



## THE STATE OF UTAH

### UTAH WATER AND POWER BOARD

SALT LAKE CITY 1

July 15, 1955

CHARLES REDD, CHAIRMAN  
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ORSON A. CHRISTENSEN, VICE CHAIRMAN

GEORGE D. CLYDE, DIRECTOR  
AND EXECUTIVE SECRETARY

Mr. Joseph M. Tracy  
State Engineer  
B u i l d i n g

Re: Restoration Proclamation - Bear River

Dear Mr. Tracy:

The Proclamation of the Governor of the State of Utah dated November 9, 1938 withdrew the surface waters of the Bear River System in Utah from appropriation. In the opinion of some, it also withdrew the ground waters. This withdrawal has been restored in part by proclamations dated April 10, 1946, June 2, 1949 and June 30, 1950.

It appears that it was never the intent of the Governor nor his advisors at the time this withdrawal was made to include the ground waters in the withdrawal. A partial restoration should be made restoring all ground waters in the Bear River Basin to appropriation.

The surface waters were withdrawn for the purpose of protecting the potential development of multiple use projects in the Bear River Basin in Utah against nuisance or speculative filings. The withdrawal was made pending complete investigations of all potential developments in the Basin.

Investigations by the U. S. Bureau of Reclamation are still under way on the Bear River Project, the East Cache Project, South Cache Area and the Upper Bear River Area. As far as surface waters go, it would appear inadvisable to restore the surface waters of the Bear River to appropriation pending completion of investigations by the Bureau of Reclamation, particularly in the south end of Cache Valley and in the Upper Bear River Area. The Bureau has been criticized in the past for making blanket filings without knowing the points of diversion or storage. If the surface waters are to be restored now before their investigations are complete, it will be necessary to make such applications.

The Water and Power Board Committee consisting of B. O. Colton, Chairman, Dave Scott, Wallace Yardley and Orville Lee, unanimously approved the following recommendations.

1. That the ground waters in the Bear River Drainage Area in Utah be restored for appropriation.
2. That the withdrawal relating to the surface waters be kept intact pending the completion of investigations by the Bureau of Reclamation, particularly in the south end of Cache

