

IDAHO-UTAH COMPACT COMMISSION

Nov 7, 1957  
PHOENIX

FEDERAL REPRESENTATIVE AND CHAIRMAN:

E. O. Larson

Regional Director, Region 4  
Bureau of Reclamation  
Salt Lake City, Utah

COMMISSIONER FOR THE STATE OF IDAHO:

Fred M. Cooper

Chairman, Idaho Compact Commission  
Grace, Idaho

COMMISSIONER FOR THE STATE OF UTAH:

Jay R. Bingham

Director, Utah Water and Power Board  
Salt Lake City, Utah

COMMISSIONER FOR THE STATE OF WYOMING:

Paul A. Rechar

Chief of Water Development  
Natural Resource Board of Wyoming

ADVISERS AND OTHERS PRESENT

IDAHO:

Mark R. Kulp

State Reclamation Engineer and  
Commissioner, Boise, Idaho

UTAH:

George D. Clyde

Governor, State of Utah  
Salt Lake City, Utah

Wayne D. Criddle

State Engineer,  
Salt Lake City, Utah

Orson A. Christensen

Member, Utah Water and Power Board  
Brigham City, Utah

F. Gerald Irvine

Utah Power and Light Company,  
Salt Lake City, Utah

A. S. Ross

State Engineer's Office,  
Salt Lake City, Utah

U. S. GEOLOGICAL SURVEY:

Wallace N. Jibson

Hydraulic Engineer  
Logan, Utah

Albert G. Fiedler

Ass't Chief, Water Resources Division  
Washington, D. C.

-----  
-----  
PROCEEDINGS

The meeting was called to order by Mr. E. O. Larson, the Chairman, at 8:45 a. m. on Thursday, November 7, 1957, in the Saddle and Striola Room of the Westward Ho Hotel, Phoenix, Arizona.

**THE CHAIRMAN:** Acknowledged the presence of Mr. Fiedler of the Washington office of the U. S. Geological Survey and Governor Clyde, State of Utah

He stated that verbatim minutes of the final meetings of the Compact Commission have now been reproduced and are available. He asked if three copies were sufficient for each State.

**GOVERNOR CLYDE:** Requested that Utah be supplied with five copies, and that a like number be sent to each of the other states.

**MR. KULP AND MR RECHARD:** Approved the suggestion.

**THE CHAIRMAN:** Gave a review of the legislative status of the Bear River Compact. He stated that following ratification by the States, Senate Bill 1086 was introduced by the Senators of the three States in the first session of the 85th Congress. Subsequently, Senate Report No. 843 of the 85th Congress, first session, dated August 9 (legislative day July 8) 1957, had been issued by the Senate Committee on Interior and Insular affairs. The report cited minor amendments and stated the purpose and need of the Compact.

**THE CHAIRMAN:** Stated that contacts with the office of the Bureau of the Budget indicated that on February 8th all Federal agencies, except the Justice Department, had given favorable

reports on the Compact. To answer the questions raised by the Justice Department, Mr. E. J. Skaen, former legal adviser to the federal representative and Mr. E. K. Thomas, Engineering adviser to the federal representative, flew to Washington for meetings with the Justice Department, as arranged by Senator Watkins. The Chairman reported that there were very logical explanations for the questions raised by the Justice Department. One of the parts of the Compact questioned was taken verbatim from the Colorado River Compact which had been given Justice Department clearance.

Finally, on August 6, 1957, the Bureau of the Budget made its report to the Senate Committee on Interior and Insular Affairs. On August 8, 1957, Federal representative was notified to send his report to the Congress. Accordingly, on August 14, 1957, a report was submitted to Vice President Nixon and Speaker Rayburn. The bill, after passage in the Senate, came before the House for unanimous consent to be placed on the calendar. Because of protest from users on Thomas Fork, Congresswoman Gracie Post requested that the matter be held over until the second session of the 85th Congress to give the protestants an opportunity to appear before the committee.

**THE CHAIRMAN:** Stated further that the Bureau of Reclamation had continued its investigation which had resulted in the issuance of a reconnaissance report on the Upper Bear River. This report showed storage was feasible at the Woodruff Narrows site for a major part of the Compact storage of 35,500 acre-feet.

**COM. RECHARD:** Stated that the Sulphur Creek Reservoir being constructed at a site approximating the Bureau of Reclamation Hilliard site was now under construction as a State of Wyoming project.

**MR. JIBSON:** Asked the origin and purpose of the paragraph added to the Consent Legislation following the recital of the Compact.

**MR. RECHARD:** Stated that the language was a part of the Consent Bill, and in no way modified the Compact.

**THE CHAIRMAN:** Read the paragraph in question as follows:

"All officers, agencies, departments and persons of and in the United States Government shall cooperate with the Bear River Commission, established pursuant to the compact consented to hereby, in any manner authorized by law other than this act, it being the purpose of Congress that the United States Government shall assist in the furtherance of the objectives of a Bear River Compact, and in the work of the Commission created thereby."

**THE CHAIRMAN:** Commented after reading the paragraph that it was a good thing and an added protection.

**THE CHAIRMAN:** Stated that he had assembled a file of letters received by his office pertaining to the Compact. He said that they were illuminating and asked if the States would care to have copies.

**COM. CLYDE:** Stated that he felt copies of the correspondence should be supplied the States to complete their files on this important document.

**COM. BINGHAM:** Inquired as to the availability of the incomplete sets of minutes which, at last report, were being prepared by Mr. Skeen.

**THE CHAIRMAN:** Stated that Mr. Skeen had left the employ of the Bureau of Reclamation and was in private practice and had not at this time completed the minutes, but he would make every effort to have them completed.

**THE CHAIRMAN:** Then referred to letters dated February 7, 1955 and March 8, 1955, from Congresswoman Frost raising objections and questions concerning the Compact.

**MR. KULP:** Inquired as to whether Congresswoman Frost had written as a First District Congresswoman, or as a member of the House Committee.

**THE CHAIRMAN:** Replied that the correspondence indicated that she was writing in her capacity as a Congresswoman. He stated the question had been raised that the Compact negotiations were not publicized and the local people had not been given opportunity to voice their sentiments. He stated that fortunately his office had copies of newspaper articles published in the area indicating the time and place of Compact negotiations and inviting all interested parties to attend and voice their sentiments.

THE CHAIRMAN: Stated he was of the opinion the hearings would not be too lengthy when they were scheduled, and that only one objection had been voiced to the entire Compact - that coming from the Thomas Fork group.

COM. COOPER: Stated that it was a source of keen disappointment to him as much as his integrity had been questioned, whereas in fact the Thomas Fork group had asked for, and received, all they asked for in the final sessions of the compact.

MR. KULP: Reported that no formal request had been submitted to the State of Idaho for permission to store water for Idaho Thomas Fork users in Wyoming. However, at one time W.P.A. funds were available for construction, and it was his recommendation at that time that 1,000 ac. ft. was about the share entitled to the Thomas Fork Group.

COM. COOPER: Again stated that it was extremely disappointing to him. The Thomas Fork people had approved the Compact. They had made their request and he had fought for inclusion of their request. They went along with the solution as arrived at. It was a crowning disappointment when this group went to Congress and misrepresented the facts involved.

THE CHAIRMAN: Stated the minutes showed that the Thomas Fork group wanted 1000 acre-feet, and no more.

MR. JIBSON: Stated that the Thomas Fork people had come to his office and asked if the provisions of the Compact eliminated their possible future development of storage. Mr. Jibson stated he had answered the group that this was an Idaho problem, and not a Compact problem, and should have been left out of the Compact. He stated that he suggested that the way was still open for storage.

MR. JIBSON: Stated that there was a need for 9,000 ac. ft. annually to firm up the water requirements, but his study did not indicate a water supply existing in that quantity. In view of this fact, the Thomas Fork group became anxious to have the door left open to their future storage problems. He stated he felt that the 1000 ac. ft. was a token amount. It was not practical, since

storage could not be economically justified for this small amount, and that he had asked about taking the item out completely inasmuch as it was a trouble spot, and an Idaho problem not properly part of the Compact. To this suggestion the Thomas Fork people had stated they preferred to have the 1000 ac. ft. left in. Mr. Jibson stated that the U. C. S. had given encouragement to the Thomas Fork interests. The Giraffe site near the State line would impound the flows of Salt Creek and Thomas Fork proper, since compact negotiations new highway construction had been completed with the elevation of the road surface about 15 - 25 feet above the streambed. In view of the fact that it was proposed to build an 85 foot dam at this site to store 10,000 acft. a very expensive highway relocation problem was involved.

There followed comments relative to the Idaho Farmer article on the Thomas Fork question. It was stated that the implication of this article was that the Upper Users could use the water without depleting the stream and Mr. Christensen commented that the article was misleading in that it made a point in connection with the Thomas Fork use, that water was wasting into Bear Lake, whereas any surplus waters were wasted not in Bear Lake, but in Great Salt Lake.

THE CHAIRMAN: Read from his correspondence verification that ample consideration had been given the Thomas Fork group during Compact negotiations, and that the meetings were well publicised in local papers and had been held to hear the needs of local people.

MR. KULP: Inquired about the political prospects of getting the Compact favorably acted upon by the House at the coming session of Congress.

COM. BINGHAM: Replied that it was his feeling that Congresswoman Pfost had insisted that all parties had a right to be heard, and that hearings would be scheduled, and that it should be the plan of those appearing before the Committee to give very positive statements.

GOVERNOR CLYDE: Stated that he would agree that we should be prepared to answer any questions that may arise, but the presentation should not be of a defensive nature.

COM. COOPER: Concurred, stating it was his opinion that we should build a solid foundation and if the local minority start to attack the position, we would be prepared to deal with that situation when it arose.

COM. RECHARD: Inquired whether it would be preferable for representatives to appear or to file a written statement.

THE CHAIRMAN: Replied that he thought it would be desirable to have one representative from each state appear in person before the committee to present a brief statement.

MR. JIBSON: Commented on the U.S. G. S. program, stating that they were operating on a reduced budget and were down to 27 long range stations administered by their office.

In addition to these stations there are a number of water management stations for operations, including Federal Power Commission Stations which would be needed for Compact administration. He pointed out that 130 canals in the central and upper division would need to be measured, but as Compact administrative experience is gained it may be possible to eliminate some stations particularly in years where no regulation would appear to be necessary, and by observing key stations, river characteristics could be determined without making a continuous number of individual measurements. He stated that at the request of Commissioner Bingham he had prepared a very tentative estimate indicating the operation of 27 stations would cost annually \$22,000. Under usual cooperative agreements the states' share would be \$11,000. Other items of cost would involve operation of stations in addition to the 27 basic stations, which was estimated to cost approximately \$2,000 plus transportation and incidental costs. Based on past record, it would appear that the collection of diversion records would cost about \$6,500 per season, and the computation of canal records about \$1,000.

MR. FIEDLER: Commented that he was appearing at the meeting completely unrehearsed. He regretted that he was not more familiar with the detail of the Bear River problem. He

wished to assure the states that the Geological Survey was willing to cooperate in the usual way. However, they were not desirous of getting into the operation phase of the Compact. He commented that he was familiar with the general problems of the area, having worked out of the Boise District in much of the area concerned with the Compact.

THE CHAIRMAN: Commented that Mr. Jibson and other Federal representatives had been working as one family to accomplish the job. Mr. Fiedler replied that he was glad to hear that their representative had been helpful and that was the way they wanted it.

GOVERNOR CLYDE: Endorsed the remarks of the Chairman, stating that they had had a very cooperative attitude from the federal representatives and that they had skilfully assisted in bringing the various interests to a point of agreement. He continued by stating that we face two serious problems in that the administration of the Compact was tied to records and in the matter of assembling and interpreting records the states had looked to the Geological Survey. He pointed out that they had been in the process of negotiating the Compact for 12 to 14 years, and during that time the very important details had been in the hands, largely, of two men, Mr. Irons and Mr. Jibson. He stated that the present possibility of operation concerned him, and that until the Compact had been tried in actual service and operation we were not out of the woods.

Governor Clyde referred to the remarkable agreement that had come out of the long and sometimes spirited discussions. He stated that in a large measure it was due to the tact and diplomacy as well as the ability of those who had prepared the records.

Governor Clyde stated he appreciated the Geological Survey's concern to keep out of the administrative field. However, this was a Compact where regulation was made as between states. The Compact recognized the rights of the states to administer the waters granted by the Compact among their own users under their existing priority schedules. He urged that full and complete consideration be given to the problems of Compact administration and that



experienced men, such as the man on his left (Mr. Jibson) be made available to help implement the Compact.

COM. COOPER: Replied "As representative of Idaho, I am going to be very specific. We admired Mr. Irons and recognized the credible job that he did. Since his transfer Mr. Jibson has been collecting the records, and during the entire period of our association with him our confidence has been built up in his ability and in his fairness."

"I would like to move that we take steps to administer the Compact on a cooperative basis, and that we request the U. S. Geological Survey to permit Mr. Jibson to act as Administrator."

COM. RECHARD: Enquired as to whether Mr. Jibson, under Commissioner Cooper's motion, would act as a federal employee, and upon assurance that he would, seconded the motion. After discussion, the motion was put to a vote.

GOVERNOR CLYDE: Stated that Jay R. Bingham had succeeded him as Utah's representative on the Commission and would cast Utah's vote in this matter. A roll call by states followed, showing Idaho voting "Aye", Utah "Aye", Wyoming "Aye".

THE CHAIRMAN: Stated during the motion he would like some assistance in preparation of the letter which should be forwarded to the proper officials indicating the wishes of the Commission.

COM. COOPER: Suggested that some background be given to the request and that the points made by Governor Clyde be included in the draft.

GOVERNOR CLYDE: Suggested that Com. Bingham and Mr. Jibson assist in preparing the draft.

MR. JIBSON: Replied that it would be appropriate to address the letter to Chief Hydrological Engineer Luna B. Leopold, and it could be appropriately forwarded to Mr. Jibson who in turn would refer it to Mr. Newell of Boise who is Chairman of the Advisory Committee.

COM. BINGHAM: Pointed out that there was a proposed meeting of the Governors of the Upper Colorado River States in Washington in early January, at which time it might be appropriate to ask the Governors of Utah and Wyoming to make direct contacts with the Washington office of the Geological Survey.

It was agreed that this would be desirable.

COM. COOPER: I move that we adjourn.

COM. BINGHAM: I second the motion to adjourn.

(The motion was carried unanimously)

(10:45 a. m. Thursday, November 7, 1957, Meeting adjourned).

-----  
-----