

PUBLIC HEARING

BEAR RIVER COMPACT COMMISSION

NOVEMBER 24, 1976

EVANSTON, WYOMING

PUBLIC HEARING

Evanston, Wyoming

November 24, 1976

Public Hearing held in Evanston, Wyoming, on November 24, 1976, concerning the proposed modification of the Bear River Compact. The meeting was held by the Bear River Commission, as required by law, and was presided over by Mr. Wallace N. Jibson, Chairman.

CHAIRMAN JIBSON: Ladies and gentlemen, we will call to order this Public Hearing being conducted by the Bear River Commission. Before we start the formal meeting, we plan to turn what time is necessary over to the State of Wyoming for a brief informational meeting.

I would like to make some introductions of the Commissioners here today.

COMMISSIONERS PRESENT:

J. W. Myers, Wyoming
George Christopulos, Wyoming
Reed Dayton, Wyoming

Dan Roberts, Idaho
Clifford Skinner, Idaho
William G. Jenkins, Idaho

Paul Holmgren, Utah
Gordon Peart, Utah
Daniel F. Lawrence, Utah

Also present were:

Ed Skeen, Legal Counsel
Roland Robison, Solicitor's office
Simeon Weston, Utah
John Teichert, Wyoming
Jack Palma, Attorney General's office, Wyoming
Clem Lord, Interstate Streams Engineer, Wyoming
Marvin Bollschweiler, Wyoming
Norman Stauffer, Utah Division of Water Resources
Keith Higginson, State Engineer, Idaho

The first portion of the meeting was turned over to Mr. George Christopulos, who gave a brief review of the present Compact and the situations leading up to the present proposed Compact revisions and modifications.

Following Mr. Christopulos' presentation, the formal Hearing concerning the proposed changes in the Bear River Compact was held - as follows:

CHAIRMAN JIBSON: Legal notices were published in all area newspapers, containing a summary of the proposed revisions and pertinent data on date, place, and time of the hearings. It also stated that copies of the proposed revised Compact were available at each County Clerk's office in each county in the Basin. Copies of the summary that was printed in the legal notices are available at the door. I believe most of you have picked those up. Also, you were handed a slip of paper that will serve as a roll for today, and will also serve as a reminder whether you would like to make a statement or not in this Hearing.

In our meeting today we would like to hear from each person who desires to make a statement. In so doing, there will be observed certain formalities that we feel are necessary to accomplish the purpose of this type of hearing. Witnesses will give formal statements to the Commission in the order called by the Chairman. We would like the witnesses to come to the rostrum here so that we can pick up your statements by tape recorder. If you have written statements, we would like them turned in to the Secretary, Connie Borrowman, who as usual I forgot to introduce. She has been our Secretary for a number of years; and when not working for the Commission is Secretary to Dan Lawrence in the Utah Division of Water Resources.

Witnesses should come forward, state their name, address, and affiliation with a group, if any. Testimony should be pertinent to the proposed revisions. Following each statement, Commission members, only, may ask questions of the witness for the sake of clarification of the statement. The Commission will not respond at this hearing to any of the statements. No debate will be permitted in connection with the statement.

With that in mind, we have as the first individual who would like to make a statement, Clem Lord, Interstate Streams Engineer for the State of Wyoming.

CLEM LORD

Members of the Commission, ladies and gentlemen. I am Clem Lord, Interstate Streams Engineer for the State of Wyoming, assigned to the office of the State Engineer, located in Cheyenne, Wyoming. To change from an attorney yesterday to an engineer today would be a neat transition if, in fact, this was a reality; but I have never been an attorney, Wally, although such misidentifications are understandable - so no offense.

The Bear River Compact was prosecuted for the intent and purpose of removing the causes of then existing, and future, controversy over the distribution and use of the waters of the Bear River during the initial negotiations. Wyoming

proposed that agreement be accepted to provide for development of 150,000 acre-feet of storage in the State. Apparently on the basis that there was not that quantity of water available, Wyoming was persuaded to settle for 17,750 acre-feet, and Utah was granted a like amount of storage above Bear Lake.

During July, 1968, steps were taken to initiate discussions in an effort to allocate the remaining unconsumed flow of Bear River and its tributaries, principally below Stewart Dam - and which was not provided for in the Compact. As a result of this action, Wyoming caused to have a study conducted of the Bear River Basin in the State.

Among other things, it was determined from the study that Wyoming consumes only approximately 27 percent of the water that originates in the State. Further, there is ample justification and need for additional storage - principal of which would be to provide supplemental water to approximately 60,000 acres of irrigated lands and make possible the development of an additional 10,000 to 12,000 acres of new lands. This would be accomplished through accumulation of storage during periods of high flow.

The State has no information that the development of Compact storage above Bear Lake has been detrimental to downstream users. Current evaluations and studies of River flows indicate the availability of water in the range of 30,000 acre-feet that could be utilized above Stewart Dam.

Due to this and the Compact provisions providing for the allocation and regulation of water during periods of low flow, it is considered feasible and equitable to permit development of an additional allocation of 70,000 acre-feet of storage above Stewart Dam, subject to a depletion of 28,000 acre-feet annually.

CHAIRMAN JIBSON: Do you have any questions of Mr. Lord?

Thank you, Clem.

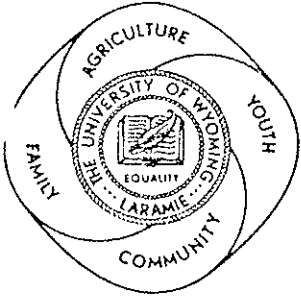
Our next witness will be Marvin Bollschweiler, Hydrographer, State Board of Control, Wyoming.

MR. BOLLSCHWEILER: Thank you, Mr. Jibson. My statement today is being read by the absence of Mr. Wayne Asay, the University Extension Agent of Uintah County. This is from the office of the Agricultural Extension Service.

My name is Marvin Bollschweiler, with the State Board of Control, in Cheyenne.

AGRICULTURAL EXTENSION SERVICE

College of Agriculture, University of Wyoming, and U.S. Department of Agriculture Cooperating



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November 24, 1976

TO WHOM IT MAY CONCERN:

I appreciate the opportunity to express my view points concerning the storage and use of water in the Bear River.

As Uinta Counties Agricultural Extension Agent, I am directly involved with and very much interested in the counties agricultural resources as well as several other resources that will be affected by the decision of this hearing.

The water on the Bear River has been controlled to some extent but I can verify that in the past several years, local ranchers have had both extremes. Excessive flooding in the spring, flooding low lands, filling ditches and headgates with sediment and dumping trash on irrigated meadows. If the rancher tries to plant early this flooding will kill the small seedlings and deposit weed seeds on fertile lands.

On the other hand, a dry year such as this past year, a rancher may suffer from lack of water.

There is a very definite line between having sufficient water and having too much water when you make your living on a ranch.

I believe the answer is more storage and better control of early spring run off.

These conditions seriously restrict the variety of forage and grains the rancher can grow and hinders him in using some of the better management practices. The above conditions results in poorer yielding varieties that will grow under both flooding and drought conditions.

This in a time when competition is the greatest it has ever been. Costs of hay has been more than doubled in the past few years and in general costs of operation has sky rocketed while the price received from livestock hasn't changed enough to compensate for the difference.

Flood control provided by the project will help improve water quality by reducing the heavy sediment loads carried by high spring run-offs and deposited on some of the most productive lands the rancher has. This sediment generally kills existing strands of grass, brings in weed infestation and fills ditches, to say nothing of the acres of choice fertile bottom land that is being eroded and washed away by the high waters.

In addition, since the length of the irrigation season will be doubled by the proposed water storage, hay land will not have to be flooded with excessive amounts of water during the short high water period as has been (though necessity) the common practice. But rather water can be applied as it is needed, in quantities wanted.

Improved varieties of grasses and forage could be propagated and more efficient use of fertilizers could be had. I believe hay yields could be increased at least three (3) times what they are today if the ranchers was assured of: (1) No flooding in the spring; and (2) A constant water supply throughout the growing season. I believe we would see more small grains being produced, resulting in heavier calves and lambs being marketed from this area.

Less constant flooding would mean a reduction of the leaching of nutrients from the soil and a reduction of percolation of water into the under-lying shales which are a source of salt in waste water getting back to the river.

One question I have been asked is: How much more water would be applied to irrigated lands on the Bear River if more storage is provided and late irrigation water is made available?

My answer was that it is doubtful if any "more" water would be used. The storage would mean water could be applied during late summer and fall months instead of having it all come at once in the spring. The same quantity of $2\frac{1}{2}$ - 4 acre feet of water would be used, but approximately one-half of it would be used from July 15th to September 15th, a period when generally no water is available.

Another question presented to me was: What would you expect between yields of crops grown with a stabalized water supply and present conditions?

I believe the average yield of native hay in Uinta County is close to 600 - 1000 pounds per acre. Ranchers under the Meeks Cabin Reservoir have stated their yields have doubled and even tripled since the completion of Meeks Cabin Reservoir, with yields reported up to two to three tons per acre. A better average of increased yields would be 1500 pounds per acre or a total of 2500 lbs per acre for native hay. Alfalfa yields on one ranch was increased from three-fourth ton per acre to three and one-half tons per acre.

Quality of the forage was greatly improved with more leaves, greener stems, more under growth with the protein content increasing. Wire grasses and sedges that will tolerate excess water made up the majority of the forage varieties in meadows on the Blackfork river. Since the water has been controlled, better grasses have come in i.e., Meadow Foxtail, Timothy, Brome, etc. resulting in the increased yields and quality.

At the present time there isn't much hay for sale in this area and hay being shipped in is bringing 55 - 65 dollars a ton in the field with shipping costs extra.

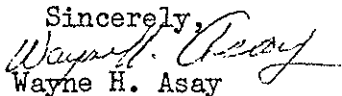
More storage would mean a higher standard of living and opportunities for local people to enjoy some of the "finer things" of life, without having to drive for miles. Wildlife will increase. Ranchers living below other reservoirs have stated how the wildlife has increased on their places since their reservoir was completed. They attribute this to a stabilized water supply, greener and more lush forage not only in the meadows but along the creek bottoms also.

Although the trend is towards fewer but larger ranch units, I believe that the small family type operation which is being threatened with extinction, is essential and entitled to exist and is actually the most beneficial type of operation in the country.

These people represent our friends and in many ways we depend on them for our existence. Their welfare and ours, will be best served by more storage and a constant water supply.

I endorse this project and feel it is not only vital for the economy and growth of Uinta County but will be utilized and enjoyed by people for miles around.

Sincerely,



Wayne H. Asay

University Extension Agent, Uinta County
Agriculture, Community Development and 4-H Work

WHA/mc

CHAIRMAN JIBSON: Do we have any questions for Mr. Bollschweiler? If not, thank you, Marv.

We have three slips signed by Utah Power & Light Company representatives, marked "Undecided". What is your desire, gentlemen?

MR. FORSGREN: We want to hear the other testimony today, before we make a decision as to whether to make a statement.

CHAIRMAN JIBSON: Is there anyone else here who has a statement he wishes to make?

John Teichert will be our next witness, the.

JOHN TEICHERT

Members of the Commission, and ladies and gentlemen - I'm John Teichert, Superintendent of Water Division #4 in Wyoming.

For several years it has been my privilege to observe and be a part of the Bear River negotiations for the modification of the Bear River Compact. As a water user, and also Wyoming's administrator on the Bear, I'm vitally concerned about the renegotiation of the Compact and Wyoming's allocation. From my vantage point, I'm not satisfied with the outcome of the negotiations. The 13,000 acre-foot additional depletion allowance seems so final, it could actually be a detriment to the State of Wyoming, as the Compact is presently written.

For example, an industry could deplete the River by more than that amount during the non-irrigation months and during the high-runoff period, and not violate the Compact as presently written.

It is felt that the renegotiation has put strings that weren't there, on our possible winter use and groundwater development. True, we could add badly needed additional storage, which would firm up our water rights for a month or two late in the season; but this could probably be accomplished more economically through the drilling of wells. It would be worth a try.

At least, the 13,000 acre-foot is but a mere pittance compared to the 900,000 acre-foot which flows into Great Salt Lake each season.

I am tired of Idaho battling over giving the water rights away - much of which originates in Wyoming - and considering the origin of the water, Wyoming is getting the short end of the stick, while Idaho comes out smelling like a rose.

Prior to the Compact, the users in the Central Division enjoyed a full water supply, with the exception of a few dry years. The Compact cut into the direct flow rights, requiring regulation with Idaho; and because of Bear Lake, which is later in priority than most of these rights, storage was limited, so we got it both coming and going. Now to put strings on groundwater, winter uses, and other development, only adds insult to injury. Wyoming isn't getting any big deal and we need to decide, not only for ourselves, but for our posterity, if the addition is worth being saddled with a 13,000 depletion allowance figure.

Most years we have a full water supply, depending on the runoff, or how the runoff comes down. But who knows what future developments might demand? The 13,000 acre-feet depletion allowance won't meet many demands. If we are saddled with this amount, certainly it shouldn't be applied to any lands presently under irrigation. We feel that it's not going to effect the consumptive use figures.

Let's face it. I feel that Bear Lake, with its over-appropriation, has hamstrung the development of all three states. I hope that we can go ahead with these negotiations, and that we can get something that will be satisfactory to all the states involved.

I thank you.

CHAIRMAN JIBSON: Questions?

MR. JENKINS: Mr. Teichert, do you see any usefulness to Wyoming, in the proposed authorization of the Compact, to allow the development of the so-called Bear Lake 'spill' water, as defined with the table of elevations and months' end figures? Do you see this as a viable opportunity for you to use more than the 13,000 acre-feet of water?

MR. TEICHERT: Well, I don't know. I think there are some advantages that we can get. I feel that storage upstream is going to help; along with the thing that Mr. Asay has outlined. I think storage is necessary. If nothing else, we could use this water when it would be most beneficial. Our meadows are flooded over all the way down to Bear River, and the water sits there. It comes out early, and the water sits there. If we could get - the consumptive figure hasn't changed on these particular grounds. If we could let that water go on past, or store it so that it doesn't flood, and use it when it would be most beneficial - this might even change the consumptive-use figures. We need storage for this reason - for flood control, and also so that we could use it when it would be the most beneficial. I'm not well-acquainted with how the figures on Bear Lake work - and how they would effect storage - but we do need some type of storage.

MR. JENKINS: There are figures in the proposed Compact which would permit them to store more water than the 70,000 acre-feet under certain circumstances. Do you see this as a viable way to solve some of your problems? Do you think you could use that water -

MR. TEICHERT: Well, 70,000 acre-feet of storage, with present uses, is more than what our present uses. But what the demands of the future will be - whether it is going to be in Idaho, Wyoming, or Utah - where the greater demand will come - we don't know that at the present time. But with industry being the way it is,

things can change quite rapidly - and with this 13,000 acre-feet, most of your industries, that wouldn't supply one major industry, really - such as a coal gasification plant, or something.

MR. ROBERTS: Do you have any proposals, or any reservoir sites that you contemplate any development on, to hold this water that you are talking about - now or in the future?

MR. TEICHERT: Well, of course it doesn't do you too much good to plan if there isn't water to do that. I know that there are several sites in the Upper Division - of course we could plan on putting additional storage in Woodruff Narrows Reservoir, for the Central Division of Wyoming, and some additional sites are in the Upper section that have been looked into for possible storage in the future.

CHAIRMAN JIBSON: Any other questions? Thank you, John.

Our next witness will be Hight Proffit, former County Commissioner from this county, and presently a State Representative.

HIGHT PROFFIT

Ladies and gentlemen, and members of the Board -

I would like to speak as a water user first, and then as the Board of Directors of Sulfur Creek Reservoir Company. And it will be very short, I can assure you.

The evidence of the results through having a small reservoir on Sulfur Creek has had two great effects in our area . One of them is to control flooding on this small tributary of Bear River. And I believe the other one was come by very incidentally. In controlling this reservoir operation, a few years ago we found that we needed to let some water out of it in February in order to control the flooding later on. In so doing, this warmer water took all the ice out of our creek and out of Bear River, so we eliminated the ice jams that had been a great hazard to us in previous years. So these are little incidentals that we didn't build into that reservoir when we built it. We knew nothing about that at the time.

But the assistance to control flooding, in our particular area and on this creek -and when we have had no flooding, since we have had the reservoir in. Previous, you could ask any of the citizens of the area the conditions that went on then. Now how much it's been to help control the flooding on Bear River has been, I think, quite insignificant because the stream is small.

The other benefit of water storage - and I hope this is speaking to the subject - it has already been mentioned that our County Agent has some accurate figures as to the benefit of additional water in the later season in increasing crop production. I can see members of your panel that will verify this to a great extent. Supplemental water is of more value than the early water, by far. I know there has been a great improvement in our irrigation system, and our method.

of irrigation. Some of us still flood to a great degree, but without water stored, there is no other way to irrigate. If you don't flood, and keep it flooded as long as possible, then your water's gone and you have no water. So this is one of the great benefits - the changed, improved method of applying water.

I don't have to give you any figures to show you the benefits of an increased crop in any of our watersheds.

The one thing that keeps coming up, in reading the news media, and listening to various broadcasts, is the great damage we're doing to the Salt Lake Valley by Salt Lake raising its water level. Maybe this is a little bit in comedy on my part, but I can't help think if there's such great damage being done to Salt Lake Valley, that to hold back just two or three inches of this water - if you raise Salt Lake six inches it seems to increase the water coverage to such a vast amount, that the report I get is that there is great damage there because of the water level raising and inundating the ground. So maybe that could be a benefit that we've overlooked. By helping ourselves up here, we also help those people. Thank you for your time.

CHAIRMAN JIBSON: Do you have any questions of Mr. Proffit?

Thank you.

Do we have anyone else, now, before we get to the Power Company, who would like to make a statement? Okay.

MR. FORSGREN: We will not comment further than we have done in prior meetings?

CHAIRMAN JIBSON: You are speaking for all three of you?

MR. FORSGREN: Yes.

CHAIRMAN JIBSON: That takes care of the testimony today. We appreciate your coming out; we would have liked to have seen more of your water users here; but ~~even though the members of the Commission have not commented today on individual~~ testimony, each of these statements will be examined in detail before the Commission decides on whether to accept or reject the proposed revisions.

Unless we have something further from the members of the Commission, we will stand adjourned, and wish all of you a very Happy Thanksgiving tomorrow.

Meeting adjourned at 1:45 p.m.