

MINUTES OF THE
BEAR RIVER COMMISSION
REGULAR MEETING
NOVEMBER 24, 1969

TABLE OF CONTENTS

Those in Attendance	1
Review of Minutes of Annual Meeting, April 21, 1969	2 ³
Report of Commission Chairman	4
Review of Compact (E. J. Skeen)	4
Report of Secretary-Treasurer	8
Report of Assistant Secretary	9
Report of Committees	12
Election of Vice-Chairman	13
State reports on future needs	13
Review and Modification of Compact	14
Assembled Report of Assistant Secretary	Attachment

BEAR RIVER COMMISSION

Minutes of the Regular Meeting held in the Water Conference Room
Utah State Capitol
November 24, 1969

The Regular Meeting of the Bear River Commission convened in the Water Conference Room of the Utah State Capitol Building, Salt Lake City, Utah, on Monday, November 24, 1969, at 9:35 a.m. with Chairman E. O. Larson presiding.

Voting Commissioners Present:

IDAHO

Ferris M. Kunz, Montpelier
Cecil Foster, Preston
William G. Jenkins, Malad

UTAH

Paul Holmgren, Bear River City
Gordon H. Peart, Randolph

WYOMING

S. Reed Dayton, Cokeville

UNITED STATES

E. O. Larson, Chairman and U.S. Representative, Salt Lake City

Alternate Commissioners and Advisors Present:

IDAHO

Reed Budge, Soda Springs (Alternate)
R. Keith Higginson, Boise (Ex Officio Member)

UTAH

Calvin Funk, Richmond (Alternate)
Sim Weston, Randolph (Alternate)
Robert B. Porter, Salt Lake City (Advisor)
Hubert C. Lambert, Salt Lake City (Advisor)
Clyde Ritchie, Heber City (Advisor)

WYOMING

John A. Teichert, Cokeville (Alternate)

LEGAL CONSULTANT TO THE BEAR RIVER COMMISSION

E. J. Skeen, Attorney, Salt Lake City

Others Present:

Wallace N. Jibson, Assistant Secretary, Bear River Commission, Logan, Utah

Orson A. Christensen, Member, Bear River Committee, Brigham City, Utah

Evan M. Kackley, Wayan, Idaho

Donald Watkins, Utah Power and Light Co., Salt Lake City, Utah

J. Golden Haight, Utah Power and Light Co., Salt Lake City, Utah

Paul Willmore, U.S. Bureau of Reclamation, Salt Lake City, Utah

Dean E. Bischoff, U.S. Bureau of Reclamation, Logan, Utah

Dennis C. Geertsen, Utah State University, Logan, Utah

Bert A. Page, Utah Division of Water Resources, Salt Lake City, Utah

Sonya Ames, Division of Water Resources, Salt Lake City, Utah

CHAIRMAN LARSON: If you will come to order, we will go ahead with the regular meeting of the Bear River Commission. We have some new Members of the Bear River Commission present and there are some Commissioners who are not present. I think it would be best for a representative from each State to introduce the Commissioners, Alternates, Advisors and anyone else who is here from his State.

(Mr. Kunz introduced those present from Idaho, including their new Commissioner, Mr. William G. Jenkins. Mr. Funk introduced Utah's representatives including their new Commissioner, Mr. Paul Holmgren. Mr. Teichert, representing Floyd Bishop, introduced those present from Wyoming.)

REVIEW OF MINUTES OF ANNUAL MEETING
APRIL 21, 1969

MR. TEICHERT: Mr. Bishop mentioned that there are two corrections.

MR. JIBSON: I have taken care of these.

(Mr. Jibson then read a brief summary (attached) of the April 21, 1969, minutes.

MR. KUNZ: Mr. Chairman, with the two changes which Mr. Jibson has indicated in his summary, I would move that we approve the minutes of the April 21, 1969, meeting as printed.

MR. DAYTON: I second the motion.

Motion carried.

Review of Minutes of Annual Meeting
April 21, 1969

The Annual Meeting was held in the Water Conference Room, Utah State Capitol Building, on Monday, April 21, 1969. All voting Commissioners were present.

Minutes of the previous meeting were summarized by the Assistant Secretary and approved.

Copies of the 1968 Annual Report were distributed by the Assistant Secretary.

The Chairman had no report and Mr. Page reported on Commission finances for the Secretary-Treasurer. Total cash on hand as of March 31, 1969 was \$21,193.56.

Report of the Assistant Secretary included the usual spring report on water-supply prospects, a detailed breakdown of the budget for 1970 fiscal year, and applications for appropriation. The second part of his report dealt with water supply and depletion in the basin as an extension of the study presented in December 1968. Results of the latter study indicate that depletion has increased a rather large amount in the past 13 years as compared to the preceding 13 years. A brief summary on Bear Lake irrigation reserve as it reflects present conditions shows that for the past 20 or 30 years, power demand on Bear Lake has been only incidental to its primary use for irrigation. Therefore, actual power requirements on the water above the reserve level would be difficult to define.

Dean Person, University of Wyoming, summarized results of a study, which had been distributed to commissioners, prepared by J. T. Banner and associates. The study supports Wyoming's claim for additional storage, through reopening of the Compact, by indicating a supplemental need of an additional 41,000 acre-feet over and above the present allowance of 17,750 acre-feet. This additional need does not include a primary supply for new arable land or supply for Municipal & Industrial potential.

A letter from Floyd Bishop requests two minor changes in the minutes, both in connection with this study. First, on page 10, change Dayton, Banner & Associates to J. T. Banner & Associates; and second, near the middle of page 14, Mr. Bishop's statement should read, ". . . That would be the purpose of these discussions to try to determine where the additional potential for use of water is located."

Discussion following the Wyoming report indicated agreement among the Commission members that the Compact could be reopened in less than the maximum 20-year period as provided.

Mr. Crandall reported that the Reclamation Bureau's final information report on Bear River will be available for distribution prior to June 30, 1969.

Some further discussion took place relative to preliminary work by the State committee (Bear River Committee) on division of unconsumed water in the lower basin, following which the meeting adjourned at 11:30 a.m.

REPORT OF CHAIRMAN

MR. LARSON: At the last meeting of the Commission a report was submitted by Wyoming, a report on Wyoming's water supplies and needs in the Bear River Basin. That report was submitted to each State for review. Following that, Governor Hathaway of Wyoming wrote a letter to the Governor of Idaho and the Governor of Utah. For the benefit of those who haven't seen it, it might be well for me to read that letter.

"I am advised by the Wyoming representatives on the Bear River Compact that there is a general willingness to enter into discussions concerning possible modification of the Compact. In the hopes that such discussions will be fruitful and for the best interests of our respective states, I am naming the following persons to enter into negotiations: Mr. J. W. Myers of Evanston, Wyoming; Mr. S. Reed Dayton of Cokeville, Wyoming; and Mr. Floyd Bishop, Wyoming State Engineer of Cheyenne, Wyoming. I am also naming Mr. H. T. Person as Technical Advisor and Mr. Jack R. Gage as Legal Advisor to the Wyoming negotiators.

"Assuming that you and Governor Rampton will appoint negotiators also, we will look forward to discussions that will ensue."

This same letter was sent to Governor Samuelson of Idaho and Governor Rampton of Utah.

Since that time I have not received any official communications from either State, but I understand that each State has committees now and they have been considering the allocation of water in the Lower Bear River. Since there are some new members now on the Commission a meeting was set up at 9:00 this morning informally to advise the new members (concerning the functions of this commission), but instead of that I think it would be very well to have Mr. Skeen briefly explain some of the highlights of the Compact. I think it might also be helpful to most of us to hear his comments on how the Compact may be amended.

MR. SKEEN: Gentlemen, I won't take a lot of time, but for the benefit of those who haven't attended these meetings before and maybe to refresh the recollections of some of those who have, I'll briefly go over the Compact.

It will be noted that the Compact divides the river into three divisions - the Upper Division, which comprises parts of Utah (Rich Co.) and Wyoming (Uinta Co.); the Central Division which includes the

area between Pixley Dam in Wyoming and the point of diversion to Bear Lake in Idaho, including part of Wyoming and Idaho; and the Lower Division is the area in which only Utah and Idaho are involved. The Compact divides the divertible flow of the river between the affected States in the Upper Division and the Central Division on a percentage basis. That is a definite allocation of water in the Upper Division and the Central Division.

In the Lower Division, which seems to be the reason for the division in which it is necessary now for further compacting, made no effort to allocate water between Utah and Idaho. It simply gave the Commission the power to act in the event of a water emergency or a water shortage in the Lower State. The language is this: "When the flow of water in an interstate tributary across a State boundary line is insufficient to satisfy water rights on such tributary in a lower State, any water user may file a petition with the Commission . . ." The Commission is then required to take charge and allocate the water.

Previously in the same section of the Compact: "When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, any water user in Utah may file a petition with the Commission alleging that by reason of diversions in Idaho he is being deprived of water . . ." Those two provisions permit the triggering of procedure for allocating the water to just take care of a water emergency. There is no effort made to allocate the lower river by percentage for the reason, as I recall, that the negotiators did not want to freeze the river, in effect, and make it impossible to provide for reclamation projects and other projects for development of the Lower river. There had not been any project conceived at that time that was near enough to approval or final consideration to justify any sort of allocation in acre-feet.

The next important provision in the Compact permits additional storage rights in the Upper river above Bear Lake to the extent of 36,500 acre feet, and it recognizes existing storage rights in Idaho, Utah, and Wyoming - in Idaho 324 acre-feet, Utah 11,850, and Wyoming 2,150 acre-feet. Those rights were recognized even though they in large measure were subordinate to the Bear Lake rights.

There is also a provision recognizing existing storage rights in Bear Lake. There is also, in Article 5, a provision establishing an irrigation reserve in Bear Lake and containing a formula for raising the reserve level ^{storage} as ^{is} developed up to the allocated amount (36,500 ac-ft). That provision is very important, not only for the existing administration, but for possible future development anywhere on the entire Bear River system.

There are provisions in the Compact also recognizing water rights in interstate canals. Those provisions are contained in Article IX and they relate to three canals which head in Wyoming and convey water into Utah. Those water rights or priorities are recognized and became, by virtue of this document, in effect, the adjudication of water rights on the river.

There is also a provision declaring the policy of the Compact Commission to encourage additional projects for the development of the water resources of the Bear River. That is Article VI: "It is the policy of the signatory States to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this Compact, to investigate, plan, construct, and operate such projects without regard to State boundaries, provided that water rights for each such project shall, except as provided in Article V, paragraph A thereof, be subject to rights theretofore initiated and in good standing." That exception refers to the 36,500 acre feet storage above Bear Lake.

Now the Compact, as is common in Compacts, provides for review and amendment. Article XIII, I am sure, is in the forefront right now. "At intervals not exceeding twenty years, the Commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress."

The Compact was approved March 17, 1958, and, therefore, has been in force a little more than 11 years. I might say that there have been few, if any, efforts made under the provision relating to the Lower Division to request the Commission to take charge of distributing water in the Lower river, on either the main stem of the Bear River or on the tributaries. If there have been any such petitions filed or action taken, I haven't been aware of it.

MR. JIBSON: We had one request in 1961 which came to my office from the Cub River pumps company. Upon investigation we found the water was in the river channel in adequate quantity. There needed to be some work done in the approach channel to get it to their pumps, so I didn't bring it to the Commission's attention. This is the only request we've had in 11 years.

MR. SKEEN: So there has been no action officially taken on that provision in the Lower Division.

MR. JIBSON: Right.

Article III spells out the actual duties of this Commission. I wonder if it would be well to read those duties. Several Commissioners, particularly new ones in the last two or three years, seemed to have had a misunderstanding of what their function is.

MR. SKEEN:

"ARTICLE III

"A. There is hereby created an interstate administrative agency to be known as the 'Bear River Commission' which is hereby constituted a legal entity and in such name

shall exercise the powers hereinafter specified. The Commission shall be composed of nine Commissioners, three Commissioners representing each signatory State, and if appointed by the President, one additional Commissioner representing the United States of America who shall serve as chairman, without vote. Each Commissioner, except the chairman, shall have one vote. The State Commissioners shall be selected in accordance with State law. Six Commissioners who shall include two Commissioners from each State shall constitute a quorum. The vote of at least two-thirds of the Commissioners when a quorum is present shall be necessary for the action of the Commission.

"B. The compensation and expenses of each commissioner and each adviser shall be paid by the Government which he represents. All expenses incurred by the Commission in the administration of this Compact, except those paid by the United States of America, shall be paid by the signatory States on an equal basis.

"C. The Commission shall have power to:

"1. Adopt by-laws, rules, and regulations not inconsistent with this Compact;

"2. Acquire, hold, convey or otherwise dispose of property;

"3. Employ such persons and contract for such services as may be necessary to carry out its duties under this Compact;

"4. Sue and be sued as a legal entity in any court of record of a signatory State, and in any court of the United States having jurisdiction of such action;

"5. Cooperate with State and Federal agencies in matters relating to water pollution of interstate significance;

"6. Perform all functions required of it by this Compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in cooperation with others, including State and Federal agencies.

"D. The Commission shall:

"1. Enforce this Compact and its orders made hereunder by suit or other appropriate action;

"2. Annually compile a report covering the work of the Commission for the water year ending the previous September 30 and transmit it to the President of the United States and to the Governors of the signatory States on or before April 1 of each year;

"3. Prepare and transmit to the Governors of the signatory States, and to the President of the United States on or before a date to be determined by the Commission, a report of expenditures during the current biennium, and an estimate of requirements for the following biennium.

MR. SKEEN: Are there any questions as to the meaning of that Article? Are there any other matters that any of you would like to discuss?

MR. LARSON: I might add, on the extensive investigations that have been carried on the Bear River since the Compact was made, the Bureau of Reclamation has submitted reports on the planning activities. During the last year we were able to get the Bureau's several reports on hydrology and detailed information that would be helpful to the States in their studies. They certainly have been helpful. One report was submitted by Mr. Jibson's office on the availability of water for transfer. I think all of these reports have been valuable to the States. I assume that each State is going ahead with their own studies and finally will come before the Commission.

If it is all right, we will go ahead with our agenda.

REPORT OF SECRETARY-TREASURER

MR. LARSON: The next item will be a report of the Secretary-Treasurer.

MR. PAGE: Mr. Lawrence asked that I read the financial report to you. It has become quite customary that I read these reports, but I might mention that Dan Lawrence did get called out of town today.

Incidentally before I start, each of the Commissioners should have received this morning a copy of the annual audit. There will be copies sent from this office to the Governors of each State.

This report covers the period of July 1, 1969, to October 31, 1969. It was brought to our attention about a year ago that there is a period from our April meeting through the end of the fiscal year that never gets reported. Prior to reading this report--on page three of the report is a reconciliation bringing you up to the correct time on this gap.

(Mr. Page discussed in detail the items in the financial report which is attached.)

MR. PAGE: There were two checks written after March 31, 1969, through the end of the fiscal period - one was to our secretary for the minutes and one was for the printing of our annual report which brought us to a cash balance of \$20,684.56, which is the beginning balance on page 1. We received income during this time of \$40,800, as contributions from the three member States. We also received \$420.00 as interest on the saving certificates that we invested in this past period which is just about enough to pay for our annual report. And there was about \$63 which we received from the sale of a meter rod to the sugar company (purchase by Wally's office & subsequent sale) which gave us the \$483.52 which we have as "other income" here, leaving a balance of \$61,986.08 as the total revenue for this period.

We expended through the U.S. Geological Survey \$17,201.00. This money incidentally was paying the last bill to the Geological Survey

which was due the end of June. However, since we had this money tied up in savings certificates which didn't come due until after the first of July, this could not have been paid. So it was paid on July 2 which will reflect against this period again. So keep in mind that although it is shown here it is for a past period, but it had to be done this way to bring about the interest on savings.

The only other expenditure we have had was \$25.00 for office expenses and supplies which was for postage used out of Mr. Jibson's office. That gave us an unexpended cash balance as of the end of October of \$44,742.08.

On page 2 we have a recapitulation of those checks totalling \$17,226.00. We have no outstanding checks. We still have \$4,000 in our savings account which gives us our \$44,742.08.

That, Mr. Chairman, is the financial report.

Mr. Jibson brings up one point - I don't think it is too important, but it is something you should know. In the past, prior to this last half, we have been billed every three months by the U.S. Geological Survey. In order to maintain this savings certificate (for 6-month periods), we have agreed - or the government has agreed, that they will bill us every six months instead of every quarter. This gives us the opportunity to let this money sit in the bank for six months and accrue the interest.

MR. KUNZ: Mr. Chairman, I move that we receive and file the financial report.

MR. FOSTER: I second the motion.

The motion carried.

REPORT OF ASSISTANT SECRETARY

CHAIRMAN LARSON: Next is the report of the Assistant Secretary.

MR. JIBSON: While copies of my report are being distributed, I would like to recall just one other reason, I think, why the Negotiating Commission didn't make an effort to divide the water (between Idaho and Utah) in the Lower Division. Because of the location of Bear Lake and its use to supply supplemental needs both in Idaho and Utah below the Lake there was no problem between the two States as far as natural flow water was concerned. There were problems between Idaho and Wyoming up above Bear Lake and there were some problems between Utah and Wyoming in the Upper Division, but we didn't have a problem existing at the time of negotiation of the Compact in the Lower Division. So there wasn't much in the method of operation on which to base a division of the natural flow or much incentive or reason to make the division. We were having enough trouble getting agreement in the Upper Basin over the division of the water.

BEAR RIVER COMMISSION
STATEMENT OF INCOME AND EXPENDITURES
FOR THE PERIOD OF JULY 1, 1968 TO OCTOBER 31, 1969

<u>INCOME</u>	<u>Cash on Hand</u>	<u>Misc. Income</u>	<u>Approved Budget</u>	<u>Total Revenue</u>
Cash Balance, 7/1/69	\$20,684.56	- - -	\$ - - -	\$20,684.56
State of Wyoming	- - -	- - -	13,600.00	13,600.00
State of Idaho	- - -	- - -	13,600.00	13,600.00
State of Utah	- - -	- - -	13,600.00	13,600.00
Interest on Savings and Other Income	- - -	\$483.52	- - -	483.52
TOTAL INCOME TO OCTOBER 31, 1969	\$20,684.56	\$483.52	\$40,800.00	\$61,968.08

DEDUCT OPERATING EXPENSE

<u>EXPENDED THROUGH U.S.G.S.</u>	<u>Approved Budget</u>	<u>Unexpended Balance</u>	<u>Total Expenditure</u>
Stream Gaging	\$32,200.00	\$16,382.00	\$15,818.00
Personal Service	5,710.00	5,159.00	551.00
Travel	400.00	138.00	262.00
Fiscal Charge	290.00	156.00	134.00
Washington Office Charge	650.00	345.00	305.00
General Office	250.00	119.00	131.00
Sub-Total	\$39,500.00	\$22,299.00	\$17,201.00

EXPENDED THROUGH COMMISSION

Printing Annual Report	\$ 500.00	\$ 500.00	\$ - - -
Treasurer Bond & Audit	300.00	300.00	- - -
Transcription of Minutes	100.00	100.00	- - -
Miscellaneous	- - -	- - -	- - -
Legal Consultant	300.00	300.00	- - -
Office Expense & Supplies	100.00	75.00	25.00
Sub-Total	\$ 1,300.00	\$ 1,275.00	\$ 25.00

Total Disbursements	\$40,800.00	\$23,574.00	\$17,226.00
----------------------------	--------------------	--------------------	--------------------

UNEXPENDED CASH BALANCE AS OF OCTOBER 31, 1969	\$44,742.08
---	--------------------

BEAR RIVER COMMISSION
DETAIL OF EXPENDITURE
FOR PERIOD ENDING OCTOBER 31, 1969

Voucher
Number

152	U. S. Geological Survey	\$17,201.00
158	Postmaster	25.00
		<hr/>
	TOTAL EXPENDITURES PER PAGE 1	\$17,226.00

BANK RECONCILIATION
OCTOBER 31, 1969

Cash in Bank Per Statement 10/1/69	\$40,742.08
Less: Outstanding Checks	<u>None</u>
Total Cash in Bank	\$40,742.08
Plus: Savings Accounts	<u>4,000.00</u>
TOTAL CASH ON HAND AND IN THE BANK	\$44,742.08

BEAR RIVER COMMISSION

SPECIAL NOTE

The financial statement for the period ending March 31, 1969, showed a cash balance on hand of \$21,193.56. Since that time, and prior to July 1, 1969, additional expenditures were incurred that are not shown on the October 31, 1969, statement.

The reconciliation is shown below:

BALANCE AS OF 3-31-69		\$21,193.56
Check #155	Sonya Ames	\$ 35.00
Check #156	Rose Printing Co.	<u>474.00</u>
TOTAL INTERIM EXPENDITURES		<u>\$ 509.00</u>
CASH BALANCE AS OF 7-1-69		\$20,684.56

The balance of \$20,684.56 is the same as the beginning balance of the report of October 31, 1969.

My report is the usual operational report for the past irrigation season.

(Mr. Jibson then read his report. A copy is attached.)

(Additional comments after paragraph two on page 2):

MR. JIBSON: This has been true in most years in the 11 years that we have operated under the Compact, but from the inset graph you will notice the years 1961, 1962, 1963, and 1964 were on the low side, and though the inset graph shows the maximum each year as being above the irrigation reserve, actually the low season of the lake was below the irrigation reserve in each of the four years.

(Additional comment after first sentence in paragraph three on page 2): I believe this is the first year that you have spilled all winter up at Woodruff Dam, isn't it Sim?

MR. WESTON: Yes.

(Additional comments after first paragraph on page 3):

MR. JIBSON: The line near the bottom of the graph shows the division point between active storage and the holdover. Since the graph scale doesn't go down to zero, it is a little out of perspective.

(Additional comment after second paragraph on page 3): In this reservoir (Whitney) it is physically impossible to drain it lower than 500 acre-feet. This is a dead storage quantity for fish (set by the elevation of the outlet pipe), not so much because of pressing need of water this year but to examine the outlet works after a couple of years of operation the reservoir was drawn down to 500 acre-feet.

(Additional comments after third paragraph on page 3): This cross-hatched portion of the graph represents essentially the water that was released from Sulphur Creek and Whitney reservoirs. Had the reservoirs not been in the picture, the graph of diversion would have been near the bottom of the cross-hatched portion rather than at the top. You will see from the dashed line, which represents compact allocation, that with the exception of a couple of short periods in mid-August and a short period in September, the section would have been diverting within its Compact allocation. The other water (cross-hatched area) is actually storage water and is not figured in computing an allocation to the section.

(Additional comment after first word on page 4): Actually, the cross-hatched portion as plotted is the release from Woodruff Narrows Reservoir and if we include the return flow from applied reservoir water, there would be more benefit from storage than is shown. But, it makes possible quite an increase in total diversion during the critical part of the irrigation season by having reservoir storage. I am sure Sim and Gordon will agree on this during the past year.

(Additional comment regarding first paragraph on page 4): You will notice that just a few days after July 7 (when compact allocation became effective) that this section reduced diversions to zero, and it's evident from the graph of Bear River below Pixley Dam that there was water available in the river before May 25 and after June 15 during the period of diversion. After the 20th of June there was considerable flow passing Pixley Dam until late in July. I am sure part of this flow was from Woodruff Narrows Reservoir, but it is evident that adequate water was available to the Lower Wyoming section and the cessation in diversion before the 20th of July was not because of shortage of water.

(Additional comment after first sentence in second paragraph on page 4): For the benefit of the new Commissioners--there are two initiating criterion for interstate regulation in the Central Division: either when the total of all diversions plus what is leaving the section below Stewart Dam gets down to 870 cfs, or when the flow passing the Border gaging station gets down to 350 cfs, a water emergency exists. You will note that initially both of these conditions came at about the same time, shortly after the 10th of July. Then the flow at Border raised for a few days, but it was down again to 350 cfs before the 20th. But, either one or the other condition will initiate and continue interstate allocation.

(Discussion follows which took place after Mr. Jibson read his report.) (Discussion on Massae water right, Wyoming)

MR. JIBSON: Perhaps, John, you have the answer to this large stock-water right (50.69 a.f.). It isn't shown as being developed for irrigation and the notation was on the summary of the filing which we received--that is to be a holdover reservoir. I wouldn't think a reservoir of that size would be a stockwater reservoir.

MR. TEICHERT: I don't know, I would have to check it.

MR. JIBSON: You might look over these applications, gentlemen. I mention a few that would appear to be of interest to the Commission. Most of the others are underground rights on the lower part of the river that could not affect a lower State.

MR. PEART: What is the location of the Feller right below Randolph?

MR. JIBSON: As near as I could pick out the description on a map, it was right on Duck Creek proper just above a house on the left side of the road (below sage junction).

MR. PEART: If it's Duck Creek, this stream is totally appropriated.

MR. JIBSON: All the rights are tied up on that creek?

We don't have anyone here from the State Engineer's office. I can check on this and see if it has been approved or if it has just been filed. They may not have had a hearing on it yet.

(Application pending. Point of diversion from Duck Creek channel midway between Randolph-Sage and BQ Westside canals)

MR. PORTER: There was a hearing scheduled last month but it has been postponed.

MR. JIBSON: Evidentially, the right has not yet been approved.

Do you have any other questions on the rights or on any other part of the report, gentlemen?

REPORT OF COMMITTEES

None of the committees had reports to make.

MR. JIBSON: With many new members, we will have to reorganize both committees. The Budget Committee met only once every two years for the biennial budget. The Operations Committee is a standing committee which was set up primarily to deal with any operational troubles during the irrigation season. Fortunately, we have had no troubles of this nature. It is not that we are ignoring the Operations Committee, but rather I think it is fortunate that committee meetings have not been required. Whatever problems have arisen, we have been able to take care of in our two meetings of the full Commission each year.

But, I am sure that Grover Harper was on the Budget Committee and now he has been replaced. Whether it is the pleasure of the Commission (or State of Utah) for his replacement to take over that position on the Committee perhaps should be made known.

MR. LARSON: Will the Budget Committee have to meet before our April meeting?

MR. JIBSON: No. Our 1970-71 budget has been approved and we won't need approval on the 1972-73 budget until the April (1970) meeting.

Our present Budget Committee consists of Grover R. Harper, J. W. Myers, and Ferris M. Kunz. As mentioned, we will have a vacancy here with Mr. Harper's resignation. Our Operations Committee consists of Cecil Foster, Lawrence B. Johnson, and S. Reed Dayton as of the beginning of the 1968 water year, so there also is a vacancy on this committee since the death of Mr. Johnson.

CHAIRMAN LARSON: We could fill those vacancies in our April meeting, couldn't we?

MR. JIBSON: Yes, but the only trouble is that the Annual Report will be due before the next meeting and I have to have the membership of the committees for the report. I just remembered this, so perhaps it would be well to announce the changes today.

MR. KUNZ: Wally, don't the States usually take care of that, the Governors?

MR. JIBSON: Well, we haven't gone to that much formality (Governor's appointment) in the past, Ferris. The States have usually designated their man to serve as you will notice a man from each State is on each committee. I think if the State representatives designated men to fill the vacancies that could take care of it right here without any official designations from the Governors.

MR. KUNZ: The vacancy in both committees is from Utah.

MR. PEART: I think it would be best to have the replacement take Mr. Johnson's and Mr. Harper's places on these committees.

I would so move that Mr. Holmgren take Mr. Harper's place as a member of the Budget Committee and Mr. Peart take Mr. Johnson's place as a member of the Operations Committee.

MR. KUNZ: I second the motion.

The motion carried.

CHAIRMAN LARSON: The other committee we have is the State Engineers Committee. Does that committee have a report?

MR. HIGGINSON: Mr. Chairman, we have not met during this last six-month period.

NEW BUSINESS

Election of Vice-Chairman

MR. FUNK: We have to elect a Vice-Chairman.

MR. KUNZ: Mr. Chairman, there is a vacancy created here by the resignation of Mr. Harper as Vice-Chairman. Inasmuch as past precedent has been to have each State rotate that position for two years, I would move Mr. Peart be selected to fill the unexpired term of Mr. Harper.

MR. FUNK: I second that motion.

Motion carried.

State Reports on Future Needs of the Bear River

MR. DAYTON: How are the other States progressing on their reports for future needs of the Bear River. You have a report of Wyoming through Mr. Persons. I am just wondering how far the others have gone.

CHAIRMAN LARSON: Does anyone from Idaho want to comment on that?

MR. KUNZ: Our report is due to be out before the end of this year, but I have no definite date on that.

CHAIRMAN LARSON: Does Utah want to comment?

MR. FUNK: Utah is not preparing a report per se, but we feel that we are prepared to meet. Our committee has been studying this river and our needs and we don't feel we need to publish a report but we feel that we are ready to begin negotiations any time.

MR. DAYTON: May I ask a question, since these are sort of open meetings, did you have any particular reason—of course, you may not wish to express it at this time—why you wouldn't desire publishing the needs at this particular time as Wyoming has done?

MR. FUNK: Well, I think the question arises as to who should speak. I am just a member of this negotiating committee and Marion Olsen is our Chairman, and perhaps I shouldn't say too much as a member of that committee.

MR. DAYTON: Who are the members of that committee;

MR. FUNK: Daniel F. Lawrence, Simeon Weston, Paul Holmgren, Gordon Peart, Edward H. Southwick, Orson Christensen, Frank Reeder, and myself.

MR. TEICHERT: I had one question. Mr. Skeen, when you were reading from the Compact it said that it would be the Commission that would negotiate this. Now there have been appointed separate negotiation committees. How does that fit in?

MR. SKEEN: Well, there isn't anything in the Compact that identifies the personnel who would renegotiate. That is up to the Governors. The only thing is . . . "The Commission shall review the provisions of the Compact." That is the extent of the obligation of the Commission. It doesn't provide in so many words that the Commission shall represent the State in negotiating any future agreements. It doesn't imply that and it doesn't preclude it either.

MR. JIBSON: Mr. Skeen, do you see any problem in this Commission having to review the provisions and another commission rewriting proposed changes?

MR. SKEEN: Well, I think as a matter of practical fact about all the negotiators are presently members of the Commission, but they are different entities. It isn't the Commission that is designated by the Compact to act as the negotiating agent. That is still left open to the Governors.

CHAIRMAN LARSON: Where does that put the U.S. Representative and the Legal Advisor to the Commission?

MR. SKEEN: Well, I think we are holding our present positions. We haven't anything in the Compact itself to set out what the new negotiating commission shall consist of.

CHAIRMAN LARSON: (Question on appointments)

MR. SKEEN: In your case by the United States.

MR. LARSON: Well, this committee while they are negotiating and they come up with something that they all agree to and then they submit it to this Commission. Can we act on it then?

MR. SKEEN: Well, I think the amendments to the Compact would have to be submitted by the new Compacting Commission to the Governors of the respective States. This, in my opinion, would have to be done. This Compact, in other words, doesn't spell out the procedure for amending the Compact, and I think we would be starting from scratch, and the new Compacting Commission would be appointed by the respective Governors and would report to the various Legislatures. I think probably it would be appropriate for you, as Chairman, to call the attention of the proper officer of the United States that this new Compacting Commission has been designated and inquire as to what your position would be to this Commission. I think that should be done.

MR. DAYTON: Mr. Skeen, may I ask you a question. In the Compact it says it shall be open for review within a period of 20 years. What does the word "review" mean, how far does that go?

MR. SKEEN: Well, I think the burden is imposed on this Commission to review the Compact at will and not at any intervals exceeding 20 years to determine whether it has been workable and whether there is need for any amendments to be made in the Compact. Under the precise wording here, I think that is a proper function of this Commission. I think that probably the Commission should take some official action recognizing that questions are raised and maybe work out some procedure for conducting the review. I don't think there is any doubt that this Commission has that responsibility and maybe that should precede any meetings and negotiations among the three States. In other words, spelling out what articles are being criticized and perhaps should be review by a new Compacting Commission. I don't think this body has taken any action on that. Maybe it would be appropriate at this time, since the other committees have been set up, to have a committee meet and submit at the next meeting the result of a review of the provisions of the Compact. I know there have been a lot of informal statements made about the deficiencies of the Compact, particularly in the lower river, and they, I believe, should be spelled out in maybe the form of a written report to the Commission by a Committee, and then some action by the Commission on the report of the Committee.

MR. ? : How many on the committee?

MR. SKEEN: Well, I think that is up to this body, but I think there ought to be at least one from each State on the committee, in line with the other committees of this group. It may be that it would be well to have the Chairman a member in addition, and probably there should be legal advice to the Committee which makes this review and report. Then that would give an opportunity at the next meeting for any State to criticize the report of the review committee and perhaps take some action on it. It would give us something concrete to go on. As of

now there have been a lot of words said and a lot of talk on it, but I haven't seen spelled out any specific provisions which should be reviewed and perhaps renegotiated.

I think it would be in order at this time to have a motion along that line and some action on it, and probably each State should name its member of this review committee if that is agreeable with the group here.

MR. LARSON: Are there any comments from the States?

MR. PEART: If I understand what you were saying, this committee is to review the Compact and see if there is something in there that should be changed. That is the reason for this committee?

MR. SKEEN: Yes, and they would report back at the next meeting.

CHAIRMAN LARSON: I think this is an important function of this Commission.

MR. DAYTON: Another question - Since this body has the power to review, is it necessary to appoint another committee.

MR. SKEEN: Well, it is just a matter of appointing a working committee to look it over and make suggestions to the whole group. It has been my experience over many years that some of the smaller committees can sit down with less formality and come up with a suggested report better than by having meetings with the formal group. That's the reasoning for my suggestion. It would be a working committee to go to work on reviewing it.

MR. DAYTON: Your thought was a representative from each State to present their objections and recommendations and bring these three together in a meeting to present their views?

MR. SKEEN: Yes, and to prepare a written report for this group at the April meeting. Then I think that would be a ground work and a basis for further Compact negotiations.

MR. DAYTON: I think there certainly ought to be a start somewhere and I presume the quicker we get at it the better.

MR. KUNZ: Mr. Chairman, it might be advisable if we had a recess at this point so that the States could discuss who they want to represent them if they go along with this review committee suggestion.

MR. SKEEN: I think that is a good suggestion. If the body would prefer to have a formal meeting to review before April, that would certainly be in order. But I think this committee would have to be a working committee and get down to brass tacks and come up with something in writing so we would have something to work on. We could meet indefinitely with these formalities and decide to do it tomorrow and never get it done.

MR. DAYTON: Mr. Skeen, would it be your recommendation that each State work separately for the review of this or their recommendations, and then those three come together and present their views at our meeting in April, rather than to meet as a committee of three.

MR. SKEEN: I think the three ought to get together and have a written report prepared by April. In other words, they ought to meet as often as necessary to dig this thing out and come up with something and have a formal written report ready for the next April meeting for this body to review as a Commission. Maybe submit it a month in advance of the next meeting.

MR. RITCHIE: Mr. Chairman, may I make a suggestion that each State take the responsibility individually and then appoint one out of those three and set a time limit. Each State go over what they want to do and review and they appoint one and set a time limit as to when the one designated from each State would meet prior to the meeting.

MR. SKEEN: You mean, not recess and do it now, but do it later.

MR. RITCHIE: The three Commissioners of each State meet and go over it and set a limit . . . they'll meet separately and discuss it, each State, and then they'll say this certain individual on a certain date will meet jointly with the other two States before the next meeting.

MR. SKEEN: We might, while everyone is together establish a date right now if that's followed, and then the three men from each State go over it and have each State appoint one to meet at that time. That's what your point is, so it won't be a five-minute decision.

MR. PEART: Wouldn't it be wise for you, as Legal Council, to meet with these three men when they do meet.

MR. SKEEN: Well, I would be glad to do it.

MR. JENKINS: Could you review again for a moment the area of the, what the directive for this committee would be as opposed to the area where the negotiators would subsequently come in. In my mind this is becoming a little confused and I would like to get this a little better cleared up.

MR. SKEEN: I think it might be well to reread this Article 13 and then comment on it. "At intervals not exceeding 20 years, the Commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress."

That spells out that the Commission is to review the provisions and may propose amendments at a public hearing. There is nothing further than that and any negotiations I assume would have to be carried on from that point. What we have been talking about the last few minutes, of course, is to get over the first hurdle and review the provisions

and make a report to the Commission of the provisions that perhaps should be considered as far as amendments are concerned.

MR. ? : They would have to meet by some time in the latter part of February?

MR. SKEEN: I would think so. I think the committee, if one is appointed, probably should have a date some time in December to get started on this.

MR. JIBSON: Are you talking about any provision in the Compact.

MR. SKEEN: This language here, of course, permits any provision to be amended. Anything could be amended in the whole document.

MR. FUNK: I would like to ask a question. I think Mr. Jenkins is concerned about something that may be a little confused in the minds of all of us. The division of the water and the provision of the Compact are two separate items, but this would be a preliminary look at some of the provisions in the Compact that we may want to bring up for examination?

MR. SKEEN: It would be a look merely for the purpose of bringing to the attention of this group certain things the committee thinks should be reviewed and perhaps amended. Then we would have to go on from that point - working out proposed amendments and calling a public hearing. That is where the negotiating would take place.

DR. KACKLEY: Would this committee appointed here supersede the committee appointed by the various Governors to do the negotiating?

MR. SKEEN: No. If this group should go along with the suggestion, the committee here would be merely for the purpose of writing down the provisions and items that should be considered for review. The Governors committees would proceed from there. They might suggest new ones or suggest deletions. It is certainly not binding on the States. It would just be for the purpose of getting the thing out on the table and would not put any limitations on the Governors.

DR. KACKLEY: It should be fully understood that you are not limiting the Governor's committees.

MR. SKEEN: No there wouldn't be any limitation on the Governor's committees and there wouldn't be any substitution of personnel or anything of that sort.

This group would be for this Commission to perform its function under Article XIII.

DR. KACKLEY: That would be all - under Article XIII, that at periodic times the Compact is subject to review, and you are carrying out Article XIII.

MR. JIBSON: Mr. Chairman, we have a section on committees on page 16 in our bylaws. Maybe those should be reviewed. It mentions the standing committees - Operations and Budget, and then it states, "The Chairman and the Assistant Secretary shall be ex-officio members of all committees. The Chairman of the Commission shall designate the Chairman of each Committee from among the members of the committee. The Commission may from time to time create special committees and assign to them such tasks as the Commission may determine. Committee reports shall be made in writing and filed with the Assistant Secretary of the Commission."

MR. SKEEN: That in general outlines the procedure for appointing any special committee. I think Mr. Larson, it would be appropriate. "The Commission may from time to time create special committees and assign to them such tasks as the Commission may determine." So this would be a Compact Review Committee.

MR. CHRISTENSEN: Mr. Chairman, as a member of the Bear River Committee from Utah, it seems to me that we ought to get going here and learn from each State as to the way the river is divided naturally and the difference will occur largely in that area. That the committees already operating and working should define just what each State feels fit to amend in the Compact affecting its own interests and then come together as a group, or a committee possibly, as members of the same composition by reason of the knowledge they would have on it and determine just what the issues are.

MR. SKEEN: I would assume, Mr. Christensen, that the representative of each State on this Review Committee would canvass his State and get the States ideas and incorporate that in his suggestions to the group.

MR. FUNK: I would like to make a motion here for the approval of disapproval of this Commission, that to fill the requirement of the Commission under Article XIII with regard to the responsibility of reviewing the Compact, that the senior commissioner of each State be designated to serve on a committee and that the Chairman of this committee be appointed by Chairman Larson, and that this committee make in writing to the Commission at their next scheduled meeting the preliminary report on items that are deemed necessary by the States to be brought before this group for review. This would not necessitate any statements on the division of water, but merely a review of the Compact as it now exists and would fill the requirement in Article XIII, and it would be a committee composed of three, the senior Commissioner of each State, and the Chairman to be appointed by the Chairman of this Commission and it would be subject to the Article governing committees that are set forth in the bylaws.

MR. KUNZ: Mr. Chairman, Item 3 under Committees says that the number of members of these committees can be determined by the Commission but each government shall designate the members or members and advisors on each committee.

MR. DAYTON: I think I would be in favor of each State having the responsibility to appoint their own representative on the committee rather than the senior Commissioner.

MR. SKEEN: Would you like to restrict your motion, Mr. Funk, to the establishment of such a committee incorporating the suggestion that each State name their committee member?

MR. FUNK: Yes, that each State name a committee member rather than it being the senior Commissioner.

MR. KUNZ: I second the motion with that change.

The motion carried.

MR. SKEEN: Maybe we also ought to have a motion as to when this written report should be ready. If it is circulated one month before our April meeting I think that would allow enough time for the Commissioners to read through it.

MR. DAYTON: I would move that the committee's written report be ready for circulation by the third Monday in March.

MR. PEART: I second the motion.

Motion carried.

MR. KUNZ: It might be that if we insist that this Committee come up with a report by April, we might tie their hands. It might be better if we say their preliminary report.

MR. SKEEN: Whatever it is it will be preliminary.

MR. KUNZ: Yes, very much because you can't expect three men to review this in six months that it has taken all these years to come up with.

MR. SKEEN: I think it is certainly a preliminary report, and maybe the the word preliminary ought to be put in Mr. Funk's motion.

MR. FUNK: I think it was there. That was my intention.

MR. SKEEN: Now I wonder if we shouldn't have each State report at a certain time who that member will be to the Chairman and then he can advise everybody and get it going. How much time would you want?

MR. KUNZ: It would take 30 days, I am sure, to get any action.

MR. SKEEN: Do you think January 15 . . . ?

MR. KUNZ: I think January 15, 1970, would be satisfactory.

I think Mr. Skeen should be a member of this Committee and also the Chairman and the Assistant Secretary of the Commission should be ex officio members of the committee.

MR. SKEEN: I think it would be well having a motion fixing the time for reporting names of appointed committee members.

MR. FUNK: I would move that these committee members be appointed by the 15th of January, 1970, and that the Chairman be notified of these appointments.

MR. PEART: I second the motion.

The motion carried.

CHAIRMAN LARSON: Is there any further business?

MR. FUNK: Mr. Chairman, I would like to make one statement. I felt that perhaps I cut Mr. Dayton off in answering here that we weren't coming forth with a report. This is not official, of course, as to any State of Utah stand, but we have studied the hydrology of the river and this information has been given to the other two States. This is our background basis for negotiations. We are not coming up with any project or any definite thing to propose to you, we are just coming prepared to meet with you and negotiate on the basis of the facts that exist on the river.

MR. SKEEN: I was wondering if there were any more copies of the Wyoming report available. I think one was furnished to the Chairman, but I would like a copy.

MR. DAYTON: We will try to get a copy to you Mr. Skeen.

MR. KUNZ: Mr. Chairman, I move we adjourn.

MR. DAYTON: I second the motion.

The meeting adjourned at 11:10 a.m.

REPORT TO BEAR RIVER COMMISSION
November 24, 1969

Wallace N. Jibson
Assistant Secretary

1969 Water Supply and Compact Operation

Water Supply

The seasonal water picture has been one of contrast, from a potential flood condition in May to a serious deficiency in early June that was alleviated by record-breaking storms of nearly two weeks duration. It was hardly conceivable that the above-normal snowpack on May 1st could disappear so quickly that by June 12 streamflow from the Uintas would be down to that of the drouth year 1961. Smiths Fork fared only slightly better, and the main river flow entering Idaho was dropping at an alarming rate before the storms moved in. Increased river flow and a decreased rate of depletion to the system resulted in near-normal irrigation supplies for the balance of the season.

The marked contrast in runoff pattern in the last two years is indicated in figures 1 and 2 which show graphically the supply from Upper Bear River and Smiths Fork, respectively. Comparison in seasonal and annual runoff in the two years with longtime average runoff is shown in the following tables of gaging-station records representative of upper, middle, and lower portions of the basin.

Runoff in Acre-Feet

May - September

	<u>1968</u>	<u>1969</u>	<u>Average</u> <u>1943-69</u>	1969 as <u>Percent of</u> <u>Average</u>
Upper Bear River	146,700	111,600	114,700	97%
Smiths Fork	87,200	99,400	106,400	93%
Logan River	113,400	112,900	117,500	96%

Runoff in Acre-Feet

1969 Water Year

	<u>1968</u>	<u>1969</u>	<u>Average</u> <u>1943-69</u>	1969 as Percent of <u>Average</u>
Upper Bear River	169,600	142,100	137,100	104%
Smiths Fork	120,400	140,700	138,700	101%
Logan River	172,000	180,300	177,100	102%

Forecasts of runoff as of May 1 reflected the warm, dry April but still exceeded subsequent runoff in the upper basin. Comparison in the May-July period of forecast is shown in the table below.

May - July Runoff in Acre-Feet

	<u>Measured</u>	<u>SCS-Coop</u> <u>Forecast</u>
Upper Bear River	102,300	135,000 (+32%)
Smiths Fork	*113,100	130,000 (+15%)*
Logan River	91,100	85,000 (- 7%)

*April - September

Reservoirs

Hydrographs of Bear Lake for 1968 and 1969 are shown in figure 3. The pattern of last year was followed in the fall and winter months in which stored water was released to develop adequate storage space for spring runoff. April and May runoff was above average but very little storage accrued after June 1, and the Lake started and ended the water year at near the 1968 levels. The Lake level was well above the irrigation reserve throughout the year, so restrictions on released water for power were not in effect.

Woodruff Narrows Reservoir (see figure 4) filled to spillway crest in October 1968 and remained full throughout the winter. Storage release began in late May and continued with exception of two short periods until Mid-August. It should be noted that

irrigation holdover storage was not used in 1969, and the reservoir is expected to fill again for the 1970 season.

Sulphur Creek Reservoir filled to capacity (7,088 ac-ft) of which about 4,000 acre-feet subsequently was released for irrigation. Compact allocation in Sulphur Creek Reservoir is 5,714 acre-feet. Whitney Reservoir also filled to its total capacity of 4,700 acre-feet early in June, subsequent draft reduced the content by October 1 to the dead storage level of 500 acre-feet.

Streamflow Distribution

Hydrographs of water diverted and allocated are shown in figures 5, 6, and 7 for the three main sections in the Upper Division. Upper Wyoming (figure 5) is the section in which interstate regulation has been required on occasion, but a normal rate of diversion generally is within compact allocation except for a short period each year. Two periods of water emergency when the total divertible flow in the Division was below 1,250 cfs occurred this season, May 1-11 and July 5 - September 30. The first period as usual was not significant as sections were diverting only small amounts of water. Allocation for the latter period is shown by the dashed line in figure 5 and though allocation is less than the total of water diverted it is in general more than the water diverted after adjustment for the amount diverted from released storage. Thus, excepting a short period or two, Upper Wyoming Section diverted within the Compact allocation.

Similar information for Lower Utah Section (Rich County) is shown in figure 6. The extent of application of Woodruff Narrows Reservoir water (cross-hatched areas) should be noted in this

section. Lower Wyoming Section, land served from diversion at BQ and Pixley Dams, is shown in figure 7. The section normally ceases diverting prior to the allocation period under terms of the Compact (except early in May) and followed generally the same pattern this year. Though not shown, storage water undoubtedly contributed part of the supply diverted in June.

Wyoming Section of the Central Division is shown in figure 8. A water emergency existed after July 11 when the total divertible flow dropped below 870 cfs and remained in effect for the balance of the season. Flow passing the Border gaging station is shown by the short dashed line which shows the rapid rate at which the supply was falling in late May and early June. Obviously, the flow past Border (350 cfs) would have initiated interstate regulation by June 10 at a critical time in the irrigation season except for the general storm period that lasted for about 10 days. As shown on the hydrograph, Wyoming rate of diversion stayed below compact allocation throughout the period of water emergency. Similar hydrographs for the Idaho section of the Central Division are shown in figure 9. The difference between Idaho diversions and allocation is primarily water being diverted in the Rainbow Inlet Canal which is included in the total divertible flow in this division.

Stream-Gaging Program

A gaging station, Bear River at Pescadero, Idaho (below Montpelier), was reinstalled this past summer at the old site at which records were collected from 1921 through 1954. This station was reactivated at Utah's request to determine what changes in gain or loss at this point may have taken place since the earlier period

of record. The request came after our last meeting and as it was desirable to secure the 1969 irrigation-season record, we proceeded with the installation without approval of the full Commission as cooperator.

About a year ago the Wyoming group requested that we continue operating for one more year the gaging stations on Mill and Muddy Creeks, Smiths Fork drainage, for studies of reservoir development in this area. Accordingly, we continued these records through the water year ending September 30, 1969 and discontinued them at that time. The records, starting October 1, 1965, cover a span of four water years including years of below-average and above-average runoff and have been published in annual Bear River Commission reports in addition to publication in the regular USGS reports.

Also, a Bureau of Reclamation development station, Blacksmith Fork below Mill Creek, was discontinued this fall for lack of further operating funds from the Bureau. This station also has four years of record.

Application for Appropriation

Applications to appropriate water, received since our last meeting, are summarized on the last four pages of this report. A rather large number of applications from Utah has been submitted and as usual are primarily for small development of underground water in Cache and Box Elder Counties. One right in Rich County is for 7.0 cfs from Duck Creek, a small tributary 9 miles north of Randolph.

It is noted that the application for the Duck Creek right in Rich County is for 7.0 cfs from Duck Creek, a small tributary 9 miles north of Randolph.

A filing in Idaho by the Bureau of Reclamation should be noted by the Commission. This is a pending application for storage of 45,000 acre-feet from Cub River and applies to the Mapleton site on Cub River. The storage rights in Wyoming (Edward Massae, et al) have been presented to the Commission at an earlier date and are now submitted as being approved. It is our understanding that the first of these rights (107.5 ac-ft) has been allocated from Compact storage. The stockwatering right of 50.69 ac-ft is described as a reservoir to provide carry-over capacity only and is not covered by an allocation under the Bear River Compact. Evidently, it is to be a separate reservoir from that covered by the first filing, but there would seem to be a question as to its listed use for stockwatering only.

UPPER DIVISION - BEAR RIVER SUPPLY
Cubic Feet Per Second

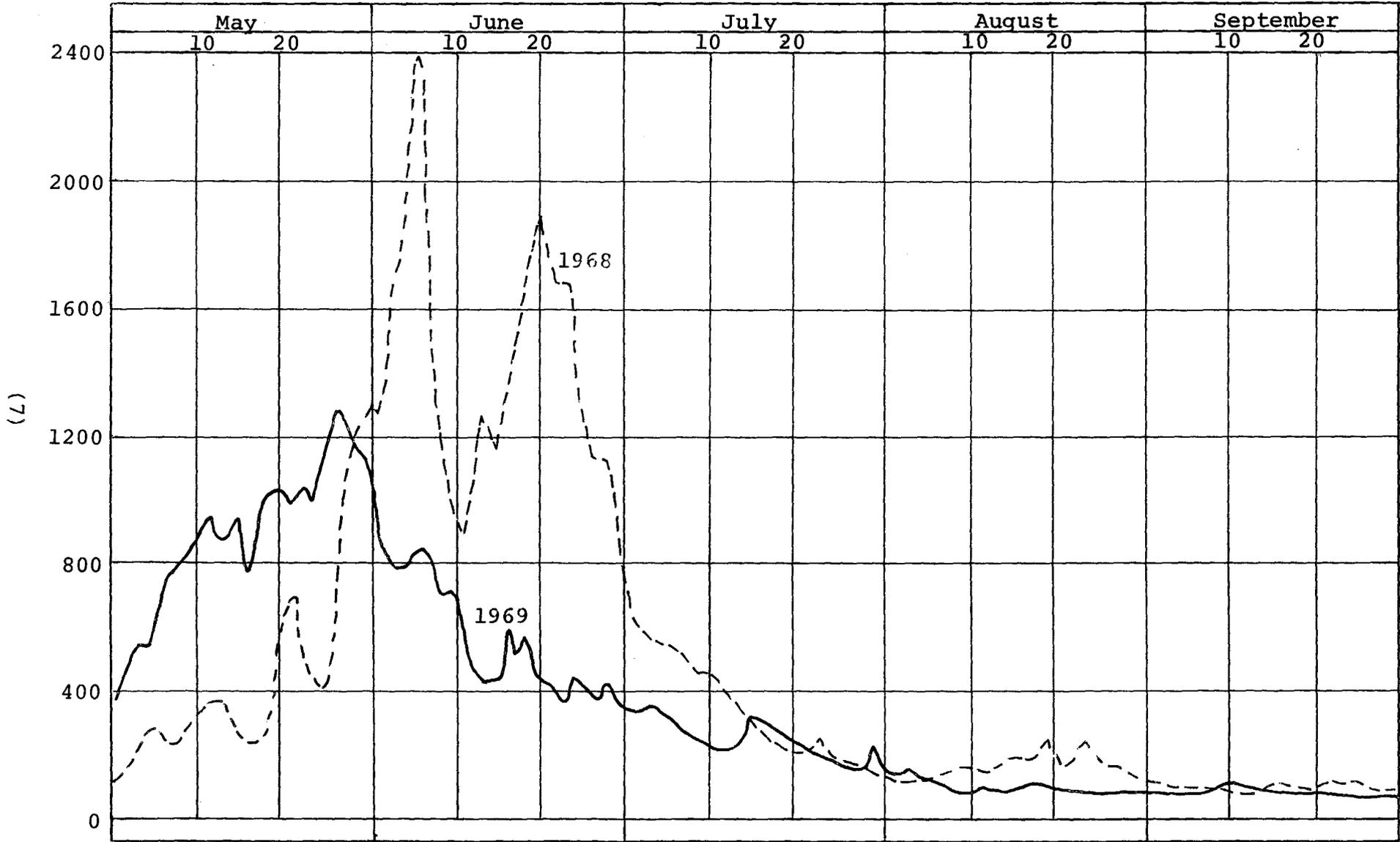


figure 1

CENTRAL DIVISION - SMITHS FORK SUPPLY
Cubic Feet Per Second

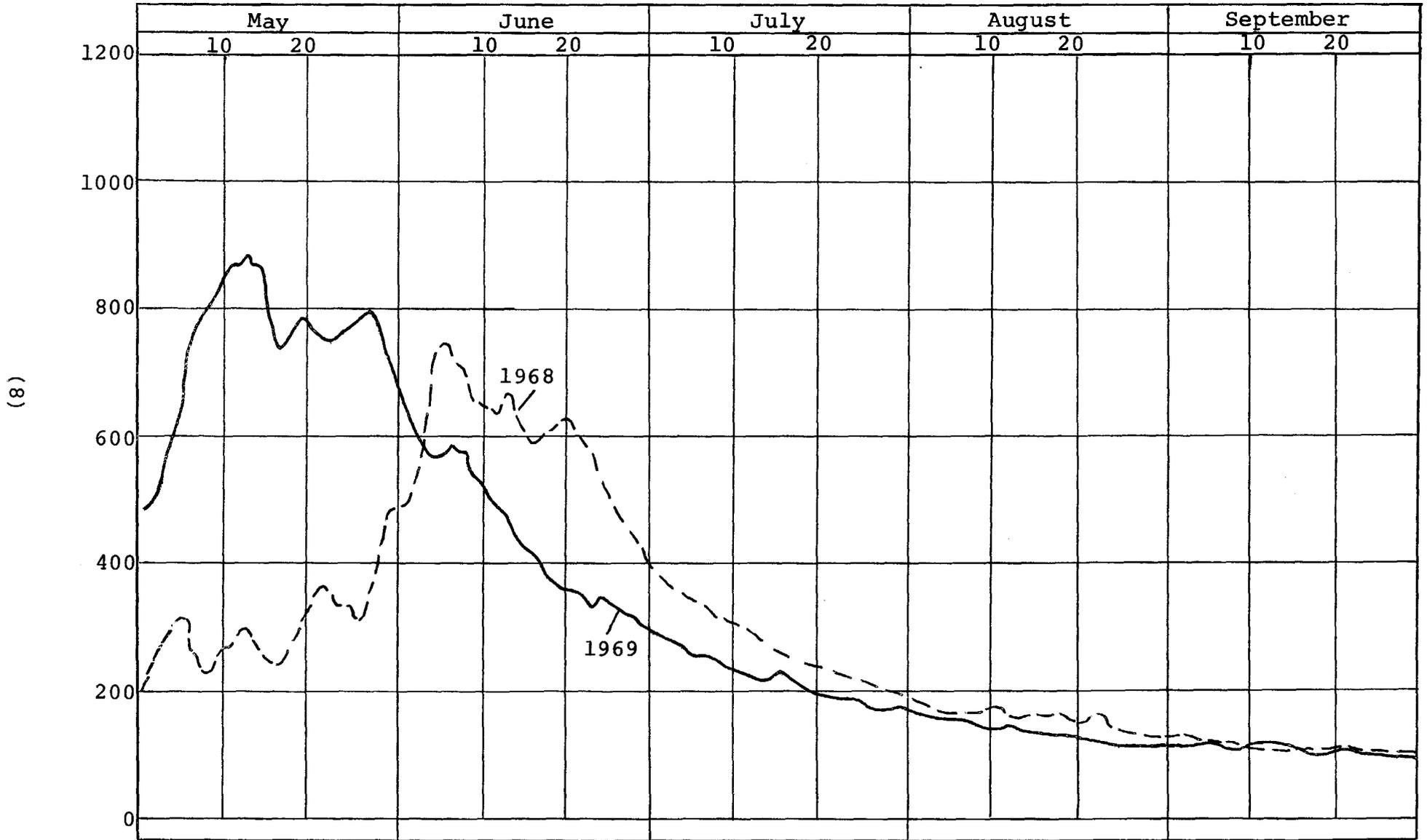


figure 2

(6)

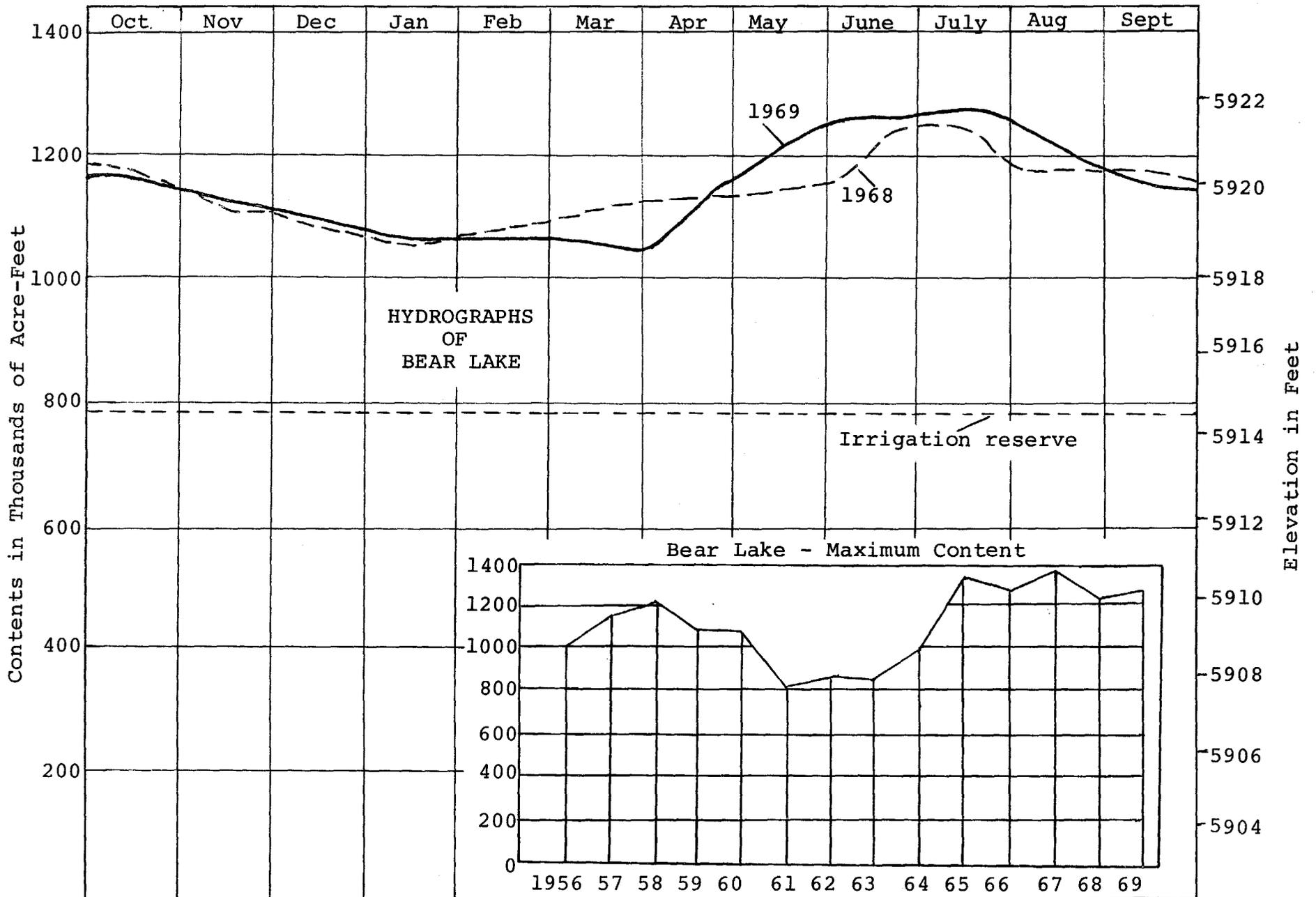


figure 3

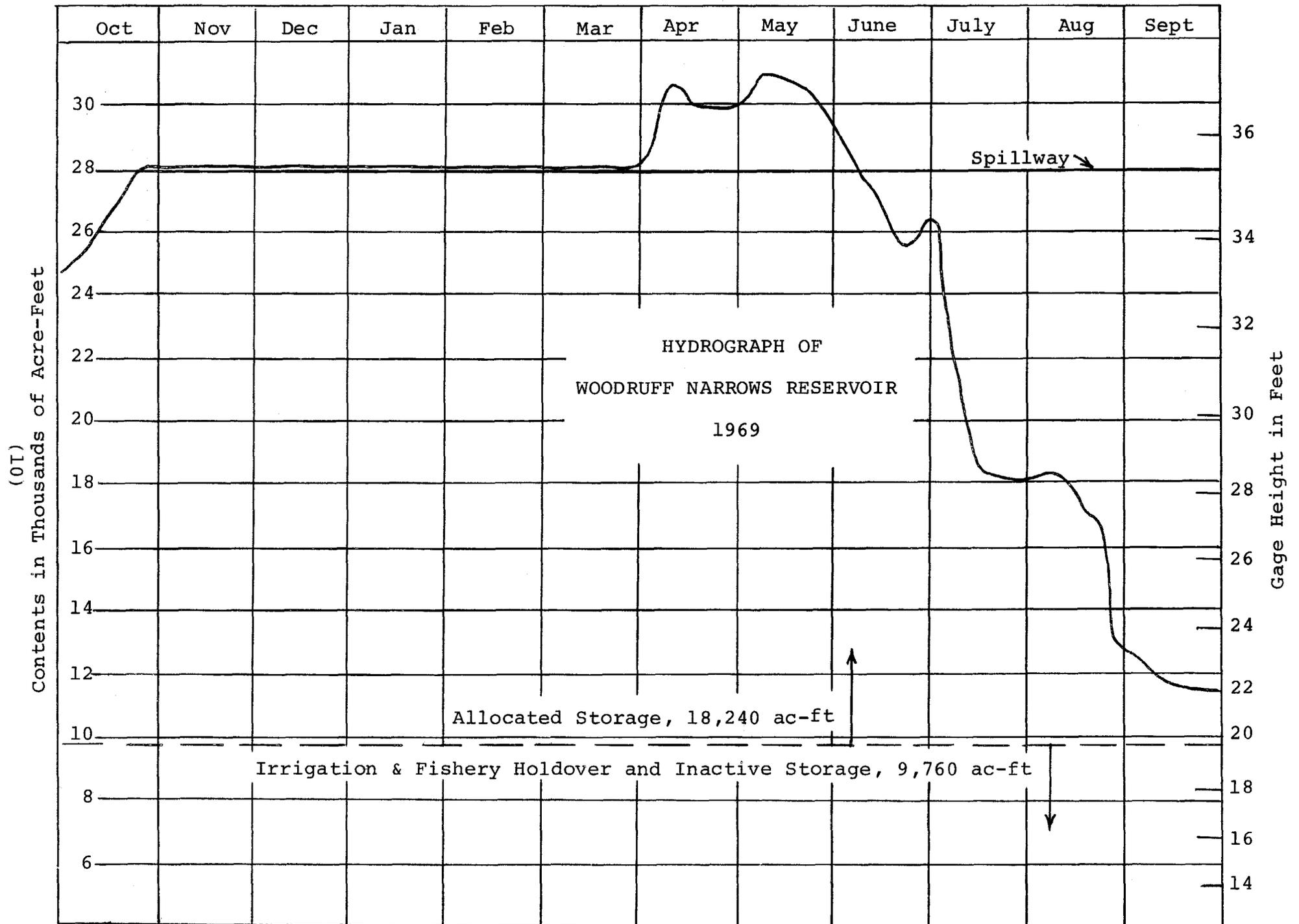


figure 4

UPPER DIVISION - UPPER WYOMING SECTION
Cubic Feet Per Second

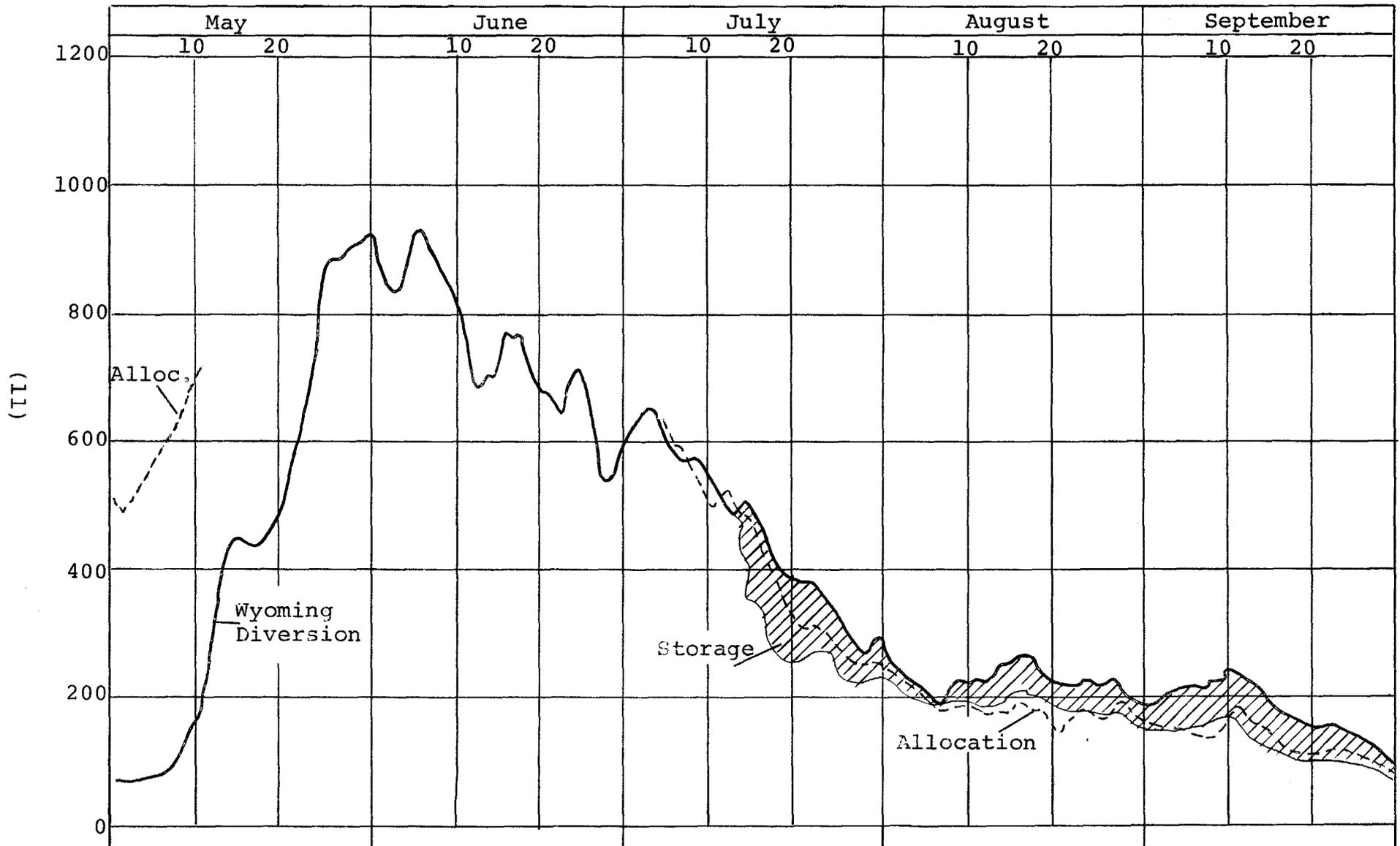


figure 5

UPPER DIVISION - LOWER UTAH SECTION
Cubic Feet Per Second

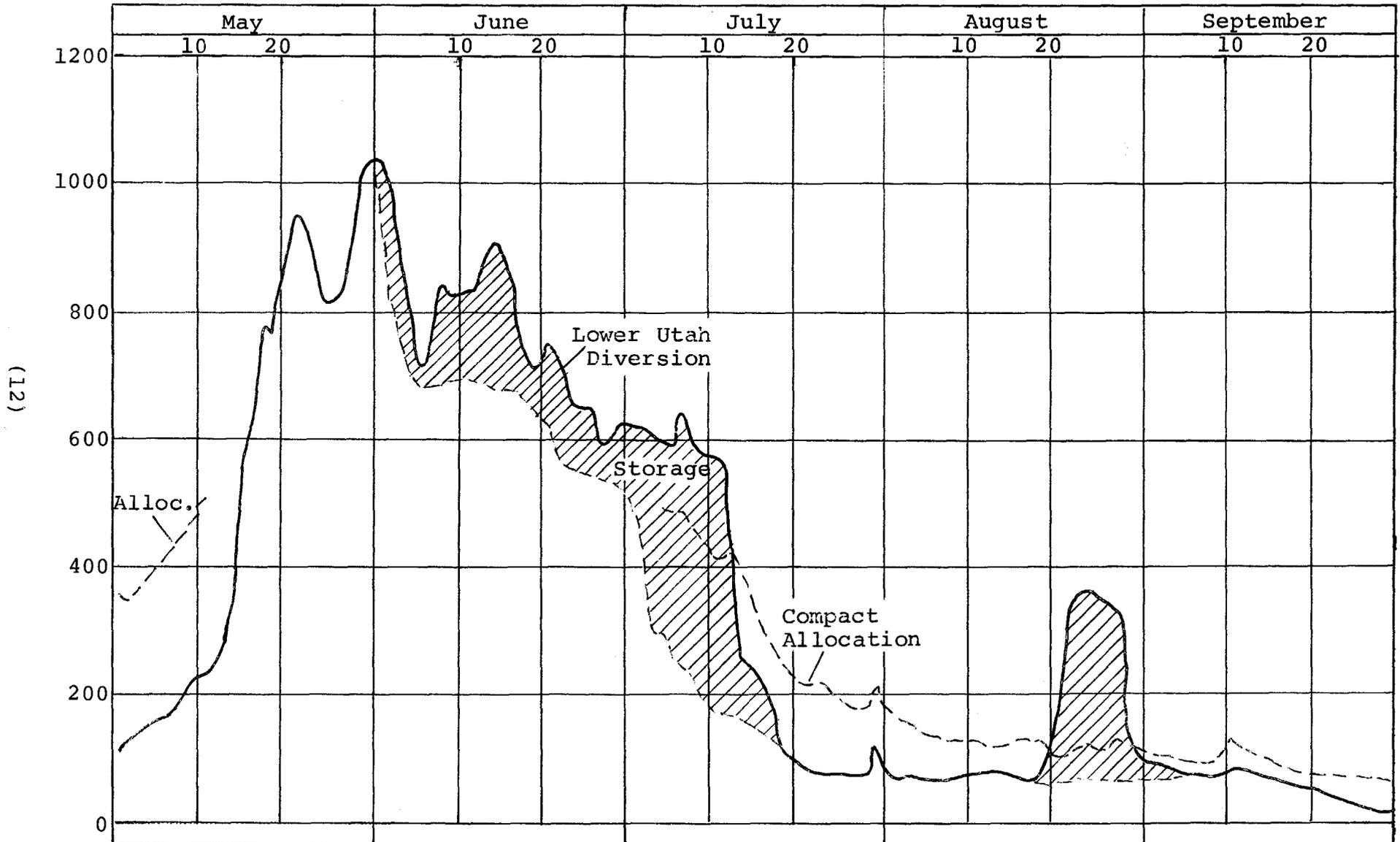
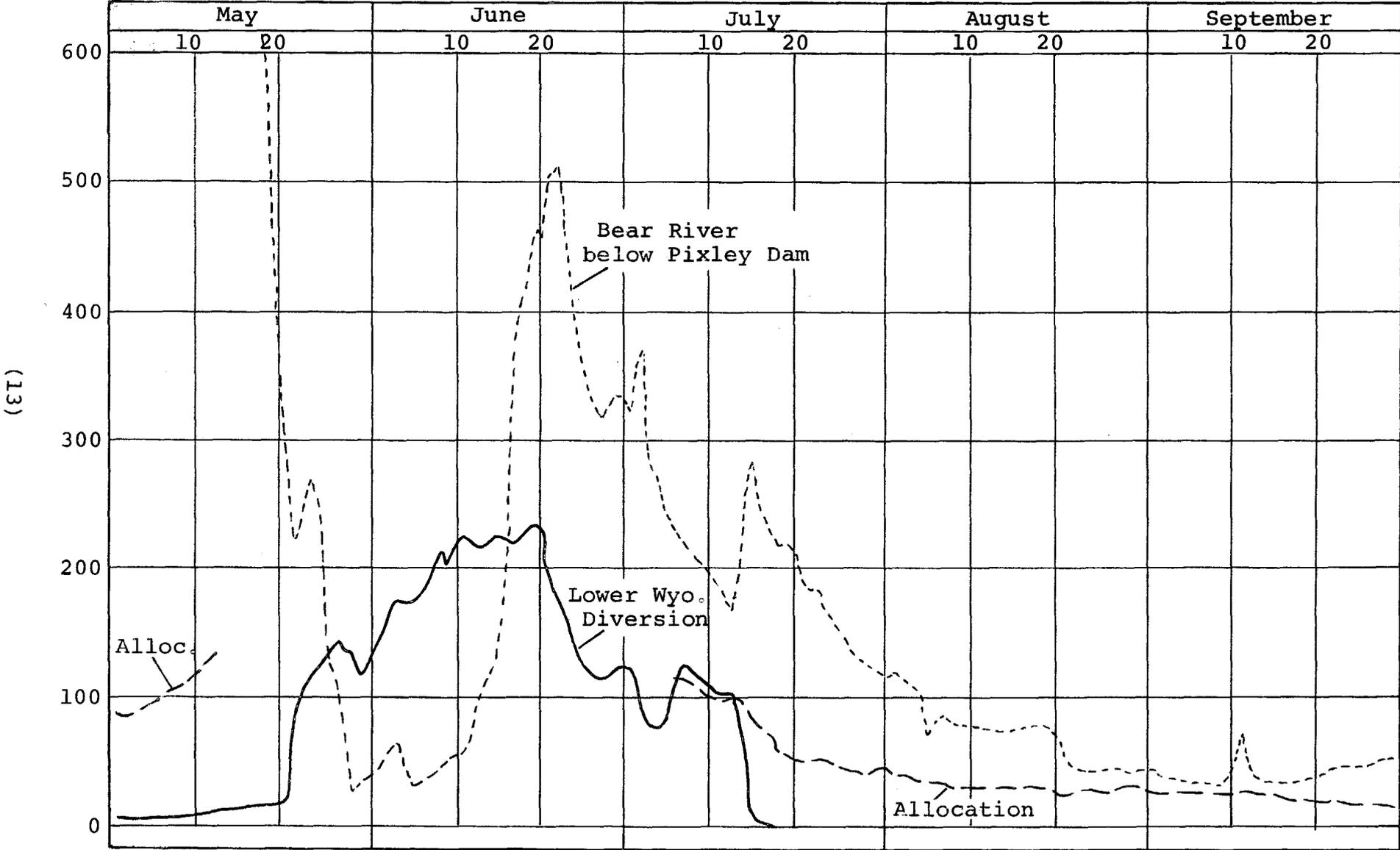


figure 6

UPPER DIVISION - LOWER WYOMING SECTION
Cubic Feet Per Second



(13)

figure 7

CENTRAL DIVISION - WYOMING SECTION

Cubic Feet Per Second

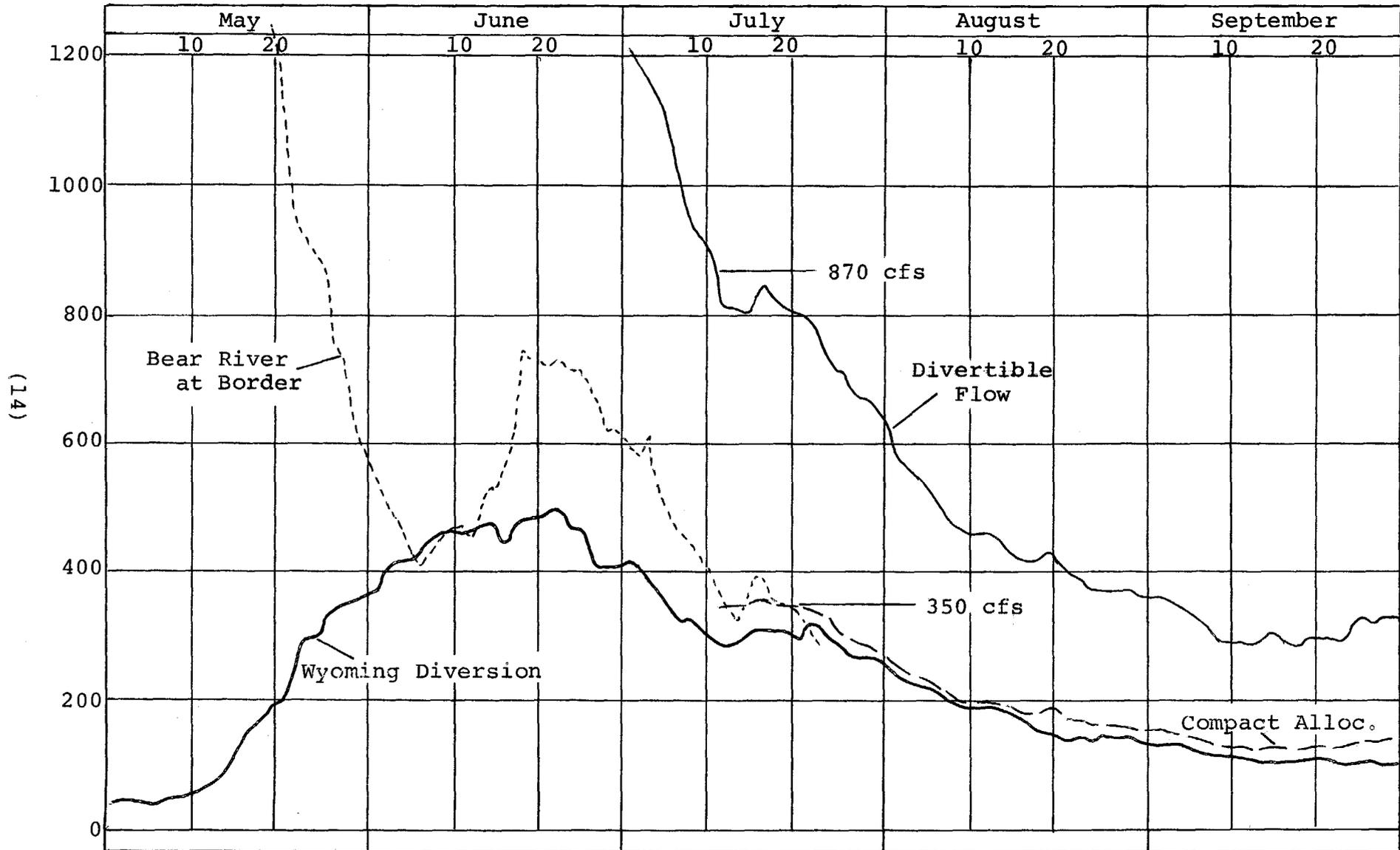
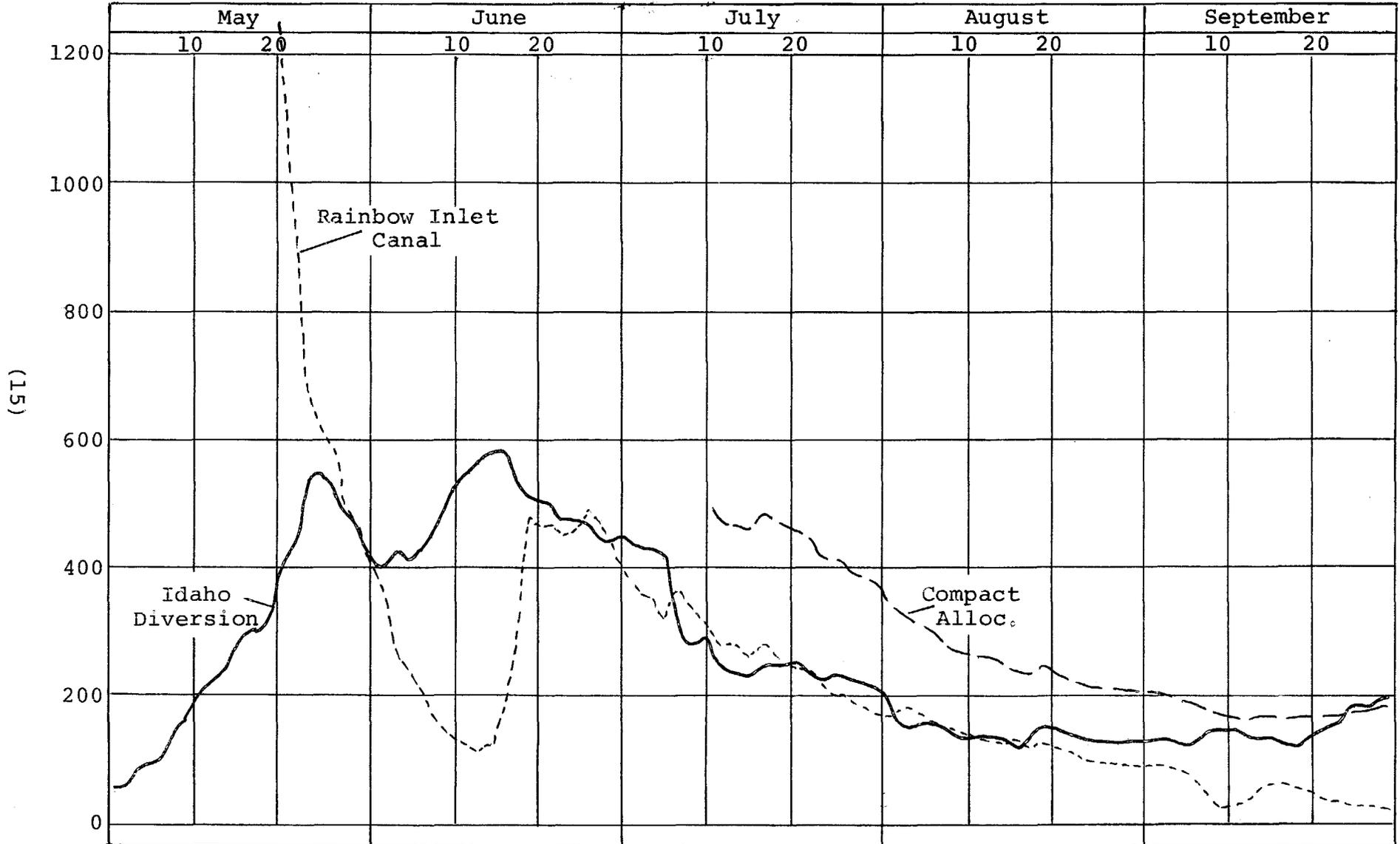


figure 8

CENTRAL DIVISION - IDAHO SECTION

Cubic Feet Per Second



(15)

figure 9

Applic Number	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF UTAH</u>						
25-4890	4- 1-69	Fred B. Hardman	Underground	Dom. stock	S32 T12N R1W Cache	0.015 (a)
25-4891	4- 4-69	Brent D. Parker	Underground	Irrig. dom. stock	S13 T10N R1W Cache	0.015 (a)
25-4892	4-10-69	L. Alder & Sons, Inc.	Underground	Irrigation	S10 T11N R1E Cache	0.5 (a)
25-4893	4-10-69	L. Alder & Sons, Inc.	Underground	Irrigation	S 9 T11N R1E Cache	0.2 (a)
25-4894	4- 8-69	Stephen Clyde Muir	Underground	Irrig. dom. stock	S 5 T11N R1W Cache	0.015 (a)
25-4895	4-11-69	H. R. Parker	Spring	Irrig. stock	S 5 T11N R1E Cache	2.0 (a)
29-1562	4-23-69	Lawrence L. Buxton	Underground	Irrig. dom.	S 5 T11N R3W Box Elder	0.015 (a)
25-4896	4-29-69	J. David Bowen	Underground	Irrig. dom.	S21 T12N R1E Cache	0.05 (a)
25-4897	4-15-69	G. Ellis Doty	Drain	Wildlife & fish	S 5 T13N R1E Cache	1.0 (a)
25-4898	5- 2-69	J. Cash Smith	Underground	Irrig. dom. stock	S30 T13N R1E Cache	0.015 (a)
25-4899	4-28-69	Gary R. Egbert	Developed spring	Stock	S35 T14N R1E Cache	0.1 (a)
25-4900	4-28-69	Gary R. Egbert	Overflow Richmond City Reservoir	Stock	S35 T14N R1E Cache	0.1 (a)
25-4901	4-30-69	Neldon Cheney	Underground	Irrig. dom. stock	S 3 T 9N R1E Cache	0.015 (a)
25-4902	5- 1-69	William C. Bowen	Unnamed spring	Irrig. stock	S 8 T11N R1W Cache	0.10 (a)
29-1563	5- 5-69	M. C. Marsh, Sr.	Marsh Spring	Irrig. stock & fish	S35 T 8N R2W Box Elder	5.0
25-4903	5- 8-69	Verl M. Buxton	Bergeson Drain	Irrigation	S 4 T14N R1W Cache	2.0 (a)
25-4904	5-12-69	Mervyn J. Willie	Underground	Irrig. dom.	S 5 T11N R1W Cache	0.015 (a)
29-1564	5-19-69	William D. Marsh	Springs	Irrigation	S35 T 8N R2W Box Elder	1.5
29-1565	5-19-69	William D. Marsh	Springs	Fish cul. & rec.	S35 T 8N R2W Box Elder	1.5
29-1566	5-19-69	William D. Marsh	Underground	Irrig. fish culture	S36 T 8N R2W Box Elder	4.0
29-1567	5-20-69	Harvey R. Wood	Developed spring	Stock	S34 T13N R2W Box Elder	0.015 (a)
29-1568	5-21-69	G. Clyde Steed	Unnamed stream	Irrig. stock	S17 T13N R2W Box Elder	0.089
25-4905	5-16-69	Bear River Lumber Co.	Underground	Dom. mill use	S21 T11N R1E Cache	0.1 (a)
25-4906	5-19-69	Stanley R. Spence	Spring area	Irrigation	S 8 T11N R1W Cache	0.05 (a)
29-1569	5-22-69	Paul & Sadie Hunsaker	Underground	Irrig. dom. stock	S 1 T 9N R2W Box Elder	0.10 (a)
25-4907	5-26-69	LaMar K. Thurston	Underground	Dom. stock	S 9 T12N R1E Cache	0.015 (a)
25-4908	5-26-69	LaMar K. Thurston	Underground	Irrig. dom. stock	S 9 T12N R1E Cache	0.5 (a)

Applic Number	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF UTAH (continued)</u>						
25-4909	6- 2-69	Stanton Barrett	Underground	Irrigation	S 5 T11N R1W Cache	0.015 (a)
25-4910	6- 3-69	Edwin Gossner	Underground	Dom. dairy mfg.	S29 T12N R1E Cache	0.75 (a)
25-4911	6- 6-69	Edwin Gossner	Bear River	Irrigation	S19 T13N R1E Cache	2.0
25-4912	6- 6-69	T. Lewis & Jensen Bros.	Underground	Irrig. stock	S14 T11N R1W Cache	2.0 (a)
23-3348	6-10-69	Fred A. Feller	Unnamed stream	Irrigation	S13 T12N R7E Rich	7.0
25-4913	6-12-69	Charles Fullmer	Underground	Irrig. steam cl. auto parts	S28 T12N R1E Cache	0.015 (a)
23-3349	6-20-69	Laura M. Bateman	Underground	Dom.	S20 T13N R6E Rich	0.015
25-4919	6-13-69	Willis Fryer	Underground	Irrigation	S33 T12N R1E Cache	0.015 (a)
23-3350	6-25-69	Lyle Jackson	Underground	Irrig. dom.	S20 T13N R6E Rich	0.015 (a)
25-4920	6-26-69	Cloyd Frederick	Underground	Irrig. body shop	S 4 T11N R1E Cache	0.015
25-4921	7- 1-69	Byron Snow	Underground (drain)	Irrig. stock	S21 T11N R1E Cache	0.5
29-1571	7-14-69	Z. Odeen Buxton	Underground	Irrig. dom. stock	S 5 T11N R3W Box Elder	0.015
25-4923	7-18-69	Donald & Thelma Kidman	Underground	Irrig. dom.	S19 T12N R1W Cache	0.015
29-1572	8- 4-69	B. Y. Westmoreland	Underground	Domestic	S 6 T11N R3W Box Elder	0.015
23-3353	7-30-69	Harold & Ruth Perkins	Underground	Irrig. dom.	S20 T13N R6E Rich	0.015
29-1573	7-28-69	Robert M. Olds	Underground	Irrig. dom.	S11 T 8N R2W Box Elder	1.0
25-4925	7-23-69	H. Jay Griffin	Underground	Irrig. dom. stock	S11 T14N R1E Cache	3.0
25-4931	8- 7-69	Verl M. Buxton	Underground (drain)	Irrigation	S 4 T14N R1W Cache	1.5
25-1574	8- 8-69	Frank A. Graf, Jr.	Underground	Irrig. dom.	S12 T 9N R2W Box Elder	0.5
29-1575	8-15-69	Farrell L. Summers	Underground	Irrig. dom. stock	S35 T12N R4W Box Elder	1.0
29-1576	8-18-69	Edwin J. Holmgren, Jr.	Underground	Dom. stock	S32 T12N R3W Box Elder	0.112
29-1577	8-15-69	George M. Smith	Underground	Irrigation	S 2 T 7N R2W Box Elder	1.783
23-3355	8-18-69	Falula Farms, Inc.	Underground	Domestic	S17 T13N R6E Rich	0.25
25-4932	8-19-69	Fred Balazs	Underground	Irrigation	S21 T11N R1E Cache	0.015
25-4934	9- 2-69	Harold L. Andrews	Underground	Irrig. dom.	S 9 T11N R1E Cache	0.015
25-4935	7-25-69	Utah State University	Drains	Irrigation	S26 T12N R1E Cache	0.1
25-4936	9- 9-69	W. O. Floyd	Underground	Irrig. dom. stock	S20 T11N R1E Cache	0.1

Applic Number	Date of Filing	Name	Source	Use	Location	Amount (cfs)
<u>STATE OF UTAH (continued)</u>						
25-4937	9-12-69	Eugenia D. Lee	Underground	Irrig. dom. stock	S21 T10N R1E Cache	0.015
29-1578	9-22-69	F. L. Christensen	Springs	Irrig. stock	S23 T 9N R2W Box Elder	0.5
25-4938	9-22-69	Cecil Payne	Underground	Irrig. stock	S 3 T13N R1W Cache	0.10
(a) Approved. All other applications listed for Utah are pending.						
<u>STATE OF IDAHO</u>						
11-7008	4-21-69	School Dist. 150	Underground spring	Irrigation	S 7 T 9S R42E Caribou	0.238
11-7006	5- 5-69	Douglas L. Fisher	Underground	Irrig. dom. stock	S28 T13S R38E Franklin	0.20 (a)
11-7009	5-15-69	Farmers L. & I., Co.	Unnamed spring	Irrigation	S36 T 8S R41E Caribou	3.0
11-7010	5-26-69	Lyle C. Stephens	Underground	Irrigation	S21 T12S R44E Bear Lake	3.0 (a)
13-7007	6- 6-69	U.S.B.R.	Cub River	Multiple	S 3 T16S R40E Franklin	45,000 ac-ft
11-7011	7- 9-69	Evan M. Kackley	Waste water	Irrigation	S26 T 8S R41E Caribou	4.0
17-7006	10- 6-69	C. E. Harris	Underground	Irrigation	S11 T16S R32E Oneida	3.0
(a) Approved. All other applications listed for Idaho are pending.						

Applic Number	Date of Filing	Name	Source	Use	Location	Amount
<u>STATE OF WYOMING</u>						
18 1/36	1-19-60	Edward Massae, et al	Mill Creek	Irrig. dom. stock	S16 T12N R119W Uinta	107.5 ac-ft
19 3/385	8- 8-66	Edward Massae	Mill Creek	Res. supply	S16 T12N R119W Uinta	27.85 cfs
20 3/50	2-17-67	Wyuta Cattle Co.	Clifton Draw	Stock	S15 T13N R120W Uinta	0.43 ac-ft
20 4/50	2-17-67	Wyuta Cattle Co.	Fence Corner Dr.	Stock	S11 T13N R120W Uinta	0.43 ac-ft
20 1/57	3-17-67	C. E. Massae, et al	Mill Creek	Stock	S16 T12N R119W Uinta	50.69 ac-ft
20 2/81	8-23-67	Emil A. Zebre	Hay Hollow Creek	Stock	S 2 T21N R117W Lincoln	1.96 ac-ft
20 3/125	4- 2-68	Lewis Ranch	Clear Creek	Stock	S20 T21N R117W Lincoln	5.4 ac-ft
20 2/131	5- 7-68	H. A. Teichert & Sons	Teichert Spring	Stock	S 4 T26N R118W Lincoln	0.0057 cfs
20 2/142	8- 1-68	Joseph E. Barker	Phipps Hollow	Stock	S29 T13N R119W Lincoln	17.8 ac-ft
20 5/214	7-31-69	Michael Malouf	Malouf Spring	Irrigation	S19 T15N R120W Uinta	0.521 cfs
20 6/214	7-31-69	Edgar Harris	Malouf Spring	Irrigation	S19 T15N R120W Uinta	0.265 cfs
Application 20 2/81, rejected; application 20 5/214 and 20 6/214, pending; all others listed for Wyoming, approved.						