

Vernal (8/06/2013) Breakout Session

Bob Morgan – Water Law

- The Ute Tribe stymies our progress and development. Victory Pipeline has a big problem getting across tribal lands. Same problem in the Town of Neola developing our water resources. We have spoken to the Tribe's Business Committee and the BIA. Both claim they know nothing about it.
- In Neola we provide water to several tribe members. We offer everyone a water hook-up when we cross their lands. We treat them as fairly as anyone else.
- We hear one story from the attorneys with the BIA and something totally different when we speak to the Business Committee. So we often wonder who we are dealing with.
- The local people see the value in the water development. We cannot find anyone who will grant us authority to cross their property with a pipeline. Our legislator has said that he will propose legislation to the Governor to remove these obstacles.
- If we could store water on the Uinta River, it would resolve a lot of problems that occur downstream. That project was all ready to go a few years ago and the Tribe stopped it. The best location for a reservoir in Uinta Canyon is on tribal lands. If we were to build a reservoir there, the tribe would have rights to all recreation at the site and probably half the water stored there. Look at other areas that have water storage and they don't have the same kind of problems we do because they can carry over water for several years. Drought doesn't impact them like it does us.
- Why do we have to destroy mountain lake reservoirs when you build a reservoir to store water downstream?
- There is one other critical thing in Duchesne County right now in addition to the Victory Pipeline and the need for more water storage. It is the conservancy district's water right filing on the Green River.
- This is Duchesne County's water only if they can put it to beneficial use. We will lose it unless it gets put to use.
- What are the legalities of leasing water downstream to other users, say Las Vegas. Right now our water right is sitting there doing us no good. If it could be leased for a time, then we could generate revenue to help us eventually put it to use here.
- I have a similar concern. It deals with tribal water rights and how they seem to get preferential treatment in the water laws. My issue is metering. There is insufficient metering of tribal water uses. We often have to dump water from the Whiterocks River to meet tribal needs. Our system is now connected with the Uinta River system and tribal calls can now be satisfied from that area and it affects those of us on the Whiterocks River negatively. The tribe seems to be able to run their water system however they want and is not required to meter it. Those of us not on tribal lands have to meter our water and it just doesn't seem fair. We spent decades trying to work out a deal with the Tribe

on their water rights. When new attorneys arrive at the BIA they have to learn everything from the beginning, making it difficult to make progress.

- What is the volume for a groundwater right out in the Basin?
 - 0.45 acre-foot, for indoor uses only.
- If a high mountain facility is old and in need of repair, it makes sense economically to move that storage right down to a new reservoir with the free storage that is often offered.
- There is another issue with water rights and the extensions in time that continue to be made on very old filings. If these filing continue to be extended and not perfected, then some time down the line when they do develop the water they are going to impact other junior water rights that have already been put to use.
- Does the amount of evaporation in large reservoirs cause water managers to rethink at all how we store water? At some point when every drop of water becomes very precious, we may have to rethink this storage problem. We don't have to have an open system, we can enclose it and reduce evaporation.

Dennis Strong – Maintenance, Infrastructure & Funding

- Need to make up water. Tax people for water and put a big burden on them. No incentive for local people to pay for it. Think we ought to be self-sufficient. Concerned about growing systems with state funding diminishing. Concerned about reservoirs evaporation and believes they should be enclosed.
- No credit for water conserved that could provide for the project. Could save a bunch of water with a project then we could have economics development. Put a small increase on gas could help.
- In addition to, Ag could develop for recreation. Urge Utah to look at the revenue source to finance their projects. CUP left area with some token projects, used own projects. Much to do here for local, state and Duchesne County users. 1. Sales tax 2. Property tax 3. User's fees. In Uinta Basin have energy revenues. Keep dollars generated here to solve our problems.
- 136 miles radius SSD- How do we fund? Elderly people tired of hauling water from 15 miles away. How do we keep it here?
- More BOR Watersmart finding. No dollars yet for 2014 budget. There are a lot of federal strings. CIB funding lots of projects out of the area. Need dollars for the infrastructures.
- Cedar Viewmont, 24 producing oil wells in the 100 customer area. 750 wells in the district potential- feels same about dollars. Should stay and give a bigger percentage to source area. Need dollars back to take care of problems? Anticipate the water policy group will drive State legislation and funding.
- Real challenge we have. Against Wasatch Front, need more local representation here. Need strong united voices in Uintah Basin so these voices don't get muffled out.

Tage Flint – Delivery and Water Efficiency

- Federal government showed insight in financing, development and design of water storage projects. Without hope of keeping up with those needs. I fear the money will be tied up in other areas of the state and this area will be overlooked. I am afraid the Federal Government will call for their money to be returned. Fed's seems to be using the Magi number against us.
- Conservation Districts Talk of a win-win situation sounds familiar and makes me nervous. Some of what was 'promised' with the CUP project has never been delivered. Some of what was slated in the upper Uinta Basin never got put in. That is an efficiency issue. Federal dollars are hard to qualify for but lots of efficiency projects get funded.
- We talk of saving water, yet I encourage those seeking money to first do a water rights analysis. State government will likely be encouraged to finance projects.
- The tribe has lots of water and shares poorly. Lots of local conflict.
- Talking of what plans are going to be applied to the 'extra water', 9 times out of 10, we already do not have enough water. All it is going to do for us is extend our growing season. Tribe has problems if pipe goes across their land. Water rights are not the limiting factor, but availability of clean water rights.
- Technology advances relating to SCADA systems give end users tools to implement and manage choices. With decreasing technology costs, these can improve efficiency effectively resulting in better utilization of existing water rights. A good example is Duchesne river.org
- Lining our ditches would be like adding a storage reservoir. Adjudication of water as in exchanges improve Water Company's ability to meet demand. Move water in the basin. Also natural channelization and especially beavers damage water conveyance. Local area could use help streamlining channel change applications. Some canals need to be piped.
- Cities are grabbing up ag land. Cities should not go after land until it is going under development. Cities probably ought not zone farms into houses pre-emptively. Good agricultural land should be used for ag not homes.
- Many potential water users would like help funding various water projects. Some water right holders are unable to meet their needs because of inefficiencies and loss. More storage could help. In the Duchene River basin, tribal issues loom large. From the perspective of non-tribal parties, tribal issues often relating to right-of-way impede development and policy change. State involvement might help all parties.

Tim Hawkes – Water and the Environment

- Believes the Green River Water Right that the district has includes a plan for more agricultural water storage and that that will have some spinoff benefits for the environment including sediment reduction, wildlife habitat enhancement, augment fish flows and create more recreational opportunities. Looks for balance between development of water and the environmental needs.

- Concerned about new phosphate mining operation and its potential imminent impact with Ashley Springs – the only water source for Vernal City. Don't pollute this source of high quality water. Believes the mining operation has picked this spot because it is on SITLA land and therefore does not need NEPA process. Doesn't want phosphate mine because of concerns with negative impacts to Ashley Springs. Believes that there might already be damage to the springs due to test drill holes that the phosphate mine has already dug. Ashley Springs are so important to Vernal and that it would be a big mistake to allow the phosphate mine in this area. Believes other lands can be exchanged and/or transferred from other SITLA lands that would be beneficial to the phosphate company, thus ensuring that the Ashley Springs are protected. You can lose water sources fairly easily to pollution – so don't let that happen here. Wonders if the state Source Protection laws and/or the federal Safe Drinking Water Act have enough “teeth” to protect Ashley Springs from this mining proposal? Does SITLA get priority over drinking water rules and protections? We can't lose Ashley Springs as our water source because of this mining operation – there are no other sources for Vernal. Seems like money dictates, everything else comes second when it comes to this phosphate mine. County Commission recently protected Ashley Springs – will it stand up to a large company pursuing this mining operation? Phosphate and Ashley springs issue – phosphate is needed because of a rising population and the need to feed them will only make phosphate more important.
- Believes new storage projects in the basin can help with environmental issues. There needs to be cooperation between development needs and environmental concerns.
- Watershed improvements can substantially improve water availability for everyone. Push for more cooperation at the state and federal levels that would allow improvements to federal forest lands that would enhance water availability for both people and the environment. Watershed health is very important. Need to control our fire fuels on our forest lands. Burning and logging should both be included in forest management plans.
- Education and water conservation are key.
- Working for a water district is frustrating because district needs money to maintain and operate system; then we tell customers to conserve and not use water; then we have to raise water rates to get the money needed. We make a product and then tell people not to use it. We need to find a balance so we can operate and maintain efficient water systems with the needed revenue from rates but still teach people not to waste water.
- Need to be careful in the pumping of our groundwater aquifers. More efficient ag practices could be potentially harming the recharge ability of our groundwater aquifers.
- Water should be the highest value and should trump industries. Sprinkler system improvements should be part of the solution. Climate change should be included in all future planning. Listen to experts on climate change – denial is no answer to the climate change issue.

- We live in a desert, we cannot take it for granted; we don't have the luxury that some other areas have with our water use habits.
- Don't just write this water plan up and then put it on a shelf.
- Need to come up with engineering solutions and use best management practices to solve this problem so that we can mine phosphate and protect our water sources.
- Balancing the needs of both industry and the environment with technological advances will solve problems.

Todd Adams with Alan Matheson for Warren Peterson – Water For Agriculture

- Concerned about canal losses. Most of the canals lose 20-30% of the water between the diversions and the farms. Would like to see the canals enclosed to reduce these losses. Piping is very expensive and they would like help funding this. Need canals enclosed and more storage on the Uinta Basin Rivers including the Uinta River.
- More clout to help them work with the Forest Service putting a reservoir on the Uinta River. They referred to the Division report Drought in Utah showing that Utah is getting warmer and more storage is needed.
- Lake Atwood Reservoir dam needs to be renovated and current Forest Service rules require equipment and materials to be flown in which raising the cost to between 3 and \$4 Million.
- Some are out of water now and others will be by mid-August.
- Todd and Alan mentioned the new reservoir at Jackson Flat. Alan assured them that the governor is working with the Federal Agencies including the Forest Service.
- The Wasatch Front where most of the people like gets a lot more rain and snow than where the Uinta Basin people live. They need more storage and does not believe this hurts the forest. People make laws. How thirsty will the country have to get?
- Water will be converted from agriculture to M&I use. Money will control. Population growth requires water. There are no easy answers.
- Why is the state willing to support funding of transportation and not water? More water funding is needed. 47% of the people generate no money.

Voneene Jorgensen – Competition for Water

- One of the Uintah County Commissioners expressed great concern over the lack of action by all state agencies over citizen concerns for a proposed phosphate mine. The mine is located above, and surrounds, Ashley Springs. This spring supplies about 80 percent of the water for Uintah County and nearly all of the water for Vernal City. The source of water for the spring is Dry Fork Seeps and the underground flow path to the spring goes directly beneath the proposed mine. Geologic studies indicate almost inevitable negative

impacts to the spring. These include diminished flow and radiation from the phosphate formation coming in to the spring water. Numerous appeals to the Utah Division of Oil, Gas and Mining, the Utah Division of Water Quality and State Trust Lands basically resulted in a response saying nothing bad has actually happened and all regulations are being followed. That is, nothing will be done to monitor and hold the mining company accountable for negative impacts to Ashley Springs. The feeling is the state gets revenues from the mine and Uintah County citizens are left holding the bag to pay for the problems created by the proposed mine.

- The Uintah Basin contributes tremendously to state revenues. However, they get back only a very small amount of dollars to build water infrastructure. This is way out of balance. Need to get funding for water development and are not getting it.
- There is significant difficulty in dealing with the Ute Indian Tribe on water issues. The tribe pulling out of the Uintah River Dam project is only one example. Is there a way to build a dam on that river without tribal participation? The Victory Pipeline is another example. The tribe has twice stopped pipelines that use the Highway 40 easement. How can they do that?? There is difficulty in dealing with the tribe on many different issues. Law enforcement issues with people being stopped has increased in recent years. There is a major problem with Ute Tribe Energy Resources which has imposed fees and fines on most all activities that happen on or crossing the reservation. It has become a “nightmare” for water development as well.
- Watershed maintenance is essential and must be done. Beetle-killed trees are a fire hazard and nothing is being done about it. Best currently technology available is essential in the watersheds and people want it done by the responsible agencies.
- Keep dams in place and maintain them, especially those located in the upper drainages.
- Wealthy people buy water shares on the Great Salt Lake and don’t use the water except for duck hunting. Although it is a, “willing buyer/ willing seller” arrangement, people in the basin disagree on how the water is put to beneficial use.