

Emery

1007

Cottonwood Creek Water Quality Meeting

On Thursday, June 3, 1971 at 1:00 p.m. a meeting was held in the Emery County Courthouse, Castle Dale concerning the quality of water in Cottonwood Creek below the Blue Cut Canal diversion in Orangeville. The following persons were in attendance:

- Hubert C. Lambert - State Engineer
- Kenward H. McKinney - Area Engineer, Division of Water Rights
- LaMond Gardner - Assistant Engineer, Division of Water Rights
- John L. Jorgensen - Lower User
- Theron Don Jorgensen - Lower User
- Gale Jorgensen - Lower User
- Ray Jorgensen - Lower User
- Clyde Kofford - Lower User
- Mark Williams - Lower User
- Mont Cox - Lower User
- Duane Curtis - Lower User
- Mack Bunderson - Emery Water Conservancy District
- Herman Behling - Lower User
- Mrs. Jensen - Press
- Pat Winters - Lower User
- Hal M. Cox - Cottonwood Creek Consolidated Irrigation Co. Watermaster
- Alvin N. Johnson - Cottonwood Creek Consolidated Irrigation Co.
- Eugene Johansen - Cottonwood Creek Consolidated Irrigation Co.
- Mark Humphrey - Cottonwood Creek Consolidated Irrigation Co.
- Byron Johansen - Lower User

Mr. Lambert chaired the meeting. He indicated that he would call upon the lower users (below the Blue Cut diversion) to make their presentation and following their statement the Cottonwood Creek Consolidated Irrigation Company would respond. Mr. Lambert then made a few general remarks regarding the legal aspects of quantity and quality of water.

Mr. Mont Cox spoke first for the lower users. He indicated that the irrigation company has a dry dam at the Blue Cut Canal diversion and that nothing but sewage and return flow are in Cottonwood Creek below that point. Mr. Lambert queried Mr. Cox regarding whether there had always been a dry dam at this point, and when sewage had become apparent in Cottonwood Creek and when the problem had become acute. Mr. Mont Cox indicated that he did not know whether there had always been a dry dam at the Blue Cut Canal diversion. He indicated that sewage had been present in Cottonwood Creek for a long time. He indicated that the problem had become acute upon the completion of the Joe's Valley Dam.

An individual from the floor asked Mr. Lambert what was meant by different "classes" of water as mentioned in the decree. Mr. Lambert indicated that instead of assigning a priority date to rights the courts sometimes designated certain rights to be a certain class of right such as first class, second class, etc., with first class rights having priority over second class rights and second class rights having priority over third class rights etc., etc.

It was pointed out that when the Joe's Valley project was implemented, the Cottonwood Creek Consolidated Irrigation Company agreed to limit itself to certain

Handwritten initials or signature at the bottom right corner.

withdrawals during certain periods of time. The question was asked from the floor: Are third parties bound by this agreement. Mr. Lambert indicated that third parties were, in all probability, not bound by such an agreement.

John Jorgensen spoke for the Jorgensen brothers who operate the Jorgensen Ranch. He indicated that the Jorgensen brothers felt that they could not farm with the water which was delivered to them. They felt that their production and yields had been reduced. He indicated that they had never been able to grow barley or other non-salt tolerant crops. He indicated that the Bureau of Reclamation would not let the lower users participate in the Joe's Valley Project when it was first proposed. Then, through the efforts of Gene Johansen, the lower users were allowed to participate providing they constructed a ditch from the Blue Cut Canal to the place of use. Such a ditch was never constructed. Project water flows out the end of the Blue Cut Canal into Cottonwood Creek and thence to the Jorgensen Ranch diversion. Gale Jorgensen asked about the point of diversion called for in the decree, with particular reference to ditch construction. Mr. McKinney read from Article 6 of the decree:

It is further Ordered, Adjudged and Decreed, that all the parties now or heretofore using water from the Higbee, Biddlecombe, Wilsonville, Wilburg, Seely and Lund Ditches, in order to avoid the effects of the adulterated seepage water flowing into said creek above the heads of said ditches, are and they are hereby awarded the right to divert said water through the J. W. Seely mill race, and by means of what is known as the Seely Ditch or another ditch constructed for said purposes are hereby required to divert the water to which they are entitled through said mill race, so long as the same is necessary to supply said mill race with water for mill purposes, to-wit; 8.9 sec.-ft. as above stated.

It was explained that "another ditch constructed for said purposes" would be interpreted to mean a ditch other than the Seely Ditch, but one using the J. W. Seely mill race as a source.

Gene Johansen then spoke for the Cottonwood Creek Consolidated Irrigation Company. He indicated that the irrigation company recognized the J. W. Seely Mill Race as the diversion point for the lower users water, as indicated in the decree. He indicated that the Bureau of Reclamation had sampled the water at various points along Cottonwood Creek during the last 12 years. One of the sampling points was the diversion point for the lower users. These samples were analyzed to determine the quality of the water. Mr. Johansen indicated that the Bureau of Reclamation had this data but had not made the information available. Mr. Johansen indicated that if there was insufficient water in the creek at the lower users' point of diversion, the irrigation company turned water back into Cottonwood Creek at the Blue Cut Canal Diversion. It was indicated that there had been little "high water flush" since completion of the Joe's Valley project. Mr. Johansen indicated that the irrigation company had limited themselves by contract with the Bureau of Reclamation to withdrawals of 1500 ac.-ft. during



April, 5700 ac.-ft. during May and 8000 ac.-ft. during June. He indicated that the lower users were probably not limited by this contract. Mr. Johansen indicated that there were no high water filings by any of the lower users. He indicated that inflow to the reservoir was measured by reservoir gauges. After July 1 an evaporation record was kept using the Evaporation Pan method. This concluded Mr. Johansen's statement.

Mr. Lambert indicated that in view of the apparent water quality and other problems he would take the following action:

1. The State Engineer will contact the U.S. Geological Survey and ascertain the possibility of a water quality study on the San Rafael River System.
2. The adjudication of the San Rafael River area will be completed as scheduled.
3. The State Engineer will investigate the feasibility and desirability of appointing a River Commissioner to oversee distribution of Cottonwood Creek waters.

Stan Litizette, representing the Jorgensen Ranch interests, indicated that one possible solution would be to move the point of diversion of the Lower users up to the Blue Cut Canal.

Following adjournment of the meeting Messers. Lambert, Litizette, Hal Cox, Gene Johansen, Humphrey and McKinney drove to the Blue Cut Canal Diversion. At that time the irrigation company was returning water to Cottonwood Creek for use of the lower users.

