

2
2ND MEETING

BEAR RIVER COMMISSION

Minutes of Meeting held April 26, 1958 in the Governor's Board Room, State Capitol Building, Salt Lake City, Utah

A meeting of the Bear River Commission was held in the Governor's Board Room, State Capitol Building, Salt Lake City, Utah, on Saturday, April 26, 1958. Acting Chairman Mr. Fred M. Cooper presided.

Commissioners Present:

IDAHO:

Fred M. Cooper, Grace
Melvin Lauridsen, Montpelier
Mark R. Kulp, Boise

WYOMING:

Earl Lloyd, Cheyenne
J. W. Myers, Evanston
S. Reed Dayton, Cokeville

UTAH:

Jay R. Bingham, Bountiful
A. V. Smoot, Corinne
L. B. Johnson, Randolph

Others present:

Emil C. Gradert, Fort Bridger, Wyoming
Orson A. Christensen, Brigham City, Utah
E. G. Thorum, Utah Power and Light Co., Salt Lake City, Utah
F. Gerald Irvine, Utah Power and Light Co., Salt Lake City, Utah
M. T. Wilson, U. S. Geological Survey, Salt Lake City, Utah
Dean E. Bischoff, U. S. Bureau of Reclamation, Logan, Utah
Wallace N. Jibson, U. S. Geological Survey, Logan, Utah
Robert B. Porter, Ass't Attorney General, State of Utah
J. C. Busby, Utah Water and Power Board, Salt Lake City, Utah
Ray H. Zenger, Utah Water and Power Board, Salt Lake City, Utah
Wayne D. Criddle, Utah State Engineer

The Chairman called the meeting to order at 10:10 a.m.

THE CHAIRMAN: The first order of business is reading of the minutes of the last meeting. We will ask Mrs. Irvine if she will read these.

(The minutes were read).

THE CHAIRMAN: You have all heard the minutes. Do you have any corrections or any amendments: If not, the minutes will stand as they are written and read by the recorder.

THE CHAIRMAN: I would like to call for a report at this time from Mr. Bingham with respect to his assignment at the last meeting to write a letter to the White House requesting appointment of a Federal Representative to this Commission.

COM. BINGHAM: On April 8th the following communication was sent to the White House, with a copy to Secretary Seaton, Department of the Interior.

(Mr. Bingham read the letter which contained nominations by the Commission of E. O. Larson, T. R. Newell, and H. E. Comstock for Federal Representative).

The first response received was from the Department of the Interior, over the signature of Hatfield Chilson, formerly legal adviser to the Colorado Water Conservation Board. The letter reads as follows:

Dear Mr. Bingham:

Thank you for your letter of April 9, conveying the recommendations of representatives of the States of Idaho, Utah and Wyoming as to qualified and suitable candidates for appointment as Federal Representative on the Bear River Commission.

Your suggestions will be given careful consideration in any recommendation that we may be asked to make in connection with this appointment. We share the confidence that you have expressed in each of the proposed nominees

Sincerely yours,

Hatfield Chilson

Secretary of the Interior

Mr. Bingham then read a reply received from the White House which read as follows:

Dear Mr. Bingham:

The President has asked me to thank you for your April eighth letter

in which you suggest the names of persons whom your Board recommends for appointment as the Federal Representative on the Bear River Commission.

Careful note has been made of these gentlemen and I can assure you that their names will be brought to the attention of the proper people.

Sincerely,

Robert Gray

Special Assistant

THE CHAIRMAN: Thank you Mr. Bingham. I would like now to find out from members of the Commission how long they would like to adjourn to discuss their assignments in each of the three committees, Budget, Operations and By-Laws.

(It was decided to adjourn until 1:00 p.m. when the committees would be called upon to report to the full Commission).

The Commission re-convened at 2:00 p.m.

THE CHAIRMAN: I apologize for being late. We will proceed with the meeting. I would like to call for a report from our By-Laws Committee.

COM. KULP: Mr. Chairman, the By-Laws Committee met during recess and we have made some changes in the proposed by-laws as distributed to the members of the committee. (The draft of by-laws as changed was distributed). To start with I propose that they be read by the Secretary, and that he keep notes of any article with which you do not agree, and then we will take them one at a time.

COM. BINGHAM: I wonder if it would not be advisable to read the draft all the way through, without pausing for extended comment, and then return and take each item separately.

(Commissioner Bingham, as temporary secretary of the Commission, read the draft of by-laws).

COM. KULP: I move the adoption of Article I.

COM. SMOOT: Seconded the Motion. Motion carried.

COM. KULP: I move the adoption of Section 1 of Article II.

COM. LLOYD: Seconded the Motion. Motion carried.

COM. KULP: I move the adoption of Section 2 of Article II.

COM. JOHNSON: Seconded the Motion. Motion carried.

COM. KULP: I move the adoption of Section 3 of Article II.

COM. SMOOT: Seconded the motion.

Question on the motion.

COM. JOHNSON: Relative to the Secretaryship - supposing there was not a member who was of secretarial timber?

COM. KULP: The secretary, we thought, should be a member of the Commission, and the assistant secretary need not be. The assistant secretary is the one who will do the actual work, and the secretary will bear the responsibility.

COM. BINGHAM: This normally would evolve in the assistant secretary becoming a full time paid employee of the commission, whereas the secretary would be one of the commissioners.

COM. JOHNSON: Then to whom does the assistant secretary become responsible? I wondered in the event that he did not carry out the work of the secretary properly, who would call it to the attention of the commission if we do not make someone responsible.

COM. BINGHAM: One of the secretary's responsibilities would be to see that the assistant secretary carried out his duties properly.

COM. MYERS: The assistant secretary would be responsible to the secretary and the secretary would be responsible to the commission.

COM. JOHNSON: I wondered, since you involve the vice-chairman and secretary in the commission, and later on they will certainly be members of our commission.

COM. BINGHAM: The chairman and the assistant secretary would be ex-officio members of all committees.

COM. JOHNSON: The assistant secretary then becomes an ex-officio member. Would he have any duty other than to sit in on meetings?

COM. BINGHAM: He would act in advisory capacity, but in any final action of committees each government has one vote, so the assistant secretary would have no vote in the committee.

Motion carried.

COM. KULP: I move the adoption of section 4 of Article II.

COM. LLOYD: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 5 of Article II.

COM. SMOOT: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 6 of Article II.

COM. JOHNSON: Seconded the motion. Motion carried.

COM. KULP: I propose to group all sections of Article III. I move that Article III be adopted in its entirety.

COM. BINGHAM: Seconded the Motion.

Question on the motion.

COM. JOHNSON: I am not sure that I am agreeable to locating the office in Logan.

COM. KULP: The committee considered the possibility of future change. These by-laws may be changed at any meeting, provided notice of change is given in notice of meeting, we can remedy that at any time on short notice.

COM. JOHNSON: I would rather make Salt Lake the principal office, personally, and if in the future we decide to move to Logan, we could then do so. It seems to me that Salt Lake City is a satisfactory meeting place. This Commission is a new entity and is now entitled to a life of its own. Item 6 of Article II clears the atmosphere as far as I am concerned, as to how the Commission may operate. I believe we would do well if we amend section 1 in Article III to read "Salt Lake City" in place of "Logan". Some of our technical help is located in Logan, but I cannot see any good reason for setting a Logan office up at all. It seems to me that the records now with the U.S. Geological Survey become the property of the States, under the coopera-

tive agreement which continues until July 1st, and naturally these water records that concern the Bear River Basin would come to the Bear River Commission, and I think we had better, from this day on, establish ourselves as an agency totally independent of anybody's office, and that the commission could best serve, at least presently, if the office were in Salt Lake City.

COM. SMOOT: I can agree with some of the things that Mr. Johnson has just said, but right now according to the recommendations of the Budget Committee, and our agreement with the Geological Survey that carries on under this recommendation, if adopted, Logan would be the best place for the Commission office. The budget committee also took another action here today which would make it necessary that we keep the office in Logan, and that was that Mr. Jibson, or whoever is responsible in that office under the Geological Survey, would rather fit in here as our assistant secretary. With these things in mind I think, at this time, it would almost make it mandatory to keep the office in Logan, inasmuch as the information being sent out and the information received back from the watermasters on operation of the compact, etc. would have to go through that office.

COM. JOHNSON: I believe that Mr. Jibson, or any other employee, might expect compensation from us so he could not act as a paid assistant secretary and retain his position in the Geological Survey. With regard to these records that Mr. Smoot speaks of, to my mind they become the property of the commission and would naturally not have to clear through the Logan office unless we set up a Commission Headquarters in Logan. I cannot see what good could be served in the carrying out of the administering of the river, but to do what item 6 of Article II says - that we employ such engineering, legal, clerical and other personnel as, in the judgment of the commission may be necessary. Since Mr. Jibson would not be employable under the terms of this contract with the U.S.G.S. I would like to see this entity which has been born get a chance to live and operate as a separate agency, and I cannot think how any records

that may be compiled by the staff of the Geological Survey in the office at Logan may not be transmitted here, as well as any reports that are gathered elsewhere may be transmitted there. I cannot be reconciled to setting up our office as an adjunct of anybody else's office. I would like to see it have an independent life of its own and carried on on the basis of data recorded by it.

THE CHAIRMAN: The arrangement, made as it is, was for the sake of convenience, and with the cooperative agreement that we now have with the U.S.G.S. it was felt that it would probably be better to have the commission office in Logan for the time being.

COM. DAYTON: If we were to set up an office here, and still use the Geological Survey to consult with, would there not be a duplication under that set-up?

COM. JOHNSON: If no one in that office who is presently employed may accept compensation, we would have to have an assistant secretary available in that office - someone who is not on their staff.

COM. SMOOT: We may have a misunderstanding, but under this budget plan here with the Survey it is going to necessitate a part of the salaries of these good folks coming from this Commission, so I cannot follow Mr. Johnson on his idea that they cannot accept any pay from this Commission.

COM. BINGHAM: It was the intent of section 4 of Article II that the Assistant Secretary could or could not be an employee of the Federal Government and serve the functions of that office. One of the considerations of establishing the office of secretary and of assistant secretary was to permit the use of trained and experienced personnel. I do not think that that would preclude Mr. Jibson, or anyone in a similar capacity, from serving as assistant secretary.

Speaking strictly to the question here, I think we are generally all of a mind that this compact differs in some respects to other compacts. It has certain regulatory functions, and from the standpoint of being able to operate, the water year is

upon us and there would be wisdom in proceeding in the most workable manner. I think eventually the Commission will want its own full time paid assistant secretary, but in the interests of economy and operating this water year, Logan would be the logical choice.

(Chairman then called for vote on the Motion made by Commissioner Kulp to adopt Article III in its entirety, as seconded by Commissioner Bingham. All members voted Aye, with the exception of Commissioner Johnson who voted No).

Motion carried. *See p. 14*

COM. KULP: I move that sections 1, 2 and 3 of Article IV be adopted.

COM. LAURIDSEN: Seconded the motion.

Question on the motion.

COM. JOHNSON: May these two Commissioners be from the same State?

COM. BINGHAM: Yes. That is a matter that the committee considered at length, and in that provision they tried to provide a means for calling special meetings when an emergency would exist. It was thought that if there was a legitimate reason to meet, two commissioners would have to be convinced before the meeting could be called.

Motion carried.

COM. KULP: I move adoption of section 4 of Article IV.

COM. LAURIDSEN: Seconded the motion.

Question on the motion.

COM. JOHNSON: In case you need to change a date of a meeting for some good reason, could not a quorum do it instead of it having to be by unanimous agreement?

COM. BINGHAM: That would be more workable.

COM. JOHNSON: I move that it be amended to read that a quorum may change a meeting date, rather than by unanimous consent.

COM. BINGHAM: Seconded the motion.

COM. KULP: I understand that it is a general corporate practice to require the con-

sent to be unanimous.

COM. SMOOT: One member of the Commission could challenge the actions of the others.

COM. MYERS: If you run into the possibility of not being able to contact one or two members, after notice has gone out changing the date, they would appear here without any chance of knowing the date has been changed.

COM. BINGHAM: We have two eminent lawyers present - we might hear from one of them on this problem.

F. GERALD IRVINE: I think that a member of the Commission is entitled to a notice of the meeting, and I think if you are going to waive the notice you have got to have unanimous consent of all the members in order to waive that notice. If you give a man a notice and he knows the meeting is going on, then you are all right, but I do not believe you can hold a meeting and not give the individuals notice. I think the by-law is correct as it is.

COM. JOHNSON: I will withdraw the motion to amend and, with the consent of the second, call for question on the original motion.

(The second, Com. Bingham, consented, and return was made to the original motion of Com. Kulp to adopt Section 4 of Article IV, and seconded by Com. Lauridsen).

Question on the Motion.

Motion carried.

COM. KULP: I move the adoption of section 5 of Article IV.

COM. BINGHAM: Sections 6, 7 and 8 are all taken from the Compact.

COM. KULP: I withdraw my motion, and move the adoption of sections 5, 6, 7 and 8 of Article IV.

COM. BINGHAM: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of sections 9, 10 and 11 of Article IV.

COM. SMOOT: Seconded the motion. Motion carried.

COM. KULP: I move adoption of sections 1 and 2 of Article V.

COM. LLOYD: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of sections 3, 4, 5, 6, and 7 of Article V.

COM. JOHNSON: I move that these sections be handled separately.

COM. KULP: I will withdraw my motion and move the adoption of section 3 of Article V.

COM. BINGHAM: Seconded the motion.

Question on the motion.

COM. JOHNSON: I would like to refer to section 3. I think we would be on safer ground if only members of the commission may be members of the committees, particularly these standing committees.

COM. BINGHAM: That provision recognizes that the commission would be handicapped in trying to staff, say, a legal committee from its own commissioners.

COM. JOHNSON: They could staff it with legal advisers could they not?

COM. BINGHAM: We are going to have to work very closely, so far as our state is concerned, with our State Engineer. We have a case here where it would be very desirable to have our own State Engineer a member of the Operations Committee. This provision would permit us to do that.

COM. DAYTON: Your point Mr. Johnson would be that you would want it to read "members of committees shall be members of the Commission," and add to that they would be free to select their advisers.

COM. JOHNSON: Yes. This might do it.

COM. KULP: I had the idea that all committees were advisory and had no policy-making functions or executive functions at all, and if we took that approach we would have advisers to advisers.

COM. JOHNSON: We could appoint a committee of three - one commissioner and two non-commissioners, and the committee report could be adopted by the two non-commissioners

I cannot think of any of these committees being composed of anyone but the members of the commission, but I can think of the members of the commission using all this fine technical help that they can, and do.

COM. MYERS: I would like to get into discussion on the next sentence in section 3 of Article V, "Each Government shall designate the member or members on each committee representing his government." What does that mean? Does it mean that the Governor of each State shall appoint the committee members?

COM. BINGHAM: The governments referred to are the three states and the federal government. You, Mr. Dayton and Mr. Lloyd, for instance, represent the government of Wyoming, and you would make Wyoming's committee designations.

COM. MYERS: Would we also be responsible to appoint ourselves on committees.

COM. BINGHAM: Yes. Actually, however, after the membership is made up, the Chairman, who normally would be the federal representative, would designate the Chairmen of the committees.

COM. SMOOT: I would like to amend that last part of section 3 to read; "Each committee shall be represented by a commissioner from each state," and, in the final sentence, "In all committee action, all votes shall be cast by the commissioner."

MR. PORTER: (Utah State Ass't. Attorney General) It occurs to me that you might be tying the hands of each states's three commissioners by requiring them to do specifically, in any given instance, what they might not want to do. Why should they not want to retain to themselves the right to designate who shall be their voting representative? You may want a legal committee on a specific subject to report back to the commission. No one member of the commission as it now stands is a lawyer, and I do not know if they would want to take the responsibility of casting a vote in a legal committee. Do you want to tie your hands by saying that it must be a member of the commission when you might want to delegate that to some other party? The other way you have more leeway, but still the three commissioners from each of the three states will determine what is actually going to happen. They may keep to themselves the right to vote, or pass it on to someone else.

COM. JOHNSON: It seems to me it would be wise to make these technical people advisers

COM. DAYTON: I go along with the thinking of Mr. Johnson. I think that voting power should be only with the appointed commissioners, since they assume the responsibility of what takes place.

COM. MYERS: The action of each committee always has to come before the commissioner for a "Yes" or "No" before a final conclusion is reached.

(THE CHAIRMAN asked Mr. Porter if he could suggest any language that would be preferable to what was in the article under discussion, and that would more clearly define what Mr. Johnson was referring to. Mr. Porter undertook to dictate an amendment in section 3 of Article V, but requested time in which to draft the amendment.)

COM. SMOOT: I withdraw my amendment.

COM. KULP: I withdraw my motion to adopt section 3 of Article V, with the consent of my second, Mr. Bingham.

COM. BINGHAM: I grant my consent to withdrawal of the motion.

COM. KULP: I move the adoption of sections 4, 5, 6 and 7 of Article V.

COM. BINGHAM: Seconded the motion.

Question on the motion.

COM. JOHNSON: Is it most practical to file a written report, or could we have a verbal report which would become a part of the minutes of the meeting?

COM. BINGHAM: It would be my thought that a written report after a matter has been thoroughly considered might be more concise and to the point than a verbal report. It would not mean that each commissioner would have to have a secretary to write a report. After committee action, the assistant secretary could be directed to prepare a written report which could be circulated to all members of the committee for editing

Motion carried.

COM. KULP: I move the adoption of sections 1 and 2 of Article VI.

COM. BINGHAM: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 3 of Article VI.

COM. LLOYD: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 4 of Article VI.

COM. LLOYD: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of sections 5, 6 and 7 of Article VI.

COM. SMOOT: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of Article VII.

COM. BINGHAM: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 1 of Article VIII.

COM. BINGHAM: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of section 2 of Article VIII.

COM. SMOOT: Seconded the motion. Motion carried.

COM. KULP: I move the adoption of sections 3 and 4 of Article VIII.

COM. LLOYD: Seconded the motion. Motion carried.

COM. JOHNSON: I would like to return with a question regarding the Chairman or Vice-Chairman and the Secretary or Treasurer signing these instruments in writing, as set up in section 2 of Article VIII. To what do we limit these instruments? Will we have a representative of the United States sign our documentary materials, or the Vice-Chairman? The Chairman will not be one of the Commission.

COM. BINGHAM: Of course, we do not foresee all that might be done, but I think in promoting projects and in clearing federal authorities, that there is some advantage to be obtained in using the signature of the federal representative.

(At this point, Mr. Porter indicated that he was ready to dictate an amendment to be used in section 3 of Article V.)

MR. PORTER: I would suggest - "Members of committees shall be members of the Commission. The number of members of each committee shall be determined from time to time by the Commission. Each government shall designate the member or members and advisers on each committee to represent such government. In all committee action,

the votes shall be taken by governments with each government having one vote.

COM. JOHNSON: I would move that this be in order, and that Article V as re-worded now be accepted.

COM. KULP: Seconded the motion. Motion carried.

COM. JOHNSON: I move that my "No" vote on the motion to have the Commission office in Logan be changed to "Yes".

COM. JOHNSON: I move that we accept the by-laws in their entirety, with the amendments.

COM. DAYTON: Seconded the motion. Motion carried.

THE CHAIRMAN: We will now have the report of the budget committee.

COM. SMOOT: We have copies of the Budget Committee's report for each member.

(Copies were distributed).

(Com. Bingham read the report to the Commission.) (Copy attached and made part of these minutes.)

COM. SMOOT: Would you like to handle this section by section?

THE CHAIRMAN: What are the wishes of the Commission?

COM. JOHNSON: It seems to me the things that might be questioned or are controversial are found on the last page.

COM. SMOOT: I move that the report of the Budget and Program Committee be adopted.

COM. LAURIDSEN: Seconded the motion.

Question on the motion.

COM. JOHNSON: The first item on the last page - \$6,040.00 - what do we get for this?

COM. SMOOT: This would take care of a part-time man and a part-time secretary to assist the Geological Survey in carrying out these additional responsibilities that are required by the Commission.

COM. BINGHAM: It is my understanding that the cooperative work is limited to certain types of stream gaging, others of a more detailed nature which become necessary under

compact administration do not qualify under the general terms of cooperative agreements. To give us a full system of measurement it is necessary that supplementary measurements be at the expense of the states.

MR. JIBSON: Our basic stream gaging program requirements - the 50/50 part of this program - calls for about $2\frac{1}{2}$ men in the Logan office and a part-time clerk-stenographer. With the additional duties connected with administration of the compact, the remaining time of the third man will be required. Full time of the clerk-stenographer, and possibly some student help in the summer would be required in addition.

COM. JOHNSON: Will not some complications arise if our assistant secretary is in the office at Logan? How will the chairman or vice-chairman disburse funds?

COM. BINGHAM: I think the report suggested how that would be taken care of at the top of the second page, "Expenditure of funds by the Survey would be chargeable to the appropriate portion of the program, with billing to the Commission or individual states at specified intervals, probably quarterly, throughout the year." Expenses would be paid by the Survey and then, perhaps quarterly, the applicable part of that expenditure, would be billed either to the Commission or to the states individually, depending on how that is worked out.

COM. MYERS: We thought that this budget represented a remarkably low figure for what we expect to get done.

THE CHAIRMAN: I feel very much the same way.

Motion carried.

THE CHAIRMAN: The next item of business is the Operational Report. We had a discussion, and the only thing we did not arrive at was the date to begin measurements. Somewhere between May 15th and June 1st, I believe. I would like to have the thinking of the commission on the date that we should begin the operations on this. I believe Mr. Jibson suggested that it be made variable.

MR. JIBSON: In the Upper Division, I recommended that it be a variable date, depending

upon water supplies, each year.

In the Central Division, I recommended that it be a definite date between May 15th and June 1st of each year.

THE CHAIRMAN: Is it the thinking of the Commission that we could leave that to the discretion of the people who are going to do the measuring, or do you want to set a definite date yourselves?

COM. MYERS: There is certainly a lot of variation in the streamflow. The peak flow where I live is about June 1st. It would depend on the reading of these key stations, and I am not too sure, on the key stations, when the measurements begin.

MR. JIBSON: I think we should discuss this, Division by Division. There are two different problems. In the Upper Division, regulation begins when the total divertible flow drops to 1250 cfs, which means, that when the total of the diversions in the four Sections of the Upper Division, plus the flow passing Pixley Dan gets down to 1250 cfs, a water emergency exists according to the terms of the compact, and interstate regulation should begin. The only sure way to know when the date is, it to have measurements of all diversions, but we have one or two indirect methods to determine this date without measuring all of the diversions in the entire Division. I feel that we could tell within a week or ten days prior to that time by means of these indirect methods. The peak flow varies from year to year, it may average around June 1st. We find that two or three weeks following the peak flow, the divertible flow reaches 1250 cfs. It may come on June 1st one year, June 20th or May 15th the next, and it is my feeling that it would be more economical to leave the date open until the season progresses to such a point that we can set a definite date as determined by these other factors.

COM. MYERS: There is also a little trouble in determining exactly when your peak flow is.

MR. JIBSON: By incorporating the described indirect method with the total supply

passing our State line station above Evanston and the station at Woodruff Narrows, I feel that between the two we can tell pretty definitely when this point will be reached.

A question was asked me in the committee meeting by Mr. Dayton as to why I should recommend a variable date in the Upper and not in the Central Division. The reason primarily, is that during a good water year there may be no regulation whatever in the Upper Division. If the time at which the divertible flow drops to 1250 cfs is extremely late in June or even early in July, there may be no necessity for regulation in the Division. In the Central Division we know that each year, regardless of how well supplied we are, that the flow passing Border gaging station will reach 350 cfs at some time during the summer. After that point is reached the Central Division will be in a state of regulation throughout the entire irrigation season because they have supplies during the balance of the irrigation season, and we know that the watermaster will be required in the Central Division through September 30th or October 15th, whichever date terminates the period of irrigation. Thus, commitments to a watermaster probably should be more definite than in the Division above.

COM. JOHNSON: When do you begin to read your key stations in the Upper Division?

MR. JIBSON: The 30 gaging stations which we have talked about as key stations are kept on a year-round basis. Just as soon as the ice is gone we secure the record each year.

COM. JOHNSON: Who do you report to when you think it is time to take records, and that the gages could all be read?

MR. JIBSON: There are two or three alternatives. I could relay the information to the Commission, or any designated member of the Commission you may desire, or directly to your watermasters.

THE CHAIRMAN: I think Mr. Jibson has indicated that he would be entirely cooperative.

to time be sent out by a letter or forecast every week or ten days to the Commission?

MR. JIBSON: That would be very easy and desirable.

COM. JOHNSON: I was going to ask the Chairman if we might not consider the idea that Mr. Jibson report to us weekly the flow of the river at these stations and with any comments he would like to make. When it looked like it needed Commission action, we would all be about of the same mind and could call the Chairman.

COM. JOHNSON: I move that we instruct Mr. Jibson to give us a weekly report on the state of the river.

COM. BINGHAM: Seconded the motion. Motion carried.

THE CHAIRMAN: According to the by-laws we now proceed to elect a vice-chairman. What is the pleasure of the Commission?

COM. SMOOT: I would like to nominate Mr. Cooper.

COM. LLOYD: Seconded the motion.

COM. JOHNSON: I move that the nominations cease.

COM. BINGHAM: Seconded the motion. Motion carried.

THE CHAIRMAN: Thank you for your confidence. We will now elect the Secretary and Treasurer.

COM. KULP: I nominate Mr. Bingham. The by-laws say these are separate functions unless the Commission deems it advisable to combine them. Maybe a motion is in order that we combine the two offices. I so move.

COM. JOHNSON: Seconded the motion. Motion carried.

COM. KULP: I nominate Mr. Bingham as Secretary and Treasurer.

COM. SMOOT AND COM. LAURIDSEN: Seconded the Motion. Motion carried.

THE CHAIRMAN: Next is selection of Assistant Secretary.

COM. LLOYD: I nominate Mr. Wallace Jibson.

COM. BINGHAM: Seconded the Motion.

COM. JOHNSON: Moved that nominations be closed.

COM. KULP: Seconded the motion. Motion carried.

COM. BINGHAM: The report of the Budget and Program Committee carried as one of its recommendations that a reply be directed to Mr. Nace of the U. S. G. S.

THE CHAIRMAN: The chair will entertain a motion that the Secretary-Treasurer be instructed to send a letter to Mr. Nace on the action of this committee.

COM. SMOOT: I so move.

COM. MYERS: Seconded the motion. Motion carried.

COM. SMOOT: I suggest, inasmuch as this is our first year, that on or about the time that Mr. Jibson indicates that regulation should start, the Commission hold a meeting prior to the time as indicated by the reports.

COM. JOHNSON: I move to amend the motion that a convenient date between May 15th and May 20th be set up for a commission meeting.

MR. JIBSON: Based on reports of streamflow, I would guess that our peak flow this year would come after the first of June on the river, and the date of regulation on the Upper Division would probably be near the end of June.

THE CHAIRMAN: Would you like to meet in Montpelier, Idaho?

(This was agreed to).

Why do we not wait to determine the date of that meeting? We will notify you of the time and place of the meeting.

The meeting adjourned at 4:45 p.m.

PROGRAM & BUDGET COMMITTEE

Report to

BEAR RIVER COMMISSION

April 26, 1958

At a meeting of the Bear River Commission, April 5, 1958, this Committee was given certain assignments for study and presentation to the Commission at the next meeting.

1. Consideration of a proposed cooperative program with the U. S. Geological Survey.
2. On the basis of the above findings, prepare or make provision for a letter to the Chief Hydraulic Engineer, Geological Survey, in answer to one from Mr. R. L. Nace, dated January 17, 1958.
3. Prepare budget estimates for the 1959 fiscal year.

In compliance with these assignments, the Committee has discussed and studied the proposal and desire to make the following recommendations to the Compact Commission:

1. From economical and administrative considerations, we believe it is practical and desirable to enter into a cooperative agreement with the Geological Survey. Such a program should provide for basic stream gaging to meet hydrologic requirements of State and Federal interests, essentially as now being carried on in the Basin. It should be under a 50-50 financial agreement between the Federal Government and either the individual states, or Compact Commission, preferably the latter.

In addition, the program should provide for assistance from the Geological Survey in the administration of the Compact insofar as is deemed appropriate, and within the general outline offered by Mr. Nace. Financial support for this

phase of the program would be shared equally by the three states without matching funds from the Geological Survey.

Expenditure of funds by the Geological Survey would be chargeable to the appropriate portion of the above recommended program, with billing to the Commission or individual states at specified intervals, probably quarterly, throughout the year.

2. If the cooperative program as recommended with the Survey is acceptable to the Compact Commission, it is our suggestion that the temporary Secretary, Mr. Bingham, write a letter to the Chief Hydraulic Engineer. This letter should express our desire to enter into a cooperative agreement with the Geological Survey along the general outline as proposed, with details to be worked out with Mr. Bell and other field representatives.

3. In cooperation with Mr. Jibson and the Utah Water and Power Board, tentative budget estimates for the type of program discussed herein have been prepared as follows:

Estimates for the Federal - State cooperative program have previously been submitted in the amount of \$27,000 for the 1959 fiscal year. Each State's share of this program would amount to \$4,500. This is a firm estimate based on past years' stream gaging programs and is acceptable to this Committee.

A reliable estimate on budget requirements for the second phase of the program dealing with Compact administration is more difficult to determine in this initial year of operation. After consultation with Mr. Jibson and fiscal personnel of the Utah Water and Power Board, the following breakdown of anticipated expenditures for 1959 fiscal year is submitted:

Increase in personnel requirements	\$6,040
Travel and subsistence (personnel & vehicles)	1,200
Files, stationery, office supplies, & telephone toll	610
Annual Report - Printing and reproduction	700
Treasurer - Salary, bonding, and audit of accounts	400
Transcription and preparation of minutes (4 meetings)	150
Fiscal unit charge (4%) and miscellaneous	<u>650</u>
Total	\$9,750

The above costs would be borne equally by the states without matching funds, and would amount to \$3,250 each. This portion of the budget will vary somewhat from year to year depending on water supplies and extent of regulation.

Respectfully Submitted:

Program and Budget Committee

A. V. Smoot

Melvin Lauridsen

J. W. Myers