

PUBLIC HEARING

BEAR RIVER COMMISSION

DECEMBER 12, 1978

MONTPELIER, IDAHO

I was working with the old Negotiating Commission for about 12 years. And I have noted in those years of service, particularly, the dedication of all the Commissioners that we have had in representing the various areas of the River that they were supposed to represent, and also those from various State departments dealing with water resources who have served on these Commissions.

Public informational meetings were held two years ago in Idaho and Utah, at least; and proposed amendments to the Compact were discussed in much detail in those informational meetings. In the ensuing two years, and primarily due to testimony that was received in the public hearings of November, 1976, some rather important modifications of the amendments have been proposed and are now included in the working draft of the Compact that we call the Draft of July 17, 1978.

The public informational meetings have not been repeated because the modifications, though very significant, are brief and have been summarized in the handout that you have at your seat here today, as subparagraphs to the amendments that were proposed in November, 1976.

Our attention yesterday was called to one statement in this summary that I would like to mention. On the first page, under paragraph 4, we mentioned under 4-a that - we're speaking now of the reservation of 120,000 acre-feet to the Bear River Migratory Bird Refuge west of Brigham City, that was included in the initial amendments two years ago and has now been deleted. I state that the reservation of 120,000 acre-feet is eliminated in the July 17 draft because of possible misinterpretations. "Eliminating the reservation in no way restricts further development for the Refuge". It was called to our attention yesterday that that last sentence might be misconstrued to mean that in the event of further development at the Refuge that it would be handled possibly differently than any other proposed water right. This was not the intent. The intent was meant to be, that merely the elimination of it from the Compact in no way restricted it. But I should have said, 'in no way changed it'. They would go through State law the same as any other user for future water rights.

as I said, to the legislatures. Any provisions can be reviewed at intervals of less than 20 years - we could review provisions every year if we felt it advisable or necessary.

Now, in our meeting today, we would like to hear from each person who desires to make a statement in way of testimony. Slips of paper were handed to you at the door, which will serve as a roll call and also, we asked you to indicate if you wanted to testify; if you did not want to; or if you were undecided.

In receiving testimony, there will be observed certain formalities that are necessary to accomplish the purpose of this type of hearing. We would like to have witnesses give formal statements to the Commission from the podium. They should state their name; state whether they are representing themselves, or a group, or a company; their address - and after their statement they should leave a copy with our secretary. If any of you have written statements that you would like to leave with the secretary and would not like to give orally, this can be done also.

We would like the testimony to be pertinent to the proposed revisions to the Compact; and the Commission members, only, may ask questions of the witness in way of clarifying any statement that he has made. We would not permit debate at this time on the provisions of the Compact, though in the statements you may give your views as you see them; but we don't want to get involved in a debate between those giving statements and the Commission, or others, which could drag on and not accomplish the purpose of the hearing.

With this introduction, we will devote the remainder of the hearing, then, to these statements. And if there are any of you who, during the hearing, change your minds about wanting to give a statement, you will be given that opportunity even though you may have indicated on the slip you did not desire to give a statement.

So as the Chairman calls your name - I will take those who have indicated, first, that they would like to give a statement; then those who were undecided; then anyone else who would like to give statements. If you would come to this point and give your testimony.

this would be sufficient development, and pretty well take care of most of the developable land in the State of Idaho.

The Compact also provides for a 'floor' in Bear Lake, which would limit storage upstream of Bear Lake during water-short years. This is a portion of the Compact which is very important, and we think that this is a very valuable addition.

It is our understanding that the existing Compact does not adequately protect Idaho's share of water from the Bear River, from upstream ground-water development. It is paramount that this provision be included in the Compact as well.

We think that the proposed Compact should go to the legislatures this year for two very important reasons; One is, that the enlargement of the Woodruff Narrows project is coming to a head, and must be taken care of. It should be taken care of in the Compact through negotiation, rather than the Federal courts, which possibly it could go to if the Compact is not adopted or not revised in light of what has been reached through negotiation and compromise.

The other very important consideration, we feel, is, on a National level the present Administration's National Water Policy is moving ahead very rapidly. Recent releases by the task forces that are involved with the President's National Water Policy have indicated that they would, on a Federal level, like to see the existing interstate compacts reviewed and open and Federal involvement become a portion of those revisions. It is our feeling with the emphasis on conservation, environment, and the other very radical ideas we see coming out of the present Administration, that in all likelihood, unless we move ahead very rapidly with this particular Compact and adopt it, that we are going to see a great deal of Federal encroachment and a great deal of the Federal involvement in telling us how we are going to apportion the interstate waters.

We realize that this Compact ~~does~~ have to be ratified by Congress and the President; but we feel with the work that has been done, that we could go ahead and get this one taken care of, and this would give us the leverage we need to keep the Federal Government from telling us that it should be revised further, or different modifications be made.

CHAIRMAN JIBSON: Okay. Do any Commission members have any questions of Mr. Stoker?

MR. GILBERT: Yes. Russ, how come on the elevation of Bear Lake at 5911, you say we have less than 2 years' supply, and the Commission figures we have about 3 years' supply?

MR. STOKER: Well, I was using the year 1961 as my gauge you might say. I presume maybe they were using the average years. I don't know. I was using a typical dry year, which is where we will run into trouble - during, of course, a cycle of dry years, and culminate in the driest year.

MR. FUNK: What are you calling a cycle, Russ? More than one year, or - ?

MR. STOKER: A series of years. Like this '61 - it - took 3 or 4 years to get into where it was that elevation - 3 years, anyway. Of course, in the '30s you had 4 or 5 years, and then you had a couple of years, and then you had 3 or 4 more bad years. I have understood that this dry period in the '30s, we don't expect to repeat itself once in about a hundred years. These different cycles we expect to repeat themselves at certain intervals.

CHAIRMAN JIBSON: Do we have any other questions?

Thanks Russ.

CHAIRMAN JIBSON: That is all the slips of those that definitely stated that they desire to make a statement. We have a number, however, who were undecided; and I think I will just call these in order, to see if you'd like to make a statement. First is Robert Ward, from Bloomington.

ROBERT WARD

MR. WARD: The main point I have to bring out is that as a farmer you get into a lot of different situations. You bring in a new group; you bring in another government group; and now we have another government agency that's calling for more water. And to me, all this does, if they store more water, then it makes it so that our ground that's deeded gets flooded; and of course they don't get the water off when they ought to. And this is where we come into a problem. This is the main thing that I have.

They're not based on natural flow in the river, essentially; but they are based on the fact that, as this water is used in an irrigation agricultural form, there's a great portion of it that seeps back into the river basin. It may actually flow over the surface - and causes a return water into the river which is then used by the farmer on down the river. And this, to me, is something that doesn't seem to be addressed in the study. I have not all the data that you gentlemen have used in your determination; but I put this forth as a point that should be studied very thoroughly.

One other point that I would like to bring out: I've done a little bit of engineering work up around the Bear Lake. There's a lot of property owners, a lot of people other than farmers, that are very concerned about the water level in Bear Lake. We're talking about a 5914 low flow in 1977 which receded the beaches tremendously around Bear Lake - half-a-mile out to water line. Now, when you get a beach slope, probably 200 to 1, or maybe 300 to 1, which is approximately what a lake shore or a coast shore or an ocean shore, or anywhere there is a little wave action, would stand on - and every foot that this is lowered pushes that water out a long distance. Now, the Parks people say you can't drive on the beach; so, when we move it out a half-a-mile from the original shoreline, then this is not accessible to some people to even use that water, as recreation.

Utah Power & Light claims a high-water mark of 5923.65. Now that is a heck of a long way up from the 5911, or even the 5913 that Mr. Stoker has proposed, or the 5914 that Mr. Budge proposes. It seems to me that there are a lot of things involved here other than just farmers up the River.

I submit this information to you as a comment. I'm interested. I'm a farmer; I'm an engineer; I'm a taxpayer; my electric rates will go up, too. Thank you.

CHAIRMAN JIBSON: Any questions of Mr. Maughan?

Thank you.

The next one I have is Dean Ward from Bloomington.

Do you have statements to make? Or is there anyone else who would like to make a statement at this time?

Do we have any further discussion with the Commission members?

MR. ALLRED: Wally, there may still be some question about what is in the Compact. I would be glad to meet with the Idaho people after this meeting, if they so desire, to answer any questions.

CHAIRMAN JIBSON: Fine. Any of the Idaho people who would like to meet here following this hearing, Steve will be glad to meet with.

Anything else?

MR. GILBERT: Wally, you made a statement yesterday on when the cutoff date would be on Wyoming storage. As we left there, several people that were there yesterday were confused. Would you tell us about this? You did do that in Utah; would you make that statement here in Idaho? Mr. Joe Francis asked about when would Wyoming be permitted storage, and when would they be cut off, if you remember.

MR. JIBSON: Oh. Well, as I recall the statement that I made, and I guess Connie could dig it out, but I won't ask her now - if my recollection is correct.

We do not, in the Compact, specify a date at which the upstream storage that is allocated under the present Compact can be stored, as far as dates. This would also be true of any new allocation that went up under the revised Compact - there are no dates specified. It is specified in the Compact that storage cannot take place when any direct flow water rights in any Division are being violated.

MR. LAWRENCE: A couple of the testimonies, I've thought, might be just a little bit misleading. You said that no storage can take place when lower rights are interfered with. It's my understanding that the present Compact storage allotment is independent of that; and we're really talking about the newly-allocated storage when you make that statement. Isn't that true?

point of the Lake is reached at the end of the irrigation season or shortly thereafter; and, therefore, if the Lake were in that range of 5911, that if it were not at 5911 by October it generally would be above 5911 by April. And so his statement that they would not have winter storage, as Dan mentioned, would not be correct.

Do we have any other questions or statements?

Yes, Mr. Maughan?

MR. MAUGHAN: Would you like me to come back up there?

CHAIRMAN JIBSON: If you have something to read into the record, yes.

MR. MAUGHAN: I'm Gerald Maughan again.

There was a comment made earlier about agricultural land being inundated if the level of the reservoir was raised. This goes to show how there is a lack of information locally of just what's taking place here. Because as I said before, Utah Power & Light says that they own the land up to 5923.65. Last year it got down to 5914.

You people don't own anything there. You're going to have a great big dry area between these sub-watered areas, these meadows that you have, and the water.

The other thing - all of the county commissioners from Rich County, from Bear Lake County, you're going to have your heads chopped off, if that water drops clear down to 5911. You've got a recreational area here. You're worried about drilling oil wells around the Lake; you won't have any Lake to drill wells around.

Now, that's my comment. I think you better take a real close look at where 5911 really is. That's a long way from where the edge of the shoreline is.

Thank you.

CHAIRMAN JIBSON: Any other questions?

Anyone else who would like to make a statement?

If not, the hearing will be adjourned.

Hearing adjourned at 11:15 a.m.

this sort must be terminated at some point in time in order for the Legislatures of the affected states to review the draft and make their decision regarding the validity of the compromised reached. We feel this time has come.

Today I would like to make just a few comments regarding the revised compact and how our organization sees its impact on Idaho. It is our feeling that the primary value of this compact is that the total quantity of water to be developed in each state will have an upper limit thus preserving the option of the downstream states to develop its land and water resources conjunctively at the appropriate time for the local residents. Because of this allocation, residents of Idaho will not be required to prematurely develop agricultural land in order to obtain a priority early enough to guarantee them water. The reservation of 125,000 acre feet of depletable water appears to protect the ability of the Bear River basin farmers in Idaho to develop up to approximately 90,000 acres of additional land at their convenience when market conditions and economics are appropriate. Without such a reservation of depletable waters this option might not be available to Idaho farmers and result in either the loss of the ability to use the water from the Bear River system because of senior water rights in other states or cause premature development resulting in economic hardship because of poor commodity prices or high energy costs.

The revised compact also provides a "floor" lake surface

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court decisions have taught us to be not only cautious but fearful of many judges interpretation of the law. It would be our hope that the Commission will favorably consider this working draft, taking into account the testimony provided and move ahead rapidly in order to seek ratification of the compact.

Thank you for this opportunity to testify before you.

Chance Canal Co. must have assurance that it can continue to rely upon the availability of storage water in Bear Lake at a reasonable cost.

At the proposed minimum level of 5,911 feet, the new upstream storage, providing for 23,000 acre feet depletion annually with priority over the downstream storage rights in Bear Lake, would seriously lower the level of Bear Lake in a series of dry years and thus jeopardize the downstream vested water rights. We feel that any potential risk of inadequate water supply in dry years should be bore primarily by the new upstream developers and not by the downstream users who over a period of many years have invested and developed relying upon this water.

During the drought year of 1977 Bear Lake dropped to an elevation of 5,914.09, its lowest elevation in 14 years. During that summer as pumping commenced and the lake level dropped, it became readily apparent that the water could not reach Utah Power and Light's pumps for delivery to the many downstream irrigators because of the large sand bar that was left between the pumps and the lake. Only through continuous dredging was Utah Power and Light able to continue pumping and supply the water. The Army Corp of Engineers must approve any disruption of the natural shoreline of Bear Lake, and, along with environmental concerns, will likely interfere with any dredging or other future efforts taken to insure that the lake water can reach the pumps as the level drops.

Even if there existed an adequate irrigation reserve at the proposed minimum level of 5,911, it would not do the downstream irrigators any good if it could not be withdrawn from the lake. Last Chance fears that any minimum level that might be established would also become the maximum level in a period of dry years. Furthermore, assuming that the concerns about disrupting the natural shoreline of the lake were overcome and dredging permitted in years when the lake level dropped, a tremendous cost could be involved which ultimately would be passed on to Last Chance Canal, West Cache Canal, Utah Idaho Sugar Co. and others. This could become financially prohibitive and in effect deprive them of their irrigation reserves. For the foregoing reasons Last Chance Canal Co. would strongly urge that the proposed minimum elevation in Bear Lake be raised to at least 5,914 feet below which no additional storage or depletion whatsoever be allowed upstream.

LAST CHANCE CANAL CO., INC.

By:

  
Randall C. Budge

TRANSTRUM & BUDGE, CHARTERED  
Attorneys for Last Chance Canal Co. Inc.

from the present Woodruff Narrows Dam being used by irrigators above Stewart Dam. Your study of water used by the plants as the only depletion in Bear River at Stewart Dam is fallacious. You'll probably get closer to 40 to 50,000 acre feet of depletion instead of the 28,000 acre feet in the Proposed Compact.

If the 28,000 acre feet upstream storage is allowed, then under Article VI, Paragraph B, line 19, I propose that the Bear Lake elevation below which this new storage upstream may not be made be changed from elevation 5911 to elevation 5913. In 1976 I proposed an elevation of 5914, however in the interests of compromise, I would change this to 5913 elevation.

This floor; or irrigation reserve in the lake, is the absolute minimum necessary to protect the present old right water users below Bear Lake. Utah Power and Light Co. uses elevation 5917 as their irrigation reserve below which they will not take out any water for power only. They have had this policy for over 30 years. With all the experience Utah Power and Light Co. has had in operating the Lake since the 1920's, they evidently feel this 5917 elevation represents the minimum amount of water needed to protect the downstream irrigators. This elevation of 5917 is 958,000 acre feet or a three and one-quarter year supply for the downstream users based on the 1961 water year of 295,000 acre feet Bear Lake depletion. During the 1961 irrigation season there was a 338,000 acre foot depletion. This 1961 year is still the worst year for depletion of Bear Lake since the 1930's. In 1977, the year we all thought to be the driest year of record, and it was at many gaging stations, there was only 239,000 acre feet depletion in the lake from January 31 to October 1, 1977. This January 31 was the date Utah Power and Light Co. stopped taking water out for power only, even though the Lake was at elevation 5918.1 or 1.1 feet above their irrigation reserve of 5917, because by then they apparently could see a very dry year coming and they wanted to conserve all water possible for irrigation. There was 59,000 acre feet in Rainbow during the 1977 water year compared to 52,000 acre feet in 1961. This smaller depletion in the Lake was due to heavy rains

of 1901. On October 1 the Lake elevation was 5909.75, but 1962 was an excellent water year with a gain in the Lake of 240,000 acre feet and the Lake reached an elevation of 5913.44 on October 1, 1962. This again could have been seen from the April forecasts, and upstream storage would have been allowed. Thus, in no year in the past 30 years would you have been unable to store upstream using my proposed elevation of 5913. I can see no reason why you should object to this 5913 elevation instead of your 5911 elevation.

Now to the downstream section of the River. After looking at the complete picture of water made in Idaho, there is all the more reason for me to reaffirm my 1976 proposal of 175,000 acre feet for Idaho and 225,000 acre feet for Utah.

The included table I made up from the Water Supply Papers which bring the tabulations up to date, as the 1978 papers are not yet available. The 26 year averages, of course, show about the same flow as the 24 year averages. I've added only two years, 1976 a little above average year and 1977 which we all know was an extremely dry year; but I've added two gaging stations to the tabulations this year - the Idaho-Utah Line Gage and the Cub River Near Preston Gage for reasons which I will explain later. The second table readily shows the gains in the various sections of the river in thousands of acre feet and in percentages of the Total to Below Cutler for various periods. I showed the year 1971 because it was one of the wettest years of record and 1977 because it was one of the driest. It is interesting to note that in 1977 there was 177,000 acre feet made in Idaho or 85% of the Total Gain to Below Cutler. And this does not include Cub River still to be accounted for. And you people propose a split of 125,000 acre feet or 31% for Idaho when in a dry year such as 1977 we make 10,000 acre feet more in Idaho than my proposal of 175,000 acre feet when we take Cub River into consideration? In 1971, 761,000 acre feet or 55% was gained in Idaho, again without Cub River. It is always true that the wetter the year the larger the percentage gained in Utah and the drier the year the larger the percentage

the 23,000 acre feet at the Cub River Near Preston Gage, approximately 15,000 acre feet was used for irrigation leaving 8,000 acre feet to enter Bear River.

To get a 26 year average gain for the section Bear River Near Preston to the Idaho-Utah line when only a seven year record was available, I took the 9% gain in this section as shown in my tables, during the seven years of record 1971 to 1977 and multiplied this by the 674,000 acre feet total gain Outlet to Below Cutler in the 26 year average. This equals 61,000 acre feet average gain for the Near Preston to Idaho-Utah Line Gages for the 26 year period.

To get the 1952-1977 26 year average total gain in Idaho, add the 41,000 acre feet from Cub River, the 61,000 acre feet from Near Preston to the Idaho-Utah line and the 323,000 acre feet Outlet to Near Preston; and we arrive at a total of 425,000 acre feet gained in Idaho which equals 63% of the total gain in Idaho and Utah to Below Cutler. This leaves 249,000 acre feet or 37% made in Utah. Not the 323,000 acre feet or 48% gain in Idaho and 351,000 acre feet or 52% gain in Utah as shown in the 26 year averages, when we do not take all the water gained in Idaho into consideration.

Or, taking a period in which we have all the records, the years 1971-77, add the Cub River seven year gain of 45,000 acre feet to the 506,000 acre feet gain from Outlet to the Idaho Utah line, and we get 551,000 acre feet or 59% gain In Idaho of the 930,000 acre feet total gain to Below Cutler leaving 379,000 acre feet or 41% gain in Utah.

The river gain from Below Cutler to Corrine, as shown in my tables was 104,000 acre feet in 1977 and 136,000 acre feet in the 20 year average. which is the only record available for the period of consideration. I understand this gain no longer has to go to the bird refuge. I'm sure Idaho has no way of using this water, and it should be kept in Utah and used in anyway the State of Utah sees fit.

BEAR RIVER FLOWS IN THOUSANDS OF ACRE FEET TAKEN FROM U.S.G.S. WATER SUPPLY PAPERS

<u>Water Year</u>	<u>Rainbow Canal</u>	<u>Outlet Canal</u>	<u>Bear Near Preston</u>	<u>Idaho-Utah Line</u>	<u>Cub River Near Preston</u>	<u>Below Cutler Near Collingston</u>	<u>Near Corrine</u>
1971	531	537	1,113	1,298	94	1,922	2,068
1972	562	672	1,223	1,292	76	1,848	2,071
1973	331	474	849	899	53	1,309	1,485
1974	408	478	843	967	72	1,402	1,505
1975	374	289	721	804	75	1,300	1,457
1976	361	459	973	1,017	63	1,433	1,619
1977	<u>59</u>	<u>387</u>	<u>528</u>	<u>564</u>	<u>23</u>	<u>594</u>	<u>698</u>
7 Yr. Av. ( '71-'77)	375	471	893	977	65	1,401	1,558
24 Yr. Av. ( '52-'75)	289	300	622	No Record Until 1971	61 (34 Yr. Av.)	980	1,236 (18 Yr. Av.)
26 Yr. Av. ( '52-'77)	283	309	632			983	1,228 (20 Yr. Av.)

<u>Gains (In Thousands)</u>	<u>1971 High Year Ac. Ft.</u>	<u>1977 Low Year Ac. Ft.</u>	<u>7 Yr. Av. '71-'77 Ac. Ft.</u>	<u>24 Yr. Av. '52-'75 Ac. Ft.</u>	<u>26 Yr. Av. '52-'77 Ac. Ft.</u>
Outlet to Near Preston	576 = 42%	141 = 68%	422 = 45%	322 = 47%	323 = 48%
Near Preston to Idaho-Utah Line	<u>185 = 13%</u>	<u>36 = 17%</u>	<u>84 = 9%</u>		
Outlet to Idaho-Utah Line (Total Gain in Idaho)	761 = 55%	177 = 85%	506 = 54%		
Idaho-Utah Line to Below Cutler	624 = 45%	30 = 15%	424 = 46%		
Near Preston to Below Cutler	809 = 58%	66 = 32%	508 = 55%	358 = 53%	351 = 52%
Outlet to Below Cutler	1,385 = 100%	207 = 100%	930 = 100%	680 = 100%	674 = 100%
Below Cutler to Corrine	146	104	157	135 18 Yr. Av.	136 20 Yr. Av.

New Compact Proposal - Idaho 125,000 = 31%      Utah 275,000 = 69%

I Propose      Idaho 175,000 = 44%      Utah 225,000 = 56%

PUBLIC HEARING

BEAR RIVER COMMISSION

DECEMBER 13, 1978

EVANSTON, WYOMING

BEAR RIVER COMPACT HEARING

Evanston, Wyoming            December 13, 1978

1:00 p.m.

CHAIRMAN JIBSON: Gentlemen, let's call our meeting to order, and state for the record that this is a public hearing. It is required by law before any recommendations to <sup>amend</sup> the Bear River Compact can be made by the Bear River Commission.

In our meetings yesterday, and the day before, in Montpelier and Logan, we introduced all the Commissioners who turned out to the meeting. I think today it would be easier to introduce the people who came out to the meeting to the Commissioners.

But we have today our water master from Rich County with us - Glen Thompson hasn't been to previous meetings. Behind him we have Mr. Hatch and Mr. Feller from down Randolph way; I don't believe they've been to previous hearings.

And for your benefit, if you haven't met the Commissioners of the Bear River Commission we have Sim Weston - I know you know who he is; and Gordon Peart. Gordon is the regular Commissioner from the Rich County area; Sim is the Alternate Commissioner. We have Cal Funk from Richmond, who is an Alternate Commissioner and sitting in for Paul Holmgren, who has gone to Phoenix on some sugar beet hearings. Next to Cal we have Don Gilbert from Grace, representing the middle section of the River in Idaho. We have Ed Skeen, our Legal Advisor to the Commission. I'm Wally Jibson, with the G. S., Chairman of the Commission; we have Dan Roberts from Preston, representing the lower end of the River in Idaho. Then we have George Christopulos, State Engineer from Wyoming; Wes Myers, from up here at Evanston, representing the upper end of the River for Wyoming; John Teichert, representing the Cokeville area on the Commission. We have Cliff Skinner from Idaho, representing the area from Montpelier up to the Stateline - that general area of the River.

CHAIRMAN JIBSON: Marv?

MR. BOLLSCHWEILER: No.

CHAIRMAN JIBSON: Mr. Allred of the Idaho Division of Water Resources would like to make a statement for the record at this hearing. Steve, would you like to do that now?

MR. ALLRED: Mr. Chairman, there has been some question as to the number 5911, which is the proposed restriction on upstream storage in the proposed Compact - 5911, the Utah Power & Light datum in Bear Lake.

The way the information was developed in Idaho was done, was to look at a period, historically, when the most severe long-term conditions were encountered; it was not the most severe year, but the most severe long-term conditions. That period turned out to be 1930 through 1936.

Looking at that data, and then modifying the operation to reflect current operation, with simulation model, and also reflecting current demands and current uses of water of the Lake, we determined an elevation which would provide enough water, assuming that we went into that period of time, with the Lake at 5911, to supply all uses through that period, 1930 through 1936. We determined that the amount of water that was necessary was about 516,000 acre-feet, which is 5910.4 - and that, in the negotiations, was raised to 5911, which is about 557,000 acre-feet.

What I'd like to make sure that the record reflects is the uses that were considered, were all of the present uses in Idaho, including the Last Chance Canal, including the Twin Lakes pumps; as well as existing uses in Utah, the Sugar Company, and West Cache Canal.

If you take the average use during that 6-year period, 1930 through 1936, the 516,000 acre-feet would provide a 3-year supply; but actually the restriction of 5911 provided sufficient water to get through the worst six-year period in the history of the Bear River since records were kept. If there are questions about that procedure - I think most of you are already familiar with that, but I want the record to clearly show that it did include the consideration of protection that would be provided at 5911 - did include all present uses in Idaho as well as in Utah.

Speaking for the people in the Central Division, we do not feel that we have much to gain in the revised Compact; we go along with it because we feel that upstream storage will benefit everyone concerned to some degree, and because of the fact that the Upper Division has a reservoir site that could be built economically.

The revised Compact does not take care of the inequities as far as the Central Division is concerned; it puts some additional restriction on the development of our groundwater supply. The inequalities I speak of is the ending of the Bear River at Pixley Dam; the too-high figure in the call for regulations at the state line at Idaho; and the fact that on years such as 1977 most of the Wyoming allocation went to the irrigation of the lands in Idaho through the Cook canal. The proposed Compact doesn't do anything to correct these inequities, and only puts an additional restriction on the groundwater development.

We go along, only because of the possible storage development in the Upper Division, and of course the benefit that we might receive from return flow from any upstream storage.

We do not intend to go along with any further restrictions. We feel that we may not have that much to gain; but we feel that what we can achieve in the Upper Division with building additional storage will benefit everybody on the River.

CHAIRMAN JIBSON: Any questions of John?

I might state something concerning the one statement you made, John, for the benefit of those who still don't understand the Cook Canal situation in your area. As a matter of fact, I mentioned this in our 1977 Annual Report - not only the Cook Canal, but the canals diverting from Pine Creek.

The situation on the Cook Canal is that here is a Wyoming diversion that irrigates about 15 percent of its acreage in Wyoming and about 85 percent of its acreage in Idaho. But it is a Wyoming diversion. And it has an early priority. So, in a dry year such as 1977, though they may

So, we did recognize Pine Creek - and I still recognize it as a tributary of Smiths Fork. Anyway, George was not the State Engineer at that time - but he and I sat through four days of Court hearings in Kemmerer, along with many others; and the Court ruled in favor of the plaintiff, and issued a restraining order against any regulation of Pine Creek diversions on Smiths Fork priorities.

We didn't have another real dry year until 1977; that the effect of this Court decision really became very important. But in 1977, we were taking 18 percent of the total Wyoming diversion out of about three diversions from Pine Creek, taking the total supply of Pine Creek out; and the Wyoming Commissioner could not regulate it in order of priority with the other priorities in the section.

So what we ended up with, was about 40 percent of the Wyoming water going into the Cook Canal, and about 18 percent of it going into the Pine Creek canals, and what was left went into the remaining 35 or 40 diversions in the section of Wyoming.

Of course, this does not alter, in any way, the definition of Pine Creek in the Bear River Compact. We still count those Pine Creek diversions as part of the total diversion in Wyoming.

Do we have any other discussion on John's statement?

George would like to make a statement for the record.

GEORGE CHRISTOPULOS

MR. CHRISTOPULOS: Thank you, Wally.

Just a few words, for the record.

The Commission has spent a great deal of time in the last few years trying to negotiate a modification of the Compact. Certainly this has been happening since 1968, with an accelerated effort probably in the last four years, and considerable effort since the last attempt to modify the Compact two years ago.

Okay. We'll consider the hearing, as such, adjourned. However, the Commissioners would like to discuss other matters that we think ought to come up at this time, not particularly for the record. We can stay here as long as you feel is necessary.

Hearing adjourned at 1:35 p.m.

STATEMENT OF UTAH WOODRUFF NARROWS  
RESERVOIR COMPANY

Officers, members of the board of directors and other representatives of the Utah Woodruff Narrows Reservoir Company have participated for many years in the numerous fact finding negotiation meetings which have finally culminated in the draft of the amended Bear River Compact which has been presented to this public meeting.

I am authorized to state in the record that the draft has been carefully reviewed by the stockholders of this company and that the proposed amendments have our full support.

UTAH WOODRUFF NARROWS RESERVOIR COMPANY

By Jim Weston  
President.