

MINUTES OF PUBLIC MEETING
REGARDING ADVERTISING OF SMALL WATER APPLICATIONS IN CACHE VALLEY
January 14, 2004 in North Logan Library, North Logan, Utah

Meeting began at 5:00 p.m.

First presentation:

Bob Fotheringham, Northern Regional Engineer for the Division of Water Rights presented a background on the amendment to statute made in 1989 ([Section 73-3-5.6](#)) to allow the waiving of newspaper advertising of small domestic and stockwatering applications. These filings would comprise domestic use for one family, stockwatering of 10 cattle or equivalent livestock, and irrigation of 0.25 acre of land or an equivalent amount of water for livestock alone. This legislation was not implemented as part of the guidelines of the Cache Valley Management Plan until some experience of the process was gained in other areas. Some small filings in Rich, Summit, and Box Elder Counties have not been advertised. Now the State Engineer is looking at Cache Valley. This could result in a reduction of costs to the State Engineer (Filing fees can often not cover advertising costs.) and processing time for both the State Engineer and the applicants.

Second presentation:

Will Atkin provided some statistics and background on filings and processing. Since 1999, there have been 240 applications to appropriate and 40 change applications that would be included in this small filing category. The quickest process time has been 80 days under the present system, and the longest has taken several more months. Filings in controversial areas will still be advertised.

Questions from the audience:

Would a proposal for five families on five lots be advertised? Yes, unless the project was broken into five separate applications.

Since one is generally concerned about the well next door rather than the one across the valley, are there any means of notifying nearby rights when filings are made? May still be advertised in some areas.

What about areas like Smithfield Canyon with distribution problems that need to be watchful of filings that could add to problems? Couldn't such filings be missed? In such areas, we would likely deny new filings as not meeting statutory criteria, whether advertised or not. If we have an influx of several applications, we would probably advertise.

Will all filings still show up on the computer web site? Yes.

Is there a map showing closed areas or areas where it is difficult to have applications approved?

The web site includes information sources and policy guidelines by area. Policy guidelines need to be updated and detailed to help steer the public away from problem areas.

What are the fees and costs? The small domestic-type filing fee is \$75.00 which is set by the state legislature. Advertising costs can be up to an estimated \$150.00 to \$200.00 depending on the filing, required headings, and the newspaper. The Division of Water Rights has reduced the notice size under recent statute changes, but publication rates generally go up over time.

What about a process on domestic filings on a temporary or fixed-time basis to expire when public systems come on line? This is not part of the process in Cache Valley; it has been tried in Salt Lake Valley.

West of Smithfield, the city lines have extended, and there are areas with wells where the city

system is available. It creates a situation of conflicting rights and illegal taps. Will domestic wells be drilled without the legal process? Also small wells aren't monitored, and homes are connected beyond the water rights. What about a policy to not approve if alternate source of supply is available? How can illegal use be suppressed? Well drillers still have to have authorized permission to drill. Maybe cities and counties could help as well as the state. Perhaps local entities could require that wells be sealed and rights conveyed to the cities, etc. in public service areas. Are there concerns that Cache County has not required approval of a water right to build, and approval is required at the time of occupancy? Understanding of this process will need to be cleared up; it is believed that the county is now requiring approval before the permit. Can one transfer a water right from the center of the valley to the benches? Yes but only in certain circumstances; not above an appropriated canyon or water source area..

A general discussion of the Benson well transfer, arrangements, filings, etc. then ensued. Also suggestions were made that cities and counties be informed of annexation processes that may be able to require the turnover of water rights. Attendees and invited parties should be informed on what may be the final proposal, and the legislature should be consulted about raising fees to amounts covering advertising costs. The attendees were then told that the record on the meeting would be left open for thirty days for further suggestions and comments to be submitted.

The meeting then adjourned at 6:00 p.m.

Attendees:

Charles Holmgren, Beaver River Commission

Joseph Nielsen, Bear River Properties

Steve Vuyovich, PacifiCorp

Lance Anderson, Smithfield Irrigation Company

Jeffrey R. Gittins, Smithfield Irrigation Company, Smithfield City, and Summit Creek Commission

Justin Record, United States Bureau of Reclamation

John P. Nelson, Cache County Building Department

Bob Fotheringham, Will Atkin & Gayla Foster, Northern Regional Office of Div. of Water Rights

Kent Jones and Marge Tempest, Salt Lake City Office of Div. of Water Rights