

HARNEY COUNTY HISTORY PROJECT

AV-Oral History #210 - Sides A/B

Subject: Water Meeting - 1984

Place: Harney County Courthouse

Date: September 13, 1984

Interviewer: Pauline Braymen

DALE SMELCER: ... and tunnel through to the Alvord Desert, or to Owyhee Basin. Looking at possible storage from the Silvies, the Blitzen, and Silver Creek, and the relocation of the railroad and the highway above the 4,112 would be another possibility. Working with BLM on the possibility of land exchanges, trying to see if they have any suitable lands and probably those that require irrigation is one problem. But these are such a --- alternatives that we're looking at, at the present time. But we're open to any others that anybody can come up with. At the present time I'd like to let loose Stan Newberg, give the presentation over there on their work.

BRUCE PRENGUBER: Thanks Dale. Well we're pleased to have the opportunity to meet with you today. Dave and I came to Burns yesterday, and we've had some meetings and they have been very productive in terms of getting us up to speed on what's been done locally in terms of dealing --- a great amount of information that's already been gathered as to what the benefits would be if we didn't have the flooding problem.

Our company, Northwest Economic Associates is a private consulting firm. We're located in Vancouver, Washington. And we're under contract, as Dale mentioned to you, to look at one portion of the total study that is being done. And what our basic objective is, of what we're doing, is to estimate the economic benefits of lowering the lake level.

What we're going to be doing is once those benefits are calculated, then they're compared against the cost of the alternatives that Dale has mentioned, with options they're looking at. And then this benefit cost type of comparison committee, on the project.

We are using, or following federal environmental and economic guidelines as to what constitutes benefits. We intend to, in other words, we've sort of gotten started on this, and we think there is a lot of logic to this. We're going to work very closely with the type of information that's already been calculated and prepared, because an extensive job has been done. We're going to supplement that with interviews and discussions with people in the local area. In terms of the schedule for any age analysis, Dale stated that we just got started, and that's right after we started on Monday, officially on this project. So we're still in the very early stages of it. By November 1st, we're going to prepare a draft report on our findings and benefits, and finalize that by December, early in December. And then we'll be back in a meeting, we'll certainly be back during this time frame, but we'll have a public meeting in Burns by later in December.

CHARLIE OTLEY: Are you sure that December the 24th is a good time to have it?

BRUCE PRENGUBER: I say, well we said by December 24th. We're going to have it --- no it's not a good time to have it. That's, that's timing is what our contract says. You know, we always feel when we're doing any work, well we need to get out to people early in December, is the best time to do it because of the holiday season. I don't think it would be a very good Christmas present anyway ...

Basically there are two camps that we are going to be working on. The first camp is to calculate the long-term benefits of flood free condition versus alternative lake levels. The flood free lake condition is an elevation of 4,900 feet. And we're comparing that to the 4,098 elevation, which was last year's peak. The 4,102, which we're pretty close to at

this point, and then the highest elevation of flood would be 4,112. You have a question?

CHARLIE OTLEY: The 4,112 was that when it runs out the gap by itself?

BRUCE PRENGUBER: That's my understanding, yes. That's the highest elevation before they call it ...

DALE SMELCER: Roughly that's the elevation. It could vary a few tenths from that. That's roughly what it is.

CHARLIE OTLEY: It could raise another ten feet.

BRUCE PRENGUBER: In terms of the benefits that we look at, of having no flooding, they are really in a category of four different types. One is to look at the benefits to agriculture, that is, you know, that income that could have been there if it wasn't for the flood waters, or for raising grass and livestock and other agricultural activities.

The second type of benefit from no flooding would be the value of the structures that would have been damaged. And that's all structures, homes, commercial buildings, farm buildings, that sort of thing. And that is measured by the repair cost, or the replacement cost of those buildings.

The third kind of benefit is the road, the railroad and utilities damaged. And that's also measured by the cost to repair or replace those items and/or the increased user cost. In other words the local mills, and we've had some discussion, we're going to have some more, but they tell us that trucking costs to truck their lumber and log products in and out of the Burns area is quite a bit higher from trucking costs. So we'll be looking at the difference between the railroad and the trucks on that.

And the fourth area of benefits that we're looking at are the emergency of food fighting costs that are incurred. So that's task one. That's kind of a long-term benefit ...

The other major task that we have in looking at benefits are looking at different alternatives for reducing the lake stage. And again these are in terms of elevation and

pre-options. One is going from that highest point, which was flood damage, could be at 4,112, down to 4,107. And second is 4,107 to 4,102, which is the elevation now. And 4,102 down to 4,098. And we'll be looking at the same type of benefits that I've just described under that other plan.

The main information sources that we're planning to use are several. First of all we're going to be talking to some local people that are impacted by this, the ranchers and the other property owners. We're going to continue to work with Dale and the County Court, because of the work that's been done to pull a lot of this information together.

The third thing we're doing is looking at, and talking to local businesses that have been impacted.

Fourth will be the assessor's office. I had a good meeting yesterday with Gene, and we talked about some of the paperwork that's been done, and we really need to follow up on that. The emergency services type of agencies that have been involved, talking with them. The railroads, the highway department, the different governmental levels, and then of course there is a lot of other kind of public agencies involved, the ASCS, and the water master, and that sort of thing. But we have --- and we really look forward to getting some input from --- there are probably some people that, or organizations that we're not aware of, and we'd like to get that information while we're here, and certainly make an effort to contact them.

To kind of summarize what I've said, we --- the reason that we're doing the study of benefits, when there have been other studies done of what happens when, in the amount of floods, but we have to look at it in a very specific manner for the purposes of the Corps of Engineers. And basically that relates to these elevations. They're looking at different alternatives that, that take the lake to different levels, and we have to calculate what those benefits are. So we, that's why we try and stay closer to these elevations.

Secondly, we very much recognize what we're dealing with, you know, the time is marching on and there needs to be some decisions made, and so forth. And our study is purely short-term, and we will be doing it as quickly and efficiently as we can do it. And we share your concern that it not be something that is drug out for a long time.

And then the third thing is, we really do want to get some local input and stay in touch with you. This is our address, I'd be glad to give you my business card if you need a phone number to contact us. I will be in touch with the organizations that I have just mentioned to you. But we'd like to keep in contact with any-body on an individual basis if they want to do that. So, I'd like to leave it at that Dale, and any questions I'd like to take them now.

DALE WHITE: Okay.

EARL TILLER: Yeah, in your opening statement you said you were going to use federal regulations as per benefits. What you consider the benefits. Could you give us a breakdown of that?

BRUCE PRENGUBER: Okay. Well those four types of benefits that I discussed with you are things that, that can be calculated. There are things that we have to be concerned about, things like what they call double accounting. For example, if we look at what the loss has been to farm income in the county, we can't also calculate what the loss in the property value has been. Because property value is sort of, the idea is that that's, you know, if you pay money for property based on what its income would be over time, and so we calculate what the farm income is. But we're not able to go out and say, "Okay, "X" million dollars of agriculture land was inundated, you count that also."

DALE WHITE: Excuse me, now before you go on with that, do you, do you count that or do you interpret it some way, or you just, because obviously one year's production will not equal the value of the land.

BRUCE PRENGUBER: Oh right, right.

DALE WHITE: So you use the production value and make some kind of a ...

BRUCE PRENGUBER: Well we can --- yeah, there's --- we can discuss this in annual, what the annual benefits are, and then take that over 20 years and discount that, and come out with a, you know, what the value of that is over a long period of time.

CHARLIE OTLEY: You don't want to forget the recovery on this land when the --- if the water, if you do when the water goes down, how many years it's going to be for that, and the damage to the fences, the resurveying and --- 'cause all the fences will be gone and --  
-

BRUCE PRENGUBER: Yeah, we have been learning a lot more recently about --- now the intricacies of trying to do this calculation. We heard a figure of 1,500 miles of fence, I believe, that would have to be replaced. So you're right, there is a lot of things like reclamation costs on land that is under water for a long period of time. So we intend to, you know, take all of those factors into account as best we can.

CHARLIE OTLEY: I think that 1,500 is pretty small.

BRUCE PRENGUBER: Do you? One thing we're doing is, we're taking map of the area, with contours on it, you know, and we're drawing the boundaries of these different elevations on it. And then we want to bring those maps back to the people, like the extension office, and others who can look at it and give us an estimate. I don't know, on fencing who can give us an estimate like that, because we're talking about so many different people's property. But on county roads, and utilities, you know, the electrical lines, transmission lines, we can get a pretty good idea from them as to what kind of ... we're talking about there.

HOWARD OTLEY: You can get a pretty accurate on the fences too if you go to each individual. From the maps that he has, of what fences he had in there, they can tell you

right down to the mile how many fences there is, how many miles there is on each piece of individual property, if there is anybody left. As long as this is taking, I don't know how many people is going to be left.

BRUCE PRENGUBER: Yeah.

CHARLIE OTLEY: What about the meander line fence, the government fence here, are you including that or --- that's the government anyway, do you include it or do you not include it?

BRUCE PRENGUBER: Dale, do you know the answer to that?

DALE SMELCER: Sure they would, but ...

HOWARD OTLEY: They would have to include part of it, because if they didn't, the government fencing it would be the lower end of our private land ...

BRUCE PRENGUBER: I think another thing that is a cost of flooding is this land that, because the water table has been rising, the property outside of the lake is not drained. We saw some alfalfa in a circle that didn't look very good and I think it was because maybe most of it was saturated.

HOWARD OTLEY: It's in the wells out there at Windy Point now. Thompson's well is no good. The well at Princeton Store is no good. I don't know how many more wells that's already --- they can't use them.

DALE WHITE: We talked yesterday, probably all the way back to Burns, because of the level of the lake rising, the alfalfa ... And the annual crops that haven't been planted because they couldn't get in ...

CHARLIE OTLEY: In that phase one, or whatever you call it there, I --- you left out in there, and then you picked it up on the next one --- I thought maybe it might ought to be in the task one is the economic loss to the community here. The downtown Burns here, and you kind of picked it up on the other one. But I --- I wondered why it wouldn't be in the

number one.

BRUCE PRENGUBER: Well --- back to this other gentleman's question about what we can count as benefits and what we can't. If you put a loss to Burns, in other words people aren't coming into Burns because they are on the south side of the lake and they're going to some other community to shop. And you can't count from a national, you know, viewpoint, because you know the lost business here is replaced somewhere else. Is that what you were referring to?

CHARLIE OTLEY: No, no I'm referring to people going out of business, people going out of business down here that traded and bought stuff in Burns, and just the everyday things that they're not buying because they're not in business anymore --- or barely in business, or something of this sort.

BRUCE PRENGUBER: Uh huh.

CHARLIE OTLEY: This isn't just the landowner's problem; this is a county wide, as far as I'm concerned.

YVONNE WOODSELL: You were talking about the county ... if you couldn't count the value of the land plus the economic loss, well that, maybe you can't from the farmer's viewpoint, but I certainly think you probably could from the equipment dealer or the hardware dealer downtown ...

HOWARD OTLEY: Your gas company.

YVONNE WOODSELL: Yes.

EARL TILLER: Well Bruce, maybe we should follow up on the question, what is the requirement, what is the criteria for federal regulations on benefits? Okay, the double whammy, you talked about. Now we just talked about another. In broad spectrums, what else could you talk about?

BRUCE PRENGUBER: Well I think that what we --- what I was mentioning, that the types



of benefits that can count are the ones that --- the four types that I mentioned. The income loss to agriculture, the property from improvement losses, the flood fighting costs, and emergency costs. And then with the loss to things like the roads, the railroads, the utilities, telephone, all that kind of thing, are the four categories that we have to look at.

CHARLIE OTLEY: Your business loss wouldn't come into that in town then?

BRUCE PRENGUBER: That's my understanding from what we have been given by the ...

CHARLIE OTLEY: See, there is no other place for them to go to shop, they got to come here. Winnemucca would be ---

BRUCE PRENGUBER: They say that people that have lost their income base, so they don't have the money to spend ---

MAN: Right.

BRUCE PRENGUBER: --- in the community.

WOMAN: The merchants are hurting as badly as the people that are on the grounds ...

BRUCE PRENGUBER: Well ---

CHARLIE OTLEY: The government figures every dollar that is spent is turned over seven times. That's the government figures on these things, you know.

BRUCE PRENGUBER: Right. We have done a lot of studies, the jargon for that is the indirect benefits, you know, the dollar spent creates a multiplier effect through the community. And we certainly, you know, have done those studies many times before. I, you know, I want to be cautious because, you know, like I say, we just got started on this.

I haven't read the big book, you know, on everything that is, or can be counted as a benefit. And I'm not sure, all I can tell you is that, you know, one of the reasons it may not be counted is because of this national look, you know, viewpoint. But if you're saying that, that dollar would have been earned and spent, and it's not being spent anywhere,

then that seems like it may be a bonafide thing, that you can count it. But I ---

MAN: You're talking about a rancher if he had a \$50,000 operating budget that he spent gas and supplies in town, that because of the flood he's now --- he doesn't have anything to do so he is not spending the \$50,000.

BRUCE PRENGUBER: Right.

MAN: It's not that he's spent it someplace else, it's just not going to get spent, period.

DALE SMELCER: In this case I think that probably would be available benefit. Ordinarily secondary expenses are not, at least directly. It always has an influence though. A secondary lawsuit would have an influence on any decision by Congress such as to use the funds or not to use funds ... and we didn't have a say so ... So, we hope to get all of these, as much as we can. We've seen the studies, and they will be --- I'm sure we'll have consideration, but you cannot by law use them to compute benefit cost ratio.

EARL TILLER: But then when we get done Dale, then we have to use the Corps of Engineers figure on cost to arrive at whether it is feasible or not, correct?

DALE SMELCER: Ah, if you want government funding, yes.

BILL ?: I have a question. Several of the loan institutions have looked at this land that's under the lake, or under the 4,112 elevation, or anything close to that, and made the comment that they don't want to loan any money on that land. Even --- and the effect is we're looking clear up here as far as Burns, that they didn't want to loan any money. This reduction in security value, is this a cost that would be used in these figures on a reduction of loan value of those assets?

BRUCE PRENGUBER: Well I think some of that is captured by the fact that, you know, that the value --- that the property value is worth less.

BILL ?: That's true.

HOWARD OTLEY: But you got to go against some --- go above some of your elevations

to get that though, what he's talking about, he's getting at.

CHARLIE OTLEY: See all of what he's talking about there would be above the 4,112, quite a bit above.

BRUCE PRENGUBER: Oh, I see ---

CHARLIE OTLEY: Oh, what is Burns, Bill?

BILL ?: 4,140.

EARL TILLER: 4,143 is Burns.

BILL ?: But they're very concerned about not making any loans even close to the elevation --- of getting in the water.

DALE SMELCER: I think that was still --- be some effect from having the water up to 4,112. I think it still could be claimed if you can prove that, that's the damage.

HOWARD OTLEY: Well it would certainly have a saturation factor in it probably, that it would ---

DALE SMELCER: Well let's say all the land between the 4,101, which is about your present elevation, to 4,112, has some value. But in the eyes of some of the lenders today, it has no value.

BRUCE PRENGUBER: Why also sometimes we capture --- when we go out-side the boundaries of the study and look at the fact that, you know, alfalfa is not being raised, and there is a loss there. That's captured some of why the banker is reluctant to make a loan on the property.

MAN: True. So that will be fig --- looked at?

BRUCE PRENGUBER: Yeah, I think it will. I wouldn't, Dale, as far as I'm concerned that seems to be a direct effect of the flooding on the lake.

DALE SMELCER: Right, right. It should be looked at ...

DALE WHITE: Now that last category that you mentioned, does that

--- on the railroad and the highways, that's the figure you use there, would be the amount that it would take to put that road back in shape when the flood water went down, or to build another one someplace else in case it doesn't go away?

BRUCE PRENGUBER: The way that the benefits on that would be calculated would be the replacement costs for those roads and railroads --- or, but not both, because of the effect on the town of Burns. The increased cost to the user, like Snow Mountain Pine Company, or Frenchglen Millworks, or whoever, because they can't, they have to use trucking and not the railroads. And we're talking to those people and getting their estimates of what it is costing them. So we'll calculate those things ...

CHARLIE OTLEY: Now do I understand that you can only use one of them, one year alone, and not carry on to the next year, and the next year?

BRUCE PRENGUBER: No, no. As long as --- for the period of the damage, that can be -  
--

CHARLIE OTLEY: Be that cost every year?

BRUCE PRENGUBER: Right.

CHARLIE OTLEY: Well what were you folks talking about when you were in here before, somebody was talking about that you only can use that loss one time, regardless of how many years it was going on.

DALE SMELCER: I think what they were referring to was, is like the highways that have been under water, and you raised it. This --- you cannot claim anything, any benefits from that. That's loss forever, as far as an economic analysis is concerned. Now if you haven't got any gain then you claim it, it's a, you can't win. This is what, this is the way it works.

WOMAN: That's a public law.

...

DALE SMELCER: ... be the same kind of ...

MAN: That wouldn't qualify as a flood fight costs?

BRUCE PRENGUBER: Probably under a flood fight cost, that would be ---

MAN: Wasn't that one of the things that you have ---

BRUCE PRENGUBER: One of the things you have in the county. And because of the gradual nature of the flooding here, I don't know if the roads, the raising of the roads ... flood fighting costs or not.

DALE SMELCER: It's a gray area, I think. ...

EARL TILLER: Well Dale, I've heard several figures, and let's assume now that the calculations are all in, and the cost of the project is in, what is that ratio got to be? I've heard several different figures on there, before it becomes feasible.

DALE SMELCER: One to one. The costs have to be --- or the benefits have to equal the costs.

EARL TILLER: And that's a firm figure.

DALE SMELCER: Oh, not necessarily. Normally you have to have at least one to one. If you have one to one you can probably get it approved, no problem. If it's less than one to one, then you're going to have to have some other consideration, or some new --- Congress can decide you should do it anyway, even if it isn't shown economic feasibility. You still have that last resort. But we cannot recommend anything that has less than one to one, to Congress. Congress can say, we're going to do it anyway.

HOWARD OTLEY: Well now that sure hasn't been a one to one up there at Mount St. Helens, the Corps has been doing for all these years.

BRUCE PRENGUBER: Probably not.

HOWARD OTLEY: But they're still doing it.

BRUCE PRENGUBER: Right. Willow Creek and Heffner is another example. That was way less than one to one. But still Congress says go ahead ---

HOWARD OTLEY: So was the one down at Coos Bay.

DALE SMELCER: It happens quite often ---

HOWARD OTLEY: Benefited four people down there.

DALE SMELCER: When you have loss of life involved, then a lot of times the economic benefit cost ratio is ignored.

...

CHARLIE OTLEY: What about the airboats that's lost, you going to get them in there?

(Laughter)

BRUCE PRENGUBER: No, you can't count that.

HOWARD OTLEY: How many years now before we can think maybe some-thing will be done?

DALE SMELCER: Don't ask me.

MAN: Now there's another thing, Bruce, that out here in the lake area there is probably a hundred or more wells that were in inundated with ground waters, that were contaminated all around the lake. And I don't know how you're going to put a value on these people's drinking water. Lot of them have been hauling water for 4 or 5 years, to the present time.

WOMAN: There are roads that were not repaired because the county and state equipment was being used to fight the flood ...

BRUCE PRENGUBER: ... some of those roads that haven't been repaired. On the wells, all I can say at this point, I don't know how to value that yet. We haven't really looked into it. But that is one thing, wells and septic tanks are specifically mentioned ... and we can count those as a benefit from ...

CHARLIE: You had two schools that had to move.

BRUCE PRENGUBER: Schools, yeah. They can be --- those are, as far as I'm concerned, and again I haven't read the detailed --- you know, what can and can't, but it

seems to me that those are disaster relief, or emergency type thing ... and we can calculate what the cost is now.

MAN: Judge White, wouldn't you say that from what he just said, that we shouldn't spend another dollar fixing roads? Because it's going to reduce our costs.

EARL TILLER: The cost benefits.

MAN: ... be abandoned.

EARL TILLER: It's too late now.

...

CHARLIE OTLEY: You be on the committee of one to go explain to them ---

DALE WHITE: All right.

MAN: How much of this --- is there any part of your study that would be necessary if this was to be totally funded locally, with-out asking Uncle Sam for anything?

BRUCE PRENGUBER: I wouldn't see why it would be necessary.

MAN: None of it at all, would it? And the time it's going to take wouldn't have to be delayed, would it either?

BRUCE PRENGUBER: No, no I don't think that you --- I guess I shouldn't answer that, because I'm not in a position to know the rules and regulations ...

CHARLIE OTLEY: Well if you're talking about that, the Corps of Engineers has to pass on it before they've ever done anything.

BRUCE PRENGUBER: Right. But they wouldn't have to do the economic analysis ---

CHARLIE OTLEY: Sure they would.

BRUCE PRENGUBER: --- if why, if they weren't asked for any money?

DALE SMELCER: No, they wouldn't have to if they weren't spending any money.

CHARLIE OTLEY: Oh, the economic analysis, you'd have to get all the rest of the stuff down the river though.

DALE SMELCER: Yes, this is where you get into the problem. You would have to have some type of a release ... the environmental impact study on the Malheur River even if you didn't have an economic study. If you had local funds, and you didn't have any restrictions on spending them, you don't need an economic study, but you would still have to get over the environmental hurdle. The economics enters into that also. And that's one aspect of the environmental impact assessment, is the economic damage that you experience. So it all ties together. It's kind of hard to separate them.

DALE WHITE: Are all --- I gather this contract that we have be complete somewhere around the first of the year, is that the plan?

DALE SMELCER: In December, yes.

DALE WHITE: Is the other subcontracts have --- approximately the same timetable?

DALE SMELCER: Ah, well the hydrology report is due in April. We hope to have much of the information before hand, but the official report is April. Water quality, you should have the data available in November or December. The final report on that wouldn't be finished until next year, about a year from now. Because they have to do sampling next May. But we want a good indication by this, by November or December what the problems are with water quality. Now culture resources, again we could have that report. I can tell you that they found nothing of significant ... in the valley. It's only when they got down into the canyon, the far end ... the rock shelter, and that type of thing. They will take more studies to see whether these are a big significance or not. But we do know we got problems in the channel downstream ...

...

MAN: What do you mean as problems?

DALE SMELCER: Well somebody would have to look at the archeology. Got to look at them and see if they need to be salvaged, or what would be required. They may just be



surface things that aren't significant, that take maybe a very short time of it. To gather up the arrowheads, and chips or whatever is buried ... If they found that there were layer upon layer of things in there, then it would run into delays, no doubt.

HOWARD OTLEY: Now I would like to ask this question. And probably you can't answer it. How is this here archeology stuff, but what do you think we got right down here? The damage that it's doing there, it's not hardly taken into consideration. If there is an arrowhead on down the canyon someplace, you got to do a lot to it, but if a rancher loses his home and all of his life's holdings down here, it just don't make any difference. Now this is history, this is archeology, these people come in here while the Indians were still here and settled this country down in here. Why can't this --- this a little archeology stuff here, and it's being ruined by all of this delay in not draining this and getting this water off of here. It just don't make sense. I'd like somebody to ---

DALE SMELCER: Well this --- these are all, we call it cultural resources, so that involves everything. And they have ... at the present what we have is a cultural resource.

HOWARD OTLEY: This water down here probably is covering up some of the same stuff you're worried about on down the creek.

DALE SMELCER: True.

HOWARD OTLEY: But you don't seem to be worried about getting it off of here.

DALE SMELCER: We're not saying what the response would be. We're saying this would have to be looked at. They might decide that it's not worth saving, it's more important to get the water out of here than to save it. But somebody has to make that decision. We have to go through that process.

EARL TILLER: In this consideration Dale, is 200 second feet being considered or 600-second feet being considered, releasing?

DALE SMELCER: No, we're looking at between 1,000 and 2,000.

MAN: Why such a high flow?

DALE SMELCER: Because we won't have any impact at all at 200 cfs.

MAN: That's correct. So it's not going to do any damage at 200 or 400-second foot flow.

CHARLIE OTLEY: No, it's ...

DALE SMELCER: ... any damage, but it's not going to do you any good.

MAN: Oh yes it will.

DALE SMELCER: ... a long time.

MAN: Bill, you've got to figure what 200 second feet will take you down what, one foot a year?

...

EARL TILLER: You give that figure Dale, was what, that you --- of releasing?

...

DALE SMELCER: ... looking at between one and two thousand.

EARL TILLER: --- second.

DALE SMELCER: Because it looks like it will take at least two thousand to get rid of the water ...

EARL TILLER: In how long of a period of time?

DALE SMELCER: At the present inflow rate. Two thousand cfs will take out four hundred thousand ---

EARL TILLER: Over how long of a period of time?

DALE SMELCER: In a hundred days.

DALE WHITE: So we get how much coming in?

DALE SMELCER: You're getting between five hundred and nine hundred thousand coming in. It will take almost a year just to drain off what your inflow is, not affect the present pool that is out there at all. That's why we have to look at something large

enough to make a significant impact. Because 200 cfs, you wouldn't even notice the difference hardly. It would go off a little bit, maybe a foot a year, but you're not going to have any impact on the present problem as long as the weather situation stays the way it is. Now if the rain would stop, then you could. You'd eventually drain it out at 200 cfs.

HOWARD OTLEY: We'd dry out someplace else.

DALE WHITE: In this economic study at 4,112, will that take into consideration the downstream losses that would take place say if nothing is done at 4,112?

DALE SMELCER: Right. The ... it will be part of our economic analysis ... downstream damage that would be done, once you know the cost at 4,112.

DALE WHITE: Ours is probably small compared to what ...

DALE SMELCER: Sure. The other problem, however, is the cost is also going to go up significantly if you try to run that much water down the South Fork. Essentially we got to build a channel down there, but we don't know how many miles.

WOMAN: How much of an impact would that have on the chances of doing it at all, if you're going to take that much water out? Previously you said that 200 would be the most we could reasonably take downstream.

DALE SMELCER: Well this is, you have to know the cost of doing it in order to protect the land downstream, to safely pass this much water. We have to know what that cost is, as opposed to the benefits that we would incur by getting the water out of here. Or preventing it from going down there uncontrolled, that's the other ...

MAN: Wouldn't there be a greater benefit to the man down below to have that water at a slower rate for irrigation purposes rather than let it all run through at one shot?

DALE SMELCER: Why sure, yeah. But then you have to store it someplace. If you want to store it here in this basin, you have to build a reservoir downstream someplace to store it there. Then you'd run into a tremendous cost again. It's pretty difficult.

MAN: Dale, on that 200 second foot channel, we had about a three foot head there, now we have a ten foot head, or close to it. Would that same channel, would probably run 800 to a 1,000 cfs without any more size in it. The losses wouldn't be that much more, would it?

DALE SMELCER: If you look at the maximum velocity of about three feet per second, you wouldn't have to line the channel. Our preliminary figures looks like the channel would carry that much water, it's going to run in the neighborhood of thirty to sixty million. Just an unlined channel ... would make a tremendous cut in the rock down there. We also looked at the possibility ... rather than cutting through it, but that would easily be more expensive in the long run.

HOWARD OTLEY: Well how come it takes so much more money to cut rock for this channel than it does for these highways, when they put in these highways?

DALE SMELCER: It doesn't.

HOWARD OTLEY: Well you don't spend from thirty to fifty million cutting a channel through a lot of these roads that's no more further across than that is down there.

DALE SMELCER: Most roads run over a million dollars a mile when they're in rock.

CHARLIE OTLEY: Well look how many --- they've moved more rock right on top of Wright's Point putting it on that road down there than what you'll run into down there.

MAN: Should have had them take that out of the end of the Virginia Valley.

CHARLIE OTLEY: Sure should have. Absolutely, I agree with you.

HOWARD OTLEY: But the courts told us that the water run out there naturally they'd stop it. We didn't want it stopped.

DALE SMELCER: Say that again.

HOWARD OTLEY: The court sat right here and told us if it started out there naturally, they'd dam it off.

DALE SMELCER: Not necessarily, that would be one alternative.

CHARLIE OTLEY: It wasn't an alternative that night when they told us.

DALE SMELCER: ... to make that decision ...

...

WOMAN: Can we understand then that the benefit ratio would include all the years of damage that incurred against the cost of the channel? Are they considering that it was like thirty-two million for this one year? We're looking at a twenty year period of losses, which is still by far offset that kind of figures ...

DALE SMELCER: If you were getting that kind of annual damages you could ... a lot of money there.

DALE WHITE: Just for illustration purposes, at least the figures that we've used for agriculture losses the last three years, there's been four million dollars a year. Assuming that were correct, what kind of a loss would your report show for agriculture losses? I'm not sure I understand how that figured that.

BRUCE PRENGUBER: Well we would analyze that by looking at what time period was lost, it would be expected. There would have to be some decision there about the monthly plan that was incurred. Well I haven't looked in detail, you know, four million dollars in agriculture ...

DALE WHITE: Well I just say, assume that was correct, how would you figure that?

BRUCE PRENGUBER: Well it would be --- you would expect a time period that, that was anticipated to occur amortized back at the present value just like you take an income from ... property to determine what its ... market value is.

DALE WHITE: Market value.

BRUCE PRENGUBER: Assuming current rate of interest ...

MAN: You say roughly that if you had four million dollars of annual damages you could

probably afford to spend something in the neighborhood of forty million dollars?

BRUCE PRENGUBER: That would be like a 100 percent interest rate, if you ... forty million dollars.

...

DALE WHITE: Now how about like on Frenchglen Millworks out there where, they don't have any costs, but they've lost opportunity that they would have been doing if it hadn't been for that. Is that calculated more on a company or is that county?

BRUCE PRENGUBER: Well if it can be --- be really tightly shown that it's related to the railroad. In their case, you know, I'm not really certain that that's ... At this point ... But anything that can be definitely tied to the flood conditions, then they are benefits that are allowed on that ...

DALE SMELCER: I might mention ... there has also been a change in thinking within ... damages; you only used to be able to consider economic damages. But there is a recognition now that there are social damages. And this is another aspect that we didn't get into before we're finished, is the impact on, socially on the community, on individuals, and society here. Because of the flood, and this does carry some weight now with Congress ... Originally you might have an unfavorable economic benefit cost ratio, this other might make it if they consider the people ... But this is ... that is coming in, it hasn't been here before.

EARL TILLER: Well Dale, in your consideration, in the study now, are you, are you going to take into consideration when you're considering carrying that kind of volume loose, of the downstream effects of Vale Irrigation District and Warm Springs Irrigation District, and they reject that, are you going to have that backed up at lower volumes to where it might be acceptable to those districts?

DALE SMELCER: Well that would be another alternative. You'd have to decide how

much water you can put down the South Fork. And that's how ... something less than what you need, then it's going to be a trade off. ... more damage here and less benefits.

MAN: Well Earl, you asked the question right, because if you go to the Vale District, and want to run 2,000 cfs you get a flat no.

EARL TILLER: That's what I'm talking about.

MAN: We have talked to them about a 200 or a 400 cfs flow ---

CHARLIE OTLEY: What happened to 600, we was talking six once.

MAN: And I think something like that would be reasonable to them.

EARL TILLER: Well my concern is Dale, that they've had some stream bank erosion and they've had some concerns down there already with the abnormal high moisture years. Now if we talk about --- talk to them about turning another 2,000 cfs down there, they're going to fall right over backwards.

DALE SMELCER: Well this has to be worked out with the downstream situation. And it may be you have to hold the water here for three, two and three months during their flood period, before you can turn it loose.

CHARLIE OTLEY: Well we've always agreed to that. We've always agreed to --- when they turn their dams loose, why we shut this one off.

DALE SMELCER: That's a management thing.

CHARLIE OTLEY: Yeah.

DALE SMELCER: The biggest problem is any time ... at all to carry that kind of water. And no below the south Fork Reservoir there is no channel at all. This is an irrigation district. How many miles that continues, we don't know.

CHARLIE OTLEY: We have to close that just this side of Riverside.

DALE SMELCER: Just below the South Fork Reservoir there below Malheur Cave.

HOWARD OTLEY: Oh, way over here. Yeah. ...

MAN: Well that's what, 40 miles from there to Warm Springs Reservoir?

DALE SMELCER: Probably that much channel that would have to be constructed to get that water site to go through there.

CHARLIE OTLEY: No, it's just five miles.

MAN: Oh no, no.

CHARLIE OTLEY: Then down through ---

MAN: Venator place, and Dan Opie's and ...

CHARLIE OTLEY: No, Dan Opie, it's good.

EARL TILLER: Oh hell, you've got lots of channel.

CHARLIE OTLEY: Lots of channels down through Dan's, it's a --- well, why not? Have you ever been over on the foot of that hill?

DALE SMELCER: I don't know, just from what we've heard we take the channel capacity down that Riverside area, going to go about 600 cfs. But we're going to look at it tomorrow. We have two hydrologists here today; we're going to go down the South Fork -  
--

CHARLIE OTLEY: I think there are places that that's probably true, but there are a heck of a lot of ---

SIDE B

DALE SMELCER: ... create more problems there for a longer time.

DALE WHITE: We probably get more support from them if they want 2,000, they're dying to get a stream channelization project down there, and that would require it, so they would probably support it.

...

DALE WHITE: Well Dale, I realize that there are different timetable on these various



reports, but sometime between the first of the year and March, you'll have some pretty good indication I would think. ... plan on coming back at some time in that --- you may be back many times, but will you have some kind of an interim report, or preliminary report about that time, do you think? A preliminary indication or something?

DALE SMELCER: I would probably have a meeting here, probably again in December, with what they are going to require on these economic contracts. And that might be a time to bring you up-to-date again on where we are with all the studies. But then definitely would be one probably along about March or April anyway. We should have a pretty good indication by that time, what looks like might be a feasible solution.

DALE WHITE: Is there any possibilities also of incorporating some early snow reports, because I understand now we don't get those soil surveys until January, and if it's like last year, in November and December started getting ... another indication, something that could be done so that we have an idea of what's already up there.

DALE SMELCER: Should be --- maybe the SCS man could tell you better, but I would think that that information could be obtained at any time.

MAN: Yes, the problem is getting it that early. They don't have any history of recording, you know, if the snow fell for any true system and they just, they don't have it, history to base what amount of snow you're going to have ... But they could, you could, we did last year, go out and get some figures.

DALE SMELCER: Take some samples or something.

MAN: We could go up there, sure, that's no problem.

DALE SMELCER: So you think it would be feasible, if we could get some ...

MAN: Dale, then you say that you got this feasibility all through, and it looked like it was going to be a go on the ditch thing by this time next year, we're going to have water almost down, past half-point so it would be eight miles of that ditch that is under water.

And there is no way you're gong to get any equipment in there to get rid of this material, dig it and haul it away or any-thing. Hydraulic dredges is about the only thing I can think of that would possibly work in there. But you still have to get rid of all this soupy material.

Is there any other thing, you could come up with some funds or something to maybe put a dike up at the Princeton Store to hold it back into the lake to keep the water out of there so you could save two roads. You'd save Highway 78 and the road to Diamond, which would be cut clear off probably by April of next year, if it comes up like it did last year. I was wondering if there was any equipment that ---

DALE SMELCER: The only way that I could see that that would be done is under an emergency flooding situation. You go back to the Portland District ...

EARL TILLER: Forget it.

CHARLIE OTLEY: Forget it.

DALE SMELCER: --- an emergency work yet. It's possible, but I can't really answer that question.

YVONNE WOODSELL: Is there any history of having done that in the Salt Lake area?

DALE SMELCER: Well I would guess so.

YVONNE WOODSELL: Because more people live there.

CHARLIE OTLEY: We can always get ditching powder and blow that thing in there.

DALE SMELCER: ... dike ...

CHARLIE OTLEY: No, but then he was telling about a dike to hold it so you can clean it out, and if you went in there with ditching powder why it would clean it out with it in there.

DALE SMELCER: You've got to get enough powder, that's the problem.

MAN: You'd end up, if you don't remove the material, you're going to loosen it up and it's going to end up all through the river system near to the other end, and then you got more problems.

DALE SMELCER: There is no doubt the longer you delay, the more expensive and more difficult construction is going to become ...

CHARLIE OTLEY: Now you've got it. That's the reason we've tried to do this four years ago. Save the ranches and everything else.

MAN: I was just curious what triggered the contract with Northwest Economics Associates to gather the same data that has been provided, you know, we've given this input for the last year and a half, two years, economic impact and the losses in improvements in land and so on. We've given dollar figures that we're going to be doing this same thing essentially. We're going to project a little farther obviously, but why at this time are they brought into the picture, were there not a point that they could have come in sooner? Even though it is immaterial now, I was just curious.

DALE SMELCER: Well from our standpoint, no, we got them as quickly as we could. As soon as we got funding we immediately started negotiations. Just because they already had the contract with the Corps of Engineers, so we didn't have to go through a lengthy process of selecting a contractor. Normally it takes several months. ... it was just a few weeks. So, this is why they're starting now. But to answer your other question, the time the Portland District did their economic surveys here, you weren't having much damages as far as, that they could come up with, as far as counting the damage two years ago. Now you have a tremendous, a lot more damage than you had then. At that time nobody ever expected the water to come on up to 4,112 for instance.

CHARLIE OTLEY: Well what do you say, well you're missing the point, what he's saying is they done this already, why hire another outfit to do it?

DALE SMELCER: Nobody has really done this in any detail.

MAN: I guess that's really why I was kind of concerned that I think as we provide the inputs we go on the assumption that they want to be used, you know, momentarily we

didn't get the idea, at least the figures and data that we were providing would be used at a later date once they were available to, you know, support studies.

DALE SMELCER: I don't know, I'm not sure I understand you, but the Portland District went through the same process that we're going through under their 205 study, which is a very, very quick, not too detailed study for that type of work. I think about '80, '82 they did this, so they collected a lot of information on economic information that they did at that time. And what they came up with, they couldn't even build a 200 cfs channel at that time, because they didn't have enough economic benefits. Now you have a tremendous number of more benefits, and these have to be evaluated.

CHARLIE: Of course they were using a cement liner in that ditch at that time too.

DALE SMELCER: That was a very quick, very preliminary design that was never really gone into any other detail. They just assumed that they would have to, and the reason they did that was they were trying to avoid a high maintenance cost to the county. But that kind of a study is ... is designed to do something very quickly, get something done. And if you see any justification for it, you go ahead with it. They couldn't even come anywhere close at that time for the justification and economic benefits.

EARL TILLER: But Dale, what you're saying now is that even when this information is in, and it's cost feasible, it still has to be acted on by Congress.

DALE SMELCER: Right.

WOMAN: Did you say that you were going to do, use most of our information that we already have and ---

BRUCE PRENGUBER: That's our starting point. Because we're looking, for example, at these different elevations, you know, like the \$32,000,000 figure. Number one, maybe there are some things in benefits that we would kind of look at differently, by this procedure that we have to follow. That's one thing that we have to look at the previous report, and

that viewpoint. The other is the elevations, we have to calculate benefits at the four different elevations, so, and that wasn't done, you know, before. So we'll be doing that. But when we started, you know, I think a lot of the people we've talked to already have prepared information that's been used, and that's the way, that's what we're starting with. And we just have to take it from there.

CHARLIE OTLEY: Do we have the right to change our minds on what this law says after you get through putting the cost of this channel in?

BRUCE PRENGUBER: What do you mean?

CHARLIE OTLEY: Well in order to get this cost ratio up, if you're going to keep raising this cost of this up to \$50,000,000 pretty quick why we ought to have a right to change our mind on what, on how much we're losing here.

BRUCE PRENGUBER: Well ---

CHARLIE OTLEY: It isn't what happened in the beginning, I know what happened in the beginning.

BRUCE PRENGUBER: You could just go out and build a 200 cfs channel and the costs probably weren't any different than they were then. But we don't think 200 cfs is going to do any good at all.

CHARLIE OTLEY: Well all right, let's go back a ways. You said just a little bit ago that in order to not cement line this ditch, why you are going to make, what did you say about the ---

BRUCE: Three-foot percent ---

CHARLIE OTLEY: Three foot --- yeah. But the other ditch was figured on cement lining it so that it would not match up with the one to one cost ratio. Now you're coming in with our cost ratio up, well then you're coming in and not doing the cement lining but you're going to enlarge it to 2,000 cfs --- so it seems like this is a pattern that is going along. I ---

this is what I've been disagreeing with all the time.

DALE SMELCER: Well we don't know what the benefits are that may easily justify spending \$50,000,000 for a ditch. We don't know at this point. If we can't, then we're going to have to decrease the cost of that ditch some way, probably even decrease the size, or maybe lining it. You could get a cheaper ditch by lining it, and using at that velocity. You have to balance all these different possibilities.

CHARLIE OTLEY: There is another alternative down there at that old schoolhouse too; you might be able to put in a pumping station and pump it over the rocks if you've got too many.

DALE SMELCER: We've looked at that possibility, but it's more expensive than a ditch. The cost of the ditch, and the cost of the pumps, and the electricity --- it would be cheaper to cut through the rocks.

HOWARD OTLEY: How far out have you surveyed to see whether there is any rocks? Some place there ought to be a channel there where this run out before, and filled in with sand.

DALE SMELCER: We haven't done any foundation investigations at all, at this point.

HOWARD OTLEY: Well with the channel at this side of those rocks as deep as it is, doesn't it seem kind of funny that there isn't a channel all through those rocks?

DALE WHITE: It goes to the north of the highway around them.

...

HOWARD OTLEY: I think Sand Gap out there filled them in, I think you'd find a channel out there someplace.

DALE SMELCER: Well, it is possible ---

CHARLIE OTLEY: Well the other possibility is that we've had a little upheaval and that part was raised in there after it run out. We don't know how many years ago it run out

there.

DALE SMELCER: Right.

HOWARD OTLEY: But there is a very definite channel through there. And you don't get a channel behind the dam down at one end of it, is what I'm saying.

DALE SMELCER: Unless it went over the top.

HOWARD OTLEY: Well how would you get a channel between here and there if it was going over the top? There isn't that much fall. It'd be filled up, wouldn't it?

DALE SMELCER: That may be an ... to the one that was there before.

CHARLIE OTLEY: Might be a tube through that rock too, like the Malheur Cave. Did you go back and look at that Malheur Cave?

DALE SMELCER: No.

CHARLIE OTLEY: There could be a tube through there.

DALE SMELCER: We have some foundations and material people coming down probably next week to look, to take their first look at it. But eventually you'll have to rebuild it and everything else to determine what is there, before we can ever come up with a final design.

DALE WHITE: Is there a possibility that still might happen early this fall?

DALE SMELCER: Uh --- probably not, because we don't have an indication yet that that's the best solution. In order to spend money, a lot of money on the investigation for something you might discard up to that point. Unfortunately, I wouldn't foresee it this fall.

MAN: I think everybody here is willing, and always has been, you know, to provide the information that's needed to get things moving. I think the question on --- that could be on all our minds is, can we be assured that what Bruce and Dale accomplish in this study will supply you once and for all with the data that you need so that we won't be faced with another one of these cost effective things. Do you want me to say that?

DALE SMELCER: That's why we are having this meeting. One, to try to avoid this situation. Try to get all of you here to help us not to overlook anything, and be sure we get all these ... We're going to do the best we can to get everything ... But we need your help to do it. Because we can't, we haven't got crystal balls, and you've got to feed it to us. So any damage you can come up with, we'll count it if we can count it.

MAN: Well the question was, are they the last word, I guess that's what --- are they the last word on ---

...

DALE SMELCER: No ... feasible solution ... more detail studies probably next year. ... more sure of benefits. This is still a very quick, very --- probably not all-inclusive evidence. You can't get it all in that short a time.

DALE WHITE: Where would the, since the emergency come into this, play, to all, that we had indications that by January or February that lakes going to rise five or six feet, and that it'll do that again next year, and the latest it would go over. Obviously we can't go through all these studies and plans, and finally decide that the channel or whatever solution is appropriate, the damage has already been done. What's it going to take to get a sense of urgency that something has to be done, and done quickly or else we're going to have a lot more severe damage done ... is there some place that's going to come into play?

DALE SMELCER: Well I don't think so. ... Our hydrology study possibly could, but I don't think so. Because the experience of Salt Lake management being that you can't, you really can't predict what happened in Salt Lake from available records. And they have a 150 years of weather records available, that we don't have here.

DALE WHITE: And what I'm saying is that, where you going to be in say next June, we're setting there with the lake at 105, 107 feet, let's say, looking here at 107 feet. And if you



don't do something the odds are, if --- you know, you can't predict, but if you have another winter like it, the next year it's going to go out under control there. And you going to sit back and say that well that's --- can't predict, you just have to wait and see what happens, or what?

DALE SMELCER: Well, I'm saying by April '85, we'll have a good enough indication of the solution that if that were to happen, that we probably would essentially not do the feasibility study. Probably go ahead and design the thing and build it. And that would be what you would expect to happen. But in the present situation where we can't predict when that is going to go over, we have to go through all the detailed studies, try to determine as best we can what the probability is that it will, how much can you afford to prevent it.

HOWARD OTLEY: I'd like to ask a question. How come that we're keeping all the water records, and run-off records, and have all this soil conservation reports and stuff, and you fellows can't read them and know what's going to happen. That's exactly what you're telling us. We've sat here year after year, here now for four years with report how much water is going to come, and you fellows set there and you can't figure out what damage it's going to do. Now this is kind of funny to me that somebody up here can't rely on our records that they've been keeping for years and years here in this country. They keep them for reservoirs all over the country, what the run-offs going to be; they know how much water they have to let out. Now why can't you fellows take those records and know what's happening here?

DALE SMELCER: Well because it's very difficult to make a prediction on a very few years of records. The only way you can do it is over a long period of time. We don't have that long period of ---

HOWARD OTLEY: Well, we don't have it here either, we don't have that much time left

either.

DALE SMELCER: I know. But it isn't all --- I searched the United States for somebody who can give me an answer to that, and I don't find anybody who has ever studied that completely.

HOWARD OTLEY: That know what the water runoff is, and don't know how much water is going into these reservoirs? I read it all the time in the paper.

DALE SMELCER: Show me next year, and I'll let you ...

HOWARD OTLEY: When you get your weather report, you know how much it raised this year. That ought to be an indication that it's worth digging a ditch for, not just fooling around year after year. We have been four years with study after this, then you have to make a study because this raised this much, why don't we get something done on this thing? I'm about fed up with these reports, you got to wait and wait, and wait.

DALE SMELCER: Well I can appreciate your concern, but ---

HOWARD OTLEY: We've lost our property, we've lost our homes, and that don't get no consideration. It don't phase these people around the country, you know.

DALE SMELCER: It's just that --- the process that we have to go through is very cumbersome and unyielding process, and Congress has to approve everything we do. Democracy is very judicious.

CHARLIE OTLEY: We need a study on how many voters it would take in this county to get this done quick, I think. If we had 20,000 people, would that be the break-through, or would it take 30,000 or 40,000 people here?

DALE SMELCER: I don't know, but ...

CHARLIE OTLEY: Oh ---

DALE SMELCER: --- decisions though.

MAN: One thing, sir, that makes us feel unsatisfied is you people talk about the design

effort that has to go into constructing this kind of a ditch, and as our water master can tell you, there's many of us that have little old irrigation ditches that will handle a 1,000 second feet, and they were not engineered very scientifically. But they carry it amply, without any damage to the stream bank channel. Like the Hanley diversion over here Bill, lots of times carries over a 1,000 second feet, doesn't it?

BILL: Yeah, it has ...

MAN: And it handles it, and it's just done with some horses and a fresno, very simple. Why does this project, that is not much more difficult, why does it cost so much money? That's the thing we don't understand.

DALE SMELCER: Well these are only estimates at the present time, and they're very rough estimates. We don't really have very much information to go on. Just trying to give you an indication of what things look like at the present. Now it's not going to cost any more to build this ditch than any other structure depending on the contractor you get to do it. But just based on what we normally incur per cost, that comes under construction contracts, this would be the figures to use. Now this wouldn't take very long to design the ditch. The ditch can be designed in a day probably, once you decide what you're going to do. We can't decide how to build that ditch until we know the effects downstream; primarily that's the problem. If that was nothing down there, there'd be no problem. Just cut a gap and get the water out of that ditch. But we know we have tremendous effects downstream, and this is really what we're studying, not how to build the ditch.

EARL TILLER: My problem Dale, as a member of the county court, what --- what I am afraid of, is that we've got an overkill going on the study and the information. Is it possible for us to say in two years, if we have abnormal years again as far as moisture is concerned, yes the feasibility is in place, yes we have met the environmental impact statement, yes we've got the appropriation from Congress, it's too bad there isn't a

community left to benefit. Is that a possibility?

DALE SMELCER: You could get enough theoretically in one year from your watershed to completely fill the ditch in one year. Maybe one year in a thousand type flood, but I think more than a thousand is one million acre feet. That would just about fill the basin.

HOWARD OTLEY: Then what would you do downstream while you're still studying it? It would already be gone.

DALE SMELCER: We'd be gone too.

HOWARD OTLEY: So why not ... study would you?

...

HOWARD OTLEY: Let's just get with it and do something. We've sat here for four years and done nothing. Shoot first, and ask questions later.

WOMAN: I'd just like to know if there isn't any way that we can expedite the studies and ...

DALE SMELCER: The only way you can speed it up really is through Congressional action. We're moving as fast as we can, through the normal process.

CHARLIE OTLEY: Now this report is in next May or June sometime---

DALE SMELCER: April.

CHARLIE OTLEY: --- or April. Now if it raises another two or three feet by that time, are you going to have to go back and study, or can you extend that palm from this last study?

DALE SMELCER: ... raise it upward. When we have all this information, when they complete their study, they can tell you at every foot exactly what the damages are going to be. This is what we need.

CHARLIE OTLEY: We're going to hold you to that, we heard it right here.

MAN: I wonder, would it help if somebody would drown in that thing?

...

CHARLIE OTLEY: Dean tried. (Laughter)

...

DALE SMELCER: Is there anything else? No more questions?

CHARLIE OTLEY: We might sell out to the Rajneesh, and then you'd have him on your back, and then --- (Laughter)

DALE WHITE: Well I think we can assure you that, you know ... more than anxious to supply you with any of the needed information, and have it all planned out. ...

DALE SMELCER: One question I did have, people from our foundation for materials ... will be here probably next week, and they want to take a look at the tunnel route that goes through ... and we don't have any kind of permit ... for him to walk across the area. Do you foresee any problems, or do they require something like that?

DALE WHITE: Whose land is that?

MAN: Bell A.

HOWARD OTLEY: Whereabouts is he going to put the tunnel?

DALE SMELCER: Well, be this side of Windy Point.

MAN: Go through Dolman's and down that way?

DALE SMELCER: Yeah. Just this side of Windy Point, kind of back through that valley there.

CHARLIE: Valley goes through there, why you'd be going through Dolman's and Bell A all the way through there.

DALE WHITE: I'm sure the people from Bell A ... take a look, be no problem.

CHARLIE OTLEY: Now we can get our cost up, we've got to go tunneling for something like that. No problems getting our costs up so that our loss won't meet it.

DALE SMELCER: Well actually that's what I thought too, but actually the tunnel for 2,000 cfs canal tunnel combination is cheaper than a canal out through Malheur Gap.

MAN: How much distance is the tunnel?

DALE SMELCER: Probably about three miles, I think.

HOWARD OTLEY: And it's cheaper than the other?

DALE SMELCER: Uh huh. That 2,000 --- 1,000 is the operative, but at 3,000 ...

EARL TILLER: Well you're talking about it because you're by-passing the Horseshoe T, and you're not having that problem there with that reservoir and their ditching there, if you go through the train gap.

DALE SMELCER: Well, we haven't even considered those costs.

EARL TILLER: Oh.

...

DALE SMELCER: ... at Alvord Desert would probably be somewhere in the neighborhood of \$80,000,000 to a \$100,000,000. It would require pumping also, so you can see the kind of costs we're looking at if we're trying to pump ...

HOWARD OTLEY: Let's just get with the ditch down through here and forget a lot of this other stuff and get something done, instead of ---

DALE SMELCER: Well where are you going to take the water to?

HOWARD OTLEY: Ocean. Goes to there, right straight to the ocean as far as I'm concerned.

DALE WHITE: We talked about this once before ... assuming that it did go through, is there a profitable benefit to the power pool or anything from that water that is going through all these dams, or is that too far removed?

DALE SMELCER: Well conceivably it is, but I could process out several other projects in the time that you come up with this package, and what kind of benefits can we get from this? It's a rather clouded issue right now, I couldn't really say. There is always that possibility, particularly if you were to hold it, then you, for some period in the winter and release it. You could improve ... just from the fisheries standpoint by putting it in the

spring, you could get it in there safely. You might include fishery benefits, it might be very significant.

HOWARD OTLEY: Well we don't want to store this water here any place, we want to get it out of here.

DALE SMELCER: No, but you may have to because of the management.

HOWARD: I think we're going to have to from the way you're talking, but then that ain't what we want to do here. We want to get it out of here.

DALE SMELCER: Right.

MAN: How big a structure are you talking about on Silver Creek and on the Blitzen? They mentioned storage structures.

DALE SMELCER: Well we don't have a very good handle on that at the present time. The state has a list of all the reservoirs, and they have been looked at on these three streams, and the total capacity that was given for them is about 300,000 acre feet for 23 reservoirs. So when you're looking at 500 and 900 thousand coming in every year, it doesn't look like there is much possibility there. Unless there is a size that is much larger than was --- that it was designed for, and it could hold a million acre feet then.

CHARLIE OTLEY: Well plus the fact that when you got them built, if the fish and game had anything to do with it, you'd have to leave them half full from the year before anyway, and so you'd only have half that much.

DALE SMELCER: Well it depends on the purpose, you know, there is flood control and --  
-

CHARLIE OTLEY: Well you try to get one in and they don't plant fish in it.

DALE WHITE: You mentioned right at the start that there wouldn't be a fish and game, fish study. Who is doing that?

DALE SMELCER: The fish and wildlife service.

DALE WHITE: Vale or Silvies?

DALE SMELCER: ...

EARL TILLER: The other question Dale I had, let's assume in your study that it shows that this exchange was more feasible, but we of this community decided that it wasn't. That that didn't really provide the solution because you still affect the economy by not getting the rail out of the water, and so forth and so on, and the highway. Are you going to recommend if that was, would show up in your study that that would be the priority, the exchange?

DALE SMELCER: I don't think that would solve anything itself, I think you'd have to move the railroad and the highway above 4,112, if you're going to go that route.

HOWARD OTLEY: Who would move the railroad, the railroad or the government helping with the railroad?

DALE SMELCER: Well probably the government would have to ...

CHARLIE OTLEY: Well what would you do if you moved them up to the 4,112, and then it started to run out down there so you dammed that up and then you'd be over your 4,112 for your railroad and your highways. What are you going to do then? Would that create an emergency and you'd dig the canal right quick?

DALE SMELCER: You'd have to, one thing you'd probably have to have a control structure on the gap to control the water, and you'd probably have to locate the railroad somewhere above 4,112, 4,115, 4,120. So it wouldn't be under water again, no matter what.

CHARLIE OTLEY: Why not dig the ditch in the first place?

DALE SMELCER: Relocating might be cheaper.

HOWARD: We're still not getting rid of the water by just raising the railroad and the highway.



DALE SMELCER: Well you don't protect the downstream any either ... to solve that problem.

HOWARD OTLEY: I think a lot of this ...

...

DALE WHITE: We don't know what would happen; we know that this at the 41 --- or 4,100 or 4,098 level we have lost the ability to use of a lot of land, basically all of them in the Silvies Valley here in Harney Basin. If that comes up to 4,110 or 12 and stays, and that ground stays saturated, we may have significant changes in the whole basin unless they got the long use. So what we might be losing ...

MAN: Next year we are going to be shut off from the South End as it is, even in a normal year it's going to raise about two feet, and we're going to lost 205 again, we going to lost 78 at Prince-ton, so we're going to be shut off from the South End next summer if we don't have the highways raised or do something. Because two feet will take care of 78 at Princeton, and you've lost another post office and store, and maybe even the Lawen Store.

HOWARD OTLEY: I think we better just quit fooling around with this thing and just go to digging a ditch.

DALE SMELCER: Well that would be the nice way to ...

MAN: I think they found an established water right on that old vein from the Alvord Desert, and it does run down the South Fork of the Malheur, haven't they?

DALE SMELCER: I'm not aware of it.

MAN: Bill, we had a water right, do you remember what year that was?

BILL: 1862.

MAN: 1862, they're just east of Hat Butte. There is old water rights from that channel right there in 1862.

BILL: And stayed on the South Fork of the Malheur, can't you take that as an existing canal and just open it up with a control gate?

DALE SMELCER: Well we'll just have to be able to handle the water ... down streams, that's our only consideration. I've run across an interesting article recently which said that Lawen was on the lake shore in 1867, right on the shore of Malheur Lake, which would indicate in that year it was right at ---

CHARLIE OTLEY: It ain't where Lawen is now though.

DALE SMELCER: 4,100, below where the schoolhouse is.

CHARLIE OTLEY: Oh, where the schoolhouse --- well it was built half a mile south of that.

DALE SMELCER: It was probably about 4,100 in 1867. So in 1862, it was possible it was down in Virginia Valley. ... back down.

MAN: If they had the water rights established in that canal there, it looks like maybe we could go in and clean them at the headgate, and work on going down below this. Like everybody here is saying, we're being studied to death, and nothing is happening. And if you can establish that the water right was there in 1862, well then you can go where the gap is and find out where it is filled up, and put your headgate in, control it, and go on down. It appears --- I mean that appears to be the way to go at it.

DALE SMELCER: They arched the channel downstream, that's the problem. You can't just dump water on somebody's fields and the ranches downstream.

MAN: Well I agree with that, but I think we're over studying everything above it. Again, why not just concentrate all our efforts on down below the gap and let's go with the water.

DALE SMELCER: Well we are looking at the downstream too.

HOWARD OTLEY: Well none of us is wanting to flood anybody down-stream. But I know I've been down that river months and months and months of the year, and there is lots of

room for lots of water to go down that river.

DALE SMELCER: I hope there is. I really --- we don't have anything ---

HOWARD: And we --- all summer long we could have been dumping a lot of water in there. It wouldn't even do nothing but run straight into the Snake River. It's been low, you can see your gravel bars, you can see everything down that river. And ---

MAN: I believe if you would open up that canal through that gap, the ranchers between Princeton on down to Virginia Valley would utilize a lot of that water and you could increase the amount of water you're taking out of it.

DALE SMELCER: Yeah, I'm sure they could use some of it, but you can't get rid of that much on that area of land, it wouldn't help you too much as far as the amount of water.

MAN: It would increase it, but if we could let down below it, if you would visit with the ranchers below it, and the amount of water we could run down through there, I think they could utilize some of it, and they would handle the rest of it to go on down.

HOWARD OTLEY: The longer we leave this thing set here, the bigger it's going to get. Now if we'd done this four years ago, you wouldn't have had half as much water as you got out here now.

DALE SMELCER: Right.

HOWARD OTLEY: And we'd still had our ranches, and our homes and everything else, and a community. Pretty quick now, after next spring, we lose the community all to the south of the lake if they can't keep these roads up. Then you get right on down, that puts us going out to Denio, and the flood to Denio out to the Paradise Valley road. They couldn't even use that highway; it was under two or three feet of water, and no place for it to go. So let's just get with this thing, and do something.

PAULINE BRAYMEN: I've done some historical research in the community for a number of years. I'm far from an expert at it, but one of the things that I found myself doing when I

was evaluating some of these old historical reports as to where the lake shores were back then, I was forgetting the fact that the sand dunes area between Mud Lake and Harney Lake was a continuous reef. In other words, there was no channel through there, through which the water flowed. They used, the early trappers in the 1862, that area, used that reef as an avenue of travel from one end of the basin to the other.

And that in 1881 was when that, the water was high enough in Malheur Lake that it broke through the Sand Reef, and whether it had a little help or whether it did it naturally, or whether it did with a lot of help is a matter of folklore. I have come to believe it happened with a lot of human help. The folklore story is that one man kicked the hole through. I have come to believe that probably several people kept very quiet about what they had done, because the people on the other side of the lake probably weren't too happy to see their water go off into Harney Lake.

But at any rate, I think it is really important --- at least I feel it's really important to remember that that barrier was there which would have pushed the water further up into Anderson Valley. It would have pushed it further back up into the Silvies Basin, further up into the Lawen area. A lot of the old-timers have talked about times when in the spring there was water up around Windy Point. You know periodically, it didn't stay long enough so people were forced out of their homes. But periodically the water would be high for a short period of time and then go down as the lake levels went down, and that's the reason.

And we at this point in time have had four years which has not only filled Malheur Lake to those levels that we sometimes --- the 4,100 foot level that we hear referred to in those historical documents. But we have filled Harney Lake too, and that water has come into Malheur Lake and overflowed into Harney Lake. So if you could imagine taking Harney Lake water out, putting it back into Malheur Lake, what the level would be. I think

it puts things in a little bit better historical perspective as to where the water would go, and what will happen as we get even another years high runoff, even a normal runoff.

And it would be --- we have something like 80 years of records or more, of what we have considered normal runoff, which compared to the last four years was, you know, just a drop in the bucket. So just by using those years of annual runoff as being normal, just that amount of, about that amount is going to put the water out in two or three years time.

DALE SMELCER: Do you have any indication of what the elevation at the, at that Sand Reef was?

PAULINE: Well I'm not the real expert on this, you should visit with a fellow, Marcus Haines, who has done an intensive study, he's studied this for about ten years in depth, and I don't know how many years before that he was interested in it. But I know that about ten years ago he started to really study the Sand Reef. He was interested in that, and he has read the old diaries of the fur trappers and explorers in the area. He spent considerable time with the transcripts of the testimony in the Supreme Court hearing as to the federal or state ownership of the land. And in that transcript, some of the old-timers testified from their memory as to where the water was in 1881. We know it was high enough that the channel broke through some way or other at that time. And those old-timers give descriptions of where it was in a matter of feet and this sort of thing. So it's from someone's memory, but it would be an indication that I think could be, you know, a reason-able assumption could be made from it.

DALE SMELCER: Does he live here in Burns?

PAULINE BRAYMEN: Yes.

MAN: Yeah, the biological survey in 1935 and 1933 ... fish and wildlife service did a very extensive boundary survey on the meander line and the contour map of the entire Harney and Malheur Lake ...

DALE SMELCER: It doesn't indicate a very high level.

MAN: No.

...

DALE WHITE: ... where the original meander line was surveyed at 4,100, and then there was a subsequent at 4,103. And all through the trial the testimony of everyone from 1860 on was that it never reached the 4,100 meander line.

DALE SMELCER: So when Peter French first settled he claimed all the lands of the lake, as I understood, for the Frenchglen Cattle Company. And sometime after that, see that was about 1852, 1862.

HOWARD OTLEY: 1860.

CHARLIE OTLEY: 1860.

DALE SMELCER: Well then after that all this land appeared between where his boundary was the lake, and then all these farms were sandwiched in between. So that would indicate that that time the lake level was fairly high. So even so, it wasn't probably as high as it is today.

HOWARD OTLEY: Well you ought to remember that there is a lot of that land was settled by other people when French come in here. And he was big enough, he run them out. If he wasn't they stayed. And that's how he got shot.

CHARLIE OTLEY: Why he got shot.

HOWARD OTLEY: Why he got shot.

DALE SMELCER: Well didn't he claim land to the lakeshore in places?

HOWARD OTLEY: Oh, he claimed everything he could see, if he didn't have it.

MAN: He lost that suit.

...

DALE WHITE: Which was what the testimony was, that that wasn't the meander line ...

...

CHARLIE OTLEY: See during the Indian War in '78, those people from that end of the county crossed this reef she was talking about to get up to Fort Harney.

HOWARD OTLEY: And Pete French was one of them.

CHARLIE OTLEY: So see that, you know, that reef was, didn't have a hole in it in '78, of course it was after that.

DALE WHITE: Pete French and a lot of the other settlers claimed this under the Swamp Act, and the Swamp Act said you had to go across with a rowboat. It also didn't say that you couldn't put the rowboat in the back of the wagon and ride across it. (Laughter)

DALE SMELCER: ... this 4,100 is the only reference, is the highest reference I've been able to find in anything in the historical period. I'd be interested to know if there is anybody that has run across any instance that has been higher. How it would indicate that it's been in Virginia Valley before, which would put it up quite a bit higher.

MAN: That same court case that in 1933, between the federal government and the ranchers and the state talks about that at great length. And they have the biological surveyor that did the actual survey give testimony on that too.

CHARLIE OTLEY: Well that was when the case was settled, it was worked on 20 years before it was ever settled, you know. My granddad started that case a long, long time ago. I don't know how many years ---

MAN: Have you had a chance to look at the ... plats down at the BLM office on the Sand Gap area? They show on there, and I haven't done any checking on it, but they show a lot of that patented land down there that the federal government holds a reservation for a future canal on a lot of that land.

MAN: ... went through my property right out on that.

DALE SMELCER: Any other questions, comments?

WOMAN: Is it possible that if any work could be done on the Malheur by dredging, whatever ... is it possible that that could be included with the project?

DALE SMELCER: Well it is included.

WOMAN: It is?

DALE SMELCER: Yeah. It would have to be. We can't study one without the other. What we do here is going to have an effect down below if we transfer water from this basin to that basin. So in fact we're studying everything from here to the Snake under this study.

...

MAN: I think it was in 1962 that there was enough water that ran down to the South Fork, there was a county bridge down there that crossed the river this side of Riverside, it washed that bridge out, during this one high water year.

CHARLIE OTLEY: That wasn't the water, that wasn't the river.

MAN: Wasn't that the river?

CHARLIE OTLEY: No, that was ---

MAN: ... was telling the other day ---

CHARLIE OTLEY: Well that come out of Granite Creek.

MAN: No, this was '62.

CHARLIE OTLEY: Huh?

MAN: 1962.

CHARLIE OTLEY: Oh, 1962.

...

MAN: 1964 ... But it still didn't cause so much problem down below and ---

--

bl