

Testimony of Dex Winterton
General Manager
Moon Lake Water Users Association
House Committee on Natural Resources
Subcommittee on Water, Power and Oceans
Legislative Hearing on
H.R.6583 - Big Sand Wash Project Title Transfer Act
September 5, 2018

Chairman Lamborn, Ranking Member Huffman, and Members of the Subcommittee, good afternoon, my name is Dex Winterton and I am the General Manager of the Moon Lake Water Users Association. Thank you very much for your time and consideration of H.R.6583 - Big Sand Wash Project Title Transfer Act.

We would first like to thank Chairman Rob Bishop and his great staff for getting us to this point. Without Chairman Bishop's leadership this resolution would not have been possible.

Moon Lake Water Users Association is a Utah non-profit corporation and a mutual irrigation company. The Association's eight shareholders are also non-profit mutual irrigation companies. The Association was formed in 1934. It provides agricultural irrigation water to over 75,000 acres in the Uintah Basin, located in the northeast of Utah. Over our history the Association has acquired, participated in and built many projects. Among these was the original private off-stream Big Sand Wash Reservoir, as well as 13 small depression-era reservoirs in the Uinta Mountains, an east-west oriented mountain range, the relevant portion of which Congress designated as the High Uintas Wilderness Area in 1984.

Water storage is a precious and scarce commodity in the Uintah Basin. The priority water rights are Tribal. The mountains are steep with predominately south-facing slopes, so the majority of the volume of the streamflow comes in a short amount of time early in the irrigation season. These two factors mean water right holders like the Association have insufficient water for mid to late irrigation season without storage. Federal and Tribal land ownership has restricted available locations to store early runoff flows for more productive use later in the season. As a result of these factors available storage volume relative to need in the Basin remains a serious limitation on productivity. For these reasons, we are always looking to improve our system by adding storage or improving facilities and efficiencies.

In the early 1990s, the Association was approached by the Department of the Interior's CUPCA Completion Office and the Central Utah Water Conservancy District (CUWCD) about including the enlargement of the Association's privately owned and privately financed off-stream Big Sand Wash Reservoir as a component of the Uinta Basin Replacement Project (UBRP). UBRP was authorized in 1992 by passage of what is commonly called the Central Utah Project Completion Act (CUPCA). While there were benefits for the Association in allowing the enlargement of Big Sand Wash Reservoir for the Association, such as moving some of our water storage out of the wilderness area, there was obvious concern about undue Federal control of a facility that had been entirely built, operated and completely paid for by the Association.

Nevertheless, after many years of negotiation, agreements were reached which would allow for CUWCD, under DOI supervision, to enlarge Big Sand Wash Reservoir. These agreements called for the Association to continue operation and maintenance of the facility and to own fee title to both the historically owned Association Big Sand Wash Reservoir lands, as well as the additional lands to be acquired for the enlargement, subject to a very specific form of easement to be held by the United States. Without these specific conditions being included in the Agreement, the Association would not have agreed to participate in the enlargement of our reservoir.

In 2001 the United States Department of the Interior (DOI) accepted the agreed form of easement on historic Association Big Sand Wash Reservoir Lands, which make up the large majority of lands under the enlarged Big Sand Wash Reservoir, and formally signed the Agreement. The Agreement called for the United States to acquire the additional needed lands to facilitate the enlargement, then reserve the exact same form of easement that had been given by the Association as to the historically owned Association Big Sand Wash lands, and then convey fee title to the acquired additional lands to the Association, subject to that easement.

Over the course of decades, it has been one battle after another after another to get DOI to live up to the signed Agreement with respect to the Association holding fee title to acquired additional Big Sand Wash Reservoir lands subject only to the agreed form of easement.

We are grateful for the work of Congressman Bishop who through his efforts brought the parties together. We are also appreciative of our friends from CUWCD for their proposed solution of Title Transfer as outlined in HR 6583. This Bill will allow the Moon Lake Water Users Association to move forward and secure what was formally agreed to by the parties in 2001.

We thank the Committee for your time and assistance and ask for your support and expeditious consideration of HR 6583.