

January 25, 2011

Utah Water Users Association
Phone 268-3065 Fax 261-4069
Cell (801) 560-2533
Editor: Carly B. Burton

MESSAGE FROM THE PRESIDENT

By Blair Hamilton

The water outlook for 2011 looks bright at this time, especially if this snow trend continues. We must, however, be diligent in our efforts to control any extra amounts of runoff if that occurs. It seems like yesterday that we were enjoying a very successful Water Summit. We are now in full preparation for the March Water Users Workshop in St. George. This year's workshop as in the past has been carefully planned with a vast coverage of important topics that should interest everyone. We always look forward to these workshops not only for the important information but for the meeting of our friends from all parts of our great State. Plan to attend with your partners for this year's gathering. Our ladies have also planned an outstanding program for your partners.

WATER OUTLOOK

By Randy Julander

Water year 2011 has started off the right way – score early and often. As of January 1 there were 18 Utah SNOTEL sites with new record high snow water equivalent values and an additional 17 sites that have second place high values. 27 sites across the state are above 200% of average and nearly all sites are above 150% of average. Many sites in the Uintah Basin are near their April 1 average peak values with several months of winter accumulation yet to come. It is still early in the snow accumulation season with January, February and March accumulations yet to come and given Utah's penchant for feast/famine, any outcome is yet possible from below normal to near record snowpacks. The current climatic conditions of La Nina tend to favor northern Utah with above average snowpacks while southern Utah tends toward dryer conditions. Water managers across the state will need

to continually monitor snowpack conditions as winter progresses as the potential for very high streamflows this spring is currently quite high. December precipitation was much above normal (176%-220%) in northern Utah and much above normal (279%-520%) in the south which brings the year to date precipitation much above normal statewide at 197%. Current soil moisture saturation levels in runoff producing areas are: Bear – 72% (new high), Weber – 67% (new high), Provo – 57%, Uintah Basin – 57% (new high), SE Utah – 62% (new high), Sevier – 64% (new high) and SW Utah – 61%, in most cases nearly double soil moisture values of last year and only 10% to 20% lower than maximum values observed during snowmelt. Wetter soils mean that watersheds are primed and ready for runoff. High snowpacks and high soil moisture have the potential for extremely high flows. Reservoir storage is currently at 66% of capacity statewide compared to 66% last year. General water supply conditions are much above average across the state. Most streamflow forecasts range from 120% to 150% of average across the state.

WATER AND THE LAW

2011 LEGISLATIVE PREVIEW ON WATER ISSUES

By David B. Hartvigsen

The 2011 Session of the Utah Legislature is set to begin on Monday, January 24, 2010 and runs through Thursday, March 10, 2011. This session appears to be shaping up as a somewhat less controversial and prolific session with respect to water related bills ... but one never knows what kind of legislation may surface for the first time during a session ... so that characterization may be much different at the end of the session. Following the same format we used last year, the proposed water legislation can be divided into three groups: (1) bills addressing significant or substantive policy issues; (2) bills proposing technical or minor revisions, refinements, and/or clarifications to the existing laws; and (3) bills

that have been discussed but not released for public review and which may or may not surface during the session.

Bills Addressing Significant or Substantive Policy Issues

S. B. 25 - Lost Water Share Certificates: Certificates representing shares of stock in water companies often become lost, destroyed, stolen, or can't be located for any number of reasons. This most typically happens when property and interests in water shares are passed from one generation to another upon the death of the parent or grandparent. Most water companies use share certificates as the sole documentary evidence of ownership of the shares. Therefore, when certificates are lost, a serious problem develops concerning who is the rightful owner of the shares. This bill, sponsored by Sen. Ralph Okerlund, addresses the problem of share ownership and bonding ability by setting up a new "safe harbor" for water companies and shareholders to use. In general, if no objections are filed with the company within a 60-day period from the date of filing public notice, the company may issue a replacement certificate and both the company and the holder of the new certificate are protected against future claims of ownership of those shares. If an objection is received, the company can either evaluate the claims and take action as it deems appropriate or tell the parties to go have a court settle the dispute. The bill is supported by the Water Coalition, the Water Task Force, and the Interim Natural Resources Committee.

Bills Making Minor Changes or Technical Revisions:

S.B. 10-Local District Amendments: This bill, sponsored by Sen. Dennis Stowell, makes some corrections to a bill passed last year by Sen. Stowell to allow a local district to acquire water rights in connection with an approved Groundwater Management Plan. This bill provides that the owners of the groundwater rights rather than the owners of the land are the ones that vote on creating this type of local district. This bill received unanimous approval from the Interim Natural Resources Committee.

S.B. 20-Management of Water Rights Amendments: This bill, also being sponsored by Sen. Stowell, is related to S.B. 10 and allows a local district created to assist in the development and implementation of a Groundwater Management Plan in a critical management area to hold surface water rights as well as

groundwater rights for groundwater basin recharge purposes. It also provides that the artificial recharging of a groundwater basin in a critical management area is a beneficial use of water. This bill also received unanimous approval from the Interim Natural Resources Committee.

S.B. 26 - Water Law Modifications: This bill was requested by the State Engineer and is being sponsored by Sen. Margaret Dayton. It makes the recording of Certificates of Beneficial Use of Water with county recorders optional instead of mandatory. Due to changes in water law over the past few decades, the primary reason for recording the Certificates no longer exists. This bill received unanimous approval from the Interim Natural Resources Committee.

S.B. 102 - Temporary Water Shortage Emergency - Military Facilities: This bill, sponsored by Sen. Okurlund, amends the water priorities statute rewritten last year by adding military facilities to the list of water users entitled to a special priority for drinking water, sanitation water, and fire suppression water in times of temporary water shortage emergencies.

S.B. 105 - Legal Notice Publication Requirements: This bill, sponsored by Sen. John Valentine, eliminates an exception to the new legal notice law. The new law (enacted in 2009 and amended in 2010) exempted the requirement to publish legal notices in newspaper in First and Second Class counties (i.e., the more populated counties) and provided that they only needed to be published on the new legal notices website. This exception was to take effect on January 1, 2012. If the exception is removed, all legal notices will need to be published as historically required AND on the new legal notices website. This bill is included here because the new law applies to water right notices published by the Utah Division of Water Rights. This bill was not presented to the interim committees or task forces for consideration or action.

H.B. 39 - Water Rights Amendments: This bill was requested by the State Engineer and is being sponsored by Rep. Jack Draxler. It makes corrections in subsections 3 and 4 of Section 73-3-18. An incorrect reference to "forfeited" applications is deleted from subsection 3 and an incorrect cross-reference in subsection 4 is changed from Section 73-3-17 to Section 73-3-12. This bill received unanimous approval from the Interim Natural Resources Committee.

Bills That May Surface During the Session:

Other bills that may surface include review of change

applications by the State Engineer, shareholder change applications and recreational use of public waters on private property. These topics have been discussed in the past and may again surface during the session this year. If you have questions, the author may be contacted at david@smithlawonline.com or 801-413-1600.

**MESSAGE FROM
THE DIRECTORS CORNER
By: Carly Burton**

Uintah Basin Water Summit

Time is growing short for attending the Uintah Basin Water Summit which is being held on February 1, 2011 at the Western Park Convention Center in Vernal. They have a great program this year, highlighted by the keynote address of the Lt. Governor, Greg Bell. For more information call Uintah County at (435) 781-5482 or e-mail hhoyt@co.uintah.ut.us.

Water Users Workshop in St. George

As Blair stated in his Presidents report its already that time of the year again to start planning for the Utah Water Users Workshop in St. George. This year the workshop will be held on March 14 with the golf tournament, and March 15-16 at the Dixie Convention Center. You can check on the USU website at <http://extension.usu.edu/uwuw> for more information. See you there.

Continuing Legal Education Seminar in St. George

In conjunction with the Water Users Workshop, the annual Continuing Legal Education Seminar will also be held in St. George on March 14 at the Holiday Inn. So if you aren't interested in the golf tournament be sure and register for this seminar. We have some great topics again this year including recent court actions of interest, is it time for a Utah Water Court, water right enforcement update, governor's water policy, water regulation on the Colorado River and pending legislative activity. For registration information contact Donna Keeler at Barnett Intermountain Water Consulting at dkeebler@barnettwater.com or call at (801) 292-4662.

Awards Program

In conjunction with the Water Users Workshop in St. George it is now time to make you aware of the awards program which is sponsored by the Association. The awards program recognizes three individuals who have

made outstanding or extraordinary contributions in the field of water resources for the State of Utah. The three categories which are awarded include Water Statesman of the Year, Life Service Award and Annual Distinguished Award. Nominees may be from state, federal, or local water companies. If you have an individual who you feel is deserving of one of these awards please contact LeRoy Hooton at leroy@utahisp.com or call him at (801) 278-3957. You can also mail him your recommendation at 3376 Creekstone Circle, South Jordan, Utah 84095-9174.

Canal Safety Progress Report

Following the Logan and Northern Canal failure in 2009, numerous agencies, water user groups and even the Legislature have been working diligently to create a greater public awareness of development in proximity to existing canals and to develop inspection and maintenance programs to improve canal safety and minimize risk. In early 2010 the Utah Association of Conservation Districts (UACD) partnered with the Utah Department of Water Resources, our Association and the Timp/Nebo Conservation District to assist the Strawberry High Line Canal Company in Utah County in developing the first Water Conveyance Facility Management Plan in Utah. In an article by UACD it was stated that "the ultimate goal of the project was to create a management plan template that could be used by any canal company throughout the state". The project was partially funded through a Bureau of Reclamation grant and was coordinated with Franson Civil Engineers. The management plan included extensive canal inspections, GIS analysis, review of historical incidents and development of inspection and maintenance checklists. The plan was completed in December, 2010 and is currently under review by various agencies. For more information you can contact our Association or UACD.
