

VERBATIM MINUTES

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE MEETING

ROOM 303, STATE CAPITOL BUILDING
SALT LAKE CITY, UTAH

November 19, 1973

1:30 p.m.

Submitted by

Connie Borrowman, Secretary

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SUMMARY OF ACTIONS

1. The Minutes of meeting held July 19, 1973 were approved as corrected. page 4
2. A Motion was passed that the Analysis of Compact storage above Bear Lake be referred to the Technical Sub-committee, with representatives from each state, and that they meet with Mr. Jibson prior to the next Negotiating Committee meeting to review the report and extend its coverage. page 14
3. With the concurrence of those present, Mr. Marion Olsen of Utah acceded to the Chairmanship of the Tri-State Negotiating Committee; and a Motion was approved that Mr. J. Wesley Myers of Wyoming be elected as Vice-Chairman for the coming year. page 28
4. A Motion was approved that the date of the next meeting of the Bear River Tri-State Negotiating Committee be set for 30 days after letters have been submitted from Utah and Wyoming concerning their suggestions for Compact modifications. page 29

BEAR RIVER TRI-STATE NEGOTIATING MEETING

November 19, 1973
Salt Lake City, Utah

THOSE PRESENT:

NEGOTIATORS

Ferris M. Kunz, Idaho - Chairman
J. C. Hedin, Idaho
William G. Jenkins, Idaho

Daniel F. Lawrence, Utah
Calvin W. Funk, Utah
Simeon Weston, Utah
Paul Holmgren, Utah

Floyd A. Bishop, Wyoming
S. Reed Dayton, Wyoming
J. W. Myers, Wyoming

OTHERS PRESENT:

IDAHO

Stephen Allred, Idaho Water Resource Board, Boise, Idaho
Keith Higginson, Idaho Director of Water Administration, Boise, Idaho
Alan Robertson, Idaho Water Resource Board, Boise, Idaho
Nathan W. Higer, Attorney General's office, Boise, Idaho

UTAH

Dee C. Hansen, State Engineer, Salt Lake City, Utah
R. Michael Turnipseed, Northern Area Engineer, Logan, Utah
Dallin W. Jensen, Assistant Attorney General, Salt Lake City, Utah

WYOMING

John A. Teichert, State Board of Control, Cokeville, Wyoming
Marvin Bollschweiler, State Board of Control, Evanston, Wyoming

Donald S. Rex, Bear Lake County Water Users Commission, Idaho
Cecil Quayle, Bear Lake County Water Users Commission, Idaho
Cliff Skinner, Bear Lake County Water Users Commission, Idaho
Joseph H. Francis, Commissioner of Agriculture, Salt Lake City, Utah
Thomas O. Parker, U.S. Department of Interior, Salt Lake City, Utah
E. O. Larson, Federal Representative, Bear River Commission, Salt Lake City
Dean E. Bischoff, U.S. Bureau of Reclamation, Smithfield, Utah
Wallace Jibson, U.S. Geological Survey, Logan, Utah
R. B. Porter, Utah Power & Light Company, Salt Lake City, Utah
J. G. Haight, Utah Power & Light Company, Salt Lake City, Utah
John Schmidt, Soil Conservation Service, Salt Lake City, Utah

A G E N D A

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE MEETING

Room 303
State Capitol Building
Salt Lake City, Utah

November 19, 1973
1:30 p.m.

- I CALL TO ORDER
- II WELCOME AND INTRODUCTIONS
- III APPROVAL OF MINUTES OF MEETING HELD JULY 19, 1973
- IV REPORT ON IRRIGATION EFFICIENCIES, LOSSES, AND
RETURN FLOWS - Wally Jibson
- V TYPE IV SURVEY PLAN OF WORK, BEAR RIVER BASIN
U.S. Dept. of Agriculture in cooperation
with States of Idaho, Utah, Wyoming
John Schmidt,
Asst. State Conservationist
Salt Lake City
- VI IDAHO'S LETTER DATED OCTOBER 23, 1973
 - (a) Presentation by Idaho
 - (b) Response by Utah
 - (c) Response by Wyoming
- VII OTHER BUSINESS
- VIII DATE AND LOCATION OF NEXT MEETING
- IX ADJOURNMENT

MINUTES

BEAR RIVER TRI-STATE NEGOTIATING COMMITTEE MEETING

November 19, 1973 - Salt Lake City, Utah
1:30 p.m.

Verbatim Minutes of the Bear River Tri-State Negotiating Committee meeting held November 19, 1973 in Room 303, State Capitol Building, Salt Lake City, Utah. The meeting commenced at 1:30 p.m., with Chairman Ferris Kunz presiding.

WELCOME AND INTRODUCTIONS

CHAIRMAN KUNZ: Gentlemen, it's time to get the Tri-State Negotiating Meeting underway.

By way of introductions, I believe you probably know all the Idaho people here, with the possible exception of our new Director of the Idaho Water Resource Board, Mr. Steve Allred. We have, of course, Mr. Nathan Higer, our representative from the Attorney General's office; Alan Robertson, from the Water Board staff; and I think you know all the gentlemen at the table. There are three Bear Lake people here who were at the Commission meeting this morning, that I introduced. Again - Mr. Cliff Skinner, Cecil Quayle, and Don Rex.

Wyoming - ?

MR. BISHOP: Mr. Chairman, we introduced the Wyoming delegation at the Bear River Commission meeting this morning. The people are the same -- Wes Myers on my left; Reed Dayton on my right; and we have John Teichert and Marv Bollschweiler here in the front row. I think that constitutes the Wyoming delegation.

CHAIRMAN KUNZ: Thank you, Floyd. Dan, your Utah group - ?

MR. LAWRENCE: I think we are as we were. We have Dr. Stauffer, a member of my staff. And Dee Hansen, State Engineer, is here. And he has his Area Engineer from Logan, Mike Turnipseed. I think that's all.

CHAIRMAN KUNZ: In addition, Mr. Wally Jibson of the U.S. Geological Survey in Logan is here; Jay Haight of Utah Power & Light; John Schmidt, Assistant State Conservationist, sitting there; and Dean Bischoff, Bureau of Reclamation; and Mr. Larsen, Chairman of the Bear River Compact Commission.

APPROVAL OF MINUTES

CHAIRMAN KUNZ: This brings us to Item No. 3, which is approval of the Minutes of the meeting held July 19 at Fish Haven. You've all had circulated to you the Verbatim Minutes. Our very able and capable Secretary has prepared a Summary of those Minutes which I will read to you at this time.

Summary of Minutes

Bear River Tri-State Negotiating Committee

Meeting

July 19, 1973

The Bear River Tri-State Negotiating Committee met on July 19, 1973, at Fish Haven, Idaho. The meeting commenced at 10:30 a.m., with Chairman Ferris Kunz presiding. Verbatim Minutes of meeting held April 23, 1973, were approved.

Dr. Norman Stauffer, Utah, told the Negotiators that the completion of the inter-agency multi-discipline Bear River team Report is anticipated by the end of July, or early August. The report would then be given to the individual states and the federal agencies for use as an 'in-house' document. It covers resource potentials; and discusses multiple-objective planning, and probable principles and guidelines for funding federal water resource projects.

A Technical Subcommittee Report was given by Norman Stauffer on additional upstream storage in relation to Wyoming's proposal for Compact modification. Findings of the Report indicated that 60,000 acre-feet of additional storage could be used in the Upper Basin without adversely affecting irrigators in the Lower Division of the Basin. (Power rights would be adversely affected.) Water stored in addition to the 60,000 acre-feet above Stewart Dam and subject to Bear Lake filling would be available in only 7 years of the 39-year study period.

Mr. Nathan Higer, Idaho, Attorney, explained his interpretation of the legality of storing flow rights in an enlarged Woodruff Narrows Reservoir. This possibility is being sought by Woodruff Narrows Reservoir Company; and Utah is of the opinion that this can be done without changing the Bear River Compact. Mr. Higer felt that, since the Compact says there is 35,000 acre-feet available for storage "and no more", that no additional storage can be permitted in Woodruff Narrows Reservoir without Compact modification. If Utah and Wyoming users went ahead and raised the Dam, it was Mr. Higer's opinion that Idaho would bring court action. Mr. Higer suggested that if this matter cannot be resolved by negotiation, a declaratory judgment would be preferable to building the facility and then going to court.

Mr. Leland Christensen, Director of the Bi-state, Bi-county Commission, explained to the group that the newly-formed agency was set up to provide needed ordinances, comprehensive plans, and zoning for the Bear Lake area.

Mr. Paul Holmgren, Utah, discussed the newly-formed Bear River Canal Company, a subsidiary of Utah-Idaho Sugar Company, formed in an effort to administer the canal system in the Bear River valley more efficiently and equitably for all concerned.

The process each state uses in changing direct flow rights to storage rights was explained; and there was considerable discussion on whether or not ground-water reserves should be included as a part of the flow to be divided under the terms of the Compact.

The next meeting of the Tri-State Negotiating Committee was set for November 19 in Salt Lake City, to coincide with the Bear River Commission meeting.

Adjournment at 2:40 p.m.

CHAIRMAN KUNZ: Gentlemen, you've heard the summary of the Minutes. What are your wishes?

MR. BISHOP: Mr. Chairman, I would have one thought. In the third paragraph - in parenthesis it says, "power rights would be adversely affected". I would prefer that that said "might be". I don't think it has been definitely shown that they would be adversely affected.

MR. HIGGINSON: Mr. Chairman, I would assume that in the normal course we would approve the Verbatim Minutes - not this summary, anyway.

CHAIRMAN KUNZ: Right.

MR. HIGGINSON: I would move that the Verbatim Minutes as circulated be approved; and not this summary.

MR. BISHOP: I've got a couple of suggested corrections in the Verbatim Minutes, if I might correct them.

CHAIRMAN KUNZ: Okay.

MR. BISHOP: And these are offered in the interest of clarification. I think I said rather poorly, probably, some of the things I was trying to say; and I would like to clarify a couple of them.

On page 11, along toward the middle of the page, where Mr. Bishop said, "In order to make the contention practical", that sentence, I think would be clearer if you said, "In order to make the arrangement practical". Strike "contention" and insert "arrangement" in place of it. Going on - "you would have to establish some criteria which would require that the water" - and I would suggest

striking "to be used" - going on as is, - "would be held" - and then instead of a period there go on with the statement as follows: - "would be held in storage and not used if Bear Lake failed to fill to the specified level". So that the statement would read as follows: "In order to make the arrangement practical, you would have to establish some criteria which would require that the water would be held in storage and not used if Bear Lake failed to fill to the specified level."

One other suggested change, on page 27, the bottom of the page. Once again it's one of my statements that I didn't say very well. "Nobody is going to worry about that. It would be my feeling, Mr. Chairman, that the present" - and instead of saying 'conflict' I think I said 'Compact' - "that the present Compact has an implied limitation" -- strike 'conflict' and 'why' and insert 'Compact has an implied' limitation on the use of ground water. Then I would put a period after ground water. Strike 'that we say' and insert in its place 'in Wyoming' - and going on - "in Wyoming you can't develop ground water to the point where it would interfere with surface water rights" - insert 'rights' after 'surface water' and put a period there. Strike 'is certainly outdated'. And that's it. So that would read, "Nobody is going to worry about that. It would be my feeling, Mr. Chairman, that the present Compact has an implied limitation on the use of ground water. In Wyoming you can't develop ground water to the point where it would interfere with surface water rights." And the balance is okay. If I might suggest those two corrections.

CHAIRMAN KUNZ: Any objection to those corrections?

MR. LAWRENCE: Mr. Chairman, it seems to me that it is very appropriate to make this kind of a correction for the permanent Minutes. I would urge that we do.

CHAIRMAN KUNZ: It certainly clarifies those two statements, Floyd. Do I have a Motion then, that we accept these? Are there any other corrections?

MR. HIGGINSON: I move they be approved as corrected by Mr. Bishop.

MR. BISHOP: Second.

CHAIRMAN KUNZ: A Motion is made and seconded that the Verbatim Minutes be approved as corrected. All in favor say 'aye'. Opposed?

MOTION CARRIED.

VI IDAHO'S LETTER DATED OCTOBER 23, 1973

CHAIRMAN KUNZ: At this time -- when the Agenda was made up, Idaho still was anticipating that we may receive a letter similar to the one that we sent out on October 23rd, from both Utah and Wyoming. Inasmuch as we have not received this sort of thing, Item VI will be cancelled from the Agenda. I see no reason to discuss one state's position until we have the other. So Item VI will not be; and anything the states may want to bring up will come under Item VII.

IV REPORT ON IRRIGATION EFFICIENCIES, LOSSES, AND RETURN FLOWS

CHAIRMAN KUNZ: So we will now move on to Item IV. At the last meeting there was some talk that Wally may be in a position, and wish, to update his report on some of the irrigation efficiency, losses, and return flows; so we put this on the Agenda. If Wally has something at this time, we'll be glad to have it. Mr. Jibson -

MR. JIBSON: I had anticipated, Mr. Chairman, that any contribution that I might make to the group would be taken up in the Technical Sub-committee; but I found myself listed on the Agenda last week, so I quickly, as you mentioned, updated part of the report that I made in December, 1968, to the Bear River Commission relative to reservoirs that have been constructed. With this in mind, I'll read through this brief report for what it is worth; and perhaps the Technical Sub-committee would like to kick it around in their committee.

"Analysis of Compact Storage Above Bear Lake

Reservoirs built under storage provisions of the Bear River Compact have a total allocation of 30,883 acre-feet in reservoirs having a total capacity of about 44,500 acre-feet. A study was presented to the Bear River Commission in December 1968 which included storage and yield data on Compact reservoirs. Woodruff Creek Reservoir, storing 2,000 acre-feet of allocated water, has been built since that date and has now been in use for three years.

The 1968 study has been reviewed and updated through the 1973 water year with respect to operation of existing reservoirs. Return flows from applied storage water and losses to Bear Lake from reservoir development have been

estimated from a study of river flows at various points below individual reservoirs. These estimates are confined solely to measured surface-water flows observed in a relatively short time after stored water application. The estimates do not include any accretion to the underground water supply and subsequent effect on surface flows that may not be evident for months after application.

With an allocation of 30,883 acre-feet for diversion to storage each year, we find an average of about 26,000 acre-feet actually being diverted from direct streamflow, the difference being a result of holdover of unused water from previous years and not of inadequate supply. In no year to our knowledge, did any reservoir fail to fill because of supply. After deducting a computed evaporation loss, the net yield each year from all reservoirs is about 21,000 acre-feet. Return surface flows that reach Bear Lake in a relatively short time are estimated to be less than 4,000 acre-feet annually, and the total depletion to Bear Lake is about 22,000 acre-feet. Such depletion includes reservoir evaporation losses adjusted downward for prior consumptive use from lands inundated by the reservoirs and excludes return flows as estimated. Disregarding the effect of stored water use on the ground-water supply, we then estimate a total depletion to Bear Lake of 22,000 acre-feet from an allocation of 30,883 acre-feet or 71 percent depletion." (Now, as I mentioned, the \$64,000 question, I think, really applies to ground-water accretion or buildup, which I could not go into, primarily for the fact that we just do not have enough ground-water data. I did, late last night, after this report was prepared, plot an accumulative flow diagram or double mass curve, of Bear River near the Utah-Wyoming state line, adjusted for Whitney Reservoir against Bear River near Randolph. The Bear River near Randolph station is higher up than I would have preferred to have used it for this particular study, but the Pixley Dam station has a gap in the record, and I couldn't use it for accumulative study. But the object being, that it would show a change in relationship with return flow after, particularly after, Woodruff Narrows Reservoir came into use in 1962. I didn't try to duplicate this curve; but we start back in 1943, the beginning of the record, and plot the - incidentally, I used the July, August, and September flow as being indicative of what we might get in return flow as far as time. The dashed line, if you can see it, is pretty much of a straight line relationship, which is what you would expect if there were no man-made changes in the picture. And as you would expect, after 1961, the vertical part of the graph, Bear River near Randolph, did take a turn upward, which reflects

the return flow from water applied. Now the intercept over here, at the end of 1972, figures out about 60,000 acre-feet, which, if we spread that out over ten or eleven years, we would get about 5,500 acre-feet that shows up here as a change in the two flow patterns, undoubtedly due to return flows. The 5,500 acre-feet is just about what I had estimated at our Pixley Dam gage as return flow; and figuring channel losses as we go down the River, I came out with an estimated figure of about 4,000 to Bear Lake. I had about 5,400 at Pixley Dam.)

MR. HANSEN: You're showing an increased return flow over previous history?

MR. JIBSON: Right. Just a typical curve. It tended somewhat to verify that this figure is in the ballpark; although, as I say, I think we should not ignore the fact that our ground-water supply, our ground-water buildup, is a very measurable quantity and we just don't know what that is.

The Agenda mentions as part of this subject, irrigation efficiency. I have only a point or two that may be of interest. "In 1972, an above-average year, (I may have to qualify that a little bit. It was above average because of our heavy precipitation, as I mentioned this morning.), the following rates of diversion were measured in the Upper and Central Divisions:

Upper Division

Upper Wyoming Section:	2.7 ac-ft/acre
Lower Utah Section:	3.2 ac-ft/acre
Lower Wyoming Section:	1.6 ac-ft/acre (Lower than usual)

Central Division

Wyoming Section:	4.7 ac-ft/acre
Idaho Section:	3.4 ac-ft/acre

Consumptive Use studies made for the Negotiating Committee several years ago, indicate an average requirement for meadow hay in the Upper Basin of about 1.4 acre-feet per acre. The headgate requirement for supply through about mid-July was about 2.8 acre-feet per acre which gave a farm headgate efficiency of 50 percent. This would not include conveyance losses above the headgate."

Reservoir	Period of Record	STORAGE PERIOD		RELEASE PERIOD		
		Net Diversion to Storage	Loss to River System	Net Reservoir Yield	Return Flow Reaching Bear Lake	Loss to Bear Lake
	(2)	(3)	(4)	(5)	(6)	(7)
		Quantities in Acre-feet				
Woodruff Narrows	1962-'73	16,500	15,800	12,600	2,300	14,400
Sulphur Creek	1958-'73	3,700	3,600	2,900	800	2,800
Whitney	1967-'73	3,000	2,900	2,700	300	2,600
Woodruff Creek	1971-'73	2,000	2,000	1,900	300	1,800
Others	---	600	600	600	0	600
TOTALS		25,800	24,900	20,700	3,700	22,200

- (3) Change in content plus evaporation.
 (4) Diverted to storage less prior consumptive use in reservoir area.
 (5) Change in content minus evaporation.
 (6) Estimated from flow hydrographs.
 (7) Loss in Column (4) adjusted for release period evaporation, pre-reservoir consumptive use, and return flows.

MR. JIBSON: Some of you may remember those studies that we made in the early part of the negotiations. Vaughn Iorns actually conducted the study. I assisted him with this. But we used the Blaney-Criddle method. I have summarized the individual reservoirs showing the period of record which essentially is the period of reservoir development. Woodruff Narrows was first used in 1962; Sulphur Creek was first used in '58, the year of the Compact, and was later enlarged and used, of course, until the present time. Whitney has had use since 1967; Woodruff Creek, 3 years from 1971 through '73; and the other small reservoirs have been used variable times. We show the net diversion to storage during the storage period - a loss to the River system, which is essentially that diverted during that period. Of course, any evaporation loss that took place during the storage period; and then in the release period, the net reservoir yield, with actually the change in the content of the reservoir, minus evaporation losses. Column (6) was estimated from flow hydrographs; and though I didn't show the incremental reaches down there, I started out with the flow of Randolph, Pixley Dam, Border, and so forth on down the River. And came up with the eventual loss to Bear Lake, which figures about 70% depletion.

I think it is rather difficult to really analyze properly what happens to the water once it gets back into the River - say, at Pixley Dam. We can say it's used and reused, and so forth, on down the River. I didn't compute it this way -- I figured if there is 150 to 200 second-feet of water in the River, and you add another 15 or 20 or 25 second-feet, that your diversion rate on down the River remains essentially as it was at the beginning. And therefore, one way of analyzing this would be to assume that the water should take a reasonable channel loss; which is what I did in going from around 5,400 or 5,500 down to 4,000. But it is not diverted and rediverted; I don't think we could ever come up with an answer. As mentioned at Fish Haven, the water can't be earmarked, or colored differently.

Well, anyway, this was the way I looked at it for this study.

CHAIRMAN KUNZ: Thank you, Wally. Do we have some questions to ask Mr. Jibson?

MR. ROBERTSON: Are these averages?

MR. JIBSON: Yes; these are averages. Here again, averages are sometimes misleading. We have years when the yield is zero and the reservoirs will not be used; so sometimes averages can be very misleading.

MR. LAWRENCE: Is that why the numbers here don't add across?

MR. JIBSON: This is one reason. The other reason is that I used a consumptive use quantity for the reservoir areas prior to the time they were built to offset the evaporation; and I used an estimated evaporation loss based on Bureau of Reclamation recommended figures; so they won't add across exactly. I have the base data that I used written down, if the Sub-committee would care to look at it.

CHAIRMAN KUNZ: Any other questions?

MR. BISCHOFF: Wally, what months did you use?

MR. JIBSON: I used July through September - three months. As being reflective of return flows. I didn't, of course, use three months on these other figures.

MR. BISCHOFF: Now, had you gone beyond that - beyond the irrigation season - would you have reflected more return flows getting back - in October?

MR. JIBSON: Probably so. Like I say, I just found I was on the Agenda about Tuesday, and I was trying to get some figures together for the report this morning and I had really very little time to work on them. I had thought about moving into October, but the computation would have been more difficult.

MR. BISCHOFF: Possibly your depletions might not be 71% if you had gone on.

MR. JIBSON: That's right.

DR. STAUFFER: I would like to ask Dean a question. Didn't your upper studies show about 15,000 acre-feet depletion of Bear Lake?

MR. BISCHOFF: I believe so.

DR. STAUFFER: I think that is what we found. I wonder if a double curve at an annual basis - I wonder if at Harrer, perhaps, with a line, perhaps this curve might show that -

MR. JIBSON: I compared with Bear River at Border. This is what I wanted to get at. I mentioned this morning the erratic flow at Smith Fork, which does not correlate with Bear River. And I found that this shows up on a double mass diagram. The effect of Smith Fork coming in, between our state-line gage and Bear River at Border, was such that it completely dampens out any return flows. So, essentially, what I ended up with is almost a straight-line curve; and several jobs there are reflective of this situation coming out of Smith Fork.

Here, again, I might have pursued that a little further; but this is the type of curve Norm mentioned (pointing to chart); and below the pencil line is merely a 4,000 acre-feet per year added onto these different curves; and also I reversed the scale so that we should have had them end downwards in the middle of nothing. But essentially, plotting a straight line against Border didn't really show a trend. This is one of the reasons I moved to Randolph -- there is some return flow below the Randolph gage. Storage water applied at Pixley Dam and Whitney Dam diversions - the return flow from that would come in below the Randolph gage, so there would be a greater return flow at Randolph show up.

E. K. Thomas of the Bureau of Reclamation, some years ago made a study of his own on what he considered to be return flows, and we noticed that he used a variable curve in one of his older reports; and in that one it showed 17% return flow, usable return flow, to Bear Lake. This figures out considerably better than that.

CHAIRMAN KUNZ: Any other questions of Wally?

MR. ROBERTSON: Not any question, but I think it would be of interest to us, at least to pursue the implications of that relative to the use of additional storage. Maybe as a Technical Sub-committee, or something, later. You were just treating here the existing situation?

MR. JIBSON: Right. May I add, Alan, to clarify that a little bit - (I'm sure you are all aware of this, especially the committee that has been working on it) - we had a number of years that Woodruff Narrows was not used to augment the regular irrigation season supply. This year they did use it; but we have a number of years that they did not take any water out of Woodruff Narrows Reservoir until the middle of August; and that's why the River channel itself is way down - not dry, but way down; canals are all dry. It actually takes two or three thousand acre-feet to fill up all of these channels. They pull eight, or nine, or ten thousand acre-feet at that time. They really don't get overland with much of it. And on those occasions, so many times, as we study the stream-flow record at Pixley Dam, we don't even see a ripple on it. Some years we do. If the water table is high; if the year is good; we do see a jump down there; but I do have some years where I can't even pick up a ripple on the hydrograph. So we are kind of leaving things out of Woodruff Narrows Reservoir, and I'm not criticizing that; I would certainly use it rather than let the Reservoir go full through the season. But at the same time, this doesn't give us a very

large percentage of return flows in that water applied. Likewise, Sulphur Creek, in many years is not used until quite late in the year - sometimes toward the end of July and into August; and at that time the inflow to Woodruff Narrows Reservoir is very small and it is difficult to pick up return flows in a reasonable period of time down through the River. Here, again, we get an unknown factor in the ground-water accretion. I think we have to take any of these results with these things in mind.

MR. LAWRENCE: I would like to ask - Wally, are you implying that Woodruff Narrows was not built for release in August, as a regular thing to irrigate in August?

MR. JIBSON: No; no; I'm not implying that, although earlier studies before the Compact was ever signed assumed a full water supply through mid-July. That's why my statement here on irrigation efficiency. But I'm not implying that it was built only to use through mid-July -- I'm just stating the fact that when we have let everything dry up to do our haying, and then put our water on afterwards, we see a smaller return flow than we would if it were used like this year. On the 20th of July, if the supply is cut, to immediately turn reservoir water into it; and our return flow is much greater.

CHAIRMAN KUNZ: Any other questions?

MR. MYERS: It seems to me that the return flow immediately, in an area like this -- now these soils up in that area, there's a lot of gravel formation. Right after you shut the water off to put up your hay, that gravel is all full of water. That water all sinks; and then this new water that you turn out in August has to fill all that cavity. That doesn't mean to me that it doesn't eventually go down back into the River just like the original, and eventually get to Bear Lake. It kind of looks to me like we're maybe getting a little bias out of this. I can't quite understand -- is it because of only partial use of the Reservoir? For instance, Whitney is a 4,200 acre-foot structure; it shows here that its loss to Bear Lake is 2,600. Sulphur Creek is twice that big, and it loses 2,800 in depletion. For Whitney there is twice as much water. What's the explanation for that? Is it just non-use of Sulphur Creek?

MR. JIBSON: Sulphur Creek has a total capacity of about 7,088 which includes some holdover. But you notice that the net yield out of Sulphur Creek is only 2,900. And since Sulphur Creek is closer to Bear Lake, for one reason, we do

show a greater return flow reaching Bear Lake out of that 2,900 than we do of corresponding 2,700 out of Whitney. But they do have a comparable yield - the two reservoirs.

MR. MYERS: What is the yield - when one is a 4,200 and the other is 7,000?

MR. JIBSON: The yield is simply the amount of water that is pulled down during each year - average.

MR. MYERS: In other words, they use Whitney more than they do Sulphur Creek?

MR. JIBSON: So far they have done.

MR. MYERS: Okay; that's what I'm trying to get at -- just what causes this.

CHAIRMAN KUNZ: Any other questions?

MR. BISHOP: I would have a comment, Mr. Chairman. I'm a little troubled by the conclusions that this analysis seems to lead us to. It seems to me that return flows are very difficult to analyze. I think the point that Dean Bischoff brought up, relative to return flows coming into the system much after September, is a very important consideration. I know in many situations you have return flows coming back in, in October, November, and December that are quite significant. I think you have contributions to the ground-water table that eventually get back into the system, that defy analysis. I have real trouble in convincing myself, or in being convinced, that the return flows are really as small as this analysis seems to lead us.

MR. JIBSON: Floyd, here again, I tried to stress a point, both in my report, and just off the cuff here, that ground water is the big unknown factor. And I also state that I studied this in a relatively short time after application of water. It is true that in years past we used to put out what we called the 'Bear River hydrometric report', and it showed the gains and losses, and various things; and we noticed there that after the major application of water, down through this general area, that you could watch the strong gain for two or three weeks, and then it dropped off rapidly. Most of that gain was return flow; there was some ground-water gain, some base flow gain, but most of it was return flow. And in those gravelly soils and this basin around Smith Fork, you can see your gain drop off just a few weeks after the bulk of your irrigation season, or the peak of the irrigation season. So I think your point is very well taken. I don't want to leave the impression that I think 4,000 acre-feet is the total return flow

reaching Bear Lake. I stated here that this is surface, within a relatively short period of time. And I wouldn't argue with anyone -- I think ground water is so indefinite, so unknown here, that it would be very difficult to analyze.

MR. JENKINS: Mr. Chairman, I wonder if perhaps after this fine chart by Mr. Jibson, if perhaps this matter shouldn't be formally turned over to the Technical Sub-committee to work with him to extend the period of this report and look at it perhaps in a little more detail, and then report back on any further modifications that would seem appropriate to these figures? Also, so that the Technical people from each state would have a feel for the input that went into this; and could advise their own separate state delegations of their feelings on it?

CHAIRMAN KUNZ: Do you want to put that in the form of a Motion?

MR. JENKINS: Well, alright; I'll move you that this analysis of compact storage above Bear Lake be referred to the Technical Sub-committee with representatives from each state, and that they meet with Mr. Jibson prior to our next Negotiating meeting to review this report and extend the coverage of the report.

CHAIRMAN KUNZ: Okay - Mr. Jenkins has made a Motion. Do I have a second?

MR. DAYTON: I'll second the Motion.

CHAIRMAN KUNZ: Second by Mr. Dayton. All in favor say 'aye'. Opposed?

MOTION CARRIED

MR. LAWRENCE: Mr. Chairman -

CHAIRMAN KUNZ: Dan -

MR. LAWRENCE: I think you kind of 'railroaded' that one. I'd like to ask the experts - in view of the fact that return flows will undoubtedly be an important issue to this body, or to the Bear River Compact Commission over the years, do we have the physical setup to do some fairly sophisticated research on return flows in the Upper Bear River system, or anywhere; and if not, should we consider it important enough to establish additional gaging stations, or whatever is necessary? Alan - or Norm - or somebody - talk to that. In other words, what can the Technical Sub-committee do immediately; and what long-term program do we need to establish?

CHAIRMAN KUNZ: Do you want to address that, Alan?

MR. ROBERTSON: I don't know; but - of course, I think the first thing would be to examine the assumptions made here and get a feel for it. I don't know what would be required in the way of additional gaging, or this sort of thing.

MR. FUNK: This just raises the question, since the hydrology indicates there is water there to be developed - really, how important is it - the amount of return flow? There is developable water above the Lake without adversely affecting downstream rights; and therefore, how critical are these return flows?

MR. JENKINS: Mr. Chairman, if the figures that we see here are indicative of the magnitude, you're talking about whether you get twice as much or half as much; and I would think that would be very material.

MR. FUNK: The figures that have been talked about in developing water above the Lake - the hydrology shows there is that amount there. Whether there is twice as much, or half as much, there's still that much water there. It may affect your decision whether you want to use it there or someplace else, but it doesn't seem too important in that regard.

MR. JENKINS: Well, I think it's very material; because it shows -- It would effect, I think, Idaho's decision. If we got 100% return flow, I think we would be very easy to negotiate with on your using it anywhere upstream. You change those numbers, it affects what's coming back to us; and we would consider it accordingly.

MR. FUNK: I would like to respond to this as we get a little further into the meeting, as it pertains to other issues.

CHAIRMAN KUNZ: Alan, answer me something here, will you please? Didn't this 60,000 hydrology give some credence to return flow? Wasn't there some return flow considered in that?

MR. ROBERTSON: Yes; any study that you run, new storage meant for some new use. Obviously, the assumption you make regarding return flow relates to the net effect downstream. In that way, it is important; and if the degree of upstream storage that you are discussing hinges on, or is affected by, downstream considerations, there is a relationship to return flows.

MR. LAWRENCE: In the July 19 report of the Technical Sub-committee, that was assumed to be 50% return.

CHAIRMAN KUNZ: So, maybe this assumption is high. John - ?

MR. TEICHERT: We have about an 80 to 90-day growing season in this particular area; and we have only so much consumptive use. So, I think you can probably settle the consumptive use figure. This water may stay in the ground and be there for the next season, which would affect the next season's runoff -- we would have more return flow at the beginning of the next season if the water table is already filled to capacity. So I think maybe dealing with consumptive use rather than return flow of the area would be a better approach.

MR. JIBSON: You will notice a great deal of disagreement in the various reports I read on consumptive use. In that kind of an area, they all seem to come back to about 1.4, 1.3, 1.35, acre-feet per acre for actual consumptive use for this high, high elevation meadowland. This is essentially what Iorns found in his study.

Again, I think we should keep in mind, on this headgate efficiency, that if we allowed a full diversion rate through mid-July, with no diversion after that, and you came up with a 2.8 - if you irrigated in August or late-season irrigation, then the 2.8 would be increased and your 50% efficiency would tend to be lower.

CHAIRMAN KUNZ: Do you have in mind what this is going to require, Alan? Or do you have some questions?

MR. ROBERTSON: I guess the assignment has been made; and it's not necessary for me to make a determination.

CHAIRMAN KUNZ: You'll be contributing. I'll have to -

MR. ROBERTSON: That's right. I would like to talk to Wally.

CHAIRMAN KUNZ: Okay. Norm? - Is he the boy that's going to be doing it for you, Dan?

MR. LAWRENCE: I was going to say - this, theoretically, is the Chairman. I wanted to be sure the Technical Sub-committee understood their charge; and Norm nodded his head like he understood, so -

CHAIRMAN KUNZ: Okay; he's got his hand up now.

DR. STAUFFER: I think we should include Dean Bischoff on this Committee. He has done a lot of work and I think did a study on return flows at one time. We should include him.

CHAIRMAN KUNZ: Okay. Floyd, who's going to be contributing here for Wyoming?

MR. BISHOP: Good question. I think I understand the assignment, Mr. Chairman.

(Laughter)

V TYPE IV SURVEY PLAN OF WORK, BEAR RIVER BASIN

CHAIRMAN KUNZ: Okay. We're ready to move on now to No. V, then - Type IV Survey Plan of Work, Bear River Basin. Mr. Schmidt, the floor is yours.

MR. SCHMIDT: Thank you very much. Ladies and gentlemen, I appreciate this opportunity to bring you up to date on the progress of this study.

Bear River Type IV Study

The Plan of Work that has been developed for the Bear River Type IV Study, and is now in the process of approval, outlines the role of the USDA and the three states in coordinating the Study to achieve the objectives. There will also be standards and specifications to supplement the Plan of Work.

The overall objectives of the Study will be to provide information on land and water resources, economic inter-relations, and problems and development opportunities. This information will be given to the public to help in the management and development of the area.

Problems and needs of the people will be evaluated using the multiple objective planning procedure.

Overall Objectives

1. Enhancement of the National economic development to increase the value of the Nation's output of goods and services and improving National economic efficiency.
2. Enhancement of the quality of the environment by the management, conservation, preservation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems.

Specific Components of Objectives

1. The economic objective is to increase personal income and strengthen the agriculture sector of the economy. Activities will first, include an economic base study to determine present productivity in relation to projections to determine needs; and second, measure the effectiveness of alternatives in meeting these needs. Opportunities to more efficiently utilize water, forage, cropland, and timber resources will be identified. Recreation opportunities in relation to the economy will also be evaluated.

Specific Objectives

2. Flood protection objective is to reduce resource and economic loss and to assist in flood plain planning.

3. The erosion and sediment objectives are to maintain the productivity of the land and reduce downstream sediment damage. Activities of this objective will be to identify opportunities for erosion and sediment reduction.

4. The recreation objective will be to provide diverse recreation opportunities while maintaining or improving the quality of recreational experiences. Activities will include an inventory of resources, a determination of their capacity in relation to demand, and identification of opportunities to meet projected demand.

5. The environmental objective is to manage and restore the biota, open and green space, human interest and esthetic resources, and the quality of air, water, and land. A major activity is to develop a base environmental inventory for evaluation of alternative impacts.

6. The irrigation water management objective will be to determine the opportunities for improving irrigation water use through system rehabilitation and consolidation and through improved on-farm irrigation water management, and to evaluate these opportunities in relation to alternative and conjunctive uses of water. A major activity will be to determine and evaluate the opportunities for single and multi-purpose storage facilities as they relate to timing and distribution of available irrigation water.

7. The water quality objective is to identify opportunities to reduce pollution. Activities include identification of sources and levels of water pollution and evaluation of the impacts of developments on water quality.

The results of the study will provide data to facilitate the Bear River Compact negotiations and will also assist in promoting coordinated and orderly conservation, development, utilization, and management of water and related land resources. It will provide a base for USDA to meet its responsibilities for managing public lands and for assistance to local sponsors with projects and programs which will contribute to the satisfaction of current and long-term needs for resource utilization.

Progress to Date

The 6-year Study was scheduled in six phases:

Phase One, which included the preparation of the Work Plan, the development of the procedures and information programs, was delayed at the request of the states to work on the State Water Plans and Westwide Study. This data will be helpful, however, in later phases of the Study.

Phase Two, covers the inventories, the projection of future demands, and the evaluations of the conditions.

Phase Three includes the design of alternatives to meet objectives and the evaluation of the alternatives and the formulation of the two plans, Economic Efficiency and the Environmental Quality.

Phase Four, analyzes the differences of the plans and identifies items that could be accomplished with present USDA authorities and identification of new authorities needed.

Phase Five, Review the plans with the decision makers.

Phase Six includes assistance to the decision makers to select a recommended plan and the preparation of the reports.

We have developed the plan of work, completed work on the State Water Plan, and nearly completed the Westwide Study. We are now gathering inventory in Phase Two.

CHART 1

SCHEDULE OF PLANNED ACTIVITIES BEAR RIVER BASIN, UTAH, IDAHO, WYOMING

FY73	FY74	FY75	FY76	FY77	FY78
PHASE I*					
	PHASE II				
		PHASE III			
			PHASE IV		
				PHASE V	
					PHASE VI

* At the request of the States of Utah, Wyoming, and Idaho, a six-month portion of Phase I will be devoted to Westwide and State Water Plan activities. This will also provide direction to the Type IV study of the Bear River.

MR. SCHMIDT: Any specific questions?

MR. LAWRENCE: How are you integrating the water rights into your plan formulation? You are talking about potential structures. There has to be some water right authority, I would assume, for building those; and how are you planning to work that out?

MR. SCHMIDT: I would think that we would cooperate fully with the Division of Water Resources and the State Engineer of each of the states, or the state agency dealing with water rights. Does that answer your question, Dan?

MR. LAWRENCE: Well, I was trying to relate your study with the work of this Committee. Are you going to be constrained? You are going to have to make some assumptions independent of the work that we're trying to do. Are you going to go ahead, or - ?

MR. SCHMIDT: Of course, I think this study will only identify possibilities of storage; it would not identify specific sites. This study is broader than that, I think. I might add that as we do a phase of the inventory, working papers will be published or will be printed, and that data will be available for use. So this whole study will have a series of working papers of all the inventories.

MR. HIGGINSON: Could you tell me, has this study been approved and funded? And if so, what kind of problems are you having with employment ceilings?

MR. SCHMIDT: It has been funded; and we have maintained, so far, our staff. Oh, we've lost a couple on our staff, but we essentially have got through with the Beaver River Type IV studies in the State of Utah, and our staff will now be available to work on this stuff.

MR. LAWRENCE: In connection with that, how do you - what about Idaho and Wyoming S.C.S. office? Do they have staff programmed?

MR. SCHMIDT: Yes; they have adequate staff. I say 'adequate' loosely, Dan, in light of things. We're all hard-pressed; but we have been able to maintain in the river basins and in the watersheds sufficient funds and sufficient staffs to accomplish this.

MR. JENKINS: Is the Malad River, tributary to the Bear, included in the study?

MR. SCHMIDT: I believe so; yes.

MR. BISHOP: You indicated that the information from the Task Force study will be helpful to the Compact negotiations; and then you said that the study won't be finished until '77 or '78. I would hope we won't be negotiating that long.

MR. SCHMIDT: Hopefully not, either; but inventory data as we collect it -

MR. BISHOP: Will you present that to the Commission in some way on a regular basis? Will it be automatically done? Do we have to ask for it?

MR. SCHMIDT: No; it would be available.

MR. BISHOP: It will be automatically provided?

MR. SCHMIDT: Yes; I think we can arrange that.

MR. HIGGINSON: How is the study coordinated between the three states and the S.C.S. staffs? Is there a lead agency - ?

MR. SCHMIDT: Yes; S.C.S. in Utah --they coordinate.

MR. HIGGINSON: S.C.S., Utah.

MR. TEICHERT: The way you enumerated the different aspects of it - is this according to a priority system?

MR. SCHMIDT: No.

CHAIRMAN KUNZ: Any other questions?

MR. LAWRENCE: I'd like Alan or Norm to respond, for the benefit of the group, as to the input from the state agencies to this study. How are we working with them?

DR. STAUFFER: There is a section in the plan of work that identifies what each state will do; and the states have provided this input to the plan of work. The states individually have said how they will help and how they will cooperate in the work. Now, one of the things that is coming up is getting public involvement, and this is being worked out at the present time. I don't think we have a final answer on it. I think they are working now on the public involvement - getting local input into the planning. The states have submitted to the S.C.S. how they will cooperate in this study. This has been done by the staffs of the three states. If we were to respond how each state will support the study, I think we would have to respond item by item.

MR. LAWRENCE: Maybe a little more specifically; we have been meeting with the field advisory committee. It has had some meetings and the states have been represented, haven't they?

MR. SCHMIDT: Oh, yes; it's a coordinated effort between the states and S.C.S.

MR. ROBERTSON: What about the six-months' study? Is that completed?

MR. SCHMIDT: Nearly so; isn't it, Norm?

DR. STAUFFER: It has been completed every month. It has been typed; it is ready to run off; we have every section in but one, and the man promised me that he would get it to me today.

MR. LAWRENCE: I saw a draft copy of something.

DR. STAUFFER: You must have seen something else. It is virtually completed, though. A week or so, and it should be in the mail.

CHAIRMAN KUNZ: Any other questions? Thank you for your presentation.

VII OTHER BUSINESS

CHAIRMAN KUNZ: This brings us now to Item VII, which is Other Business. I'll call on you first, Mr. Bishop - Wyoming.

MR. BISHOP: Mr. Chairman, you skipped over Item No. VI, and I'd like to comment on it.

CHAIRMAN KUNZ: I cancelled Item VI.

MR. BISHOP: I know you did; and I understand why. I would like to apologize for Wyoming's failure to provide specific suggestions for Compact modification in time for consideration at this meeting. It's my own responsibility, that we failed to do that. I have been just too darned swamped with other things to do the last couple of months, and didn't get it done; but I do assure you and the other states that we will provide our suggested modifications for the Compact in specific terms within the next few weeks. We feel that we have done this previously, but we did agree to update those suggestions and to provide them to the negotiators, and I apologize for having failed to do that.

CHAIRMAN KUNZ: Would you care to bring up anything else at this meeting?

MR. BISHOP: I would only want to emphasize the importance of that particular effort. I think it provides us a means of making some real progress in these negotiations; and, hopefully, Utah and Wyoming will get their contributions made in the near future so we can have a more meaningful discussion at the next meeting.

CHAIRMAN KUNZ: Thank you, Floyd. Utah, your Chairman isn't here. Who's taking his place, Dan?

MR. LAWRENCE: Marion asked me to stand in his place. With respect to Item VI, we did have a meeting of our Utah group and almost reached an accord as to what we might put in a letter to the negotiators. Our meeting was scheduled a little bit after the 30-day limit, and for various reasons we didn't comply with the promise we made at Jackson. I hope we will be able to, 30 days in advance of a future meeting.

I, personally, don't have anything in the way of other business; but maybe I should turn to other members of the committee from Utah. Cal, do you have something that you think should be brought up?

MR. FUNK: I think with the deletion of Item VI, maybe I don't have any other responses to make either.

I'm concerned about one thing. Idaho has mentioned that if additional storage is granted above Bear Lake, and figures specified there, that if this were written into a modification, they would have a figure that they would want specified also. I'm wondering if we can make some amount here available, if Idaho has a figure in mind at this point; or if there's some work that they need to do to arrive at this figure? The part I was concerned about was Griff's question. It seems that the realities of the River aren't really the issues that we are talking about -- that maybe we have some other things in mind, and we're holding in abeyance until we get some 'horse-trades' arranged here - if I can use that term - and I would just like to get some of these alternatives and suggestions out.

Now, I'm concerned - as John gave his report - that if we're looking at a '78 date of completion to be of any value to us, the River is just going to keep rolling, and of course we go on with other studies, and studies will never wear it out or develop it, either. And I think a real issue before the Committee is the request to store water at Woodruff Narrows; and this is timely, and pertinent, and I wonder how long we need to defer answering that question? And I am a little disappointed that we are skirting some of the issues that we don't go and answer questions along the way.

CHAIRMAN KUNZ: Mr. Funk, I'll answer that very briefly, I think. Until such time as we get the response from Utah to grant to Idaho something that they want, there will be nothing approved in the Upper Basin, as far as Idaho is concerned. I think

the only reason we're willing to talk about anything new in the Compact in the Upper Division is that hopefully we will get something in the Lower Division. And so we can sit here and knit-pick about what happens above Bear Lake, and how we fluctuate Bear Lake, for ten years; and we won't accomplish a thing. Until such time as we get the response to what Compact modifications we all want, and start sitting down and considering the package as a whole.

Have I spoken for the Idaho group? Or do you want to add something to that?

MR. HIGGINSON: Not as strongly as I would have said it; but I think you have spoken for us.

MR. FUNK: I really appreciate the candor of that response, Ferris. And the real modification that I'm aware of is the one in your October 23rd letter, which we skipped over, and that's Article IV. Now, are there other things besides Article IV that Idaho is concerned about? In connection with Article IV, do you have an amount of water that you want to put in there? You just say a change; it doesn't specify. What beyond Article IV?

CHAIRMAN KUNZ: I think in our original proposal we even put in some figures, Cal, of how we would like to do this. We took an early position; and to date we have not had to change that position at all. We have reaffirmed it, and recalled your attention to it; and this is all this letter of October 23rd does, is re-state some of the things that we said earlier. When did we originally make that? At Malad?

MR. HIGGINSON: At Malad - three years ago.

CHAIRMAN KUNZ: On some date - I don't remember what the date was. You should have that in your Verbatim Minutes.

MR. FUNK: Well, you have not come through with the specifics below the Lake that have been spelled out above the Lake - even considering the Malad proposal.

CHAIRMAN KUNZ: That's right; because to date we have had no indication -- Cal, to be very frank with you, those five little words will kill your Cub River project, too. You just as well forget trying to get Cub River as long as those five little words are in the Compact - "without regard to state lines". That's a big club!

MR. FUNK: I appreciate that candor, because it was understood a year ago following our meeting in Preston, - verbally agreed - that this project could go ahead. Because of the amount of water, there would be no tradeoff required - and go ahead to users in an effort to develop that.

CHAIRMAN KUNZ: We can talk about it; but frankly, it will never be economically feasible as long as some future project below the Utah line can call on this water that's stored up here. This is what those five little words mean.

MR. LAWRENCE: I think I read the Malad proposal quite carefully; and I got a different interpretation from it than you've expressed. I thought it said you were going to go ahead with the project-by-project development of the River, with some control by the three states, but you would try to develop projects. Now you're saying that -- at Logan, I know, there was some of the Committee expressed a different view, and said that they felt that the water had to be allocated before we could do anything; but it's my impression that your Malad proposal talked about projects.

CHAIRMAN KUNZ: I think our Malad proposal listed ways that we saw this could proceed. And these avenues, as far as we're concerned, are still open. But from the discussions that we have had since, it would seem to us that the allocation method is the one that seems to be preferable to talk about. As I recall, we had a response from Utah which said that this entity we proposed could not be considered; that is, the entity that we were proposing to control the River development could not be considered. At one time you thought it could; and then you decided that it couldn't; so we have abandoned that idea until such time as it comes back into reality, I believe, Dan.

There was one question that you raised, Cal, at the last meeting; and I think we answered that for you. Was that satisfactory - on Bear Lake fluctuation?

MR. FUNK: I think it was satisfactory; but to me there was some ambiguity in it. What is the level of Bear Lake that must be maintained to meet downstream rights?

CHAIRMAN KUNZ: I think we recognize that Utah Power & Light has been doing a pretty good job to date of meeting downstream rights.

MR. FUNK: We think the level is - I think; I'm not speaking for the Utah committee - I think, as a member, that the level is very definitely tied to developing the waters below Bear Lake.

CHAIRMAN KUNZ: Right; we will agree with that.

MR. FUNK: This is of concern to you; and yet, you've not spelled it out. I'm still not clear on what specific level you would like to see Bear Lake. Now, whether we can determine a legal level, I don't know.

CHAIRMAN KUNZ: What we have said is that at the present time we see no need to change the mode of operation that has been taking place. We don't say it can't be; but we do say, if it is done, the beneficiary of that change must assume the legal responsibility. Now, what we're saying is that if the time comes that Idaho wants to raise the Lake a half-a-foot, then Idaho better have some money in the bank to pay all these losses. And if Utah is going to be the beneficiary, or Wyoming the beneficiary, then they'd better be prepared the same way. I think this is what we've said all along.

MR. LAWRENCE: And you're referring to the datum of Utah Power & Light's present operation rather than the 'legal' elevation?

CHAIRMAN KUNZ: I think that's right.

MR. LAWRENCE: In other words, you're saying that there has been a prescriptive right developed there?

MR. HIGGINSON: No; we haven't said that.

CHAIRMAN KUNZ: No.

MR. FUNK: But you strongly imply that there are rights established by recreation interests in some period; and you would lean towards regulation of the Lake level to accommodate recreation development around the Lake?

MR. HIGGINSON: We haven't said that.

CHAIRMAN KUNZ: No; we haven't said that.

MR. HIGGINSON: We have said that we're satisfied with the present operation of the Lake; and if the present operation of the Lake is to be changed in the future, whoever proposes that kind of a change, from the present operation to something different, better be prepared for all of the legal and financial obligations associated with that kind of a change.

MR. FUNK: Well, take two years ago - the Lake was filled to almost maximum. And you have no objection to that?

MR. HIGGINSON: Under its current operation, or the current uses, fine.

MR. FUNK: Now, how does Woodruff Narrows affect that?

MR. HIGGINSON: That's a new operation; and with Woodruff Narrows, the effect of that upon that Lake, somebody would have to assume any legal responsibility associated with whatever change that causes in the Lake.

MR. FUNK: Have you determined what effect that might be?

MR. HIGGINSON: No; nor do I believe you have.

MR. FUNK: That detail, to my knowledge, we have not.

CHAIRMAN KUNZ: Any further discussion from Utah?

I have nothing, personally, at this time.

Keith?

Bill?

Griff?

Okay.

Gentlemen, I have served as the permanent Chairman of this Committee now, and my term expires with the November meeting. At this time I anticipated I would turn this over to the Vice-Chairman. Inasmuch as he is not here, I guess probably I'd better continue with the rest of Item VII at least.

I appreciate the support that I have had. I wish that we could have accomplished more than we have; but I think the groundwork is laid; and with a few of the right breaks, I think this thing could move forward.

I especially want to express my appreciation to the very able and capable secretarial work we have had. I appreciate the offer, and the inconvenience that Utah has gone to, to let Connie do this for us. She's always been very efficient in this job.

At this time I would see that we should elect a new Vice-Chairman; and I think at Evanston, or Cokeville, or wherever this took place, we agreed that this should be rotated between states. Inasmuch as Utah will have the next Chairman, I think that it is very advisable that Wyoming, at this time, nominate one of their members as Vice-Chairman; and I would so ask.

MR. BISHOP: We'd like to nominate Wes Myers.

(Laughter)

CHAIRMAN KUNZ: Thank you, Floyd. Do I have a second?

MR. HIGGINSON: I'll second it.

CHAIRMAN KUNZ: Alright; we have had a Motion made and seconded that Mr. Wes Myers of Wyoming be the new Vice-Chairman of our organization. All in favor say 'aye'. Opposed?

MR. MYERS: No.

CHAIRMAN KUNZ: You're out-voted.

MOTION CARRIED

MR. HIGGINSON: Mr. Chairman, do we need a Motion to elect Mr. Olsen as the Chairman for this coming year? Or is this automatic?

CHAIRMAN KUNZ: I think this was automatic, the way I remember the Motion. Was it not?

MRS. BORROWMAN: I think it was so that the Vice-Chairman automatically became Chairman.

MR. HIGGINSON: Fine.

MR. LAWRENCE: The record maybe should show that we approved.

MR. HIGGINSON: The consensus, anyway.

MR. MYERS: Mr. Chairman, I would like to bring up one thing here. I'm not satisfied with the way that we are cutting off the discussion on Items VI and VII. I don't think we have any agreement as to where we're going next. And I think before we leave here we better have such an agreement; so that each of the three states are going to submit a comprehensive plan on what they want to do with this Compact. Or, the least we can do is reaffirm, taking up Idaho's letter. It seems to me that we're going to be forever if we do this one jump at a time -- like, Idaho presents a letter on one subject; and then we take two or three meetings to answer that. I think that, instead of doing that, each of us should write down, or rewrite -- because we've done more or less of it -- exactly what we'd like to see done about a modification of the Compact. And actually get 'on the ball' and get something done. I don't like to just go home, saying, 'well, we're sorry we didn't do this this time', with no future direction

CHAIRMAN KUNZ: Mr. Myers, on Item VIII, I was going to turn this meeting over to you; and then I was going to move that you set the date of the next meeting thirty days after we receive a like letter from Wyoming and Utah.

MR. MYERS: Well, I didn't ascertain that that was the proper way to handle this. I thought Marion Olsen was going to take over; and I just didn't want to leave it with nothing but loose ends. That's all I'm talking about. If you've got something in mind, you go ahead and bring it up.

CHAIRMAN KUNZ: Well, I was going to let you handle Item VIII now that you're the Vice-Chairman of it; because I think that probably that should come under your jurisdiction; so at this time - you're 'it'!

MR. MYERS: Now, you have already made your suggestion?

MR. KUNZ: Yes; I will put that in the form of a Motion.

VICE-CHAIRMAN MYERS: That the next meeting will be called 30 days --

MR. KUNZ: Yes; if there is a next meeting, that it be called 30 days after a letter similar to Idaho's October 23 letter is received from Utah and Wyoming.

VICE-CHAIRMAN MYERS: Well, that's fine. I see nothing wrong with that. You've heard the Motion.

MR. JENKINS: I'll second it.

MR. MYERS: You've heard the Motion. It has been seconded. All in favor say 'aye'. Contrary, 'no'.

MOTION IS CARRIED.

That leaves the location and date. The date is optional with our Chairman, Mr. Olsen, when he receives the three letters. Then he calls the meeting.

MR. KUNZ: Right.

VICE-CHAIRMAN MYERS: But the location is yet in limbo.

MR. KUNZ: That will be Wyoming.

VICE-CHAIRMAN MYERS: Is it Wyoming's meeting?

MR. KUNZ: Yes.

MR. LAWRENCE: Not really. Wyoming's meeting was last time; and I think this is Idaho's meeting, isn't it?

MR. KUNZ: No; Idaho held their meeting at Fish Haven.

VICE-CHAIRMAN MYERS: And we held our meeting in Salt Lake.

MR. KUNZ: No; I think this is Utah's. You held the one in April in Salt Lake; that was your meeting.

VICE-CHAIRMAN MYERS: Well, then, the next meeting is Utah's meeting.

MR. KUNZ: No; this is Utah's meeting.

VICE-CHAIRMAN MYERS: Utah's meeting today. Wyoming again. Next meeting will be Wyoming. Remember, you were all going to Cheyenne, but we decided it is too far away.

MR. KUNZ: So we came to Salt Lake.

VICE-CHAIRMAN MYERS: What is your pleasure? Do you want to come to Salt Lake again?

MR. KUNZ: You set it. You can notify Mr. Olsen where you want it.

MR. BISHOP: It is probably easier for everybody involved to hold it in Salt Lake; or somewhere in this general vicinity.

VICE-CHAIRMAN MYERS: I would say one thing. I do appreciate it being rotated; I do appreciate having it in Wyoming part of the time. I think that during the winter months, if this is to be called in the winter months, I would prefer to come to Salt Lake. If it's in the summer time when things are pretty good up there, we'd like to have you come. Maybe we could trade around a little. We'll get in touch with you.

MR. KUNZ: Whatever your wishes.

MR. BISHOP: Mr. Chairman, before we adjourn, let me 'needle' Idaho just a little bit.

(Laughter)

It seems to me that Idaho's proposal, commendable as it is, is awfully general in nature; and I feel certain that Utah will come back with an equally general proposal that agrees that we should have an allocation between the two states. But we're not really much further ahead at that point in time than we are now. If you're talking about an allocation between Utah and Idaho in the Lower Division, at some point in time we've got to get down to specifics; and we've got

to get down to figures; and we're just not there, even with Idaho's proposal. And I grant you that you did come up with a proposal; and we didn't. But I would like to see something much more specific, informally negotiated between Utah and Idaho, as far as the Lower Division is concerned, before we have another meeting; or I don't think we're going to be a whole lot further along than we are right now.

MR. KUNZ: Very possibly we won't, Floyd. But what I was hoping to get accomplished today by letters similar to ours was probably a committee of three to start working on language to accomplish the modification of the Compact. Because I don't think this group as a whole is ever going to get together on language. I think it's going to have to be a committee of 'yea' number; possibly three, to start working on language to accomplish what we think will accommodate the three states.

MR. BISHOP: I agree. You don't think it would be possible to present something more specific for consideration at the next meeting? You'd rather pursue this generalistic approach until the next meeting, and then try to proceed from there into the more specific?

MR. KUNZ: I would certainly listen to any other suggestions that might be forthcoming, Floyd. I would like to see this thing move; but I see us at a stalemate until such time as we can get some general idea from all three states to work on. We're spinning our wheels. I see no further way to go.

MR. BISHOP: I agree with that.

MR. LAWRENCE: Floyd's point is well-taken; that if Utah responds as a statement as general as Idaho's, you would certainly have to have another listening, either by the committee of three, or another go-around before you got down to -

MR. HIGGINSON: Mr. Chairman; let's be realistic about this for a moment. Suppose Idaho were to be very specific? You know very well that if Idaho's going to be very specific at this point in time, we're going to say 'we want an allocation of 1 million acre-feet in the lower Bear River'. And we know that Utah and Wyoming are not going to be willing to give us that. And I suspect that if you're going to be specific, you're going to ask for a million acre-feet of storage above Bear Lake, or some such figure. And we're not going to be willing to give you that.

So, at this point in time, I don't think specifics are important. But what we had agreed to do, we thought, was that each state was going to point to those Articles and Sections of the Bear River Compact that they wanted to see

modified in order to meet some state goal that they had in mind. Now, we think that we have done that. We have identified Article IV, Section 3, the Lower Division provision, and particularly two items in that. One, the language with regard to 'without regard to state lines'. We have suggested some modification of that in our letter - very specifically. In addition, we have suggested that this modification ought to be coupled with an allocation. Now, we could give you a figure if you want; you know we'd agree to a million acre-feet with anybody. We could throw it out on the table, but it's not going to mean anything at this point in time. What we're suggesting is that that specific Article modification should be coupled with an allocation of water below Bear Lake.

Now, we think from there - if we could get those kinds of items laid out on the table from each state - articles identified - then that information can be handed to some kind of a committee -- maybe it's the Attorneys General of the three states, or somebody; and say 'these are the three Articles' or 'these are the kind of things; you prepare language that would accommodate those various interests, and leave the figures blank, and then we'll negotiate the figures to put in the blanks'. But at least we've got some place to start from.

As of right now, we don't know where we are; we don't know how to accomplish what you want above Bear Lake because you haven't told us that you think the Compact ought to be modified above Bear Lake. Now, if you think it should, and that's something you want to negotiate on, we want to know that -- I think we're entitled to know that. If you think you can accomplish everything you want above Bear Lake without Compact modification, then you see, you've got nothing more to say; and we know where we sit. But until we know that, we haven't got any place to start.

MR. BISHOP: Well, Keith, I think we have. I think we have presented specific suggestions for language changes in the Compact, as we see them; so perhaps we've already told you -

MR. HIGGINSON: Fine. Could you reiterate those, in line with the agreement that we thought we had? We understood we were going to have it. We've said this before, too.

MR. BISHOP: You feel it's necessary to go through this interim exercise in order to get general agreement on the approach, and then move into the more specific areas? If that's necessary, that's alright.

VICE-CHAIRMAN MYERS: Do you have some rebuttals, Utah?

MR. FUNK: Just speaking as one - I thought we had said what we wanted above Bear Lake; and we could accomplish it without Compact modification. And Idaho's response was that 'we would attempt to block that unless there's some tradeoff', and that would be their effort. Now, Wyoming really hasn't been that specific; and Idaho hasn't said how much storage above Bear Lake they desire.

VICE-CHAIRMAN MYERS: Well, they have pretty well said. I think Thomas Fork is all that we have mentioned.

MR. BISHOP: If you think we haven't been specific, Cal, you haven't read what we've sent out. We've mentioned figures; we've been just as specific as we can be.

MR. FUNK: Well, an equal amount that we are talking about for Utah; and your figure has been higher than that. Does that imply that you would agree to Utah having as much as you're requesting?

MR. BISHOP: Not necessarily.

VICE-CHAIRMAN MYERS: Providing they share with Idaho.

(Laughter)

VICE-CHAIRMAN MYERS: I'm intrigued with this idea of setting up a committee at the next meeting. If a committee is worth setting up, why don't we do it at this meeting? Why don't we just go on with it, and get it done, then? We'll be in just as good a shape this meeting as we will next meeting.

MR. KUNZ: Turn the three letters over to the committee, you mean, to give us a preliminary report or something on it at the next meeting? Is this what you've got in mind, Wes?

VICE-CHAIRMAN MYERS: No; I just mean set it up. I mean set up a working committee so that when we get the letters we have some place to go with them. So they both come at the same time; instead of setting up a committee afterwards. Is that wrong?

MR. KUNZ: Well, I can see what you're driving at, I believe.

VICE-CHAIRMAN MYERS: I'm just trying to get ahead a little faster.

MR. KUNZ: At this stage I would certainly assume that it would be our representative from the Attorney General's office that we would want on this committee.

VICE-CHAIRMAN MYERS: Well, the first thing you would have to do is make a Motion that we set up a committee of three, or six, or something; and get it put, and -

MR. LAWRENCE: I think it might be appropriate to get the letters and see what the committee's job is.

VICE-CHAIRMAN MYERS: Get the letters first?

MR. KUNZ: We just waste one more meeting, I think, is all we do. We've done that pretty consistently.

Nathan - Whoops, I'm not the Chairman; excuse me -

MR. HIGER: I don't think really that the committee you are talking about is going to be able to do much, if anything, without the three responses you are speaking of.

VICE-CHAIRMAN MYERS: I'm sure they wouldn't be able to do anything; except possibly the chairman would draw them in when he got the three responses so that they'd be prepared to do something at the next meeting.

MR. HOLMGREN: Mr. Chairman, I'm a little confused on these three responses. I first started out thinking Utah and Wyoming had failed because they hadn't brought a response to this letter from Idaho, which I surely think we should have had. Now you're talking about three responses. I was under the impression that Utah and Wyoming were to respond to this letter that Idaho sent out. It looks to me like all we could do would be either agree with your leaving five words out of Paragraph 4, or Section 4, or whatever it is; or we could disagree, and make an alternate proposal in a letter. Is that the understanding?

VICE-CHAIRMAN MYERS: Well, I think what happened here - we started out with two responses to an Idaho proposal. Within the discussion around the room it came up that we should have, rather than two responses, three submissions of Compact change suggestions - one from each state - to set up for the next time.

MR. LAWRENCE: Idaho contends that they have submitted theirs; and so you want two more. They don't really want a response to their letter, Paul. In our committee meeting I may have mislead you. What they want is a list of the Compact changes that we want made.

MR. HOLMGREN: Well, this is definitely one they want made.

MR. KUNZ: We want something similar to this from the other two states.

MR. HOLMGREN: Like I say - you either want us to agree with this one; or we have to come up with something else.

MR. LAWRENCE: No; we don't need to even respond to that one.

MR. HOLMGREN: No; I'm sure that you're not asking for that specific thing; but that is one thing we could do - either agree; or disagree, and come up with -

MR. HIGGINSON: I think what we're saying, Mr. Holmgren, is - we are just asking, are there sections of the Compact that Utah and Wyoming want modified? If there are, we'd like to know what sections. That's all we've asked.

VICE-CHAIRMAN MYERS: It seems that the group is not interested in setting up a committee at this time; which is perfectly alright -- because the only thing they could do is get together with the chairman and be a little better prepared to go into this at the next meeting.

So -- if there's any further discussion --

MR. LAWRENCE: Mr. Chairman, we might take home to each state the concept of a 3-man committee versus some other mechanism; so that at the next meeting we could discuss the mechanics of changing the Compact. Is it the consensus that a representative of each state be assigned the three letters and say 'you go write a new Compact'? Is that agreeable? Does that fit in with what you have in mind?

MR. KUNZ: Mr. Chairman, I think I probably brought this idea; so I'll respond here, if it's alright. What we anticipated is this would be one way this could go. If there were other ideas then we could discuss them at this meeting. So, I think your suggestion is very much in order. If other states have different ideas of how to approach this, then can certainly suggest it. I don't know as Idaho is particularly hung up on a three-man committee to do it; but it just seems that this is the more practical way to go.

VICE-CHAIRMAN MYERS: Any more discussion?

If not, the meeting is adjourned.

MR. KUNZ: Your prerogative; not debatable.

Meeting adjourned at 3:10 p.m.

BEAR RIVER COMMISSION

P. O. BOX 413

LOGAN, UTAH

April 17, 1974

TO: Bear River Commissioners and Advisers
FROM: Assistant Secretary
SUBJECT: Corrections in Minutes and Report of Ass't Secretary

Minutes of the Regular Meeting held November 19, 1973 should be corrected on the first two pages under the heading of "THOSE PRESENT". In the rough draft of the minutes submitted to us, John A. Teichert was listed as one of the Wyoming Commissioners present, and Floyd Bishop was included under "ALTERNATES AND OTHERS IN ATTENDANCE". We did not catch this oversight when editing and reproducing the minutes, so their names should be interchanged on pages 1 and 2 of your copy. Our apologies to Floyd and John.

On page 6 of my report to the Commission, dated April 15, 1974, is an error (noted by Mr. Jenkins) in budget allocation for the 1976-77 biennium. Allocation to Stream Gaging should be double that allocated to the Geological Survey as this item is on a 50-50 basis. A corrected page 6 is attached, and the correction will be included in the minutes. Allocation to the States and the total budget are not changed.



Wallace N. Jibson

<u>Allocation by Source</u>	<u>Estimated Budget 1976-77 Biennium</u>
U.S. Geological Survey	\$ 82,200
Idaho	33,200
Utah	33,200
Wyoming	33,200
Total	\$181,800
<u>Allocation by Program</u>	
Stream Gaging	\$164,400
Compact Administration	17,400
Total	\$181,800

The above estimate, which includes an additional rental factor in 1976, represents a six percent increase to the States over the revised 1974-75 biennial budget, as summarized earlier.

Applications for Appropriation

Errors in two of the Wyoming applications presented to the Commission last November have been corrected in the minutes of that meeting -- as was an error on page 7 of my report. The Wyoming State Hospital application, number 211/223, was reduced from 35.21 cfs to 0.6 cfs; application 215/220 was increased from 4.46 cfs to 8.96 cfs. Several other corrections submitted by Mr. Bishop were made in the file copies of the reports and, other than minor changes, have been included in the attached listing.

Again, several underground irrigation filings in the 2.0 to 3.0 cfs range were received from Idaho, relatively small underground filings from Wyoming, and the usual large number of rather small underground filings from Utah. We note no particular filings that should be called to the attention of the Commission.