

# **PROPOSAL TO REGULATE WATER USE BY CONTROLLING IRRIGATED LAND**

## **BACKGROUND**

1. Section 73-1-3 of the Utah Code Annotated, 1953, as amended states, "Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." In the case of irrigation, this means that the water right is defined by the number of acres of irrigation allowed by the right, not by the amount of water described to meet the needs of the irrigated land.

2. Until several years ago, technology has not been available to the state engineer which would allow the measurement and evaluation of irrigated land in a timely manner. To compensate, state law (Section 73-5-4) requires each water user to install a measuring device and the state engineer establishes an irrigation duty for each area of the state. The irrigation duty is a calculation of the amount of water required by the crop plus an estimate of the water lost due to the inefficiency of the irrigation system.

3. The state engineer has acquired the technology and developed the procedures to measure, evaluate, and regulate irrigated acreage in some situations.

4. Land irrigated solely from groundwater can be regulated without the need for water measuring devices. Distribution of water in areas irrigated from ground water differs from areas where land is irrigated from direct stream flows. The irrigation supply available from direct stream flow is variable and changes quickly with the changes of nature. It requires measuring devices to ensure it is divided equitably. The irrigation supply available from groundwater is more stable and depends more on the efforts of the water user than on the changes of nature.

## **REGULATION**

1. The commissioner will monitor water use to ensure irrigation does not commence before or extend beyond the period of use shown on the water rights. The commissioner will report any violations to the State Engineer.

2. Except in a few specific situations, water diversions will not be measured. Irrigators will be required to limit their irrigation to the amount of land allowed by their water right(s) at the location described in their water right(s).

3. Mapped and measured irrigated acreage will be compared to the acreage described in the irrigator's water right(s). The land being irrigated will be determined from aerial photos taken sometime in the first two or three months of the irrigation season. This will be the only basis of regulation for most of the irrigated land. The irrigated land will be checked against land ownership plats and the water rights of record in the State Engineer's Office. To implement this procedure, aerial photography will be taken and irrigated land will be evaluated each year.

4. Those water users found to be irrigating illegal acreage will be notified by the State Engineer and will be ordered to cease the illegal irrigation.

5. The State Engineer will notify the commissioner which parcels of land are being irrigated illegally. The commissioner will periodically inspect the parcels to monitor compliance

with the state engineer's order. Any violations of the order will be reported to the state engineer. If the irrigator fails to respond to the order in a satisfactory manner, a formal complaint will be filed in the District Court requesting an order to cease the illegal water use.

6. Water users who irrigate using both surface water and groundwater on the same acreage will be required to maintain working water meters on the well(s) used for that purpose. The commissioner will be responsible for approving the location and type of the meter. The irrigator will be responsible for purchase, proper installation and maintenance of the meter(s). The irrigated acreage will be checked each year in the same way the other land is checked to ensure against expansion. The meters will be read annually, or more frequently if necessary, to ensure that groundwater use does not exceed the irrigation duty for the number of acres allowed under the groundwater rights. Water diversions in excess of that allowed under the pertinent water right(s) shall be treated in the same manner as described in the foregoing paragraph for illegally irrigated acreage.

### COSTS

1. The distribution system will pay the costs of the aerial photos which will be taken as needed - probably every other year or every third year. The cost of these photos is currently estimated to be about \$1,400 each time aerial photographs are taken. The distribution system will also pay the cost of a current set of land ownership plats as needed to update the information on ownership of the irrigated lands. New land ownership maps will only be needed every 5 or 6 years. The State Engineer will pay these costs for the first two years of regulation (2001 and 2002). This will allow the state to implement the regulation process before the water users are assessed for these costs.

2. The distribution system will pay the cost of the commissioner's salary. The amount of the commissioner's salary will be set by the water users. The amount of work involved will probably require that the commissioner be involved only on a part-time basis.

3. The distribution system will pay the commissioner's travel expenses and the other expenses required to operate the distribution system. The reimbursement for travel expenses and the rest of the budget will be set by the water users at their annual distribution meeting.

4. Water users who use both surface and groundwater on the same acreage will pay the cost of installing new meter(s) or relocating their existing meter(s) if necessary. The ongoing cost of operating and maintaining the meters (including replacement when necessary) will be paid by the irrigator using the water.

### ASSESSMENTS

1. All the water users in the distribution system will be assessed for the costs of operating the distribution system as described above in the section on costs.

2. Irrigators who use both surface and groundwater on the same acreage will be required to have a properly installed and functional meter on each well so used. There will be no additional assessment for the commissioner to determine if a meter is suitable or to periodically read the meter.

## **SUMMARY OF COMMISSIONER RESPONSIBILITIES**

The commissioner shall monitor the use of ground water on lands where surface water and ground water are used supplementally (where there are not enough groundwater rights to provide sole supply). The commissioner shall make note of when the pressurized systems are filled with water and when they are shut down or drained during the irrigation season. When the systems are shut down or drained, the metered supplemental wells shall be closely watched to ensure the water rights are not exceeded. The commissioner shall coordinate activities with the irrigation companies and shall obtain the schedule for filling and draining the the pressurized systems.

The commissioner shall monitor the beginning and ending of irrigation from ground water in the area to make sure it does not commence before or extend beyond the dates set as the period of use on the water rights. The commissioner will report any violations to the state engineer.

The commissioner shall monitor, measure, and regulate use of surface water from Pinto Creek for irrigation - adjust or close headgates as necessary. A "turn schedule" shall be obtained from the watermaster of the Pinto Irrigation Company at the beginning of each irrigation season so that the commissioner will know which of the three ditches (East, West or Higbee) will be in use at any given time. The diversions in the canyon shall be monitored at least weekly, but maybe more frequently, depending upon the degree to which the Pinto water users are remaining in compliance with their rights. Continuing violations of diversion limits which cannot be resolved by the commissioner working with the water user(s) shall be reported to the state engineer's office for further action.

During years when new aerial photos are taken, the commissioner shall assist with the field check of the new aerial photography. During all years, the commissioner shall review groundwater irrigated lands on a monthly basis – checking for major changes from the most recent aerial photography – and report any major changes to the state engineer

As needed the commissioner shall visit the Iron and Washington county recorders' offices, research ownership changes on the irrigated land within the distribution system, and note those changes on the most current distribution map. This probably will need to be done each year and the best time will probably be during May.

The commissioner shall maintain a file on the information on the approved change applications (both temporary and permanent changes) provided by the state engineer. Compile the information each year by the beginning of May, determine the changes in irrigation that have been approved for the irrigation season and make notes of the changes on the most current copy of the distribution map.

The commissioner shall keep a field note book with journal entries on irrigation monitoring activities and shall prepare a written summary report of activities to be compiled with the annual report and presented at the annual meeting.