

APPENDIX E—VALID EXISTING WATER RIGHTS

The purpose of this section is to describe the water rights that are associated with the proposed Wild and Scenic River stream segments and drainage basins and to address the concern about impacts to valid existing water rights if a river segment is found suitable for designation.

The Wild and Scenic Rivers Act creates a federal reserved water right for a quantity of water sufficient to meet the purposes of the Act on designated river segments. The Forest Service would have the responsibility of preserving each designated segment in its free-flowing condition to protect its outstandingly remarkable values. The quantity of water necessary to fulfill that responsibility would be determined through assessments of instream flow needs.

A federal reserved water right for a Wild and Scenic river would be a non-consumptive water right. As such it would not impair future downstream appropriations, and arguably would protect and enhance them.

Designation as a Wild, Scenic, and/or Recreational river would not affect existing, valid water rights. A new federal reserved water right asserted by a Wild and Scenic River designation would be junior to all valid existing rights. This action would have no impact on existing water rights whether upstream or downstream because it would be junior to any existing right.

Maps identifying current valid existing water rights in the proposed Wild and Scenic River segments were created using the Utah Division of Water Rights (UDWRT) Water Right Points of Diversion GIS data available for download from the UDWRT website.

This mapped data is displayed on the UDWRT website specifically for this Wild and Scenic River Suitability Study and can be found on their website. For color maps visit: <http://utstnrwr6.waterrights.utah.gov/mapserver/wildscenic/startup.htm> and for black and white maps visit: <http://utstnrwr6.waterrights.utah.gov/mapserver/wildscenic/startbw.htm> (also attached). The maps show the Wild and Scenic River segments, their drainage basin and the UDWRT Points of Diversion within the basin. The mapped Points of Diversion include water uses for domestic, municipal, irrigation, mining, power, stock watering, and other uses and include approved, perfected, and unapproved water right applications. Water rights depicted belong to a variety of entities from private to government.

The maps will be listed in order by Forest as listed in the list of rivers in Chapter 3:

- Ashley National Forest: Duchesne RD, Flaming Gorge RD, Vernal RD.
- Dixie National Forest: Cedar City RD, Escalante RD, Fremont RD, Pine Valley RD
- Fishlake National Forest: Beaver RD, Fillmore RD, Richfield RD
- Manti-La Sal National Forest: Ferron/Price RD, Moab RD, Monticello RD
- Uinta National Forest: Pleasant Grove RD, Spanish Fork RD
- Wasatch-Cache National Forest: Evanston RD, Kamas, RD, Logan RD, Mountain View RD, Ogden RD, Salt Lake RD

The maps were created to show the water rights in the Wild and Scenic segment basins and the representation of these Points is limited to the UDWRT GIS data and the online mapping software. The data used to describe the water rights is created by the Utah Division of Water Rights and is based on their Geographic Information System (GIS) data regarding water right Points of Diversion (WRPOD). WRPOD is a point shapefile created nightly from data in the Utah Division of Water Rights database; the maps in Appendix E were created from the WRPOD shapefile retrieved from the website on September 29th 2007. Locations in the WRPOD shapefile have been computed from information submitted with water right applications and may not show the exact locations of the Points of Diversion. The location

data is of varied quality including both map scaled and field surveyed information. The locations recorded in the database are actually offsets from a Public Land Survey Section Monument. They are converted to UTM coordinates using calculations against a database of PLS monuments originally extracted from digitized 1:24000 RSPLS coverage. The monument database is updated with more precise coordinates as they become available including field GPS surveyed locations. Improved monument locations will in turn benefit the quality of the WRPOD point locations in this coverage with time since location values are re-calculated each week. The WRPOD data (shapefile) are a complete record of point of diversion locations taken from the Division's day to day operating database and can be accessed from their website at: <http://www.waterrights.utah.gov/gisinfo/wrcover.asp>.

The WRPOD database is a complete record with the following exceptions:

- 1) The Division's point of diversion referencing policy includes a provision which allows some point of diversion locations to be described more as areas (Point-to-Point Filings) than discrete points. Point to point filings are usually limited to stock watering rights. They are represented in the WRPOD shapefile by a discrete point which is located within the area covered by the point to point description.
- 2) Utah State Law required applications to divert surface water to be filed with the State Engineer after 1903 and groundwater after 1935. There may be existing diversions which began prior to those dates which are not included in the Division of Water Right records. The Division becomes aware of these rights and includes these rights in its records when the user submits a statement of water user claim either pursuant to adjudication or to establish there is a water right under which the State Engineer is to take action.
- 3) Data in the Division of Water Rights database was entered over an eight year period from paper files maintained by the office. Data entered in the database has been subsequently verified by staff. However, errors are occasionally detected in the database as a result of entry operations either from current staff activities or the original entry project. The Division makes an ongoing effort to maintain the database free of errors and omissions; however users of the data are responsible to verify it is suitable for their purpose. The Division appreciates and encourages users to promptly disclose any inconsistencies detected in the data to Division staff that will make every effort to correct any errors discovered.

The attribute items contained in the WRPOD shapefile do not represent all of the water right information available for a particular water right filing. Additional attributes can be obtained either from the Water Right Information page located at:

<http://www.waterrights.utah.gov/wrinfo/default.asp> or by downloading at water right information table at: <http://www.waterrights.utah.gov/cgi-bin/pubdump.exe?DBNAME=WRDB>