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WATER RIGHTS

SPECIAL MEETING OF THE
UTAH COUNTY FLOOD CONTROL ACTION COMMITTEE
AND WATER USER REPRESENTATIVES
Thursday, January 29, 1976

- PRESENT:** Karl R. Lyman, Utah County Commissioner
Yukus Y. Inouye, Utah County Commissioner
Walt Draper, Utah County Flood Control Coordinator
Vern Green, Utah County Surveyor & Flood Control Action Committee Chairman
Carl Nemeika, Utah County Deputy Attorney
J. Earl Wignall, Provo City Commissioner
Gerald Jorgenson, Soil Conservation Service, Provo
Lynn S. Ludlow, Central Utah Water Conservancy District
G. Marion Hinckley, Lower Provo and Utah Lake
Charles W. Wilson, Utah Lake-Jordan River Water Users
Richard Carlquist, Utah Lake-Jordan Dam Commissioner
Seymour Godfrey, Chairman, Utah Lake & Jordan Dam
David B. Gardner, Utah Lake-Jordan River Commissioner
Don Norseth, Utah State Division of Water Rights
Edward D. Feldt, Utah State Division of Water Rights
Hugh McKellar, Provo River Water Users Association Superintendent
Raymond Stewart, Jordan River Dam Commission, Utah County Representative
Howard J. Pearson, USBR, Provo, Bureau of Reclamation
L. Gale Moore, USBR, Provo, Bureau of Reclamation
Dean Wheadon, Director of Water & Wastewater, Provo City Corporation
Jack Zirbes, Provo City Engineer
Paul Skabelund, Uinta National Forest Service, Forester

The meeting commenced at 1 p.m. in Room 311 of the Utah County Building, Provo, Utah, and was conducted by Utah County Commissioner Karl R. Lyman.

The prayer was offered by Marlon Hinckley.

The main purpose of the meeting was to gather information regarding the responsibilities of water users both in Salt Lake and Utah Counties in regard to Utah Lake tributaries as a means of solving some of the problems of high run-off and flood control in the region.

Commissioner Inouye addressed the group and said since there have been problems with Utah Lake going over compromise this past year, the County feels that the responsibility of the water going into that lake should be shared by all concerns both in the control and guidance of the waters and the costs.

Presently Utah County has adopted a Flood Control Policy whereby landowners along the lake and rivers in the County are asked to participate on a 50-50 cost basis with the County in the maintenance and repair of those flood channels, and a request has been submitted for an Attorney General's opinion as to the legal responsibility of those in Salt Lake County receiving the benefits of water being conveyed there from Utah County.

PAGE TWO

At this point no answer to the opinion has yet been received. Deputy Attorney, Carl Nemeika, advised that the main concern of this group today should be to try to determine the responsibility of each representative group in control of the run-off water rather than taking issue in the matter of ownership which is a legal matter that must of necessity be settled in court. He requested information regarding the responsibility of the Jordan River Dam Commission in control of the gates at the Jordan Narrows.

SEYMOUR GODFREY, UTAH LAKE & JORDAN DAM

Mr. Godfrey explained that as part of the compromise agreement which was established in 1885 by the courts, two men were appointed representing Utah County and the Utah Lake Landowners, two were appointed from Salt Lake County representing Salt Lake County Water Users. These men were to meet as soon after the beginning of the year as possible and appoint a fifth member to the Dam Commission who resided in neither of these two counties. According to their decree, the Dam Commission's role in the responsibility and control of the level of the lake is to the operation of the gates letting water out of the lake into the Jordan River. The Dam Commission determines the level of the lake in relation to the snowpack. When the high level of the lake exceeds, the Dam Commission can authorize closure of the gates at the Jordan Narrows and Salt Lake interests may then draw from that storage for their needs. Normally it is a free-flowing lake beginning in the fall and for the duration of the winter. The Dam Commission decree deals with the closure of the gates for storage and not the responsibility of that water when it is above compromise.

G. Marion Hinckley, Utah Lake Landowner, stated that it is the responsibility of those people to the north to assist in keeping the level of that lake below compromise--above compromise, they are subject to damages. He felt that one of the main issues to be dealt with is the responsibility of who should clear the tributaries to the lake of debris so that the water going into the lake can flow freely. Vern Green stated that it was this very question that prompted the County to seek an opinion from the Attorney General. Mr. Green felt that the County Commission, the cities, and those living along the lake can do much toward working cooperatively in the control of the level of that lake and stated that much is being accomplished with the adoption of the County's Flood Control Policy.

DAVID B. GARDNER, UTAH LAKE - JORDAN DAM COMMISSIONER

Mr. Gardner reported that at the present time, the gates at the Jordan Narrows are open and in a free-flow state, the dam at Utah Lake is open to full capacity. In February of 1975, the lake stood at 1.87 feet below compromise, but because of the high run-off waters, the Dam Commission authorized that the gates be opened on February 10, 1975. From February 10 to December 31, 1975, the Jordan River discharged 165,000 acre feet of surplus water into the Great Salt Lake as wastewater. During 1976, 700 second feet per day of this surplus water has been released. During the summer months, the gates are closed and the pumps are turned off occasionally in order to help the interests of Utah County to keep the level of the lake as low as possible.

The inquiry was made as to whether or not the Murdock Canal could be used to carry some of the water as a means of controlling run-off. Mr. Gardner replied that this would be impractical as the larger canals are slow moving and subject to icing problems in the winter and spring.

As far as elevation studies on the Jordan River, Mr. Gardner reported that elevation studies were done back in 1956, but these were strictly for cross-sectional purposes, and any recent studies may be available through the Corp of Engineers if any have been done. He stated that the normal influx from October through the peak period of May or June is an average of a three-foot rise in elevation, but last year with the heavy run-off it went one foot above compromise within two weeks.

CHARLES WILSON, UTAH LAKE-JORDAN RIVER WATER USERS

Mr. Wilson recommended that in light of the high run-off cycle and high precipitation and in relation to the responsibility of Salt Lake County, that the attorneys look ^{BACK} into the history of that compromise agreement which was ordered by the supreme court, and discuss this agreement with Dallin Jensen to get additional input. The water users in Salt Lake County purchased flood rights along the lake and the river in 1900, particularly between Turner Dam, the narrows, and the pumping station at the lake.

Carl Nemelka mentioned that according to his research, Utah County was not part of this court issue and when the Legislature enacted the flood control statutes, Utah County was delegated the power, authority, and responsibility to see that flood waters are controlled and channeled in Utah County. He said that he did not know how much participation can be asked from private sources or agencies, but Utah County is acting under the authority of the legislature to do what they can to control these waters. Ray Stewart pointed out that this is not an issue that can be settled by the Dam Commission since it is not within their jurisdiction and he recommended that the President of the Salt Lake interest be the source of any input in regard to this matter.

^{d2 142}
DEAN WHEADON, DIRECTOR OF WATER & WASTEWATER, PROVO CITY CORPORATION

Mr. Wheadon reported that ^P another source that may be contributing to the high run-off water and the problems of flooding in Utah County is the tributary from the Deer Creek Reservoir down Provo Canyon. He explained that Provo City draws its culinary water supply from Provo Canyon. They do not own all rights to the springs there and must exchange some of their rights stored in the Deer Creek Reservoir to private individuals for culinary spring water rights. During the winter, water that is drawn from the springs, necessitates the release of Deer Creek storage water as an exchange. With Utah Lake above compromise this year, all rights met on the Provo River, and still more water going into Deer Creek, Provo still must exchange, and he feels that they are attributing additional water to the lake to be used as storage. They met with the State Engineer regarding this issue because they did not feel that they should release their Deer Creek Storage to contribute this additional storage to Utah Lake which was already above compromise.

Dean Wheadon, Continued:

Upon the recommendation of the State Engineer, he reported that Provo City plans to file an application to appropriate this water despite any protests. Jack Zirbes, Provo City Engineer, pointed out that because of the release of this Deer Creek flow, Provo City had to replace one of their diversion structures during last year's flood season at a cost of \$30,000, in addition to the expenses incurred with property damage along the Provo River. He requested the support of all in their efforts to appropriate the water as a means of preventing further damages brought about by severe flooding of the river.

HUGH MCKELLER, PROVO RIVER WATER USERS ASSOCIATION SUPERINTENDENT:

Mr. McKeller said that the Provo River Water users have no responsibility or control of the water interests along the Provo River or the land purchased along there as it relates to flood control and commended Utah County for their efforts to establish a Flood Control Policy with the landowners participation.

During the high run-off last year 240,000 acre feet of water was stored in Deer Creek at the Midlake Inversion Dam and he commented that they have done their best to assist the County in the control of flooding on the Provo River via this dam. Because of obligations to the stockholders in the Deer Creek Project, it is necessary to keep that reservoir at full capacity. Mr. McKeller explained that in 1974 due to the drought it became necessary to use tributaries from Duchene and Weber to fill Deer Creek Reservoir. With the unexpected and excessive snow fall-late in the spring of 1975, the reservoir filled to over capacity. Mr. McKeller said that nearly 500 or more acre feet were skimmed off that reservoir to alleviate the problems after they occurred. In keeping with their obligations to the stockholders, if the snowfall between the beginning of the year and April does not show that the Reservoir will fill, it will be necessary to use other tributaries to fill it. He pointed out that with the unpredictability of the weather it is almost impossible to control the run-off to the lake in a high water year and mentioned that when the Central Utah Project gets underway, many of these problems will be solved.

LYNN LUDLOW, SECRETARY-MANAGER, CENTRAL UTAH WATER CONSERVANCY DISTRICT

Mr. Ludlow addressed the group and stated that the only permanent solution for maximum and total control of the inflow into Utah Lake, to resolve this problem and give added protection is the proposal to establish the Bonneville Unit of the Central Utah Project. As sponsors of the Central Utah Project, Mr. Ludlow petitioned the support of all water users to expedite the establishment of this unit. He mentioned, however, that with environmental and congressional red tape, a definite date for this undertaking cannot be given at this point.

Mr. Ludlow outlined the following features of the proposed project which will substantially control the run-off and serve to alleviate many of these problems.

1. JORDANELLE RESERVOIR. To be built on the Provo River with a capacity of 320,000 acre feet providing twice the capacity of Deer Creek Reservoir to provide water supplies and river regulation. It is predicted that the Jordanelle can be under construction within five years with three years allowed to complete the project.
2. HAYES RESERVOIR. A tributary to the Spanish Fork River located in Diamond Fork. Although not as large as the Jordanelle the storage capacity will be approximately 51,500 acre feet. The reservoir will lend support to critical high run-off years. To be under construction two years following the completion of the Jordanelle.
3. MONA RESERVOIR. A capacity of 47,000 acre feet to help with control of inflows.
4. PROVO BAY AND GOSHEN BAY DYKING PROJECTS ON UTAH LAKE. To be used for backup storage and upstream storage for regulation of water, which will include Strawberry Reservoir. Goshen Bay Dyke will include spillway facilities for heavy run-off on rare occasions. Timetable for this project is approximately 10 years away.
5. CONSTRUCTION OF DAM ON JORDAN RIVER - 9800 SOUTH. The Dam will be constructed in the vicinity of 9600 or 9800 South in Salt Lake County and will tie in with the Jordan Parkway Recreational facilities and provide additional water for industrial purposes, and will help to regulate the streams in Salt Lake County. This project is scheduled for the end of the entire project but for recreational interests may be moved ahead of schedule.

DON NORSETH, STATE ENGINEER'S OFFICE, WATER DISTRIBUTION DEPARTMENT

Mr. Norseth reported that as a means of controlling excessive run-off into Weber Canyon, the state regulates Echo Dam, Wanship and many of these other reservoirs. He agreed, however, that most problems are brought about by the unpredictability of the snowfall without sufficient storage, and concurred that the Central Utah Project will do much to alleviate these problems as will the Jordan River Parkway Project in Salt Lake County which is proposed for construction. He asked those present to bear in mind that although most of the emphasis of this meeting has been on the Provo River, it is by no means the only tributary to Utah Lake and that the other tributaries must be considered in the overall picture as far as responsibility goes.

He pointed out there is no ^a state agency that regulates flood control or has flood control authority, and that the State Engineer's Office cannot release water purely for flood control purposes unless the safety of a dam structure or controlling structure is threatened.

PAGE SIX

Mr. Norseth further stated that as far as the actual water rights are concerned, they are controlled by the commissioners on the streams and dams in accordance with court decrees on water rights. The only time the State Engineer has the authority to intervene is where the safety of a structure is threatened.

Mr. Norseth reported that as far as problems in Salt Lake County at present, the new Antelope Island Road is being threatened and they are trying to take all the water that they can through the surplus canal out into the lake through the drains south of the old road to relieve the pressure on the Jordan River. They are already experiencing flooding on the lower end of the Jordan River this year and had considerable flooding there last year. He felt that the real answer to these problems is the construction of the Central Utah Project.

GERALD JORGENSEN, SOIL CONSERVATION SURVEYS OF SNOWFALL

Mr. Jorgenson reported that the snow survey report in the Payson area at this time is 125 percent. Most of the survey courses have not yet been read and the last report for the area east of Provo was 85 percent nearly a month ago.

They are in the process of inspecting all of the reservoirs at this time as they do each year particularly the high-hazard reservoirs in this area.

The Commissioners expressed appreciation to all those who attended and the information they supplied, and the meeting adjourned at 2:55 p.m.

Shell Kizerian
Secretary