

UTAH GROUND WATER ADVOCATE

SUMMER 2010 EDITION



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LETTER FROM THE PRESIDENT

RICHARD PETERSEN

Well it's that time and I'm running late as normal so I'll be brief. There are a lot of things in the wind as for the Association. We are trying to get up with the times and get on line with a web page that says more then under construction. We are also hoping to get the MSGWA and NGWA to click straight to us and perhaps even get the state of Utah to do the same. We will be offering advertise-ment space and will probably give first choice to those who have advertised with us before. This will hopefully pay its own way but also benefit our membership with work also.

We have also created a new position which combined the secre-tary and treasurer position, eliminating the Treasurer position. So as to put less burden on the Presidency and making more open to all who wish to participate. This is a paid position and is expected to take most of the volunteer time from the broad to make their positions more of overseers and to make their positions easier to fill.

I know things are tough out there but hang in there keep up the good work as we deliver the most needed thing around and sooner or later they all get thirsty.

We need you all to be at the convention there are many things to vote on and we need a good turn out so as to get everyone's input on all the new laws and changes so the board can represent your wishes.

Most of all be safe we're in a dangerous line of work but let us keep it as safe as we can.

Best Regards and Luck,

Richard Petersen, President

LETTER FROM THE EDITOR

DEIDRE BECK, PG—STANTEC CONSULTING SERVICES INC

The Summer Newsletter is finally here. I apologize for the delay. As a board it was agreed that the newsletter would not be issued until the scholarship applications had been reviewed by SLCC staff and decisions made on the number to award. The scholarship winners are announced on page 11.

The Utah Ground Water Association has had several board meetings in the last six months and although the board members that attend are privy to the information that is discussed and decided at these board meetings, the information never gets disseminated to other members. I thought that some of you may be interested in finding out what has been transpiring at these meetings.

A board meeting was held on March 25, 2010. At this meeting several items were discussed including, but not limited to the following:

- It was agreed that the Association would cover the expenses of registration, airfare, and room accommodations for at least one delegate to attend other Association's meetings such as the Mountain States Conference and the National Conference.
- The Association will budget up to \$1,000 for donations to be made to the Mountain States Scholarship Auction each year. It was also agreed that Jerry Bronicel and Mike Zimmerman would jointly administer the funds and donate them to the event on behalf of the association.
- House Bill 266 has been passed and the Governor signed the bill on March 24, 2010 requiring Pump Installers be licensed. Those installing pumps on their own properties would not be regulated. The law is effective July 1, 2010. Jim Godard is looking for volunteers to form a Rules and Regulations Committee,
- The Board discussed combining the Treasurer and Executive Secretary duties into one paid position. Currently the Executive Secretary is compensated \$500/month. Because of the inconsistencies related to varied accounting practices from one Treasurer to the next as the position rotates with the President, the possibility of having one person provide these services was discussed. Colette asked for consideration for this combined position. The issue was tabled and would be discussed at the next board meeting.

Continued on Page 6



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- C. **SUPPLIER:** Any person, firm or corporation engaged in the sale of equipment or supplies associated with the ground water industry.
- D. **TECHNICAL:** Any hydrologist, geologist, or engineer involved in teaching, research, consulting and or government services associated with the ground water industry.

This membership allows the joining of one representative and spouse/partner of a firm or corporation to benefit from all the privileges of membership in the Utah Ground Water Association. Annual membership dues are \$50.00 per calendar year. & run from January 1 to December 31. These dues cover membership only in the Utah Ground Water Association. The Utah Ground Water Association is affiliated with the National Ground Water Association and the Mountain States Ground Water Association.


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LETTER FROM THE EDITOR (CONTINUED)

DEIDRE BECK, PG—STANTEC CONSULTING SERVICES INC

A board meeting was also held on July 13, 2010. At this meeting the following items were discussed:

- This year the UGWA received 11 scholarship applications, the most ever. All applications were provided to Ruth Henneman of the Financial Aid department at SLCC for review.
- Ruth rated the applicants from 1 to 11. Rating were based upon the published UGWA requirements. The board decided to award 6 scholarships in the amount of \$2,000.
- The Board discussed combining the Treasurer and Executive Secretary duties into one paid position. It was agreed that the combined position would be paid \$1,000/month. The Board agreed to enter into a contract with Colette Read for this position for a one year term. This contract would be re-evaluated at that time.
- The board agreed that the Association should have a website. Colette will be responsible for obtaining web hosting, page setup and maintenance.
- The board agreed that the UGWA logo may be used by members of the Association in their advertising as long as the individual/company is an active member of the Association and is using the logo chiefly to show membership in the Association and not as their own.

I hope that this synopsis of the latest board meetings has been instructive. If you have any questions on the happenings of the Board or when the next scheduled board meeting will be held, please do not hesitate to contact Colette Read at colette@xmission.com or me at 801-493-9874.



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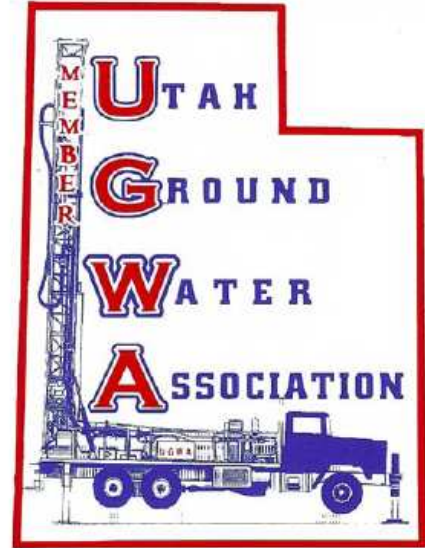
Add www.ngwa.org to your safe sender list to be sure you don't miss future announcements. If you no longer wish to receive announcements from NGWA, e-mail admin@ngwa.org requesting removal from this list.

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2010 UGWA Scholarship Awards

This year we had a record number of qualified applicants. Thanks to the support of our membership, we were able to award 6 scholarships. We wish the best to all of our students & we look forward to supporting you again in 2011!



Congratulations!

KRISTIN WANKIER
daughter of James Wankier

JILL WINEGAR
daughter of Randy Winegar

JORDAN WIDDISON
son of Kyle Widdison

REBEKAH BROWN
Daughter of Ray Brown

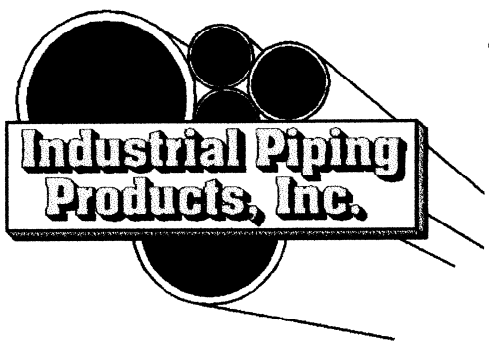
McKINZIE ROBERTS
granddaughter of Steve Roberts

KIMBERLEE MOORE
daughter of Rollin Moore



NOTICE

All applications were independently evaluated by the Financial Aid Department of the Salt Lake Community College in Taylorsville, UT. At no time were any members, board members or staff of the UGWA involved in the selection process. Every effort was made to ensure the fair and equal consideration of all applicants.

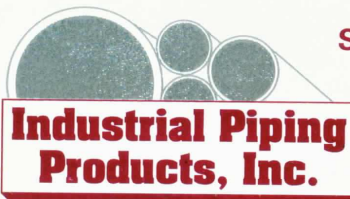


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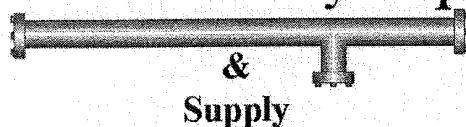
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WATER RIGHT PRIORITY—”FIRST IN TIME, FIRST IN RIGHT”

JIM GODDARD, PG—UTAH DIVISION OF WATER RIGHTS

One of the fundamental principals of Utah water law is priority between appropriators. There are two ways that priority is established. If water was put to beneficial use prior to 1903 (the date the statutory water right process was adopted), the priority of the water right is the date the appropriator placed the water to beneficial use. After 1903, the priority is the date the application for appropriation was filed with the state engineer.

Priority distribution requires that a senior appropriator’s water right be satisfied before a subsequent appropriator receives any water (Utah Code 73-3-21). Appropriators with the same priority share proportionately in the available water supply according to the amount of their individual rights.

An appropriator’s water right is considered satisfied if either they are receiving all water entitled under the definition of the right or they choose not to divert their water right or to divert only a portion of their water right.

An appropriator is not authorized by law to dictate the next right in priority; that is, they cannot determine who should receive the water if they choose not to divert it. A water right extends only to controlling one's own diversion and use of water. If a senior right is satisfied, the opportunity to divert falls to the next water right in priority according to the priority date of the water right.

A junior upstream appropriator is not required to reduce their diversion if doing so would not increase the water supply available to a prior downstream appropriator who is not receiving their full water right. In this situation, a call by a senior appropriator for a junior appropriator to reduce their diversion is a futile call and the junior appropriator is not required to comply. A water user may not determine that a futile call situation exists; the State Engineer must make that determination. This rule allows appropriators with non-consumptive uses to divert water out of priority; since the use is non-consumptive (and the entire flow is returned to the source) curtailing the diversion will not change the water supply available to downstream water users.

Continued on Page 14

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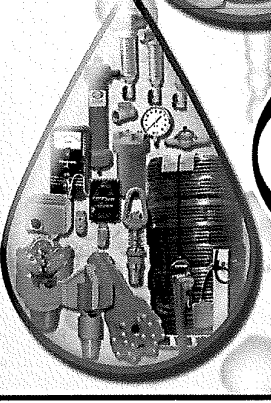
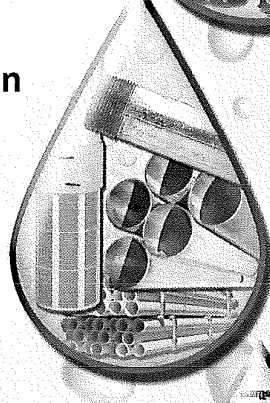
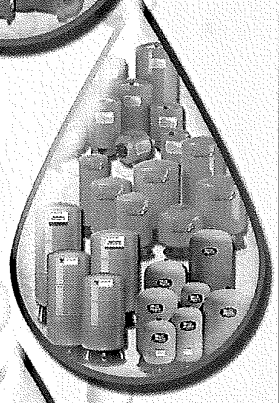
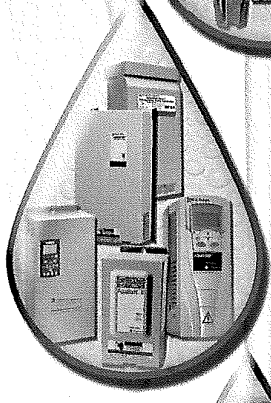
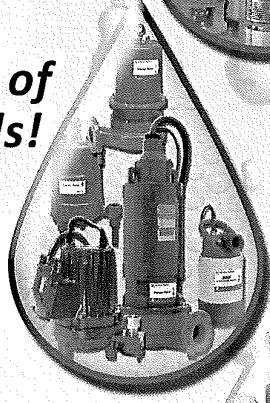
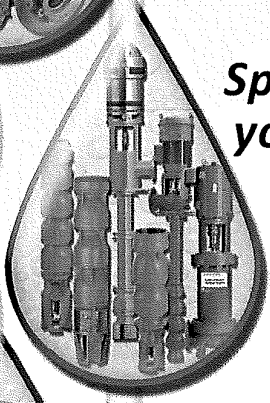
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WATER RIGHT PRIORITY—“FIRST IN TIME, FIRST IN RIGHT”

JIM GODDARD, PG—UTAH DIVISION OF WATER RIGHTS

Utah does not recognize *de minimis* use. A junior appropriator may not use the argument that their diversion has a minimal or negligible effect on a senior appropriator to avoid curtailment if the senior right is not satisfied. No matter how small the effect if there is a cause and effect relationship the junior right must yield to the senior appropriator.

Within a water distribution system organized by the State Engineer, a water commissioner is appointed by the State Engineer to regulate the distribution of water (under the direction of the State Engineer) according to the priority of the water rights on the system.

In areas where a distribution system has not been organized, the water users cooperate together to assure that each water user receives water according to the priority date of their water right. In situations where ongoing disagreements over the distribution of water cannot be resolved between the water users, they may petition the State Engineer to organize a distribution system and appoint a water commissioner. In distribution systems, the water users are required to install and maintain control structures and measuring devices that meet the approval of the State Engineer and they are assessed to pay the water commissioner's salary and other expenses of operating the distribution system.

During a temporary water shortage emergency (declared by the Governor), the use of water for drinking, sanitation, and fire suppression has a preferential right over any other water right regardless of the priority. During such an emergency, agricultural uses have a preferential right over all other uses except those just mentioned. Those using water preferentially must compensate those whose use is interrupted for the reasonable cost of the water, crop losses, or other consequential damages.

The distribution of water from surface sources (rivers, streams, undeveloped springs etc) is regulated by priority as described in this article. The distribution of water from underground sources (wells, developed springs, etc.) is not normally regulated by priority unless it has been included in a groundwater management plan created under UCA §73-5-15 or a cause effect relationship has been established between diversions from the underground resource and a surface source.

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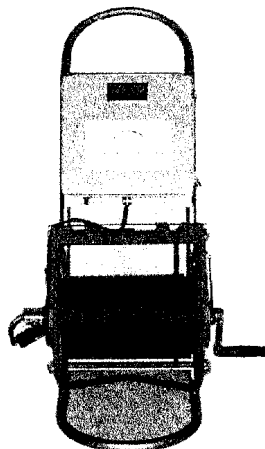
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