

BEAR RIVER COMMISSION
Minutes of Annual Meeting held in the Governor's Board Room,
State Capitol Building, Salt Lake City, Utah - April 20, 1959

The Annual meeting of the Bear River Commission was held in the Governor's Board Room at the State Capitol Building, Salt Lake City, Utah, on Monday, April 20, 1959, at 10:00 a.m. Chairman E. O. Larson presided.

Commissioners Present:

IDAHO:

Fred M. Cooper, Grace
Melvin Lauridsen, Montpelier
George N. Carter, Boise

WYOMING:

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

UTAH:

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

UNITED STATES:

E. O. Larson - Chairman and U. S. Representative

Advisors Present:

IDAHO:

J. Warren Serrine, Paris
Wesley W. Hubbard, Grace

WYOMING:

H. T. Person, Cheyenne

UTAH:

Orson A. Christensen, Brigham City
L. B. Caine, Logan
J. L. Weidmann, Honeyville

Wayne D. Criddle, Engineering Consultant
Robert B. Porter, Legal Consultant

Others:

M. T. Wilson, U.S.G.S., Salt Lake City
Wallace T. Miller, U.S.G.S., Denver, Colorado
Francis M. Bell, U.S.G.S., Denver, Colorado
Wallace N. Jibson, U.S.G.S., Logan, Utah
Gordon R. Ayer, U.S.G.S., Albany, New York
W. V. Iorns, U.S.G.S., Salt Lake City
Russell D. Stoker, Soda Springs, Idaho
E. G. Thorum, Utah Power and Light, Salt Lake City
F. Gerald Irvine, Utah Power and Light, Salt Lake City
Daniel F. Lawrence, Utah Water and Power Board, S.L.C.
James C. Busby, Utah Water and Power Board, S.L.C.

COM. JOHNSON: I move that the Bear River Commission join in recognizing Mr. Reclamation in the person of E. O. Larson, and that the Minutes show this. He has been of great service to us, and the Bear River Compact might not have been consummated by now without his services.

COM. COOPER:

and

COM. BINGHAM: Seconded the Motion. Motion carried.

CHAIRMAN: I appreciate the motion.

CHAIRMAN: First order of business is the reading of the Minutes of the last meeting, held October 27, 1958.

MR. JIBSON: We have held to the By-Laws in that the Minutes shall be circulated only to the Commissioners until approved. When approved, they will be available for general distribution.

COM. SHOOT: In view of the fact that we have had the Minutes, and have had them available for our study, I move that we accept them as received and written.

COM. LLOYD: Seconded the motion. Motion carried.

CHAIRMAN: I have no reports to make at this time. I would like to call your attention to some business - election of Vice-Chairman and Secretary-Treasurer, which is required annually in the By-Laws.

We will proceed first with the report of the Secretary-Treasurer.

COM. BINGHAM: I should like to comment that at the conclusion of our last meeting you authorized the preparation of a folder, which has now been prepared and all of you have received copies.

In accordance with the requirements of the By-Laws, there was submitted, following your action at the October meeting, a copy of the budget of the Commission. If any of you would like to refer to it, it is printed in the Annual Report on page 12. The printed budget and the Annual Report were submitted separately to the Governors of Idaho, Wyoming, and Utah and to the President of the United States, in accordance with the By-Laws.

A draft of the Annual Report was circulated to Commission members and most of the revisions suggested have been incorporated in the printed version of the Report.

Following the offer of the Chairman, Mr. Jibson and myself went through the files of the Federal Representative and selected certain documents which we felt should be in the permanent files of the Commission, and Mr. Larson arranged for us to have copies of the documents. These are now in the files of the Commission.

We have available here, copies of an interim Financial Statement for the period July 1, 1958 to March 31, 1959. There has been no audit of the Commission Funds for the reason that the firm that we selected, and you approved, suggested that the audit would mean more if confined to a fiscal year basis. We had no funds, or fiscal activity, until August 1958. In the next Annual Report you will have an audit and detailed account for the financial activities of the Commission for the period July 1, 1958 to June 30, 1959.

This interim financial report is the report which covers three quarters of the fiscal year and which will ultimately be printed in the second Annual Report and audited.

As provided by the Compact, the budgeted expenses of the Commission are shared equally by the three states involved.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES
FOR THE PERIOD OF JULY 1, 1958 TO MARCH 31, 1959

INCOME:	<u>Approved Budget</u>	<u>Assessments Outstanding</u>	<u>Total Revenue</u>
State of Wyoming	\$ 8,270.00	\$ - - - -	\$ 8,270.00
State of Idaho	8,270.00	- - - -	8,270.00
State of Utah	<u>8,270.00</u>	<u>- - - -</u>	<u>8,270.00</u>
TOTAL INCOME	<u>\$24,810.00</u>	None	<u>\$24,810.00</u>

Deduct: Operating Expense	<u>Approved Budget</u>	<u>Unexpended Balance</u>	<u>Total Expenditure</u>
Stream Gaging - U.S.G.S.	\$14,460.00	\$ 8,091.00	\$ 6,369.00
Personal Service	6,640.00	2,255.00	4,385.00
Travel & Subsistence	1,200.00	742.00	458.00
General Office Expense	610.00	401.70	208.30
Printing Annual Report	700.00	387.30	312.70
Treasurer-Bond & Audit	400.00	350.00	50.00
Transcription of Minutes	150.00	45.00	105.00
Fiscal Charge - U.S.G.S.	350.00	198.00	152.00
Miscellaneous	<u>300.00</u>	<u>261.00</u>	<u>39.00</u>
Total Expense	<u>\$24,810.00</u>	<u>\$12,731.00</u>	<u>\$12,079.00</u>

CASH IN BANK AS OF MARCH 31, 1959 **\$12,731.00**

Detail of Expenditures:

<u>Voucher Number</u>	<u>Vendor</u>	<u>Amount</u>
1.	Marguerite Irvine	\$ 70.00
2.	Kelly Company	12.30
3.	Rocky Mountain Bank Note Co.	18.95
4.	Herald Printing Company	39.75
5.	Tanner & Garrett, Boyce, Parkinson & Robbins	55.00
6.	The Kolob Corporation	50.00
7.	Marguerite Irvine	35.00
8.	U.S. Geological Survey	5,715.00
9.	U.S. Geological Survey	5,829.00
10.	Sun Lithographing Company	<u>254.00</u>
<u>Total Disbursements As Above</u>		<u>\$12,079.00</u>

MR. JIBSON: I should like to add a word about the Annual Report. I sent out copies last week to all on our mailing list. I want to apologize for not getting them out earlier; but it took a few days, after the Reports were delivered to us, to make the necessary corrections necessitated by a few errors in printing.

Mr. Bingham and I collaborated on this report, in an effort to present a brief but complete summary of the first year's operation. The covering letter of transmittal was submitted from Salt Lake City over Mr. Bingham's signature.

This Report should be in harmony with the desires and thinking of the Commission, and we invite criticism and suggestions for its future improvement and effectiveness.

In connection with the records which we now have in the Commission files at Logan, we do not have a copy of the Compact with original signatures, and apparently there are none available.

CHAIRMAN: The General Services Administration insist on a signed copy, and an extra signed copy went to the Bureau of the Budget, and I have been trying to get one back. However, we have one in the possession of the Chairman.

MR. JIBSON: The next item concerns Applications for Appropriation which have been submitted by the State Engineers since our last meeting. I prepared a tabulation of the applications from Utah and Idaho, and just before the meeting this morning Mr. Lloyd handed me a tabulation of applications received in his office. We do not have them available for distribution, but perhaps we can discuss them from the material provided.

(Mr. Jibson handed out copies of list of applications for appropriation -
Copy attached)

APPLICATIONS FOR APPROPRIATION

April 20, 1959

Notices have been filed with the Commission for the following applications to appropriate water in Bear River basin. These notices have been received since October 1, 1958 and do not include those filed with the Commission prior to this date.

Idaho

<u>Application Number</u>	<u>Description of Appropriation</u>	<u>Source of Supply</u>	<u>County</u>	<u>Amount (cfs)</u>
35218	Irrigation, Domestic	Yeoman Cr. trib. Montpelier Cr.	Bear Lake	1.0
G-35248	Domestic, Industrial	Underground	Bear Lake	0.11
G-35622	Irrigation, Domestic	Underground	Caribou	4.0
35639	Irrigation	Unnamed drain	Franklin	0.8
35773	Irrigation	Gub River	Franklin	2.0

Wyoming

5695 Res.) 172/251)	Irrigation Reservoir	Sulphur Creek	Uinta	4614.17 ac.ft.
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Utah

30127	Well, Irrig. & Domest.	Underground	Rich	0.015
30232	Well, Stockwater	Underground	Rich	0.015
30237	Well, Stockwater	Underground	Rich	0.015
30370	* Reservoir	Lym Lake Stream	Summit	125 ac.ft.
30375	* Reservoir	Mill Creek	Summit	900 ac.ft.

Utah (continued)

<u>Application Number</u>	<u>Description of Appropriation</u>	<u>Source of Supply</u>	<u>County</u>	<u>Amount (cfs)</u>
30376	* Reservoir	West Fk. Bear R.	Summit	5,000 ac.ft.
30377	* Reservoir	Boundary Creek	Summit	3,684 ac.ft.
30380	Well, Irrig, Domestic	Underground	Rich	3.
30542	Well, Irrig, Domestic	Underground	Rich	0.015
30543	Well, Irrig, Domestic	Underground	Rich	0.015
30570	Well, Irrigation	Underground	Rich	3.
30824	Well, Irrigation	Underground	Rich	3.

* Reservoirs located in Utah, water to be used in Wyoming.

This list includes applications which have been submitted since October 27, 1958. Utah and Idaho applications were submitted very recently and are assumed to be up to date. The approved form for reporting to the Commission contains additional information to that which was included in the tabulation. If there are any questions - I have brought copies of these forms with me and we can discuss each case individually.

In Idaho there are five rights listed--three are for relatively minor amounts. One is for irrigation by pump from an underground source of supply in Caribou County for 4 cfs and is located about 1-1 $\frac{1}{2}$ miles from the main stem of Bear River. One, for 2 cfs, is out of Cub River, a tributary of Bear River. Another for 1 cfs is out of Yeoman Creek, a tributary to Montpelier Creek below Bear Lake.

The only information available from Wyoming was the capacity for the new reservoir on Sulphur Creek which is included on this tabulation. Final listing shows a capacity of 4614.17 ac. ft. in the reservoir.

In addition to the reservoir right, I might discuss some of the information given to me just before the meeting. We have a right approved for a well in Lincoln County to be used on 160 acres. There is no amount given for capacity, but it would be in the Cokeville area. We have a second right listed for a supply for Dry Lake Reservoir, to the Deseret Livestock Company in which it is stated that the application is for enlarged Chapman Canal for supply to Dry Lake Reservoir - capacity 19 ac. ft. You may recall that we discussed this question in an earlier meeting when a new diversion was constructed. At this time I do not know the status of that development, but I understand that it is inactive.

COM. JOHNSON: Is this a stock water type, or irrigation?

COM. LLOYD: It is a supply to a stock water reservoir (the first right was for irrigation, and this one is for stock water)

COM. JOHNSON: I would like to make some report on that diversion. We in Utah below the diversion were considerably disturbed, so we consulted with Mr. Bingham, and we decided it might be politic to meet with the Deseret people about the matter. They reported that such an application had been filed, and their understanding was that it would be original water that they would use down there. Mr. Bingham quoted to them from the Compact that it could be done if it did not interfere with the rights below. We met with Mr. Ken Garff, and most of his staff, and left without any real conclusion, but gave them the picture as we see it. Later, their manager advised us that Mr. Garff had told him, as President of the Company, to do what he thought advisable, and he felt it advisable to close the diversion at the present time. So that is how it stands--it is now inactive. We would contest any such stockwatering pond and figure that any diversion with possibility of storage above the river, would impair rights below.

MR. JIBSON: Next listed is a stockwater reservoir, .6 a.f., to be built on Yellow Creek above Evanston in Uintah County, Wyoming.

The next one is also for stockwater on a tributary to Yellow Creek for a small reservoir impounding .8 ac. ft. We have still another, by the same individual, on a tributary of Yellow Creek for stockwater which will impound 6.36 ac. ft.

The last three applications are by Ben R. Lowham of Evanston, Wyoming.

The next is for an irrigation right in connection with highway construction irrigation for pre-watering of borrow areas and for consolidation of earth embankments. Application is Industrial Pipelines, and quantity requested is 1 cfs, to be taken out of the Bear River main stem near Evanston.

The next application is for an irrigation right to John Reed of Kemmerer, Wyoming. It is for a storage supply to Wyman Reservoir. Quantity is .64 cfs,

and the reservoir capacity is 21.99 ac. ft. Direct source of supply is Bear River in Lincoln County, Wyoming. This water is to be used on 45 acres of land in the vicinity of Cokeville.

Another irrigation right is listed to John Reed, for storage of 21.88 ac. ft. Direct source of supply is Bear River, and the point of diversion is Lincoln County. The number of acres on which this is to be used is not specified.

Next is a stockwater application to L. W. Roberts of Cokeville for a small reservoir impounding .77 ac. ft. on a tributary of Smiths Fork--Coral Creek, West Draw. There is another stockwater reservoir application by L. W. Roberts which will impound 8.45 ac. ft. Direct source of supply is Harmon Draw, tributary to Corral Creek, tributary to Smiths Fork.

Next is an irrigation right to John J. Martin for 87.9 ac. ft. storage. Direct source of supply is Bazoo Hollow, tributary to Sulphur Creek, tributary to Bear River, in Uintah County, Wyoming. The acreage on which it will be applied is not given.

Next is an irrigation and domestic stockwater right to the Sulphur Creek Reservoir Company, Evanston, Wyoming, for 410.04 ac. ft. on Sulphur Creek proper. That is included in the 4,614.17 ac. ft., present capacity of the Reservoir, and is supplemental to the original filing since the Reservoir was built to a greater capacity than originally applied for.

Another application for irrigation, domestic and stockwater--E. Sessions and others at Evanston, Wyoming, for Sulphur Creek reservoir enlargement of 2,473.85 ac. ft. Present capacity 4,614.17 ac. ft. Source of supply is Sulphur Creek.

Next is an irrigation right to the Sulphur Creek Reservoir Company for 4,104.13 ac. ft. which, I assume, is the original application for the first

development. This concludes the group of applications turned in this morning by Mr. Lloyd. Considering the Utah applications, you will note four reservoirs are listed for relatively large amounts - on Lym Lake Stream, Mill Creek, West Fork of the Bear River, and on Boundary Creek. These sites are all in the headwater area. The water is for use in Wyoming and I believe on Hilliard Flat. Application is made by Harry L. Harris of Evanston, Wyoming.

In addition to these reservoir rights in Utah, we have three underground well rights for 3 cfs each. Two are on Six-Mile Creek below Randolph, about two miles from the main stem of the River. The third one is near Laketown above Bear Lake--a considerable distance from the river. The other rights listed in Utah are relatively small, underground well rights.

That is all the comments I have on the applications.

(Chairman called for comments or questions from each State)

COM. COOPER: These large rights applied for, I assume, will come out of the allocation agreed to in Article V of the Compact? If deducted from the allocation, Idaho will not contest any of them.

COM. BINGHAM: I have a question which came up in connection with the discussion on stockwatering rights. I submit it here for information. Section C, under Article V of the Compact, relating to stockwater, reads: "Subject to existing rights, each State shall have the use of water for farm and ranch domestic, and stockwatering purposes, and subject to State law shall have the rights to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 ac. ft. without deduction from the allocation made by Paragraph A of this Article."

The whole paragraph seems to hinge on the first few words "subject to existing rights", and puts the authority for this determination in the hands of the State Engineer of each State.

COM. COOPER: I think that was agreed to in Montpelier at the meeting held there last year--that the State Engineer settle that. I think our water commissioner for District Five has a question.

MR. STOKER: I wonder who this application is by - in Caribou County, for 4 cfs. It could affect some rights, and if you have any information on the individual I would appreciate hearing them.

MR. JIBSON: That right is to Everett W. Smith, Grace, Idaho.

MR. STOKER: When was it applied for?

MR. JIBSON: December 22, 1958 was the date of filing. Application was approved January 9, 1959 in the State Engineer's office in Boise, Idaho, for use on 240 acres.

COM. COOPER: Now you mention who it is, Mr. Smith farms North and West of my place and he ran into some difficulty with his well. It would in no way affect the flow of the Bear River. It is an underground well that he has sought to develop, and would in no way interfere at all with the water of the Bear River. It is located about 1.5 miles from the Bear River proper.

COM. LLOYD: I would like to ask first, whether all these Idaho applications have been approved.

COM. CARTER: Yes. We had some discussion about this last fall, and I asked the question - "would the States, in their own right, normally go ahead and approve these applications and then pass them on to the Bear River Commission." We did not want to hold them up in our office waiting for the Commission to act, and so we are going ahead in Idaho and approving them through the normal channels. My understanding was that they would be reported to the Commission after they were approved, but that the State's approval probably would not be final if the Commission protested.

MR. CRIDDLE: At the time we were working up a form and method of reporting to the Commission, Mr. Carter raised this question, and it was Mr. Lloyd and I

who agreed that perhaps you could not hold up approval of these applications - at least certain of them - until the Commission meeting, so long as there was legitimate water available under the terms of the Compact. We have the same type of applications filed in Utah, and even though we have not yet given approval on the applications, we allow the applicant to go ahead and drill - particularly in a dry year like this--and when it appears that there is adequate water available. I believe it would be wrong to hold up approval to allow an applicant to move ahead until such time as the application is approved. We have indicated on the form a place to show whether the application has, or has not, been approved, and also an indication of the chance to come back and indicate that it has been approved, even though the Commission, and the other State Engineers, were advised that the application was filed and still pending at the time that we notified them.

COM. JOHNSON: Will we regard these applications, generally, as new and original water, except the reservoirs that we know must come out of the allocation under the Compact? It seems to me that we have two types of applications here - new and unauthorized. Storage is authorized under the terms of the compact, and of course a division of that will probably be finally by agreement, and so, as we view it, the applications for storage should all fall into the one category and all one priority date, and then they would be studied in the light of the whole situation.

Mr. Carter, you have been approving some things not in any way storage - they are new applications, totally original. I myself would question the wisdom of approving the storage that must come out of this allocation until we get a general picture of what the desires of the people are in the total area. You would have just the one on Thomas Fork in Idaho - 1,000 ac. ft. set up - and I presume that you would be totally free to do as you please about this. But this other matter between Utah and Wyoming is more complicated because the

river enters and leaves our State twice, and so it seems to me that, if we could, we ought to arrive at a policy in handling these applications. We should determine the type of application, and then it would seem to me that the case where we have to recommend against our State Engineers ought never to come up.

What I would like to see as a policy is that only applications that would in no way affect the group, under the Compact, be approved. That the State Engineers use their own judgment, but I think we would like these applications to come to us before approval on the storage.

CHAIRMAN: These filings for applications for ranch, domestic, stockwatering purposes up to 20 ac. ft. - do not come out of the storage allocation, so there may be complications that might preclude, in the best interests of the respective States, their using their share of the 35,500 ac. ft. for upstream storage? Is that what you mean?

COM. JOHNSON: Yes. I think what Mr. Bingham read is pertinent to all of us, and we should preserve this river as an irrigation stream if we can. A number of small stockwatering ponds would be very useful, but if we make enough of these in the Basin, there will not be any water in the main channel when we want water. I think considerable caution should be used by all of the State Engineers' offices in approving these until they are laid down in relation to the picture that the Compact makes.

COM. CARTER: We put "subject to approval of the Bear River Commission" on the approved applications, and if the Commission nullifies it, would that change the approval of the State Engineer?

MR. JIBSON: This was discussed in the last meeting, and the conclusion was that the Bear River Commission has no more right or authority than an individual water user in protesting these applications.

MR. PORTER: Agreed - unless they are in violation of specific terms of the Compact.

COM. BINGHAM: There is a provision in the Compact allowing stockwater, and no restriction whatsoever against underground water development.

COM. SMOOT: This stockwatering matter bothers me too. In paragraph C of Article V in the Compact - how do the State Engineers interpret "subject to existing rights"? Does it mean that they are using their own water that they have been using, and for which they have a right? In the case of an application for a stockwatering pond up to 20 ac. ft. how do you interpret that?

MR. CRIDDLE: The only way we allow storage of 20 ac. ft. is if it was definite that at that time it would not interfere with rights below.

COM. SMOOT: I cannot visualize a whole string of those ponds up there, without affecting users below Bear Lake. You can shut off all those little streams with stockwater ponds, and deplete what we have been depending on.

MR. CRIDDLE: You could very well be right on both surface storage and underground rights. This we would have to look at in each individual case as to whether we felt it was seriously affecting existing rights.

COM. SMOOT: What is your interpretation of that phrasing in the Compact "Existing rights"?

MR. CRIDDLE: All rights that exist on a stream below.

COM. SMOOT: I think this is one of our most serious problems, and one that certainly should be handled at this time before the matter gets out of hand.

COM. JOHNSON: Now we take this position. As we contemplate the storage, there will be no free time anymore. Over the months not in irrigation period we will be in storage period somewhere up to the point where we have stored our 35,500 ac. ft. - our known storage authorization. When they were filled entirely, the stream flow would continue on down. So it seems to me that there is no free water anymore. I would like to recite the position that the Attorney for the Deseret Land and Livestock people took. They are not using their, or our, water - it is "free water". We would try to use the allocation

of water under the Compact properly and there is not any free water. I asked him, "do you wish to have this 20 ac. ft. you want to run down into Dry Lake taken from your own present supply of water?" He answered "No". We want free water. As we contemplate development of the river now, we contemplate that it is a fully appropriated river, and we have no "New water". The moment the President signed the Compact we had 35,500 ac. ft. out of Bear Lake, and it does not come from any other place, and it was to be allocated to the States - half and half. Idaho's rights are taken care of outside of the terms of the Compact. Wyoming had no water. We had none in Utah to allocate to anyone until the Compact was signed. Sulphur Creek Reservoir--we would be glad to call 'briginal water". But since that may not be done, that water comes out of water that did not exist when the appropriation was approved. It was in Bear Lake until the Compact was signed.

COM. COOPER: This was your contention then, Mr. Johnson, that in the beginning the waters of the Bear River were over-appropriated?

COM. JOHNSON: I should say it was ten times over-appropriated.

COM. COOPER: There were rights upstream that were not filed because the water was not available. It all hinges on existing rights, and if, in the opinion of the State Engineer they make a determination that it is injuring existing rights, then would it not be the ethical thing for them to do to refuse the right to store the 20 ac. ft.?

MR. PORTER: I think you stated it very well--it is within the control of the individual State, and this compact merely said that anything less than 20 ac. ft. we will leave the states to handle, subject to existing rights, and not concern the Commission further.

COM. COOPER: This all hinges on State law, and the State engineers will not deal out of the terms of the Compact by issuing permits which are going to be damaging to the existing rights. That is my contention.

COM. SMOOT: In your opinion, is there any water up on the Bear River for stockwater reservoirs?

COM. COOPER: I would say in certain circumstances, where there is a surplus and the water otherwise would run to waste at a certain time of the year, they could be permitted to store it.

COM. SMOOT: What do you mean "run to waste"? We get it all and store it.

COM. COOPER: That is probably right.

COM. MYERS: Are you reaching the conclusion that there could be no further water stored for stockwater purposes, because it is all supposed to run into Bear Lake? That certainly was not the intent of the Compact. The Compact says that that should be left to the discretion of the States, and their jurisdiction. I think that is the way it ought to be. Of course, if some one is abusing that, it is the State Engineer's business to see that it is not abused. But many of these stockwater ponds are very essential and was so considered when the Compact was written, and that is what it means;--that they could store a certain amount of stockwater.

COM. JOHNSON: Can you think of an area that gives 20 ac. ft. of water? Did we not make a mistake, and should not it have been no more than 5 ac. ft. to begin with?

COM. MYERS: I cannot imagine very many stockwater ponds that would cover anywhere near that.

COM. JOHNSON: Is there any area where there is storage enough available to store 20 ac. ft?

COM. MYERS: I do not want to leave the impression here that there is any right anywhere for any stockwater because I cannot agree on this. I agree that 20 ac. ft. is an enormous stockwater pond, and I cannot see how it was made that much.

COM. JOHNSON: We can go to Congress and get that changed to where it would not be damaging to us. I can see several things in the Compact, after a year's experience, that we could improve, and in another year's experience probably we could do even better. The stockwater should be limited pretty much to the water that is available, and would otherwise just stand there and evaporate.

COM. MYERS: I think these fellows will go out and make a little pond here, and one there; they do not want a big body of water anywhere.

COM. JOHNSON: But the Compact does not give them authorization.

COM. MYERS: Yes--but I do not think it will come to such a large appropriation that we need to be concerned at this time.

COM. JOHNSON: It puts the engineers' offices on the spot.

COM. LLOYD: The average, we have found, is only around 4 or 5 ac. ft. for stockwater pond capacity.

COM. COOPER: I think it can still be worked out under the terms "subject to existing rights". Certainly we have enough confidence in the wisdom of the State Engineers and their desire not to tear down the Compact, and still leave it as it is.

MR. JIBSON: To me it means, "subject to existing rights within a State", that storage can be constructed. When we say "subject to existing rights" we do not mean that reservoirs in Wyoming would have to be subject to prior rights in Utah and Idaho.

MR. PERSON: The intention was that it be left entirely to the discretion of the State Engineers, in the State concerned. If we were subject to existing rights in Bear Lake to stockwater reservoirs we would not have to put that clause in because there would be no water.

MR. CRIDDLE: Am I right in interpreting then that the 20 ac. ft. limitation can be approved, and should be approved within the States as long as it does

not affect any other water rights within the State? Assuming it is beneficial use, and an application comes in for 20 ac. ft. for stockwater purposes, we should not look at the State below, but just the State that we are approving it in?

COM. SMOOT: No. What is the use of having the Compact?

COM. MYERS: Unless it is detrimental and the Commission feels that a particular one is detrimental, it should be approved. We have not had a change to review everything here. The State Engineer is supposed to know where this thing is, and how it is going to work.

COM. SMOOT: Are we going to have a chance to review these things? Or have we agreed that the State Engineers go ahead and authorize them?

COM. DAYTON: If it so states in the Compact that application can be made for 20 ac. ft. there is no provision in the Compact to stop it. Only except as to existing rights, which falls back to the State Engineer again.

MR. ORSON CHRISTENSEN: We are in difficulty on existing rights. Rights previously specified for storage purposes might be applied to rights on a stream for any purpose, and put into a pond during a definite period during the early runoff of the stream. What is the definition of existing rights - whether something filed for that particular purpose, and not by reason of some desire or apparent need that comes up later. If there is any definite authoritative definition of that, or stipulation controlling it, enough streams could be built up which would forestall water coming down to the other authorized and designated storage places in the Bear Lake or the Lower Bear River.

CHAIRMAN: If they build stock water ponds for stockwater purposes, then the only loss would be the evaporation and the consumption of the water that the cow might drink, then if someone made the application for 20 ac. ft. and only needed 5 ac. ft. and impounded more water than necessary, then that would interfere with existing rights under the meaning of the Compact?

MR. WEIDMANN: What is an existing right? There were definite people who had the right to store water, and as I recall the amount, it was somewhere about 14,500 ac. ft. We took the stand at one time during discussions on 30,000 ac. ft. and a recommendation came in from the State Engineers that they recognize 40,000 ac. ft., and we finally compromised on 35,500 ac. ft. That included those that were authorized. A list of them was presented here, and who they were - Neponset and others, and as they were established rights we recognized them.

MR. STOKER: I realize that I am comparatively new in working with this compact. I have been involved about 7 years. We know there have been some changes in the people working on it. The State of Utah was represented by Governor Clyde, and I think at that time things were accomplished for us because we could see then that we were definitely trying to accomplish something. I have a question here--what is trying to be accomplished in reporting these water rights such as have been presented on these forms today? What are we meeting today for as a Compact Commission? Are we in here to administer the terms of the Compact? I think Mr. Johnson has stated this very clearly. As far as storage rights go, all storage rights were already taken, and the Utah Power & Light Company gave up their 35,500 ac. ft. One of the other things we had to do was carry out the regulation of rights throughout the summer in the Upper Division and the Central Division, and what are we doing wasting our time in reporting these underground water applications, when it is considered that underground water has nothing to do with storage or distribution of rights in the States in the Upper and Central Divisions. Time has been consumed today in talking about these small applications--why are we reporting these things if they are strictly State rights? I brought up the question of 4 cfs application in Caribou County. It seems it is strictly a state problem, and should not be brought before the Commission.

COM. BINGHAM: I think this point would be well to consider. With your permission I would like to read another paragraph of Article X of the Compact.

"Applications for Appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the State in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another State of water to which he is entitled. The official of each State in charge of water administration shall, upon the filing of an application affecting Bear River water, transmit a copy thereof to the Commission."

I think the procedure as set up is what is being complied with here.

MR. JIBSON: This commission still has authority to protest any application. You mentioned subterranean wells. If a well were drilled within 20 ft. of the river bank it would obviously come directly out of the channel, the commission would have the same right to object to the application as any other user. Therefore, it should come before the Commission. So, we have to consider all well applications even though some of them may be 20 miles from the river.

Coming back to the other question, if we confine existing rights to the State in which the application is filed, we will have an entirely different interpretation than if we include existing rights over the whole basin. Considering that 35,500 ac. ft., as granted and stated--"it shall not be subordinate to existing direct flow rights"--this would automatically take care of the rights in Bear Lake; but, if Section C in the same article also applied to existing rights in all states, then there is no such things as a stockwater right being permitted under the Compact.

MR. MILLER: If it had not been on the basis of existing rights in each individual State, that clause would not be in the Compact. The Bear Lake would take all the water in the river. That small limitation for stockwater was probably put a little high, but I think those things are self-limiting, and people are not going to build stock reservoirs for more water than they need.

COM. MYERS: Was not that a part of the paragraph that States use storage rights above, and particularly from Bear Lake storage?

MR. JIBSON: It is a part of the article, but it is not specifically stated that it shall not be subordinate to other rights (in other States). It is not part of the same clause, but a separate paragraph below and in the same article. We state, "subject to existing rights", and make no statement as to whether it is subordinate or is not subordinate to Bear Lake or other rights in the basin.

COM. MYERS: This Article talks entirely about storage water. Does it mean existing rights for all water, or just storage water?

MR. JIBSON: "Existing rights" would include direct flow and storage rights. Those existing rights are within the State. It would be pointless to view the Article any other way or else it would have been excluded.

COM. JOHNSON: I think that thirty days would not solve all the problems involved in these applications that have come to us today. I would not feel in a position myself to say Yes or No to a single one of them here. I believe in these major applications that the principals should come here and state their case, and that this Commission should take time enough to know the legal facts concerning every application, so that we are not going to indulgently distribute the storage granted in the Compact.

12:00 NOON - RECESS FOR LUNCH

The Commission reconvened at 2:00 p.m.

CHAIRMAN: The matter before the Commission is the consideration of whether the State Engineers should come back to the Commission with some criteria on the stockwater clause in the Compact, whether a committee should be formed for this purpose, or whether the Commission should continue to discuss the matter.

COM. COOPER: I move that we leave this problem up to the discretion of the three State Engineers and that they shall conduct a study and report at the

next Compact Commission meeting with their findings.

COM. MYERS: Seconded the motion.

COM. JOHNSON: I move a substitute motion. I move that it be the concensus of this Commission that all applications to the State Engineers' offices be reviewed at this table before any official action is taken, and that covers all applications within the area.

(There was no second to this motion.)

COM. JOHNSON: We will have two types of water in our application. First, storage allocation--and that would be totally separate from other waters. It would appear that this question of whether we affect a lower right or not will be with us always, so I would rather see the State Engineers receiving these applications, and bringing them here where we could make recommendations to their office before they did anything about the applications. If this requires a special meeting, I believe the by-laws say that any two of us in any Division in any one of the three States could initiate a special meeting.

COM. COOPER: My idea was for the State Engineers to make a study and a determination and make a report at the next meeting. The next meeting could be a special or a regular meeting, but in the interim the State Engineers could get together and reach some definite conclusion--consulting with legal advisers--and come up with something that would solve the problem. We can discuss it here, and we have not given it sufficient study that we could arrive at a determination. The State Engineers understand the problems in each State, and they could get legal advice and come up with an interpretation that probably we could accept. That would clarify the situation with which we are faced at the present time.

In my motion I stated to "leave it to the discretion of the State Engineers" My purpose was, of course, that this would hold up applications for approval until further determination had been made. After study by the State Engineers,

and determination by the Commission, they would not grant a permit which may be liable to a challenge by the Commission. Any of us has a right to challenge those things. I think it is time, in order to clear the table, to pass a motion giving the State Engineers the authority to make the study, get legal advice, and come back with a report to the Commission. It would not only expedite the business of this meeting, but we will probably get some information that will be beneficial to us in handling matters of the Compact.

CHAIRMAN: Was it your intention that the three engineers would try to set down the same criteria that would apply to all three states in considering an approval for an application for stockwater?

COM. JOHNSON: I am sure these engineers would like some guidance in what they should do, and it seems to me that we would be safer, over the years, if all applications came here from their desks before they take official action on them, and then we would not have to recommend against their action.

I am looking forward into the years of development here in the river valley--we would be glad--as the years come--if it was our prerogative to have a look at all applications. So, if we could segregate storage applications, so that they all come back here, it would be better.

CHAIRMAN: Does this Commission have authority to ask the State Engineers not to approve an application for stockwater application without submitting it to this Commission?

MR. PORTER: I would seriously question the right of this Commission to such action. I do not think that it is within the terms of this Compact.

COM. MYERS: Is not the purpose of the motion before the Commission to have the three State Engineers clarify this question, and present it at the next meeting?

(Commissioner Cooper was requested to re-state his motion)

COM. COOPER: I move that the three State Engineers from Idaho, Utah, and Wyoming, be directed to make a study of the stockwater clause in the Bear River

Compact--seek legal advice--and report their findings and recommendations at the next meeting of the Commission.

COM. JOHNSON: I would like to withdraw my motion. I do not think it should be an annual meeting--I think a meeting should be initiated at the request of the State Engineers to hear their findings.

Commissioner Cooper's motion (having been previously seconded by Commissioner Myers) was carried.

COM. COOPER: Would not it be just as well to let the State Engineers give notice when they are ready for a meeting, and the Chairman could then call the meeting.

COM. SMOOT: I so move. At the time the State Engineers have prepared a report they should notify the Chairman, and a special meeting be called.

COM. COOPER: Seconded the motion.

MR. CRIDDLE: Might I suggest, as an alternative, that there not be a special meeting before the next regular meeting of the Commission, and that perhaps we might want to adopt a policy of not approving any applications unless really necessary, and then perhaps limit the amount to from 2 - 5 ac. ft., or whatever you wish, until such time as this policy has been made.

COM. MYERS: (Made reference to Section D of Article V of the Compact)

"The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited."

MR. CRIDDLE: Your interpretation would be that no restriction for stockwater be made perhaps up to 20 ac. ft., and in all the States, and presumably new applications would have a call on Bear Lake water.

COM. MYERS: My interpretation is that it lies within the scope of the State Engineer's prerogative to O.K. them, and the three things listed ahead of that section (para. C) have priority over the Bear Lake Storage.

MR. CRIDDLE: If that is the interpretation, then there is nothing more for the

State Engineers to do except approve applications.

COM. BINGHAM: I concur with Mr. Myers, but I do think that a uniformity of considering and acting upon application would be helpful.

COM. MYERS: I said it would be the prerogative of the State Engineer--a man with judgment will not grant a lot of these things that are out of line.

COM. SMOOT: It does not clarify these first four words in paragraph C "subject to existing rights".

COM. DAYTON: I think that when this was originally written, this group thought it could rely on the State Engineers' discretion.

COM. COOPER: I move that the next meeting of the Bear River Commission be held during the latter part of the last week in July, 1959, for the report of the State Engineers to be presented to the Commission.

COM. BINGHAM: Seconded the motion. Motion carried.

MR. CRIDDLE: You have given the State Engineers an assignment. There is another problem--what about underground water applications? Are we going to start approving these 20 ft off the river? 100 ft? This is a problem because some of these applications for ground water are going to deplete the river. Should there be some thought given to criteria that the Commission may want to look at?

MR. PERSON: The Compact does not say anything about underground water. Does not the State Engineer decide?

MR. CRIDDLE: I might decide one thing, and Wyoming another. We should have the same set of rules.

MR. PERSON: You cannot make that into a Compact rule when it is not covered can you?

MR. CRIDDLE: If a great quantity of wells should develop in the Bear River, what is the recourse? Does it go to the Commission?

MR. PERSON: The only recourse we would have would be to go to court, if you

Wayne, refused to allow a groundwater development which you thought affected the river.

COM. BINGHAM: I think that is taken care of in Section 3, part "B"--"The Commission shall have authority upon its own motion (1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this Compact and which encroach upon water rights in a lower State, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before State administrative officials or by court proceedings". Water users can apply to this Commission if they feel that their rights are being interfered with.

MR. PERSON: I think if it were decided that a well had no effect on the river, we could not even get to court with it could we? A water user could, but the Commission could not?

MR. PORTER: That is right.

MR. STOKER: It is true is it not that the intent of any agreement will hold in the Courts even though it is not spelled out in detail, and we all feel, as members who worked out this Compact in the beginning, that there is such a thing as ground water which may affect the development of the Bear River-- then the intent would take it into court, would it not?

COM. LLOYD: Under our law, the State Engineer would not have the authority not to grant a well application. There is no provision by which the State Engineer could reject it, unless it were in a critical area. In the latter case, committees and hearings must be set up.

COM. MYERS: There are a lot of other factors beside the distance from the stream. Criteria cannot be set by distances.

COM. SMOOT: I would like to move that in the Engineers' deliberations they also consider the problem of underground water, and applications for underground water. Maybe they would not be able to report on this at the same

meeting, but perhaps the same committee should consider both problems.

COM. COOPER: Seconded the motion.

Motion carried.

MR. JIBSON: I have another brief statement to make in amplifying Mr. Bingham's remarks on the budget. You will recall we broke it down into two parts, (1) Requirements for regular stream gaging program--50% of the cost to be met by the U.S.G.S. and 50% by the Commission; (2) Services supplied in connection with administration--100% of the cost to be met by the Commission.

We have been following estimated expenditures very closely this year. As you realize, it was difficult to estimate the first year, and after three-quarters of this fiscal year, we find that both over-all requirements, and our estimated breakdown, follow very closely the authorized budget. Based on this, the estimated budget for the 1961 biennium, which was approved and adopted in the October 1958 meeting of the Commission, should be adequate to carry through the biennium.

The other item I would like to discuss is the 1959 operation of the Compact. As you know, the streamflow forecasts indicate a below-normal year again. It appears that we can expect about an 80-percent runoff in the Upper Bear River for the April-September period. If we get this amount it will be quite close to the 1958 runoff. I do not like to be misled by the forecast at this time of year. The next six weeks is a very critical period in the amount of irrigation water that can be expected--especially on the main stem of the river. Wyoming and the Upper and Lower Sections of Utah might well have a very low total water year flow, but a fairly well-sustained runoff during the irrigation season. A large portion of the flow from April to September occurs in those few weeks while we are having our peak flow, so I do not think we should rely entirely on a seasonal forecast; but, unless there is a radical change in our weather, we are in for a below-average year.

It is anticipated that our general operational procedure will be about the same as last year, with such improvements as can be incorporated.

Of the four local water commissioners serving above Bear Lake, two are new men--one in the Evanston area, and one in the Woodruff-Randolph area. The new men are inexperienced in this type of work. We plan to work with these men to give them the necessary training in current meter techniques, and to acquaint them with the many diversions in the Division. The Utah State Engineer, Wyoming State Engineer, and the Water Division Superintendent, have been making efforts to get men who not only are well qualified for these positions, but who will be fairly permanent so that they do not have to go through a breaking-in period each year, not only in carrying out directives of the Commission, but in making equitable distribution of water among local users. We realize that the successful operation of the Compact is in the hands of these men. They must have the full support of the State Engineers and the Division Engineers for whom they act. Needless to say, the regulation of a headgate is very serious and I believe each adjustment made should be well supported by full knowledge of the rate of flow and priority of right under which the water is being diverted.

These problems are, primarily, of a local and state nature but are also important in the overall operation of the river system. For instance, most of the regulation in the Upper Division, after July 15th, is not interstate regulation at the direction of the Commission, but regulation among the users within the State. Supplies diminish to a point where interstate regulation is impractical, but there may be considerable regulation going on within the State. (This is not true in Central Division where we have interstate regulation throughout the season after it is initially required.) Sulphur Creek reservoir complicates distribution of natural flow and requires greater degree of regulation than in the past.

I believe facts of this nature should be called to the attention of our water users, in their annual meetings, by the Advisers and Commissioners, and others who are well acquainted with the operation. It is not that the Compact should not be held responsible for regulation that has come about, nevertheless it should be understood that a lot of regulation in Wyoming is not for the State of Utah, or the State of Idaho, but is brought about indirectly by the Compact.

We have ten or twelve wooden structures in very poor condition that have been used in the Upper Bear River basin. We would like to obtain the services of your water commissioners--this is particularly true in Wyoming, since Utah has permanent type structures--and they in turn could perhaps obtain a little labor from local canal companies, to replace as many of these dilapidated structures as we can. We have been putting \$300-\$400 recorders in structures that are about ready to collapse. We would like to call on local water commissioners to assist us and finish part of the work this spring, depending on weather conditions. Some replacements will have to wait until fall.

I would like to stress the necessity of adequate head works. I have not personally visited many diversion headings since last summer, but I am sure that we still have some headings without suitable control gates which water commissioners can regulate.

MR. MILLER: Do the (Wyoming) ditches that head in Utah have adequate regulating works at the present time?

MR. JIBSON: They are not fully adequate. They have pipe headings with flashboards but are very difficult to regulate.

MR. CRIDDLE: We would be happy to follow up on anything that is necessary. We find that sometimes water users do not like us to order these gate controls but are very happy once they are in. It is highly desirable to have proper structures and we will be glad to work with Mr. Jibson and our water commissioner

up there to get them in where necessary.

I would like to suggest that this is an interstate problem--to see that no requirements are put entirely on people in one state, and less on another. Mr. Jibson can tell us where we are down, and any of us can, and should, follow up to try to bring things up to standard.

MR. JIBSON: We still have the services of the Agricultural Conservation and SCS people. Individual users should take advantage of this. I think it should be our goal to see that measuring devices eventually are put on all the smaller ditches we have in the system. It is very difficult to get accurate records currently on about 130 diversions of this nature. Fully two-thirds of these will accommodate themselves to a measuring device, such as a Parshall flume. You can get these in metal quite reasonably up to about 2 ft. throat width. The large, flat canals such as we have in the Utah section and some in Wyoming should be measured with a current meter.

Bear Lake: The present elevation of Bear Lake is ^{5918.33} 1518.33 ft. with a corresponding content of 1,049,000 ac. ft. This is more than 5 ft. above our present irrigation reserve, and in comparing with last year's elevation we find that it is almost identical at this time last year. It is very unlikely that the lake will drop to the irrigation reserve in the coming season. Last year it remained in the vicinity of 4 ft. above the reserve throughout the season. With the heavy storms of the last two days, perhaps the Upper Division will also be looking a little better.

I would like to work closely with the Division Superintendent and water commissioners on headgate requirements and working out of procedures--also with the Utah commissioner.

MR. MILLER: If you give us a list of ditches and required headgates, etc. I think we can see that they are taken care of.

MR. JIBSON: I would prefer to make a complete round of the headings before I

list them. I can take your new commissioner around with me as soon as weather conditions permit. Several new ones have been installed since last year. I would like to compliment the officials on the improvements that have been made and the new headgates that have been installed.

CHAIRMAN: We will now consider the Secretary-Treasurer's Report.

COM. COOPER: I move that we receive and file the official report that has been given to us by the Secretary-Treasurer.

COM. JOHNSON: Seconded the motion. Motion carried.

COM. JOHNSON: I think out of courtesy to those folks who have done such a fine job with what they had available the first year, the record should show that we did approve and accept their first Annual Report. I so move.

COM. DAYTON: Seconded the motion. Motion carried.

Election of Officers

CHAIRMAN: We will now consider election of the Vice-Chairman and Secretary-Treasurer.

COM. JOHNSON: I would like to nominate Mr. Fred Cooper to serve again as Vice-Chairman.

COM. DAYTON: I move that Mr. Cooper serve as Vice Chairman of the Bear River Commission for the second year.

COM. BINGHAM: Seconded the motion. Motion carried.

Nomination for Secretary-Treasurer (Two offices combined at the discretion of the Commission)

COM. COOPER: I move that Mr. Jay R. Bingham serve as Secretary-Treasurer to the Bear River Commission for the coming year.

COM. DAYTON: Seconded the motion. Motion carried.

New Business

COM. BINGHAM: (Mr. Bingham read a letter addressed to Mr. Lauridsen from a Montpelier Attorney, requesting clearance from the Commission, and authority

to construct a bridge over the Bear River near Bern.)

COM. BINGHAM: I think that this is no concern to the Commission, and, if the Commission would authorize it I would be happy to write a letter and tell them to clear with local authorities and with the interested persons such as the Power Company, and explaining that this Commission is not concerned with the matter.

COM. JOHNSON: What method shall we use now in handling these applications to store water? I would like to suggest to the Commission that they be held as they are until proper filings could be made on the Utah allocation of the water, and also Lincoln County. Applications now before us on storage are what I refer to.

COM. MYERS: Is it your suggestion that no further development be made until the Narrows site is made.

COM. JOHNSON: We hope to be ready by fall.

COM. MYERS: We hope to have ours constructed by next fall.

COM. JOHNSON: I think our committee thinks it would be wisest to hold these applications until they are all in--you could set a deadline.

COM. MYERS: I feel that that is a little unreasonable. Our upper and lower division are both working on this. We feel that the upper division should be allocated a certain percentage of that water, and we think that is a problem for our own State officials to settle between the upper and lower divisions. I hope you will not tie us to the Narrows Reservoir.

COM. JOHNSON: It is not possible for the Lincoln County interests to file personally on the Narrows site which is the only reservoir site available to them on the main stem of the river.

COM. MYERS: We have a gentlemen's agreement among ourselves about how this should be allocated. We will leave a certain amount for the lower area, but we do not want to be tied up on the upper area as far as construction is

concerned.

COM. JOHNSON: We were hopeful of getting a plan. You would not do any construction that would affect us?

COM. MYERS: To tie it to the July meeting would not be so bad, but to tie it to the Narrows Reservoir is not so good. We hope to have definite figures available to you by July, but we do not want to be tied to the Narrows Reservoir so that we cannot put in any small projects.

COM. JOHNSON: When will the State of Wyoming--Uintah County--be willing to submit a figure to us?

COM. MYERS: It is a two-state thing. We are both dependent upon each other. We have to work out where our allocations will be, and then go back and work through Mr. Criddle's office. Storage will be mostly in Utah--but Sulphur Creek enlargement will be in Wyoming of course. There is one other, on Yellow Creek.

COM. JOHNSON: We are chiefly interested to know how Wyoming does intend to allocate its water for both the upper and lower divisions.

COM. MYERS: We have not given that because we were waiting for our requests to come in. Now we have the upper requests, but not the lower.

COM. JOHNSON: We have been asking the Water and Power Board to file on the Narrows Site. As I understand it, the Lincoln County people can tie their filing in.

COM. DAYTON: We have followed a formula of distribution of this water on a per-acre basis to determine how much each area shall store. That is one basis we could discuss as being fair and equitable to each user.

COM. MYERS: The acreage to be irrigated is a real and most tangible factor.

COM. JOHNSON: We are very much interested in the allocation of the water, because it is pertinent to the feasibility of the Narrows Reservoir.

COM. BINGHAM: I would like Mr. Criddle to explain to the Commission what we

feel is a very logical action for this Commission to take on quality of water measurements.

MR. CRIDDLE: The question came up regarding Quality of Water studies being made on the Bear River. We do have a short-term investigation under way at the present time. We are wondering in my office, and have discussed it with Mr. Bingham, about the desirability of requesting the U.S. Geological Survey to undertake to finance and operate at least two irrigation network quality-of-water stations under the Federal Interagency River Basin Committee program. One station on the Sevier River in Utah, exists at present. We wondered if it would be desirable to ask the U.S.G.S. to undertake this at the Utah-Wyoming border near Woodruff or Sage, and one near the Utah-Idaho border. We feel that they might do this as a part of the regular work, if the Commission sees fit to request this. We feel that there may be some desirability in keeping track of what the quality of water is throughout the division.

COM. COOPER: Is that going to call for funds?

MR. CRIDDLE: The proposal here was that we simply ask the U.S.G.S. to include it within their basic data sampling program with no funds involved from the Commission. They have funds set up on initial over-all quality of water. Of course, the Commission may want to go into a quality of water program itself, where they would put up funds; or the individual States may want to do this. But, for the time being we simply request that they put in a station and run it from their initial basic data program, or along with it, and finance it entirely by Federal funds.

The major use for this would be to see what changes do take place over the years and have a running account of quality of water, particularly for industrial uses, etc.

COM. MYERS: This would provide statistical information for the Commission's use in the future.

MR. CRIDDLE: Presumably the quality of the water is entirely useful for irrigation. If it should change we should be able to keep on top of that over the years. This would be a much longer term program to follow from year to year to see what changes might take place, and also keep basic data of the use of water for industrial purposes.

MR. JIBSON: They could probably use our stream gaging stations in connection with this.

Water pollution hearings were held in Logan by the Public Health Service between Idaho and Utah. I have a letter from the Public Health people in Denver, saying that they would like to come over and discuss the upper Bear River situation near Evanston. In connection with those hearings it was recommended that the Upper Bear River be included in the study to see what pollution control was necessary.

COM. COOPER: The University of Idaho has been conducting studies for some time, and I think it is a splendid idea.

I move that the Commission make a request to the U.S.G.S. that they begin a quality of water program here, and ask them to establish two quality-of-water stations on the Utah-Idaho and Utah-Wyoming borders.

COM. BINGHAM: Seconded the motion. Motion carried.

The meeting adjourned at 3:30 p.m.