multilithed?

MR. PERSON: Are they considered originals?

COM. BISHOP: They were on the Upper Colorado River.

MR. SKEEN: They say it is a very good job.

COM. COOPER: Mr. Chairman, we have a question here. When will these be ready for signature, so that we can have a meeting right away. We would like to get this on its way in the Legislature as soon as possible.

MR. SKEEN: How about next Thursday?

COM. BISHOP: Of course our Legislature, this is the last day for introducing bills except by unanimous consent; but we probably can get unanimous consent.

(General discussion.)

THE CHAIRMAN: How about next Friday, a week from today?

COM. CLYDE: It is all right with me. For the purposes of the record, the Utah people have been meeting here since the discussion on Thomas Fork came up; and I want to say for the record that the irrigation users in the Lower Section, the Power Company and the Sugar Company have advised me that they will object to any additional storage. The action of the Commission has been, of course, to settle that question; but I merely wanted to say that they have advised me that they will resist vigorously any additional upstream

storage.

COM. BISHOP: I think it might be appropriate at this time for the Wyoming Commissioner to state that we appreciate the cooperation that we have had from the Geological Survey as well as the Bureau of Reclamation during these, I believe, 14 years we have been negotiating. They have been very active and fair in assembling the information to provide the answers to the numerous problems that we have had to deal with.

And I will add this, that I believe this is the seventh Compact we have been a party to in these 14 years, and that this Compact is much more complicated than any other Compact that we have been a party to.

Would you like to add something to that, Dean?

MR. PERSON: No, I don't think so. I certainly want to express our appreciation to the Bureau of Reclamation and the Geological Survey, Mr. Larson and Mr. Skeen and Mr. Thomas and Mr. Jibson, and our appreciation to the other Commissioners from the other states for their patience at our stupidity sometimes.

COM. COOPER: Mr. Chairman, I would like to make a statement of our appreciation to the personnel, the people who represent these various Departments; and to these people who have been keeping the records and transcripts, and this young lady who has been going along with us in our deliberations. We are also in accord with what Mr. Person has just said about

stupidity--we are just as bad as any of you and we appreciate your patience. We are probably worse.

COM. CLYDE: In order to put on the record what we have just heard and to add my voice to it, I would like to move that it be the sense of this Commission that we express to the Geological Survey and to the Bureau of Reclamation, the appreciation of the respective states for their assistance in bringing to a successful conclusion after many years of endeavor a Compact on the Bear River, and to extend to them our sincere thanks.

COM. BISHOP: Second the motion.

THE CHAIRMAN: You have heard the motion.

COM. COOPER: Idaho concurs.

COM. CLYDE: Mr. Chairman, there is one other matter we probably should take up, and that is the legislation that will be introduced into the Congress; who prepares that?

MR. SKEEN: We will probably have to prepare the first draft out here in the field and send it in.

THE CHAIRMAN: It will be necessary too for the Chairman to make a report immediately, I suppose. Do I send it to the President or to the Congress?

MR. SKEEN: To the President and the Congress. You were appointed by the President.

THE CHAIRMAN: It was so long ago.

MR. KULP: Banks said he wrote a 17-page report on the Columbia.

THE CHAIRMAN: That is simple up there, you have so much water.

MR. SKEEN: You better make it 18 pages.

THE CHAIRMAN: We can do that I am sure. I think it is very fine you reached a compact because I am sure it is a decided advantage to every state to have it. The longer you go in irrigation and development, the more complicated it becomes, and the more trouble you are going to have, as I see it, without a compact.

MR. MERRILL: What hour Friday?

COM. COOPER: Friday at seven o'clock in the evening.

THE CHAIRMAN: Seven o'clock, in the morning?

COM. COOPER: Did you say morning? I thought it was Friday evening.

THE CHAIRMAN: I don't believe anybody said. What time would you come over, Mr. Bishop, from Wyoming?

COM. BISHOP: I was going to call and find out when I could come.

THE CHAIRMAN: We will wait then for Mr. Bishop's phone call. In the meantime, in the meeting Friday do we need to take up the cooperative program with the Geological Survey, Mr. Jibson?

MR. JIBSON: I don't know whether you want to prolong your meeting Friday to do that, or call another meeting, or just how you want to handle it. But we should know what the future program will be as far as gaging stations are concerned

and so forth.

COM. CLYDE: I would like to see the Bureau and the U.S.G.S. bring us in recommendations as to what we should do from here on out; and I think we should consider the program of activity for the next season. Whatever we want to carry on this coming season should be settled.

THE CHAIRMAN: You have to consider this, you are now a Compact Commission and you are setting up machinery here for a Bear River Commission, which is another body entirely.

MR. KULP: We are not a Compact Commission then.

MR. PERSON: Not until it is ratified by the legislatures and the Congress. It seems to me we should continue our program because we have got three legislatures to get through and a Congress.

THE CHAIRMAN: And sometime afterwards it is authorized by Congress.

MR. JIBSON: And then you call your organizational meeting as to the future.

THE CHAIRMAN: Probably in the meantime the Geological Survey will want to know what to do.

MR. PERSON: I think it should be continued as it is.

(General discussion.)

THE CHAIRMAN: We will meet then on February 4th at 10:30 if Mr. Bishop can be here, and the Secretary will send out notices as soon as he hears from Mr. Bishop.

COM. CLYDE: I move we adjourn.

MR. KULP: Second the motion.

THE CHAIRMAN: We stand adjourned.

(5:20 p.m., Friday, January 28, 1955, meeting adjourned.)