MEMO

Date: January 27, 2001
To: Those Attending
From: Russell O. Brown
Subject: Minutes of January 25, 2001 Meeting

The meeting was held in the State Engineer's office. Attending were:

J. Edwin Ure	Kamas Valley Canals
Daryl Devey	Central Utah Water Conservancy District
Russell O. Brown	Provo Reservoir Water Users Association
Stanley Roberts	Provo River Commissioner
Lee Simms	State Engineer's Office
Jim Riley	State Engineer's Office
John Larson	State Engineer's Office
Ben Anderson	State Engineer's Office
Gertrude Adkins	State Engineer's Office

The Provo River Distribution Board appointed a committee to develop a policy regarding change and exchange applications on the Provo River system. The committee consists of J. Edwin Ure, Daryl Devey, Russell O. Brown, and Stanley Roberts. The purpose of this meeting is to involve and receive input from the State Engineer's office in the development of a policy.

The change applications consist of three types:

1) Change in the point of diversion of a small decreed river right from the river to a well;

2) A shareholder in a stock canal company changes the point of diversion of water represented by his stock from the canal to a well;

3) Exchange of reservoir water for a well or another diversion point. The user of the water is not the owner of the storage right.

The largest of these three groups being irrigation company stock that is being transferred to wells.

Minutes of the January 25, 2001 meeting of the committee were distributed. Stan Roberts stated that the issue is who is responsible for the beneficial use of the water and, second, who is responsible for the costs of the program.

Lee Simms stated that the State Engineer's position is that it is the holder of the water right. The discussion focused first on irrigation company stock to well group.

Jim Riley stated that for applications involving the Timpanogos Canal in Heber Valley he requires that one option is to leave the water in the river. The second is to release it into some ponds that return it to the ground water by seepage. Daryl stated that these ponds are also used for sprinkling irrigation systems and perhaps one does not leak so the water might not be returned to the river.

Ed Ure stated Washington Irrigation Company returns the exchange water to the river via the Weber Diversion Canal. After considerable discussion it appeared that there was general agreement on a plan for irrigation stock transferred to wells. The plan is as follows:

- The irrigation company is responsible for the water rights that they transfer to wells;
- There needs to be an accounting of the applications to the River Commissioner;
- Where the water is returned to the river system this should be measured on a real-time basis and reported to the River Commissioner by the canal company;
- If the water is not diverted to the canal, but left in the river system, an annual report of these applications by the canal company should be made to the River Commissioner so that the appropriate reductions in flow can be made;
- The State Engineer will bill the canal company the normal river assessment and a supplemental assessment to cover the cost of administration by the State Engineer and the River Commissioner;

- It is assumed that the canal company would pass these assessments on to the share holder in addition to their normal O&M assessments and an additional assessment to cover the canal companies' cost of administration of the application;
- Wells have not been completed on many of the applications, or at least the proof has not been submitted to the State Engineer. Should the assessments begin upon the approval of the applications, or upon the completion of the well?

Collection of these additional assessments may pose a problem. Irrigation companies normally advertise and sell a share to collect delinquent assessments. They cannot by law sell more stock than is required to cover the assessments. Since the value of a share is usually many times the amount of the assessment and most companies do not split shares this method is not practical.

Another option is to withdraw the application and plug the well. This would require an action by the State Engineer and, for a single home, it would be difficult to leave the occupants without water. A filing in a small claims court may be a way of collection available to irrigation companies.

The irrigation companies would need to be sold on this program. Stan said rather than tell them they need to do this, the approach needs to be positive. With the increasing value of water it is necessary to protect the companies' water rights by having records of beneficial use of all of their water.

The second group is individual rights on the river transferred to wells. Stan indicated that these are in two areas: The lower Provo from the mouth of the canyon to the BYU diagonal; and in the Woodland area.

The same program could be applied to these rights with collection of delinquent accounts being the responsibility of the River Commissioner. The CUWCD sells storage water to individuals

for wells. They are assessed $20.00 per application by the State Engineer. They then collect this assessment from the water user. The same program should apply to all other agencies who sell storage water. There are others not in the above three groups, *i.e.* the North Fork Special District, the Diamond Bar X, Jordanelle Special District, and perhaps others. The same general principle should apply. The responsibility for reporting and the assessments go to the owner of the right.

There was some discussion of how the list would be updated. Should it be done on an annual basis by the River Commissioner?

Future Actions

- Russell Brown will draft minutes and circulate to all attending for comments. He will incorporate any comments and send to all attending. Goal: Response within three or four weeks;
- The committee will then meet and develop a plan;
- The plan will be presented to the River Distribution Board in a meeting sometime in July 2001;
- The plan will then be submitted to the State Engineer for review;
- The plan will then be presented to the river right holders for review and comment;
- The plan would then be approved in the January 2002 meeting of the river board with the State Engineer and costs be included in the assessment for 2002.

Finally, water user involvement and education is important to the success of the program.

Note: Please submit any comments and/or suggestions to me by April 1, 2001.

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