

INTRODUCTION

Distribution of water of the Lower Jordan River has become more complex with additional development of acreage on the lower reaches of the river and the contributory streams. For many years, conflict has existed among the water users on the Lower Jordan River and Surplus Canal over water use. In 1934, many of the water users requested the appointment of a water commissioner to supervise water regulation. Mr. B. F. Lofgren was appointed commissioner in 1934 and Mr. R. E. Redden in 1935. The annual reports of these two commissioners are available in the State Engineer's office. These reports contain much data as to the water supply and problems of those years.

In 1961 a request was made for a water commissioner to be appointed by the State Engineer, however, following a meeting with some of the water users, the following arrangement was worked out in lieu of appointing a commissioner.

1. The water of the Lower Jordan River was divided, 50% delivered into the Surplus Canal, and 50% remaining in the Jordan River, this to be accomplished under direction of Mr. Al Thomas of the North Point Consolidated Irrigation Company.
2. The North Point Consolidated Irrigation Company was to use the entire flow of Surplus Canal for 11 days, and the remaining water users to use the entire flow for the next 9 days.
3. The duck clubs on the Surplus Canal and Lower Jordan would work out a distribution pattern among themselves.

This distribution agreement worked out fairly well for the remainder of 1961, however, friction developed each year at different times over water division and lack of a central regulating authority.

May 24, 1966 a petition for the appointment of a water commissioner

was received by the State Engineer, and in accordance a meeting was held on June 14, 1966 in the State Engineer's office concerning the water rights and the possibility of organized water distribution on the Lower Jordan River. At the meeting, the concensus of many water users was that a commissioner was not necessary at this time. A later meeting was set for July 21, 1966 to discuss any further developments and to determine the necessity of appointing a commissioner. At this later meeting, the larger users agreed that a commissioner was necessary and they felt it advisable as low flows were expected during August and September.

There has been no general determination of water rights, supply, and allocation on the Lower Jordan River and it is obvious from the second-feet of water claimed, that all rights cannot be supplied water. A list of the rights of record was prepared by the State Engineer's office for the June 14th meeting showing an accumulative total of 2225 second-feet of water. This list is included as Table I. For all purposes and for irrigation and year-around periods of use, the water users, after a review of this list and a list prepared 7-21-66 limited to the larger rights, agreed that without prejudice and influencing any determination of water rights and for the 1966 year only, that water allocation should be made as follows:

1. Only diligence rights should be considered and they should be considered as being of equal priority.
2. The flow of Lower Jordan River at the head of the Surplus Canal should be divided 50% into the Surplus Canal, and 50% into the Lower Jordan River. It is noted that although quality is a problem, that both branches agreed they would have to get by on the 50% allocated quantity.

TABLE I

SCHEDULE OF WATER RIGHTS ON THE LOWER JORDAN RIVER

Claim or Appl. No.	Owner	Pt. of Diversion	Use-Acs	Quantity Claimed in Cfs	Priority	Period of Use	Cumulative Total in Cfs	
							Irrigation season	nonirrigation season
D 65	Utah Improvement Co.	Sec 28 T2N R1W	433.30	14.0	1849	yr. around	14	14
D 1463	North Point Cons. Irr. Co.	Sec 14 T1S R1W		92.0	1862	yr. around	106	106
D 63	Clyde Raymond Jones	Sec 34 T1N R1W	0.5	.37	1870	irr. season	106.32	
D 64	Lawrence H. Sheppick	Sec 34 T1N R1W	0.5	.076	1871	irr. season	106.396	
D 513	George Hill	Sec 15 T1N R1W	62.0	10.0	1886	irr. season	116.396	
D 511	George Hill	Sec 15 T1N R1W	26.0	10.0	1886	irr. season	126.396	
D 512	Clyde Hill	Sec 15 T1N R1W	13.0	10.0	1886	irr. season	136.396	
D 435	Edward L. Gillmor	Sec 14 T1S R1W	stock	6.0	1886	irr. season	142.396	
D 938	Jeremy E. Cassidy	Sec 14 T1S R1W	488.0	10.0	1886	year around	149.396	109
D 67	Robert R. Badertscher	Sec 34 T1N R1W	27.0	.2	1888	irr. season	149.596	
D 72	Eugene P. Bouck	Sec 34 T1N R1W	20.0	3.0	1889	irr. season	152.596	
D 74	Walter O. Bouck	Sec 34 T1N R1W	20.0	3.0	1889	irr. season	155.596	
D 10	Jordan Fur & Recl. Co.	Sec 20 T2N R1W	5280.0	250.0	1890	year around	405.596	359
D 334	North Point Fur & Recl. Co.	Sec 14 T1S R1W	360.0	600.0	1893	year around	1005.596	959
D 370	Rudy Fur & Recl. Co.	Sec 14 T1S R1W	1838.4	600.0	1893	year around	1605.596	1559
D 495	Carl S. Ure	Sec 15 T1N R1W	91.88	9.71	1895	irr. season	1615.306	
D 496	K. Max Rudy	Sec 10 T1N R1W	35.24	10.0	1895	irr. season	1625.306	
D 66	Joseph F. Steenblik	Sec 27 T1N R1W	2.0	1.0	1900	irr. season	1725.306	
D 459	Lake Front Gun, Fur & Recl.	Sec 1 T1N R2W	1459.23	99.0	1900	year around	1824.306	1658
D 28	Harrison Reclamation Co.	Sec 14 T1S R1W	980.0	10.0	1901	year around	1834.306	1668
810	Perry E. Burnham	Sec 28 T2N R1W	160.0	4.0	2/26/06	year around	1838.306	1672
2688	Utah Power & Light Co.	Sec 2 T1S R1W	power	10.0	9/13/09	year around	1848.306	1682
3300	Utah Power & Light Co.	Sec 2 T1S R1W	power	47.66	6/14/10	year around	1858.306	1692
5959	North Point Cons. Irr. Co.	Sec 14 T1S R1W	4980.0	100.0	1/14/15	year around	1958.306	1792
9421	Utah Power & Light Co.	Sec. 2 T1S R1W	power	75.0	11/22/23	year around	2033.306	1867
8216	Bonneville Irrigation Dist.	Sec 10 T1N R1W	4240.7	60.0	8/23/26	year around	2093.306	
13730	J. W. Summerhays & Sons Co.	Sec. 5 T1S R1W	industrial	.475	7/18/40	irr. season		1867.475
17036	Arnold Machinery Co.	Sec 14 T1S R1W	4.8	.550	11/2/45	year around	2093.856	
28660	Utah Power & Light Co.	Sec 2 T1S R1W	power	10.0	3/30/49	irr. season	2103.856	1877.475
22103	Charles E. Krogh	Sec 14 T1S R1W	3.5	.25	9/1/50	year around	2104.106	
22792	Utah State Fish & Game	Sec 28 T2N R1W	3291.8	30.0	4/14/51	irr. season	2134.106	1907.475
23595	Utah State Fish & Game	Sec 28 T2N R1W		20.0	2/26/52	year around	2154.106	1927.475
23956	H. C. Crowe	Sec 22 T1N R1W	8.5	2.05	7/8/52	irr. season	2156.156	
20558	Utah Power & Light Co.	Sec. 2 T1S R1W	power	7.784	10/30/56	year around	2163.940	1935.259
29419	Utah Power & Light Co.	Sec 14 T1S R1W	power	25.0	8/24/57	year around	2188.940	1960.259
34372	American Oil Company	Sec 22 T1N R1W	fire fight	10.0	6/19/62	year around	2198.940	1970.259
35738	Bountiful Water Subc. Dist.	Sec. 15 T1N R1W	irr. & rec.	25.0	11/22/63	year around	2223.940	1995.259
36356	Denman Enterprises Inc.	Sec 34 T1N R1W	24.0	2.0	8/26/64	irr. season	2225.940	

3. That the water regulation should be limited to rights diverting more than one second-foot of water or irrigating more than 50 acres of land, the assessment also to be limited to these categories.
4. The water in the Surplus Canal and in the Lower Jordan River to be allocated on this basis if a 100% of rights can be served or on a percentage basis, in accordance if the water supply will not give full right satisfaction.

The July 21, 1966 list of larger users is included as Table II. With the establishment of this agreement by the water users, the July 21st meeting was agreed that a commissioner should be appointed. The commissioner's duties was to divide the river between the Jordan River and Surplus Canal on a fifty-fifty basis, supervise the diversion down each branch, work with the county on flood regulation and to keep visual contact of the summer users to prevent over-diversion and of waste water.

FINANCES

The State Engineer's office, in accordance with the prevailing statutes, was to assess the water users to defray the cost of the distribution system. A budget of \$3000.00 was established as follows: *for entire year*

1. Salary (\$350.00/month)	\$2200.00
2. Travel (10¢ per mile)	378.00
3. Compiling report	200.00
4. Miscellaneous Items	222.00
For a total of	\$3000.00

This budget to be utilized and revised as necessary by the State Engineer's office solely for distribution of water in the Lower Jordan River and to be expended only as necessary for these purposes. Any unused portion would be held in trust for the entire system.

RIGHTS ON FILE ON JONAH RIVER BELOW 2184 SOUTH
FOR MORE THAN 50 ACRES OR 1 CFS
7-1-65

Table 2

RIGHT OWNER	CODE NO.	RIGHT	CLAIMED ACRES	IRRIGATED CROP ACRES	OPEN WATER AND MARSH ACRES	CFS REQUIREMENT*
Utah Improvement Co.	57-3573	D-65	433.30	377.4		7.5
North Point Consolidated	59-2676	D-1463	9752.50	2820	6932.50	125.7
Thomas E. Jeremy	59-1768	D-938	450	16.1	471.9	5.0
Jonian Fur & Reclamation	57-3572	D-10	5230	1093.75	4132.25	63.8
North Point Fur & Recl.	59-1754	D-334	360		360	3.6
Rudy Fur & Reclamation	59-1756	D-370	1838		1838	18.4
Carl Ure	59-1761	D-495	91.88	60.70		1.6
Lake Front Gun & Recl.	59-1760	D-459	1459		1459	14.6
Harrison Reclamation Co.	59-1749	D-28	990		980	9.8
Total Claimed Under Diligence			<u>20622.68</u>	<u>4392.95</u>	<u>16223.65</u>	<u>250.0</u>
Perry E. Burnham	57-3574	810	160	see D-65		0.0
Utah Power & Light	57-2537	2688	Power			10.0 noncon.
Utah Power & Light	57-2538	3300	Power			47.7 noncon.
North Point Cons. Irr. Co.	59-26	5959	9752	see D-1463		0.0
Utah Power & Light	57-70	9421	Power			75.0 noncon.
Bonnerville Irrigation Co.	57-3575	8216	4240.70			84.1
Utah Power & Light	59-1291	28660	Power			10.0
Utah Fish & Game	57-3576	22792	3291			32.9
Utah Fish & Game	57-3577	23595				0.0
Utah Power & Light	59-704	20558	Power			7.8
Utah Power & Light	59-1342	29419	Power			25.0

* Requirement was figured on the basis of 1 cfs per 50 acres of crop land and 1 cfs per 100 acres of open water and marsh land.

The assessment basis, as agreed by those present at the July 21st meeting, was to be pro rated on the same basis as the water supply. The basis established by agreement is as follows:

1. 50% of the total assessment to be levied against the water users on the Surplus Canal and 50% of the total ^{ASSESSMENT} ~~budget~~ on the water users ~~of~~ the Lower Jordan River. The individual assessment on both branches to be levied on a pro rata share according to the water being allocated to each right. It is noted that the rate per second-foot on the Lower Jordan River will be different from the rate charged per second-foot on the Surplus Canal. This differing yard stick was pointed out to the water users but they agreed to this basis. The assessment as calculated is included in Table III.

COMMISSIONER

The water users when asked for a recommendation as to whom they would like appointed as commissioner, requested that the State Engineer appoint a competent engineer with the provision that he has no interest on the river.

The commissioner's duties would be to regulate all waters of the Jordan River from the Surplus Canal heading to the Great Salt Lake in accordance with the agreement set forth at the meeting.

REPORT

At the termination of his tour of duty, the commissioner is to compile a report of his activities ^{and} / enough copies ~~to be~~ made to supply each water user, who pays an assessment. In addition he is to supply intermittent reports that the State Engineer may be kept advised of conditions on the system.

Table III

Assessment for Lower Jordan River Distribution System 1/

Acct.#	Owner of Right	Cfs of Right	2/
			Assessment
Surplus Canal Diversions		Cfs	\$
1.	North Point Consolidated Irr. Co. c/o Edwin Whitney, 220 Kearns Bldg, Salt Lake City	125.70	638.79
2.	Thomas E. Jeremy 2463 Michigan Ave., Salt Lake City	5.00	25.41
3.	North Point Fur & Reclamation Co. c/o James M. Shulsen, President 371 G. Street, Salt Lake City	3.60	18.29
4.	Rudy Fur & Reclamation Co. c/o Dee Anderson, President 437 South Main St., Salt Lake City	18.40	93.51
5.	Lake Front Gun & Reclamation Club 758 South 5th East, Salt Lake City	14.60	74.20
6.	Harrison Reclamation Company c/o A. L. Hemsted, Scott Bldg., Salt Lake City	9.80	49.80
Subtotal		177.10	900.00
3/ Jordan River Diversions			
	Thomas E. Jeremy	1.84	10.93
7	Utah Improvement Company c/o R. S. Clendenin, Attorney at Law Continental Bank Building, Salt Lake City	7.50	44.54
8	Jordan Fur & Reclamation Company 2500 West 3rd South, Woods Cross, Utah	63.80 41.85	378.91 254.18
9	Carl Urie c/o Mrs. Margaret Urie 581 West 7400 South, Bountiful, Utah	1.60	9.50
10	Edward S. Gilmer 3819 South 20 East, Salt Lake City	1.80	10.69
11	Utah Power & Light Company c/o Mr. Robert B. Porter P. O. Box 899, Salt Lake City	75.00 4/	445.43
8	Subtotal	151.54	900.00
Total		328.64	1800.00

1/ Assessment based on three-month work period.

Note: For 1966!

2/ Obtained from Area Office survey on 1.0 cfs per 50 acres of irrigation and 1.0 cfs per 100 acres of Marsh or open-pond surface.

3/ Part of Account No. 2 but must be calculated in separate divisions.

4/ Agreed Cfs figure - Calculated on a base of 10 cfs of consumption and an arbitrary 75% remainder - Total assessed 58.75 cfs.

12. Utah Fish & Game Depart
1596 W North Temple
ATT: Mr. Jay R. Uddy
15.95
15.00

\$183.82 @ 8-8-66
\$94.73
\$89.09

5/ This right is broken up 75% to Jordan Fur & Reclamation Co and 25% to Utah Fish & Game

6/ This assessment viewed against water from Old Bonneville Diversion. Company that fish & game has use of special assessment not added in 1800.00 total.