UINTAH UNIT—CENTRAL UTAH PROJECT

HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY RESEARCH AND WATER RESOURCES

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

S. 3395

A BILL TO AUTHORIZE APPROPRIATIONS FOR THE CONSTRUCTION OF THE UINTAH UNIT OF THE CENTRAL UTAH PROJECT

MAY 18, 1976

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UINTAH UNIT—CENTRAL UTAH PROJECT

TUESDAY, MAY 18, 1976

U.S. SENATE,
SUBCOMMITTEE ON ENERGY RESEARCH AND
WATER RESOURCES, OF THE COMMITTEE
ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110 Dirksen Office Building, Hon. Lee Metcalf presiding.

Present: Senator Metcalf.

Also present: Russell R. Brown, professional staff member.

OPENING STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator METCALF. The purpose of this hearing before the Subcommittee on Energy Research and Water Resources is to take testimony on S. 3395, a bill introduced by Senators Moss and Garn of Utah, to authorize the appropriation of $78,322,000 for the construction of the Uintah unit of the Central Utah project.

The area to be served by the project is in Uintah and Duchesne Counties in northeastern Utah. Most of the project lands are within the Uintah and Ouray Indian Reservation of the Ute Indian Tribe.

The Uintah unit would develop flows of the Uinta and Whiterocks Rivers for the irrigation of Indian and non-Indian lands, municipal and industrial uses, recreation, and fish and wildlife purposes. Flood control also would be provided.

The text of S. 3395 and the Department report will appear in the record at this point, along with a statement from Senator Garn.

[The text of S. 3395, the Department report, and the statement of Senator Garn follow:]

[S. 3395, 94th Cong., 2d sess.]

A BILL To authorize appropriations for the construction of the Uintah Unit of the Central Utah Project

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for construction of the Uintah Unit of the Central Utah participating project, which was authorized by section 501 of Public Law 90-537 (82 Stat. 885), there is hereby authorized to be appropriated the sum of $78,322,000, plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department with respect to S. 3395, a bill "To authorize appropriations for the Uintah Unit, central Utah project, Utah, and for other purposes."

We recommend enactment of S. 3395 with an amendment.

The principal purpose of the bill is to authorize appropriations for the construction of the project, pursuant to the authorization for the Uintah Unit provided by section 1 of the Act of April 11, 1956 (70 Stat. 105) as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897). Appropriations are authorized in the amount of $78,322,000 (at January 1975 price levels) starting with fiscal year 1978.

We note that the Senate bill does not contain language, as contained in the companion bill, H.R. 13369, in the House of Representatives, which reads as follows:

"That the authorization for construction, operation, and maintenance of the Uintah unit, central Utah project, Utah, as provided by section 1 of the Act of April 11, 1956 (70 Stat. 105), as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897), is hereby reaffirmed and the Secretary of the Interior may implement such authorization in substantial accordance with the provisions of his report on the physical, economical, and financial feasibility of said unit transmitted to the Congress on April 6, 1976."

We recommend that the Senate version be amended to conform to the House version, which more clearly and fully embraces the applicable law which controls the development of this project.

The Uintah unit is located in Duchesne and Uintah Counties in northeastern Utah. The unit will provide water for irrigation of 52,970 acres of land, of which 32,970 are Indian owned, and for municipal and industrial use, recreation, and fish and wildlife enhancement. Flood control will also be provided. The Uintah unit was authorized for construction by the Colorado River Basin Act of 1968, subject to a finding of feasibility by the Secretary of the Interior. The Secretary certified the unit on August 20, 1975, and following approval of the report by the Executive Office of the President, the report was submitted to Congress in April of this year.

The Uinta and Whiterocks Dams and Reservoirs are the main project features. The project will increase usable irrigation water supplies at existing project canal headings by an average of 52,000 acre-feet annually. The project will also provide an average of 1,000 acre-feet for municipal and industrial purposes annually for use in the vicinity of the city of Roosevelt.

In addition to developing new water supplies, the Uinta and Whiterocks Reservoirs will replace irrigation storage presently provided in 13 upstream reservoirs in order that these reservoirs may be relieved of responsibility for irrigation storage and be stabilized for fisheries and recreation.

As part of the project irrigation development, some reaches of existing canals will be lined in order that water now lost through excessive seepage will be saved for beneficial use.

Of the total construction cost of $78,322,000 based on January 1975 prices $69,650,000 is for reclamation and joint use of facilities to be funded under section 5 of the Colorado River Storage Project Act and $8,672,000 is for specific recreation and fish and wildlife facilities to be financed under section 8.

Annual operation, maintenance, and replacement (OM&R) costs of project features except recreational facilities are estimated at $38,000 on the basis of 1972–74 prices. The OM&R costs for recreational facilities would be an obligation of the operating entities.

The economic analysis for the Uintah unit has been based on a 100-year period of analysis using 3.25 percent interest rate which was in effect at the time the project was authorized.

The average annual benefits total $3,940,200 and consist of $2,350,000 for irrigation, $150,000 for municipal and industrial water, $1,113,000 for recreation, $234,200 for fish and wildlife, $33,000 for flood control, and $60,000 for employ-

ment opportunities for Ute Indians. The average annual equivalent costs are $2,954,000. This gives a favorable benefit-cost ratio for the project of 1.3 to 1.

The analysis of benefits related to upstream reservoir stabilization was originally based upon a single purpose alternative concept which included benefits related to preservation of wilderness and roadless areas. These were not considered to comprise an appropriate benefit category. Consequently, an additional analysis of recreation benefits resulting from upstream reservoir stabilization using the traditional visitor-day average value approach has been undertaken and just completed. Using that method for calculating recreation benefits from upstream reservoir stabilization, the overall benefit cost ratio for the project is 1.2 to 1.

A further study is currently underway to analyze the biological resources of the project area. This is being done by the Utah Division of Wildlife Resources under a contract with the Bureau of Reclamation. The study will be completed in September of 1977, with an interim report in September of this year.

A very significant aspect of this project is the inclusion of a substantial body of Indian lands. On September 20, 1965, the Uintah and Ouray Tribe, Central Utah Conservancy District, Bureau of Indian Affairs and the Bureau of Reclamation signed an agreement approved by the Secretary of the Interior. In the agreement, the tribe consented not to assert claims to, and to defer rightful use of waters in the Uinta Basin in return for certain assurances for recognition of water rights and for resource development for tribal benefit, including irrigation of Indian lands in the final phase of the central Utah Project. Passage of this bill would help fulfill that agreement and confirm the good faith of the United States in meeting those assurances.

More recently, the leaders of the Ute Indian tribe testified before a Senate Committee requesting completion of the Uintah Unit and expounding on the many advantages of such an action.

In view of all of the above factors, we believe that passage of this bill is both necessary and desirable at this time.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JACK HORTON,
Secretary of the Interior.

STATEMENT OF HON. JAKE GARN, A U.S. SENATOR FROM THE STATE OF UTAH

Mr. Chairman, I am testifying today in favor of quick action to authorize appropriations for the construction of the Uintah Unit of the Central Utah Project.

The situation we find ourselves in today amounts to a need to correct an oversight in legislation adopted in 1968. In that year the Congress passed legislation authorizing the construction of the Uintah Unit, conditional on the completion of a study of economic feasibility. Before construction could proceed, the Bureau of Reclamation had to certify that the project was economically justified. That certification has now been made, attesting that the Administration finds the Unit justified and acceptable. The Administration has requested $860,000 for planning money for the Unit, and the Central Utah Project stands ready to make good use of that money in Fiscal Year 1977. If the planning money is to have a good effect, however, it is essential that the ground be cleared for construction in the following fiscal year. It is for that reason that Senator Moss and I have introduced this legislation, which has its counterpart in the House of Representatives.

The technical oversight which must be corrected is the lack of language specifically authorizing the appropriation of construction money. Our bill limits itself to remedying that defect, and makes no other changes in legislation dealing with reclamation programs.

Mr. Chairman, the Uintah Unit is well known to the members of this Committee, and does not require an extended explanation. All the members of this Committee understand the critical nature of this Unit, and its importance to the Indians of the Ute Tribe. Eighty percent of the water to be made available by the storage facilities of this unit is to provide water to supplement present irrigated Indian lands. It is the unit that provides a major benefit to the Indians from the Central Utah Project.

Many of us in Utah have long worked to bring the Uintah Unit to fruition. We were extremely gratified last month when the Secretary of the Interior sent to the Hill the certification of economic feasibility which had been requested by the Congress in 1968, thinking that the last barrier had been cleared. We were surprised to learn of the remaining need for specific language authorizing an appropriation, but we remain ready to do whatever is necessary to obtain development of the water rights, not only for the Ute Indians, but for all Utahns who depend on a harmonious relationship between whites and Indians.

Mr. Chairman, I think I can speak for virtually all elected officials in Utah when I strongly urge quick action on this bill. The Uintah Unit has been delayed too long to allow a technical deficiency to delay it further. I believe that the Indians and the other citizens of the State of Utah have a right to know that construction will proceed without further delay.

I thank the Chair, and the Committee for this opportunity to present this statement.

Senator METCALF. Our first witness this morning will be the senior Senator from Utah, Senator Moss. Senator Moss, we are delighted to have you here this morning.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Senator Moss. Thank you, Mr. Chairman, and I want to express my gratitude for setting a hearing for this matter when we are extremely busy in the Senate. This is a matter of considerable importance in Utah and I think for the whole western part of the country and I think it certainly is a matter of great importance to the Indian tribe by which 80 percent of this water will be used.

The Uintah unit is an integral part of the central Utah project which was authorized in 1968. This unit is vital in the role it will play in providing increased agricultural benefits to the Ute Indian Tribe and to non-Indians in Duchesne and Uintah Counties.

This will be accomplished by regulating the flows of the Uintah and Whiterocks Rivers which will be developed to furnish irrigation, municipal and industrial water. Supplemental irrigation water will be supplied to about 53,000 acres of land owned by both Indian and non-Indian water users. About 80 percent of the water will be used on Indian lands.

These irrigated Indian lands experience perennial water shortages. The Uintah unit will go a long way toward correcting this shortage. Benefits to non-Indian users will result from the control and use of the water supplies in the two rivers involved.

The Ute Tribe is an important participant in the central Utah project. There is some current dissatisfaction that the government is not quickly enough fulfilling its obligations under the terms of the working relationship with the tribe. Those in the tribal council who are supportive of the project will receive a benefit to their continued support from a favorable decision on the Uintah unit at this time.

I might point out in building the Uintah project, which is a complicated project with many individual dams and tunnels and water cases——

Senator METCALF. You may recall, Senator, a Senator from Montana worked with you as a member of this committee and even before that as a Member of the House of Representatives in developing that project, at a time when we were doing some reclamation projects.

Senator Moss. Indeed you did, and I am very grateful. You have not only helped all of this time but have intimate knowledge of what we are dealing with. The point I am trying to make is the tribe has been very cooperative and has agreed to hold back on parts of the project which would benefit the tribal lands in order that other parts could go ahead, and continues to be cooperative but they are somewhat restive. There are some members of the tribe who feel they are perhaps disadvantaged to some degree. We still have this good working relationship. In order to keep faith with them we need to go ahead as rapidly as we can now on the Uintah unit which is the principal one the Indians will benefit from. That is part of the urgency in getting this matter on right now.

Aside from all legal implications of our commitment to the tribe, we ought to do everything we can to help them develop their resources. We agreed to do so in 1965 and have reaffirmed our desire to help them since then.

The certification process for the Uintah unit has now been satisfactorily completed. I request the committee to give full support for a timely decision on the authorization of funding.

This arises by reason of the fact the project was then authorized, no funding has been authorized up to this time, and we need to have authorization of funding so that we may proceed. Because the chairman is so familiar with this whole central Utah project, I don't pretend to go into any more detail on it and anyway, the witnesses are here from the Department and from the Central Utah Water Conservancy District.

If there are any details the Chair would like to elicit, I know they will be most helpful. I do want to indicate my feeling of urgency and my earnest request we can proceed with expedition.

Senator METCALF. Senator Moss, this is an authorization bill and we are experiencing our first year in the new budget process. Are we in any difficulties with the guidelines laid down by the budget bill to meet the deadline of May 15?

Senator Moss. I have not checked into that. There is a problem in that May 15 was the cutoff time.

Senator METCALF. The cutoff time for authorization for appropriations for this year, and as I understand it, appropriations would not be desired during this fiscal year anyway, is that correct?

Senator Moss. That is correct if we strictly adhere to the new budget Act, and I guess we will.

Senator METCALF. The problem is to just get the authorization moving so that as soon as the appropriations are available, the studies and the other necessary programs can be met?

Senator Moss. That is the purpose. Get it authorized, the Department then immediately knows what it has to work with preparing the steps we must go through from there on.

We can then look forward to at least the next year's appropriation, having funding for construction.

Senator METCALF. Thank you very much, Senator Moss. Thank you very much for coming back to your old committee and telling us about this project which I think is in the public interest.

Our next witness is an old friend of this committee, Assistant Secretary Jack Horton.

72-658—76——2

STATEMENT OF HON. JACK O. HORTON, ASSISTANT SECRETARY, LAND AND WATER RESOURCES, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY JAMES J. O'BRIEN, ASSISTANT COMMISSIONER, RESOURCE PLANNING, BUREAU OF RECLAMATION; DAVID L. CRANDALL, REGIONAL DIRECTOR, SALT LAKE CITY, UTAH; AND JOHN W. JENSEN, PROJECT MANAGER, PROVO, UTAH

Mr. HORTON. I have with me people who have long experience with the committee, Jim O'Brien, Assistant Commissioner for Resource Planning, Bureau of Reclamation; David Crandall, longstanding Regional Director of the Upper Colorado region, from Salt Lake City; the project manager, John Jensen.

In addition we have with us in the room to assist in any questions you might have, Mr. Jim Ellingboe of the Washington Staff of the Bureau, and Mr. Ervin Zavalney who will be at the map pointing out specific projects.

We are pleased to appear here today to offer the Department's views on S. 3395, a bill to authorize appropriations for the Uintah unit, central Utah project, in Duchesne and Uintah Counties in northeastern Utah.

The Department's recent letter to the chairman of the committee presents its views in which the Office of Management and Budget concurs, and recommends enactment of S. 3395.

The Uintah unit was authorized in 1968 by the Colorado River Basin Project Act (82 Stat. 885). The act provided that construction could not be undertaken until the Secretary of the Interior had completed a feasibility report on the unit and submitted it to the Congress, along with his certification that the benefits exceed the costs, that the unit is physically and financially feasible, and that the Congress had authorized the appropriation of funds for construction.

The act also amended the Colorado River Storage Project Act (70 Stat. 105) to include the Uintah unit as a participating project.

On August 20, 1975, the Acting Secretary of the Interior approved and adopted the feasibility report and certified that in his judgment, the benefits of the Uintah unit would exceed its costs and therefore, construction of the project as described in the report can be undertaken when funds are appropriated by the Congress for that purpose. The Office of Management and Budget approved the certification and report for forwarding to the Congress on March 25, 1976, and they were transmitted to the Congress on April 6, 1976.

A draft environmental statement is scheduled to be filed with the Council on Environmental Quality in January 1977 and a final statement is scheduled to be filed in September 1977. Concurrent therewith, a definite plan report will be prepared which will reflect justified refinements and minor adjustments in the plan as may be recommended during the review process.

The plan on which project authorization was based in 1968 is the plan now recommended for development. That plan has been updated and alternatives analyzed in accordance with established procedures. Four representative national economic development plans and three representative environmental quality plans were also prepared. The

updating and re-analysis of the alternatives support selection of the authorized 1968 plan as the best means for meeting the needs and desires of the project beneficiaries.

The Uintah unit will provide water for irrigation of Indian and non-Indian land, municipal and industrial use, recreation, and fish and wildlife purposes. Flood control will also be provided. The Uintah unit would be particularly beneficial to the Ute Indian Tribe. About two-thirds of the irrigation water supply provided by the project would be used on Indian lands, thus allowing effective utilization of Indian land water rights. The estimated monetary value to the Indians on this basis would be about $1,225,000 annually.

The Indians, who are now experiencing high unemployment, would be given new job opportunities on the farm, in project construction and operation, and in connection with new recreational developments that would be constructed as part of the project. The Ute Tribe has officially acknowledged support for the adopted plan as presented in the certification report by resolution and letters by its tribal Business Committee.

Senator METCALF. Mr. Horton, may I interrupt you at that point? The Indian Affairs Subcommittee of this committee, Senator Mansfield, Congressman Melcher and I, and the Indians in various parts of the United States are insisting on aboriginal water rights and insisting they own all water rights. We passed a bill a few years ago, before you were around in the Department—authorizing the Yellowtail Dam. I was very hopeful at that time there would be Indian irrigation and participation, and the Indians are now insisting they own all of the rights to all of the waters that either flow into that Dam or flow out of it.

Are we liable in the future to get into a problem with Indian water rights? Or have you worked out an agreement with the Indian tribes that we would build these facilities and assist them in developing their irrigation areas to try to cure some of the excessive unemployment.

Mr. HORTON. Certainly the Indian water rights issue presents a long-range and difficult problem, I think, both to the Congress and to the administration. I think it does have a solution, and the solution you have already at least hinted at and that is to continue to develop the feasible and beneficial lands on the reservations with the waters that are intended for that purpose——

Senator METCALF. We have done that in the past in certain areas. I had reference to the Yellowtail Dam. We have developed water on the Flathead Indian Reservation. We have developed water on the Blackfeet Indian Reservation. These are areas with which I am familiar. And now the Indians come in, and they may have justification, and assert prior rights that take this balance you are trying to achieve between the Indian and the non-Indian population. I would hope as we develop this area—I am not quarreling with the development of it, I want to develop Indian and non-Indian lands alike—that we are not building ourselves into another situation like we have on the Flathead, or with the Crow Reservation.

Mr. HORTON. With specific reference to those, this is one of the five potential areas in your State of Montana, the agreement we are working on, it has not been concluded, would be to commit ourselves in the

administration, in the Department, with working with any reservation that would want to develop those areas, to work with them on the identification of the necessary water. But to ask in return for the development of that potential area, such as the Hardin Bench, to ask to have that set aside from the Winters' doctrine application so we can get on with the beneficial use of water for Indians and non-Indians.

Senator METCALF. Are we doing that in this?

Mr. HORTON. In this bill we reached prior agreement. I might ask Mr. Jim Ellinboe to discuss the 1965 agreement between the Bureau of Reclamation and the Ute Indians——

Senator METCALF. Do you want to complete your statement? Or do you want to discuss it now? I want you to handle it your own way; I interjected this because it is a matter of great concern to the Montana delegation who are interested in Indian development as well as preservation of water rights for State citizens.

Mr. HORTON. Perhaps we could defer this until after my statement and then get back into it.

Senator METCALF. All right, go ahead.

Mr. HORTON. The Uinta and Whiterocks Reservoirs are the main project features. Uinta Reservoir with a capacity of 47,030 acre-feet will be located on the Uinta River about 8 miles northwest of Neola on the Uintah and Ouray Indian Reservation. The Whiterocks Reservoir with a capacity of 32,020 acre-feet will be located on the Whiterocks River about 8 miles north of the town of Whiterocks within the Ashley National Forest. Surplus flows of the rivers will be regulated in the reservoirs for various project purposes and released as needed to the stream channels. In the spring months, advance releases will be made from both reservoirs as needed to vacate storage space for flood flows when heavy snowmelt is forecast.

The project will increase usable irrigation water supplies at canal heads by an average of 52,000 acre-feet annually. Approximately 38,400 acre-feet of the supply will be used on 41,970 acres of Indian water right land including 34,152 acres of supplemental irrigation service land and 7,818 acres of full service land. The remaining 13,600 acre-feet will be available for supplemental use on non-Indian water rights lands. Approximately 11,000 acres of non-Indian water right land would be served.

The municipal and industrial water supply provided by the project will average about 1,000 acre-feet annually and will be available for use by the city of Roosevelt and surrounding area. Long range projections indicate that substantial increases in municipal and industrial water supplies will likely be required to accommodate industrial growth and development for the benefit of both Indian and non-Indians.

In addition to developing new water supplies, the Uinta and Whiterocks Reservoirs will replace irrigation storage presently provided in 13 upstream reservoirs in order that those reservoirs may be stabilized for enhancement of nonstructural type benefits accruing to fisheries and recreation.

About 11,000 acre-feet of storage will be involved in the exchange, including the total capacity of 12 high mountain reservoirs and part of the capacity of the existing Paradise Park Reservoir. All of the

facilities involved in the exchange are within the Ashley National Forest and the six on the Uinta River are in the area proposed as a wilderness area by the U.S. Forest Service. Five of the reservoirs located on the Whiterocks River drainage are located in "roadless areas" that are presently under study and consideration for addition to or inclusion in the wilderness area.

Reservoir releases for irrigation will be distributed from the Uinta and Whiterocks Rivers along with return flows from project irrigation accruing in the rivers and distribution canals. The water will be conveyed by existing distribution facilities on all the project supplemental service lands.

To serve the full service Indian lands, some new lateral systems will be constructed and some existing laterals will be rehabilitated. Largest of the new laterals will be the Cart Hollow Lateral diverting from the Uinta River, and the Elkhorn Lateral diverting from the existing U.S. Farm Creek Canal.

As part of the project irrigation development, about 20 miles of existing canals and laterals will be rehabilitated. The water now lost through excessive seepage will be saved for beneficial use and water deliveries would be assured.

The municipal and industrial water supply for the city of Roosevelt and vicinity will be provided from project storage. The point of diversion has not yet been determined but the water could be obtained from either Uinta or Whiterocks Reservoir, river channels below the reservoirs, or from local springs by exchange. Treatment and distribution of the water will be the responsibility of the water users.

Specific recreational facilities would be provided on the Ute tribal lands at the Uinta Reservoir to accommodate boating, camping, and other water oriented activities. This development could form the nucleus of a tribal recreation enterprise. Planned recreation facilities at the Whiterocks Reservoir would probably be managed by the Forest Service.

Total construction costs of the Uintah unit are estimated at $78,322,000—January 1975 prices. This amount includes $69,650,000 for reclamation and joint use facilities to be funded under the Upper Colorado River Basin Fund—section 5 of the Colorado River Storage Project Act—and $8,672,000 for specific recreation and fish and wildlife facilities financed under section 8. Annual operation, maintenance, and replacement (O.M. & R.) costs of project features except recreational facilities are estimated to average about $38,000. The O.M. & R. costs for recreational facilities would be an obligation of the operating entities.

The economic analysis for the Uintah unit is based on 100-year period of analysis using the 3.25 percent interest rate which was in effect at the time the project was authorized.

The average annual benefits total $3,940,200 and consist of $2,350,000 for irrigation, $150,000 for municipal and industrial water; $1,113,000 for recreation, $234,200 for fish and wildlife, $33,000 for flood control and $60,000 for employment opportunities for Ute Indians. The average annual equivalent costs are $2,954,000. Annual benefits exceed annual costs by $986,200. The benefit-cost ratio for the project is 1.3 to 1.

Reimbursable project costs would be $58,784,000 for irrigation and $1,165,000 for municipal and industrial water for a total of $59,949,-

000. Non-reimbursable costs would total $18,373,000 for fish and wildlife enhancement, $2,877,000 for fish and wildlife mitigation and $731,000 for flood control.

Construction cost allocated to irrigation would be reimbursable without interest within 50 years following the development period and would amount to a total of $58,784,000. Of this total, $49,889,000 would be recovered from Utah's apportioned revenues of the Colorado River storage project and $2,783,000 for non-Indian irrigators. The repayment capability of lands in Indian ownership totals $5,856,000. This amount would be deferred under the Leavitt Act so long as the lands remain in Indian ownership. In addition, $245,000 were prepaid from the Colorado River Development fund for investigations. On that basis repayment of irrigation costs totals about 15 percent.

The costs allocated to municipal and industrial water, including interest during construction, would be reimbursable with interest within 40 years after project water is first available. All costs allocated to recreation, fish and wildlife, and flood control would be non-reimbursable.

The Uintah unit is engineeringly feasible, economically justified, and environmentally sound. It would be consistent with national priorities for development and use of water and related land resources.

The project is supported by local interests and by the executive branch and as previously stated, we recommend enactment of S. 3395.

This completes my statement, Mr. Chairman. We would be pleased to answer any questions.

Mr. Chairman, may I point out in preparing this we have perhaps made an Olympic record in completing, preparing, and presenting a Departmental report in under 24 hours.

Senator METCALF. A few years ago some of you may remember we had the Clark Canyon project, and we had to provide for class I equivalency, at a relatively high altitude. Most of the lands in this project are above 6,000 feet with a frost-free growing season of only about 127 days. Would you suggest perhaps we should include a class I equivalency provision in S. 3395?

Mr. HORTON. Mr. Chairman, it is our position we should utilize the class I equivalency rule sparingly and with discipline. In this instance, looking at the altitude, as you pointed out, generally above 6,000 feet and the short number of growing days, it is our opinion, and we would so recommend to the committee, you give close consideration to including it in the bill, S. 3395.

Senator METCALF. Thank you very much. I am a strong advocate of the 160 acre limitation, but 160 acres down in California, is different than 160 acres in Montana, Utah, Wyoming, and our areas.

The feasibility cost is based on the 1975 price factor. Will you supply an updated figure for the amount that would be authorized under this bill?

Mr. HORTON. We have the updated cost figures for January 1976. I can either read them into the record or include them.

Senator METCALF. They will be included in the record.

[The figures submitted by Mr. Horton follow:]

COST CEILING

The estimated cost of the Uintah Unit based on January 1975 price levels is $78,322,000. Updated to January 1976 price levels, the estimated cost would be $90,247,000 shown on the following table.

UINTAH UNIT, COST INDEXING[1]

	January 1975 cost	January 1977 cost
Uinta Dam and Reservoir	$36, 505, 000	[2] $41, 068, 000
Whiterocks Dam and Reservoir	33, 807, 000	[3] 38, 033, 000
Canal rehabilitation	3, 258, 000	3, 577, 000
Laterals	1, 932, 000	2, 111, 000
Permanent operating facilities	18, 000	20, 000
Recreation facilities	[4] 2, 487, 000	4, 877, 000
Fish and wildlife facilities	[4] 235, 000	461, 000
Total construction costs	78, 242, 000	90, 147, 000
Other project cost	80, 000	100, 000
Total, project cost	78, 322, 000	90, 247, 000

[1] Bureau of Reclamation index factors were used, modified to reflect a remote area.
[2] Includes $2,053,000 transfer of upstream storage, 5,000 AF.
[3] Includes $4,564,000 transfer of upstream storage, 6,000 AF.
[4] October 1977 cost index.

Senator METCALF. The cost/benefit ratio is 1.3 to 1 on the basis you have submitted.

Mr. HORTON. On the more recent cost figures for January 1976, the b/c ratio is 1.2 to 1.

Senator METCALF. You still have a positive benefit/cost ratio?

Mr. HORTON. That is correct.

Senator METCALF. Thank you. I wonder if you would respond now to the question I had about Indian lands. Mr. Secretary, I know you want to get away and that you have another appointment. I am very glad you came here. This was a rather abrupt and suddenly scheduled hearing. May I have a response to that question that we deferred, and then I will excuse you.

Mr. HORTON. Thank you, sir. I think I can in general outline point out we view the Indian water rights issue as a profound and increasingly difficult and complex challenge before the Department and the Congress. I think if we only look at the resolution through the courts it will be a very, very long time, decades and generations, before these are worked out.

What we are hoping to do is work with the Indian reservations to pin down more exactly the area of irrigable land on the reservation, such as the Crow Reservation, and work with them in a team with State authorities, Bureau of Reclamation, and the tribe, to determine the requisite number of acreage feet for the irrigable acreage, and then to put high priority on the development of those lands for irrigation purposes to benefit that tribe. We are hoping we can reach agreement with the individual tribes instead of having a semiperpetual stalemate of the waters of, say, the Big Horn, and the rivers of the Yellowstone, we will work out an agreement where we will go ahead and develop those lands in return for which they will drop the Winter's rights assertions for all rights to the river. We believe

that this is a practical solution to an increasingly difficult problem.

Senator METCALF. I am in complete concurrence. We have a great deal to offer the Indians in development of their lands and the water to which they are entitled. We are going to have to live alongside of them for many years and I would hope we would be able to work out such a program as I think you have outlined here, a program where we say we will help you develop your irrigation potentialities and you will see the rights you will have. The upper basin of the Missouri——

Mr. HORTON. The average flow of the upper basin on the Missouri is something on the order of 28 million acre-feet; we are only using 6½, about 21 million acre-feet a year of usable water, most of which is usable, goes into the Gulf of Mexico, and each year there is around 21 million acre-feet that goes unused into the gulf. There must be a way to reach commonsense decisions so that Indians and non-Indians alike can use it. I am hopeful as we get into these specific discussions with not only the Crows but other Indian tribes in the upper basin we can work out solid agreements for the use of this water.

Senator METCALF. Mr. Secretary, I always interject something about Montana when I am in a hearing, I was just using that for an analogy to try to find out what you would work out here. I think the program of developing Indian water rights and having them acknowledge that we are not taking anything away is most important. They know very well what they are ceding to us, and they are negotiating for a way to develop their Indian lands and their Indian water. We failed to do that in the Montana area.

Mr. HORTON. Perhaps the agreement worked out in 1965 with the Uintah unit could be applicable, at least in part, for example, to an arrangement that might be worked out, for example with the Crow Reservation, to allow us to propose regulation of the Hardin Bench Area and work on the legal end and the practical end to see if we can't move it ahead, remembering each year we delay action is a year in which the waters could go on the land but are now lost.

Senator METCALF. I completely concur, and certainly we have Indian leaders on the Crow Reservations and other reservations that are forwardlooking and experienced and available for the kind of negotiations that would be in the interest of the Indians and their non-Indian neighbors. Thank you very much, thank you all for coming. I know Senator Moss and Senator Garn are both pleased that you came and presented this testimony on short notice. This is some of the cooperation we have had recently from the Secretary of the Interior and this chairman appreciates it.

Now, we are delighted to have a man who has been on the ground and who is a manager of the Central Utah Water Conservancy District, Mr. Lynn S. Ludlow. Mr. Ludlow, would you come forward and give your statement.

You have heard in addition some of the statements and questions from us, and if you wish to add something to your own statement, please do.

STATEMENT OF LYNN S. LUDLOW, MANAGER, CENTRAL UTAH WATER CONSERVANCY DISTRICT; ACCOMPANIED BY CLYDE RICHEY, PRESIDENT, CENTRAL UTAH WATER CONSERVANCY DISTRICT

Mr. LUDLOW. Thank you, Senator. I have with me Mr. Clyde Richey, and Mr. Richey has served as chairman of the board of the Central Utah Water Conservancy District and is president of the district.

Senator METCALF. Mr. Richey, we are glad to have you here, too.

Mr. LUDLOW. I am Lynn S. Ludlow, manager of the Central Utah Water Conservancy District. This district includes all or portions of 12 countries of the State of Utah.

Senator Metcalf, we are very much aware of your longstanding support of water resource projects and other projects that benefit the West and we appreciate the support in Utah.

Senator METCALF. Well, let me tell you I appreciate the support of Senator Moss and others for projects in Montana. It is a reciprocal agreement and arrangement.

Mr. LUDLOW. We thank you and we appreciate the support of the Senators.

This district encompasses approximately 70 percent of the State's population. The district was created to support and/or sponsor units of the central Utah project. It is to sponsor the construction of the Uintah unit, and it will assume the responsibility for the repayment of its reimbursable costs to the U.S. Government.

The district has on numerous occasions recorded its support for the construction of the Uintah unit. It has been consistent with the official position of the Ute Indian Tribe in the development of this unit. Approximately 80 percent of the water to be made available from the unit is to provide water to meet the requirements of the Ute Indian Tribe on the Uintah-Ouray Reservation.

The U.S. Bureau of Reclamation is moving forward in the construction of the Jensen unit and the Bonneville unit of the Central Utah project. The Vernal unit has been completed; the Upalco unit of the project is in its advanced stages and could soon advance into construction.

The Uintah unit must be funded and moved into construction if it is proposed to be equitable to all the citizens of the district, non-Indians and Indians alike. In developing a water supply to meet essential municipal, industrial, and agricultural water needs, all five units of the central Utah project must be constructed.

The district reemphasizes by the attached resolution its support for the Uintah unit. The district desires to see the Uintah unit constructed to provide the Ute Indian Tribe with the benefits that they have anticipated and are entitled to receive from the central Utah project.

The district supported the Colorado River Basin Project Act (82 Stat. 897) of 1968 which conditionally authorized the Uintah unit.

It supported the effort in obtaining its "Certification of Feasibility." The district is here today to totally support the approval of S. 3395. We appeal to this committee that to provide total equity in the benefits of the Central Utah project to both Indians and non-Indians that you approve this bill.

We appreciate the opportunity to submit this testimony.

[The resolution submitted by Mr. Ludlow follows:]

RESOLUTION

Whereas the Uintah Unit is a vital unit of the Central Utah Project, and,

Whereas its major purpose is to provide a storage water supply to meet deficient water requirements of land irrigated by the Ute Indian Tribe of the Uintah-Ouray Reservation, and

Whereas H.R. 13369 and Senate Bill 3395 are to "Authorize Appropriations for Construction of the Uintah Unit, Central Utah Project, Utah, and Other Purposes" and

Whereas the Uintah Unit received favorable Authorization by the Congress of the United States in their passage of the Colorado River Basin Project Act in 1968, and

Whereas it is the District's position to assure the Ute Indian Tribe of receiving their anticipated benefits from the Central Utah Project through the construction of the Uintah Unit: now, therefore be it

Resolved, That the Board of Directors of the Central Utah Water Conservancy District hereby re-emphasizes its support of the Uintah Unit: be it further

Resolved, That the District, to accomplish the above hereby requests the Congress of the United States to approve H.R. 13369 and Senate Bill 3395.

CERTIFICATE

I certify that the foregoing is a true and accurate copy of a resolution adopted by the Board of Directors of the Central Utah Water Conservancy District on May 13, 1976.

LYNN S. LUDLOW, *Secretary*.

Mr. LUDLOW. I might comment here the Ute Indian Tribe and the district has worked in total harmony, they have a full understanding as to the projects that would be constructed, the time of the projects, and the benefits that are to come from the project. Many times the Indians have said more important than the rights to the water is the facilities essential to put these waters to use. This is what we are trying to strive for through the construction of the central Utah project. We are trying to do it jointly and in full agreement so that both the Indians and the tribe that have been total supporters of the project will receive the benefits they are entitled to under the central Utah project and in return we receive their support which we have done in constructiong the units that will benefit the non-Indians. In the deferral agreements, the Indians deferred land and established some identity of the agricultural land that would be developed by the Indian tribes under the Winter Doctrine. It is these lands being recognized in which we are attempting to provide the water, so these lands can be developed in the interest of the Indians. The Winters agreement was consistent with the construction of the Bonneville unit, the Uintah unit is not part of the Bonneville unit but land developed under the Uintah unit as well as providing supplemental water for lands already irrigated by the Indian tribes in which there are official water supplies to provide water needed for good sound agricultural production.

Senator METCALF. Mr. Ludlow, I wish you were a witness here for every one of our proposed reclamation projects. I think the wisdom

of your statement that you can have water but if it is not developed it is not worth very much gets to the heart of the matter. You heard Secretary Horton suggest that millions of acre-feet of water are going down the Missouri without any use either for the Indians or the non-Indians.

As I understand your testimony and the testimony of Senator Moss and Senator Garn, this is an integral part of the whole central Utah project. The Uintah unit is one of five units?

Mr. LUDLOW. Five authorized units.

Senator METCALF. Five units; and they have to be considered together. You already have some under development. Whatever we do, we are going to affect all of the other units if we fail to immediately recognize the urgency of the development of the Uintah unit.

Mr. LUDLOW. That is right, Mr. Chairman. The Bonneville unit, which is probably the largest unit of the five authorized units, has incorporated into it some benefits for the Indians, some of them they are already receiving.

Senator METCALF. In the planning, the Bonneville unit was partially dependent on Uintah and the Uintah will help the Bonneville.

Mr. LUDLOW. That is right.

Senator METCALF. And other units involved.

Mr. LUDLOW. It was a total planning program of which all of the water supply which is now being lost by the high run-off, where storage facilities which are not available, could be caught in storage facilities regulated and then made available at critical times of need on both Indian and non-Indian lands as well as meeting essential municipal water needs in key areas of the State.

Senator METCALF. Thank you very much for a very helpful statement. Thank you for coming back and giving us the benefit of your experiences as a manager. You know, so many times we are here, we work on a map, we work on authorizations. But you are down at the other end and I think perhaps in a more fortunate position of seeing the realization of the language that we write into legislation.

Mr. LUDLOW. Mr. Chairman, it has been a pleasure to work with the Ute Indian Tribes and the officials working with them. They would have been here today except for the short period of time. They were made aware of the hearing today. I am sure they will submit testimony and have that available for the record as I followed their representative. They have been most cooperative, most helpful, and I think this is the appropriate approach for water resource development, the joint approach to benefit all of the citizens.

Senator METCALF. Thank you, Mr. Ludlow. In spite of the obvious urgency for consideration of this legislation, I think we should keep the record open 10 days for submission of statements such as you mentioned, statements from the Ute Indians and statements from any persons concerned or any opposition.

After 10 days, of course, we will put it on the agenda for consideration by the full committee.

Mr. LUDLOW. Thank you very much. It was our pleasure to be here today and present the statement for the record.

Senator METCALF. The subcommittee will be in adjournment subject to the call of the Chair.

[Whereupon, at 10:50 a.m., the hearing was adjourned, subject to the call of the Chair.]

APPENDIX

Additional Statements Submitted for the Record

STATEMENT OF LESTER M. CHAPOOSE, CHAIRMAN, UINTAH AND OURAY TRIBAL BUSINESS COMMITTEE, ON BEHALF OF THE OURAY RESERVATION

It will be remembered that on the 20th day of September, 1965, we the Ute Indian Tribe of the Uintah and Ouray Reservation, entered into an Agreement with The United States of America, acting through the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, and the Central Utah Water Conservancy District, which Agreement was designated Contract No. 14–06–W–194, and approved by the Secretary of the Interior on September 2, 1965. In that Contract, the Ute Indian Tribe gave valuable consideration in that this tribe agreed to cooperate in the development of the Central Utah Project for the common benefit of the Ute Indian Tribe and the citizens of the State of Utah. In return, the plan provided for valuable benefits for the Tribe from the Central Utah Project. A vital part of that consideration will be supplied by the completion of the Uintah Unit.

At a special meeting of the Uintah and Ouray Tribal Business Committee on May 6, 1965, Resolution No. 65–151 was passed which read in part:

Now therefore, be it resolved by the Uintah and Ouray Tribal Business Committee for and on behalf of the Ute Indian Tribe of the Uintah and Ouray Reservation that the Tribal Chairman of the Tribal Business Committee is hereby authorized and directed to enter into said agreement for and on behalf of said tribe and to sign the necessary copies thereof and take such further action as may be required to complete the execution of the said Agreement.

This united effort was approved by Congress in 43 U.S.C. 620(a), 1968). In that section, Congress provided for expediting the planning report in order to "enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the Agreement dated September 20, 1965 (Contract Numbered 14–06–W–194).

The most recent example of subsequent tribal approval is an August 13, 1975 resolution of the Uintah and Ouray Tribal Business Committee (Resolution No. 75–217) which resolution read in part:

Whereas, the Ute Indian Tribe of the Uintah and Ouray Reservation has continually supported the Central Utah Project recognizing it as the most feasible method of developing the water resources of the reservation so that the waters of the tribe can be put to their most beneficial uses; now, therefore, be it

Resolved by the Uintah and Ouray Tribal Business Committee of the Ute Indian Tribe, That the Secretary of the Interior promptly certify to the physical, economic and financial feasibility of the Uintah Unit, and diligently pursue funding of necessary studies and programs to accomplish the commencement of construction of said Unit in the fiscal year 1978.

As it is in the interest of the people of the Ute Indian Tribe to complete construction of the Uintah Unit of the Central Utah Project as soon as possible, the Tribe strongly recommends passage of S. 3395.

STATEMENT OF DANIEL F. LAWRENCE, DIRECTOR, UTAH BOARD AND DIVISION OF WATER RESOURCES

I am Daniel F. Lawrence, Director of the Utah Board and Division of Water Resources. I am the chief executive officer of the state agency in Utah which has the responsibility for establishing water policy, and the development of State water plans. My statement has been prepared by authority of the Utah Board of Water Resources, and with the concurrence of the Governor of Utah.

The State of Utah has, for many, many years, been making plans and developing its water resources by the construction of dams, reservoirs, and other works to regulate the erratic flows of our mountain streams. It is imperative that this control be accomplished in order to attain the highest degree of beneficial use of the waters allocated to us by interstate compacts.

The Colorado River Storage Project and Participating Projects Act of 1956

led to investigations for the Uintah Unit, as a part of the ultimate phase of the participating Central Utah Project. My agency worked extensively with the Congress twenty years ago in attaining authorization of the Storage Project and its related benefits.

In 1968, as the Director for the Board of Water Resources, I testified in favor of construction of the Uintah Unit; and it received conditional authorization as a part of the Colorado River Basin Project Project Act (Public Law 90-537). Throughout the years the State of Utah has furnished policy guidance and direction to the Bureau of Reclamation in the planning of these important facilities.

Last year, the Utah Board of Water Resources, as a part of its comprehensive State water planning program, held public hearings throughout the State and adopted the report entitled, "The State of Utah Water—1975." On page 56 of that report, the Board officially reinforced Utah policy as endorsing and urging the construction of the Uintah Unit of the Central Utah Project.

The Uintah Unit is, for all intents and purposes, an Indian project. Our primary concern is that the Ute Indian Tribe be provided with projects which will insure the proper use of the waters acquired for the Tribe by the establishment of the Uintah and Ouray Indian Reservation. A most cooperative program has been underway by the officials of the State and the Indian Tribe in assuring that the rights of the Indians shall be preserved, while at the same time developing water for the secondary non-Indian water users.

We urge the passage of legislation to authorize the Uintah Unit of the Central Utah Project as a major vehicle for fulfilling commitmetns which have been made to the Ute Indian Tribe, and as a means of attaining the optimum use of this vital water resource to the State of Utah.

RESOLUTION

UTAH BOARD OF WATER RESOURCES REGARDING UINTAH UNIT, CENTRAL UTAH PROJECT
MAY 14, 1976

Whereas the Congress of the United States is considering legislation to authorize appropriations for construction of the Uintah Unit, Central Utah Project, Utah, and oher purposes; and

Whereas the Uintah Unit consists of the construction of reservoir dams and other facilities to furnish water to lands of the Ute Indian Tribe; and

Whereas the project received favorable action by the Congress in its passage of the Colorado River Basin Project Act of 1968; and

Whereas the Board of Water Resources has for 20 years, since 1956, expressed the official position of the State of Utah in favor of the construction of such a project, and as recently as December, 1975, officially reaffirmed in the Utah State water plan, "State of Utah Water—1975," its endorsement of the Uintah Unit; now therefore be it

Resolved, That the Utah Board of Water Resources on this day, May 14, 1976, urges the Congress to pass legislation and do all other things necessary for the early construction and completion of this vital water project.

DANIEL F. LAWRENCE, *Director*.

I attest that the Utah Board of Water Resources unanimously passed the foregoing Resolution in open public meeting on May 14, 1976, and that such Resolution has been signed by authority of the Board of Water Resources.

CONNIE BORROWMAN, *Secretary to the Board*.

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