



UTAH WATER USERS ASSOCIATION

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UTAH WATER USERS ASSOCIATION

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Utah Water Users Association
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Editor: Carly B. Burton

MESSAGE FROM THE PRESIDENT

By Jay Mark Humphrey

We are in the middle of the summer, the spring runoff is over, water is in the canals, ditches or pipelines and I hope the reservoirs filled. The spring runoff wasn't what we expected, some of the reservoirs didn't fill to capacity and the river flows are declining faster than we expected. Well it's Utah and we are still in a drought. Now it's July and the spring and summer rain storms have been far and few and it has been hot. On the good side, lawns are green, crops are growing, and the water season is half over. It has been a good summer so far and I hope we'll get more summer moisture to help with the water supply. I'm always thinking about previous Utah Generations that had the foresight and made sacrifices to build the reservoirs and water systems we are using today. May our generation also see the need to do the same for future generations. Be safe and enjoy the rest of 2016 water season.

WATER OUTLOOK

By Randy Julander

June is typically one of the driest months of the year (it is the driest in many areas) and this year statewide it's been even drier than that... about 37% of next to nothing sums it up nicely. Across the state June precipitation has been: Bear- 43%, Weber - 23% (we have a loser), Provo - 36%, Duchesne - 37%, Price/San Rafael - 27%, Southeast - 76% (we have a winner), Upper Sevier - 30%, San Pitch - 24% and the southwest - 33% of average. Streamflow has been a mixed bag but on the whole pretty dang good considering all and especially compared to the last few years.

Given where we are right now the Bear will come in average or above, the Weber near average, Ogden - average, Provo near average, North Slope - above average, east Uintah Basin above average, west Uintah Basin - below, Sevier and Virgin - average and above, Mill Creek near Moab - much above and the San Pitch - below. Low elevation watersheds as a general rule are running below average for the year and higher elevation watersheds above average. Reservoir storage statewide is 64% of capacity, identical to last year. Some reservoirs of concern include Gunnison - 7%, Sevier Bridge - 23%, upper and lower Enterprise Reservoirs - 3% and 29% of capacity. The three month climate outlook (Climate Prediction Center) calls for above normal temperature and near normal precipitation thus irrigation demand may be normal or above. Also from the Climate Prediction Center - El Nino is now No Nino (neutral conditions) with a 75% probability of a La Nina this fall and winter - boy is that a whiplash from monster El Nino to possibly a La Nina. La Nina typically means drier conditions in the south and wetter in the north but don't bet the farm - last year's El Nino didn't produce typical results.

NATIONAL WEATHER SERVICE

By: Brian McInerney

Since June 1st, we've only had three days of measurable precipitation here at the Salt Lake City Airport. This scenario is not that uncommon as June is our driest month, yet it's still dry even for our standards. A nice dose of monsoonal moisture would be nice about now.

Yet, we only have to look back to May to find a bright spot in our rather mundane hydrologic picture. During that time, parts of the Bear, Duchesne, and Green River Basins received upwards of 400% of May precipitation. Due to a very active weather pattern, it rained 4 times the norm in this area bumping the spring snowmelt runoff volume forecast by 20% in those areas. Not so much for the rest of the Great Basin, but we'll take what we get.

So now what?

In past years, we've had a healthy dose of monsoonal moisture moving into our area about now. This moisture mostly helps by relieving the pull off reservoirs and assisting the tough water supply picture. When we talk about the monsoon, it's really not a monsoon in the strict sense of the word, but a seasonal phenomenon. As the sun's rays become aligned about 90 degrees over Interior Mexico, the area becomes hotter than the surrounding Pacific Ocean. As a result, air rises out of the area forming a low pressure. This low requires surrounding air from the Pacific Ocean to fill the void. This maritime air mass interacts with the hotter surface of Mexico, and hopefully Arizona, and Utah, forming thunderstorms. Depending on the amount of moisture moving off the ocean inland, we can get a pretty good surge and nice thunderstorms. If we're lucky enough to have a decaying hurricane moving into the region, then we may be in store for some frightening flash floods.

Is it here yet?

Climatologically, the surge occurs in mid-July and continues through September. As of mid-July, the elusive moisture is yet to be seen.

Stay tuned.

WATER & THE LAW

UPDATE ON WATER RIGHT ADJUDICATIONS

By Jeffrey R. Gittins

(SMITH HARTVIGSEN, PLLC)

The General Adjudication in the Utah Lake/Jordan River area has been ongoing for several decades. As part of the General Adjudication process, the Division of Water Rights will prepare proposed determinations setting forth the agency's position regarding the quantification and description of water rights subject to the adjudication. There are often objections to these determinations. Sometime these objections are filed by a water right owner who disagrees with the Division's quantification or description of the owner's water right. Other times, a water right owner may object to the Division's quantification or description of another person's water right. In either case, these objections have to be resolved through agreement, stipulation, or litigation before the court handling the General Adjudication. As with the General Adjudication itself, there are numerous objections that have been pending for years or decades, but have not yet been resolved. The State has set aside funding to pay for a Special Master to assist the court with processing and resolving these objections. The process of selecting a Special Master has been ongoing for several months. Recently, Judge Laura Scott of the Third District Court issued an order appointing attorney Rick L. Knuth to serve as the Special Master. The Special Master's duties, as provided by the order, include:

- 1 – Actively manage objections, including scheduling, notifying the parties, holding status and settlement conferences, and holding hearings.
- 2 – Encourage the parties to settle matters in dispute.
- 3 – Designate subcases within the general adjudication case.
- 4 – Identify the parties affected by a proposed settlement, provide notice to the affected parties, and hear objections to a proposed settlement.
- 5 – Take evidence, oversee discovery, rule on procedural motions, and rule on substantive

motions with a report and recommendation to the court.

6 – Prepare a final report and recommendation for each subcase containing findings of fact and conclusions of law.

Another update on the Utah Lake/Jordan River General Adjudication is that the Division is initiating another "mini-adjudication" in the South Salt Lake area. This new "West Mill Creek" adjudication area is from Main Street on the east to the Jordan River on the west, and from approximately 2700 South on the north to approximately 4100 South on the south. On July 12, the Division is holding a public meeting with water users in the West Mill Creek area to discuss the adjudication process. Water User's Claims and associated notices will likely be mailed out in the near future.

The author can be contacted at jgittins@water.law or 801-413-1600. He also has a water rights blog at www.utahwaterrights.blogspot.com

MESSAGE FROM THE DIRECTORS CORNER

By Carly Burton

Utah Water Summit Conference

The annual Utah Water Summit Conference will be held on Tuesday, October 25, 2016 at the Utah Valley Convention Center in Provo. This year's theme is "Utah Water users: Staying Afloat in a Sea of Federal and State Regulations". Topics will include an update of groundwater conditions and trends, groundwater regulations and groundwater management plans, state and federal regulations, Great Salt lake issues, water reuse and the water outlook. Information will be mailed out in early September and the brochure will be posted on our website at www.utahwaterusers.com.

NWRA Update

The summer meeting of NWRA will be held in Sun Valley, Idaho from August 3-5. You can go to NWRA's website at www.nwra.org.

The annual meeting will be held in San Diego, California at Hotel Del Coronado on November 14-16, 2016. This will be a special event for Utah because our own Ron Thompson, General Manager of Washington County Water Conservancy District, will become the president of NWRA for the next two years. We are hopeful that Utah water users will attend this event and support Ron in his new role.

I am very excited to report that the Executive Committee of NWRA has voted to approve our recommendation to hold the 2018 summer meeting in Utah. The meeting will be held on July 31-August 2, 2018 at the Grand Summit Hotel at the Canyons Ski Resort in Park City. This will be Utah's chance to show off our state to the other 17 western states so mark your calendar and let's make this event one that we can showcase to all who attend.

Bear River Comprehensive Management Plan

Recently, the Utah Division of Forestry, Fire and State Lands (UDFFSL) issued a notice of intent to develop a program to inventory all water users who are using the Bear River in Utah. This state agency claims sovereign ownership to the streambed of the Bear River as well as numerous other water bodies throughout the state. The agency will develop science-based guidelines and effective management strategies to protect the river banks and bed for the Public Trust. Bottom line is that the agency will likely require every water user on the Bear River in Utah to obtain a permit to continue diverting water. The UDFFSL has retained several consultants to develop the plan. The components of the plan include public engagement, data analysis, stakeholder meetings, develop mapping and a draft plan, prepare a final plan and develop a record of decision document. All water users are encouraged to attend the 2 initial public meetings scheduled for July 27 in Brigham City and August 2 in Logan. Additional information can be found at the website www.bearrivercmp.com.
