



UTAH WATER USERS ASSOCIATION

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MESSAGE FROM THE PRESIDENT By Randy Crozier

Fellow water users, I would personally like to commend and thank each and every one of you for your participation at the Utah Water Users Convention in St. George and look forward to seeing you at future workshops and conferences. I would strongly encourage you to work with your fellow water users in your own areas who are not presently members of Utah Water Users Association to urge them to join and participate with us. Many of the critical water issues facing us as water users throughout the State of Utah are addressed at these conferences. It is vitally important that we have your individual input on the issues at hand in order to better represent you as water users on those issues affecting water law and water conservation.

In regard to the St. George conference, we would like to acknowledge and thank all of those affiliated with Utah State University, along with all of the other entities as well as the conference planning committee, for an excellent job well done! The topics and issues selected for the conference were timely and very appropriate. We would like to recognize and extend our appreciation to all those who made conference presentations, as well as all of the sponsors. We would also like to thank Carly Burton as Executive Director of the Utah Water Users Association, and Barbara as his number one supporter, for the excellent job that they do for our organization. We would like to recognize those involved with the golf tournament for the arrangement

March reminds us that when you think it can't possibly get worse, it certainly can. This March was a complete disaster for snowpacks. At a time when Utah normally gets a substantial amount of snow (about 17% of our total snowpack accumulates in March), snowpacks were in full retreat, heading the wrong direction. Not in a quiet and organized fashion, but in full out panic, headlong at full speed without the cinch tightened and with stirrups flapping. So, just how bad was it? The Bear River percent of average March

of excellent weather (and expect the same in the future)!

As your president, I personally would like to thank each and every member of the Board of Directors for your time, patience, and willingness to sort through complicated issues in order to give clear direction to our executive director on how to represent the Utah Water Users Association.

I would like to commend the Governor's Office, Utah Senate, and Utah House of Representatives, as well as those members that served so diligently on the Water Task Force Committee, for all the time and effort expended in working through numerous difficult water issues and for actions taken during the 2007 legislative session. Thank you for your support and willingness to listen in regard to difficult and controversial issues.

As each and every one of you are aware, we are facing extremely dry summer conditions throughout the entire state, with some areas impacted even more severely than others. I would like to recognize all of you that give so freely of your time and are actively involved in helping to conserve our water resources. The one bright side to the situation is that in most areas the storage reservoirs are in very good condition thanks to the foresight of our predecessors and continued efforts by each of you. May we work together to use this current hardship as an opportunity to better prepare for the future.

WATER OUTLOOK By Randy Julander

accumulation minus 29%, worst April 1 since 2001. The Weber River percent of average March accumulation minus 28%, worst April 1 since 1992. The Provo percent of average March accumulation minus 41%, worst April 1 since 1977 and there are still many who remember how bad 1977 was. The Uintah's percent of average March accumulation minus 38%, worst April 1 since 1977. Southeast Utah percent of average March accumulation minus 79%, a new record low April 1 snowpack. The Sevier River percent of average March accumulation

minus 76%, a new record low April 1 snowpack. Southwest Utah percent of average March accumulation minus 138%, worst snowpack since 2002. Statewide, percent of average March accumulation minus 55% and the worst state total since 1977. Is this the worst March ever in terms of snowpack accumulation? The answer is no, there have been a couple that were worse, but in this year - we really haven't had any good accumulation months for the entire season. This leaves us in the current position of having snowpacks that range from 37% of average in southwest Utah to 57% of average on the Uintahs. Most areas have between 40% and 55% of average snowpacks. Utah needed a monster March snow accumulation and what we got was one of the lowest on record. Soil moisture as one would expect from all that melting snow, increased rapidly this past month: Bear - 74%, Weber - 72%, Provo - 65%, Uintah Basin - 61%, southeast Utah - 73%, Sevier - 69%, southwest Utah - 66% and statewide - 69% of saturation. These values are a little higher than last year.

In general, most areas of the state have excellent reservoir carryover. General water supply conditions range from much below to near average. Streamflow forecasts range from 13% to 68% of average. Surface Water Supply Indices range from 12% on the Weber River, to 67% on the west side of the Uintah Basin.

UPDATE ON THE WILLARD BAY DAM By Tage Flint

On November 13, 2006, Weber Basin Water Conservancy District (Weber Basin) was notified that there was water surfacing below one location of the Arthur V. Watkins Dam (Willard Bay Reservoir). Ironically, this news came to Weber Basin and Bureau of Reclamation management as they attended the Utah Water Users Association Water Summit. The dam, located in southern Box Elder County, is 15 miles long, 35 feet high, and nearly surrounds the entire reservoir. It is an important feature of the Weber Basin Project that stores 210,000 acre-feet of Weber and Ogden River water.

Upon arrival at the site, the relatively low flow of water was observed to be carrying some soil material with it, which became the central concern. Reclamation and District engineers acted quickly that day to devise a method to first stop the transfer of soil material and then later the flow of water at the source. Several long days and nights were occupied by a constant stream of dump trucks importing material to the site. Within the first 9

With this re-codification, dependent districts are governed by Title 17A of the Utah Code, now entitled "Local Government Controlled Districts," and independent districts are governed by Title 17B, which

hours, the situation had been stabilized so that the imminent danger of a breach was eliminated. Evacuation of the reservoir contents through the outlet gates also continued for the next several months as the level was drawn down and away from the dam so that the problem could be assessed and the risk further reduced. Over 100,000 acre-feet of water was released from Weber Basin's largest reservoir.

In order to get back some usage of the reservoir this year, a temporary berm has been constructed around the problem area. The berm is located on the upstream face of the dam. Reclamation and Weber Basin worked together over a four week period to construct the berm and install instrumentation to monitor the dam's performance. Reclamation will continue to study possible future, long term modifications to the dam.

The purpose of the berm is to prevent seepage of foundation material through the dam. The berm will also allow Weber Basin to raise reservoir levels by three feet, which will translate into an additional 30 thousand acre-feet of water. Current reservoir storage totals 70,000 acre-feet. Weber Basin has significant water carry over from the 2006 water year. Water storage will be restricted in 2007 and the water surface will peak approximately nine feet lower than the normal reservoir level. This reduction in water storage will have some affect on the fishing and recreational boating this year.

Agencies involved in the construction work or use of the facility, including Reclamation, Weber Basin and the State of Utah Division of State Parks and Recreation, will keep the public informed on the status of the repair activities, and on any impacts to recreation or water supply.

WATER AND THE LAW APRIL 30TH IS THE DATE By David B. Hartvigen

The bewitching hour is early Monday morning on April 30th. That's when a host of new laws from our last legislative session take effect. The largest bill this year in terms of pages, lines, words, and possibly work, was likely House Bill 65. Weighing in at 746 pages, 20,886 lines, and close to a quarter-million words, this bill was the culmination of years of work on re-writing and standardizing the "special district" laws. Over the years, laws were enacted establishing and governing more than 30 types of districts. Sorting through all those laws was like reading the tax code. The end result was frustration, confusion, and uncertainty.

is entitled "Limited Purpose Local Government Entities." The independent districts are now called "local Districts" and include, among others, water conservancy districts, metropolitan water districts, improvement districts,

irrigation districts, and service areas. A new generic district, referred to as a “basic local district,” was also authorized. “Special service districts” are still governed by Title 17A because they are ultimately governed by the cities or counties that created them. The re-codification resulted in changes to the laws governing each type of district, although some types are ore affected than others. It is essential to get, and study, a copy of the new law. Be sure to review both the general provisions and the specific provisions that apply to your type of district. I would wait, however, until the new law comes out in code format rather than bill format so that you don’t have to print and read all 746 pages.

April 30th also brings new laws affecting water companies. This year’s changes include relief from problems that have long plagued water companies. Two of the most significant dealt with share assessments (HB53), voting rights (SB 9), and revival of an expired water company (SB 9). The old statute governing assessments was poorly suited to water companies and limited their ability to levy and collect assessments. After April 30th, water companies will be able to levy assessments even though a few prior assessments are still delinquent. Water companies will also have new collection and enforcement options. The default rule of one-vote-per-share that was eliminated a few years ago is being reinstated for companies (like water companies) that have issued shares to their members. Other rights of shareholders have been clarified, including the express exemption of non-profit corporations from the “Control Share Acquisition Act,” which limits voting rights of shareholders owning certain percentages of a company’s shares.

Finally, as of April 30th, water companies, districts, cities, and counties alike will be able to record notices with the county recorders describing legitimate “prescriptive” easements for their water conveyances. Because a high percentage of our ditches and canals are in unrecorded, prescriptive easements, this new law gives water providers a means of giving the public notice of those easements, without the threat of harsh wrongful lien sanctions that previously existed.

If you would like more information about any of these new laws, you may contact the author at (801) 413-1600 or david@smithlawonline.com.

MESSAGE FROM THE DIRECTORS CORNER

By Carly Burton

New Association’s Website

Good News! We are currently working on developing a website in order to keep pace with the ever changing technology world. We are currently making good progress to get up to speed. One of the many reasons for a website is to reduce our newsletter printing and mailing costs which are currently over \$4,500 per year to print and mail the quarterly newsletter. We will also post the Association’s mission statement, legislative updates, list of board members including addresses and phone numbers, update on NWRA national water issues through NWRA interaction, updates on conferences and meetings and any other information you, as members, wish to include. It is very important that we continue a close communication link with our members so if you wish to continue receiving the mailed version please let us know. The new website name is www.utahwaterusers.com.

Reservoir Storage Update

As you are aware, the water outlook for 2007 looks grim. Randy Julander’s article indicates that in March, snowpacks statewide showed dramatic decreases which continued well into April. The only bright spot this year is the excellent reservoir hold over from last year. As Randy Crozier stated, now is the time to thank our forefathers for having the foresight to build the storage facilities to carry us through difficult times like we face this year. Without this precious storage in place, we would all be in a much more grave situation in terms of water supply for all water users. An update of April 1st reservoir storage is shown below:

<u>Reservoir</u>	<u>% Full</u>
Causey	55%
Bear Lake	38% (of active)
Current Creek	97%
Deer Creek	97%
East Canyon	94%
Echo	86%
Flaming Gorge	85%
Joes Valley	79%
Jordanelle	78%
Lake Powell	48%
Moon Lake	69%
Pineview	77%
Scofield	62% (repairs)
Starvation	99%
Willard Bay	40% (repairs)