BUREAU OF RECLAMATION

ENVIRONMENTAL ASSESSMENT

WEBER RIVER PROJECT - 1920 ACT CONVERSION

PRO-EA-25-001
DECEMBER 2025

UNITED STATES DEPARTMENT OF THE INTERIOR
INTERIOR REGION 7 – UPPER COLORADO BASIN
PROVO AREA OFFICE; PROVO, UTAH

Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, Native Hawaiians, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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1.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental consequences of executing a contract authorized by the Sale of Water for Miscellaneous Purposes Act of February 25, 1920, 43 USC § 521, (1920 Act) between the Weber River Water Users Association (WRWUA) and Bureau of Reclamation (Reclamation) to make Weber River Project (WRP or Project) water available for miscellaneous use (as defined in Section 1.4 herein) under terms and conditions described in the contract. The conversion request was to the Provo Area Office manager by the Weber River Water Users Association.

1.1 BACKGROUND

The WRP was authorized under the Reclamation Act of 1902 and other pertinent statutory authorities as an irrigation project to store and deliver water from the Weber River for irrigation purposes. Irrigation is defined by Reclamation policy (PEC P05) as the use of water to irrigate land primarily to produce commercial agricultural crops or livestock. This definition of irrigation will be used throughout this EA. Prior to the construction of the WRP, local irrigators relied on natural flows of the Weber River to water farmland. This resulted in a diminished and sometimes non-existent agricultural harvest, because water was available during high flood flows in the early spring but was inconsistent throughout the summer months.

To address the problem, local irrigators, in concert with the Utah Water Storage Commission, worked with Reclamation to construct Echo Reservoir and the Weber-Provo Canal. The result was the impoundment of 74,000 acre-feet (ac-ft) of water to be used across land in Weber, Davis, Morgan, Summit, Wasatch, Utah, and Salt Lake Counties. In 1926, Reclamation contracted with the WRWUA to operate and maintain Echo Dam and oversee the delivery of WRP water to its shareholders.

Historical Use of Project Water

Project water has been delivered to WRP water users for nearly 100 years for commercial agriculture and stock watering with incidental amounts of domestic use. This is in accordance with the original authorization of the WRP as an irrigation project. In 2013, an updated Reclamation policy (PEC P05) clarified the definition of irrigation to be limited to commercial agriculture, defining it as:

"...the use of contract water to irrigate land primarily for the production of commercial agricultural crops or livestock, and domestic and other use incidental thereto."

Under this definition, Reclamation irrigation projects such as the WRP are limited to delivering water for commercial agriculture and only those other uses which supplement the agricultural operation (such as a farmhouse or maintenance of agricultural equipment on the property).

Currently, water from the WRP is limited to these irrigation uses. Reclamation and the WRWUA, however, have recognized recent local interest in the project water supply for additional uses such as standalone domestic units and municipal uses. Shareholders have sought the ability to use project water for small domestic applications wherein commercial agriculture is a diminished portion of the intended use. This demand is evidenced by proposed exchange applications wherein shareholders have sought approval for these types of uses. Reclamation has been working with WRWUA to generate a long-term solution that would provide additional flexibility in the use of their contracted water supply compliant with Reclamation law and policy.

Weber River Water Users Association Objectives

Northern Utah (including the lands historically irrigated by the WRP) is experiencing tremendous growth resulting in farmland being developed into municipal subdivisions. In its January 2022 study (Gardner Institute 2022), the Kem C. Gardner Policy Institute at the University of Utah projected a statewide population increase of more than 2,000,000 residents by 2060, requiring additional water supplies to meet long-term water demand. The WRWUA's goal is to preserve the original project purpose of irrigation while adding flexibility for the WRWUA shareholders to allow for additional uses of project water over time.

Benefits of converting the WRP to miscellaneous use include:

- Allowing the WRWUA shareholders flexibility to contract for water for miscellaneous use, which may include the growing municipal demand and other future needs.
- Providing a potentially available source of reliable water for the growing communities.
- Discourages the enlargement of other water rights in the area by meeting the growing demand with an established bank of stored water.
- Ensuring that the Federal investment in the WRP continues to serve the community.

Based on shareholder demand, WRWUA has requested the option to use WRP water for miscellaneous use within the WRP Project Area (see Figure 2.1). A contract under the 1920 Act would be needed to provide terms and conditions under which project water supply could be made available for miscellaneous use to address the existing and future domestic, municipal, and industrial needs within the WRP Project Area.

The original Weber River Project, initiated in the 1920s, did not define a formal service area at its inception as is common with earlier Reclamation Projects. However, for the purposes of this Environmental Assessment (EA), a project area has been delineated to provide a clear geographic boundary for analysis and water management. This defined project area, as shown in Figure 2.1, serves two primary purposes: it bounds the area of potential environmental impacts considered in the EA, and it identifies the region within which project water can be stored, conveyed, or used. The boundaries of this project area align with the Weber and Provo River basins as well as portions of the Jordan River drainage, which is consistent with existing state water law and the framework under which the project's water rights are held. It has also been found to be consistent with early project document maps and narratives which show historic project water use throughout the WRP Project Area map. Establishing these bounds ensures

clarity, compliance, and a focused analysis in accordance with both environmental and legal standards.

1.2 AGENCY PURPOSE AND NEED

Reclamation's need is to respond to WRWUA's request for flexibility to allow its shareholders to use water for miscellaneous use under the 1920 Act. Reclamation's purpose is to ensure that considered actions comply with current Reclamation law and policy. The following sections describe how Reclamation is to make the decision to approve or deny the request and how agency action conforms with applicable law and related policies.

1.3 DECISION TO BE MADE

The decision to be made by Reclamation is to approve or disapprove of actions related to the alternatives considered in this EA. Issuance of a Finding of No Significant Impact (FONSI) may or may not occur, depending upon the discretion of the authorized officer, as informed by the contents of this EA.

1.4 RELATIONSHIPS TO STATUTE

MISCELLANEOUS PURPOSES ACT OF 1920

The 1920 Act authorizes the Secretary of the Interior to enter into contracts to supply water from any project irrigation system for purposes other than irrigation, upon such conditions of delivery, use, and payment as the Secretary may deem proper, provided:

1. That the approval of such contract by the water users' association or associations shall have been first obtained;
2. That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose;
3. That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project or to the rights of any prior appropriator; and
4. That the moneys derived from such contracts shall be placed into the Reclamation Fund to the credit of the project from which such water is supplied.

Reclamation policy (PEC P05) has clarified the definition of miscellaneous use as:

"The use of contract water from any project irrigation system for other purposes than irrigation."

Miscellaneous purposes and miscellaneous use are synonymous and would include various municipal and industrial (M&I) uses, such as outdoor watering for landscaping in municipal areas using both treated and untreated water, and indoor uses such as drinking, cooking, washing, bathing, as well as industrial use. This EA will use the term miscellaneous use.

To ensure that all water captured, stored, and delivered can be used for miscellaneous use and not limited to irrigation only, Reclamation proposes to respond to WRWUA's request for greater flexibility through a contract as authorized by the 1920 Act and other applicable federal laws and regulations.

The following laws and related authorities were considered as other statutory pathways to authorize water conversion but were dismissed from further consideration, as described below.

- **Storage Reallocation Under the Water Supply Act of 1958/Reclamation Project Act of 1939:**

The Water Supply Act of 1958[1] authorizes storage to be included in Bureau of Reclamation reservoir projects to meet municipal and industrial water use needs. Modifications that would impact the original project purpose or involve major structural or operational changes must be approved by Congress.

The Reclamation Project Act of 1939, Subsection 9(c)(2),[2] authorizes contracts related to utilizing storage at Reclamation dams, including storage designated for M&I use under the Water Supply Act of 1958.[3] Such a contract cannot impair the irrigation purpose of the project.

These authorities support an alternative in which Reclamation would reallocate project storage from irrigation use to M&I use.[4] Initial consideration of this alternative finds that it would not meet the Purpose and Need, which is to provide additional flexibility without prescribing any change away from the original irrigation project purpose. Use of that authority would require a reallocation of storage away from irrigation use and thus would not satisfy the Purpose and Need.

- **Use Authorization Under the Water Conservation and Utilization Act of 1939**

The Water Conservation and Utilization Act of 1939[5] authorizes construction of water conservation and utilization projects and contracts supplying municipal and miscellaneous use from these projects. Various Reclamation projects and units have been constructed under this authority.[6]

The possible use of this authority was discontinued because the WRP was not constructed under the authority of the Water Conservation and Utilization Act of 1939, so the provision for

[1] Water Supply Act of 1958, https://www.govinfo.gov/content/pkg/COMPS-10923/pdf/COMPS-10923.pdf
[2] Reclamation Project Act of 1939, https://www.usbr.gov/power//legislation/recproja.pdf
[3] Reclamation Manual PEC 09-01, https://www.usbr.gov/recman/pec/pec09-01.pdf
[4] Congressional Research Service report, https://crsreports.congress.gov/product/pdf/R/R41002/4
[5] Water Conservation and Utilization Act of 1939, https://www.usbr.gov/power/legislation/WCUA.pdf
[6] Statement to Water and Power Subcommittee, https://www.doi.gov/ocl/hearings/113/hr1963_052313

municipal and miscellaneous use does not apply. Therefore, the use of that authority does not meet the Purpose and Need of providing for flexible use of project water.

- **Municipal Supply Under the Town Sites and Power Development Act of 1906**

The Town Sites and Power Development Act of 1906, Section 4,[7] authorizes Reclamation to supply water from an irrigation project to nearby towns that hold existing water rights from the project water source.

This authority supports an alternative in which Reclamation would supply project water for municipal use to towns that meet the proximity and water rights eligibility criteria. Initial consideration to use this authority finds that it would not meet the Purpose and Need, which is to provide additional flexibility to project water users, many of whom rely on project water rights rather than separate, pre-existing rights on the project water source, and thus would be ineligible for the authorized municipal use. Irrigated lands outside of municipal limits would also be ineligible, so use of this authority does not meet the Purpose and Need of providing for flexible water use for areas experiencing recent growth and shifting water demand.

Other Applicable Laws

WARREN ACT OF 1911

The Warren Act of 1911 (43 U.S. Code § 523) is a federal law that allows the government to contract with private or public entities to store and transport water through federal irrigation projects. The 1926 Repayment Contract (see Appendix A) between the United States (Reclamation) and the WRWUA is subject to the Warren Act, which established an annual period of use from April 1 to October 31.

NATIONAL ENVIRONMENTAL POLICY ACT AND RELATED LAWS

This EA has been prepared in compliance with the National Environmental Policy Act (NEPA) and Reclamation procedures and is intended to serve environmental review and consultation requirements pursuant to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Wetlands Protection). In addition, compliance with the National Historic Preservation Act (Section 106), the Endangered Species Act (Section 7(c)), and Department of Interior and Reclamation Indian Trust Asset policies has been conducted.

[7] Town Sites and Power Development Act of 1906, https://www.usbr.gov/power/legislation/twnsites.pdf

2.0 DESCRIPTION OF ALTERNATIVES

2.1 INTRODUCTION

Through internal scoping efforts, Reclamation specialists took a hard look at potential alternatives based on known issues and within the scope of the purpose and need. Reclamation considered a No Action Alternative, the Proposed Action Alternative, and the Potential Growth Alternative.

2.2 NO ACTION ALTERNATIVE

Under the No-Action Alternative, the 74,000 ac-ft of project water would remain dedicated to irrigation, which includes incidental domestic use as presently constituted. In general, the No Action Alternative would allow for the continuance of existing water use in the project area, including the 1926 Repayment Contract period of use from April 1 to October 31, for contracted water deliveries. In terms of allowable incidental domestic uses, water would be permitted to be used as currently permitted (year-round).

2.3 PROPOSED ACTION ALTERNATIVE

The Proposed Action Alternative would be to execute a conversion contract authorized by the 1920 Act between the WRWUA and Reclamation to make project water available for miscellaneous use and irrigation use under terms and conditions described in the conversion contract.

Currently, WRWUA has the ability to use project water for irrigation and incidental domestic use. Under the Proposed Action Alternative, WRWUA would enter into a conversion contract with Reclamation to authorize the use of the entire WRP water supply of 74,000-ac-ft feet for miscellaneous use. Consistent with the 1920 Act, irrigation would continue to be permitted. The period of the proposed use would be from April 1 to October 31 as per the 1926 Repayment Contract. Year-round domestic use is currently permitted incidental to irrigation for project purposes. Under this alternative, previously permitted and future domestic use would continue to be allowed on a year-round basis.

After signing the 1920 Act conversion contract, WRWUA shareholders would be permitted to enter into third-party contracts with the Association. These third-party contracts would allow for miscellaneous use of project water. The Proposed Action Alternative would include the enactment of the third-party contract workflow and other conditions described in Section 2.5.

Where applicable, in conformance with Utah water law, the United States, WRWUA, and the relevant shareholders may submit exchange applications as co-applicants to the Utah Division of Water Rights. Contracts and water right applications would be required to comply with Reclamation law and policy. Third-party contracts and proposed exchange applications would be subject to review by Reclamation, in accordance with the terms of the 1926 Repayment Contract. Although Reclamation does not currently have an approved basis of negotiation for the conversion contract, Reclamation would request authority to:

- Allow shareholders to enter third-party contracts to change the use of project water to allow for miscellaneous use, in addition to irrigation.
- Require that all project water be used within the Proposed Action Alternative area which includes portions of Salt Lake, Utah, Wasatch, Summit, Morgan, Weber, and Davis counties (see Figure 2.1).
- Sever appurtenance, as applicable, of the project water to the irrigated lands within the Proposed Action Alternative area, which would remove the current Federal requirements for "suspension and transfer" of irrigation water (where applicable). To clarify, water transfers would remain subject to water right legal requirements of the State of Utah and any other applicable authorities. For example, transference of water shares would remain within the place of use as stated in the water right, and any transfer outside of the current place of use would require an approved application through the Division of Water Rights per statutory water right procedures.
- Include specific provisions to protect agricultural water use in accordance with relevant statutes, so that irrigation in the Proposed Action Alternative area is protected for as long as producers desire to commercially farm. These provisions would ensure that the allowed miscellaneous uses are compliant with Reclamation law and policy.
- Maintain the timing (April 1- October 31), quantity, and general location of water deliveries. In terms of allowable incidental domestic use, water would continue to be allowed to be used as currently permitted (year-round).

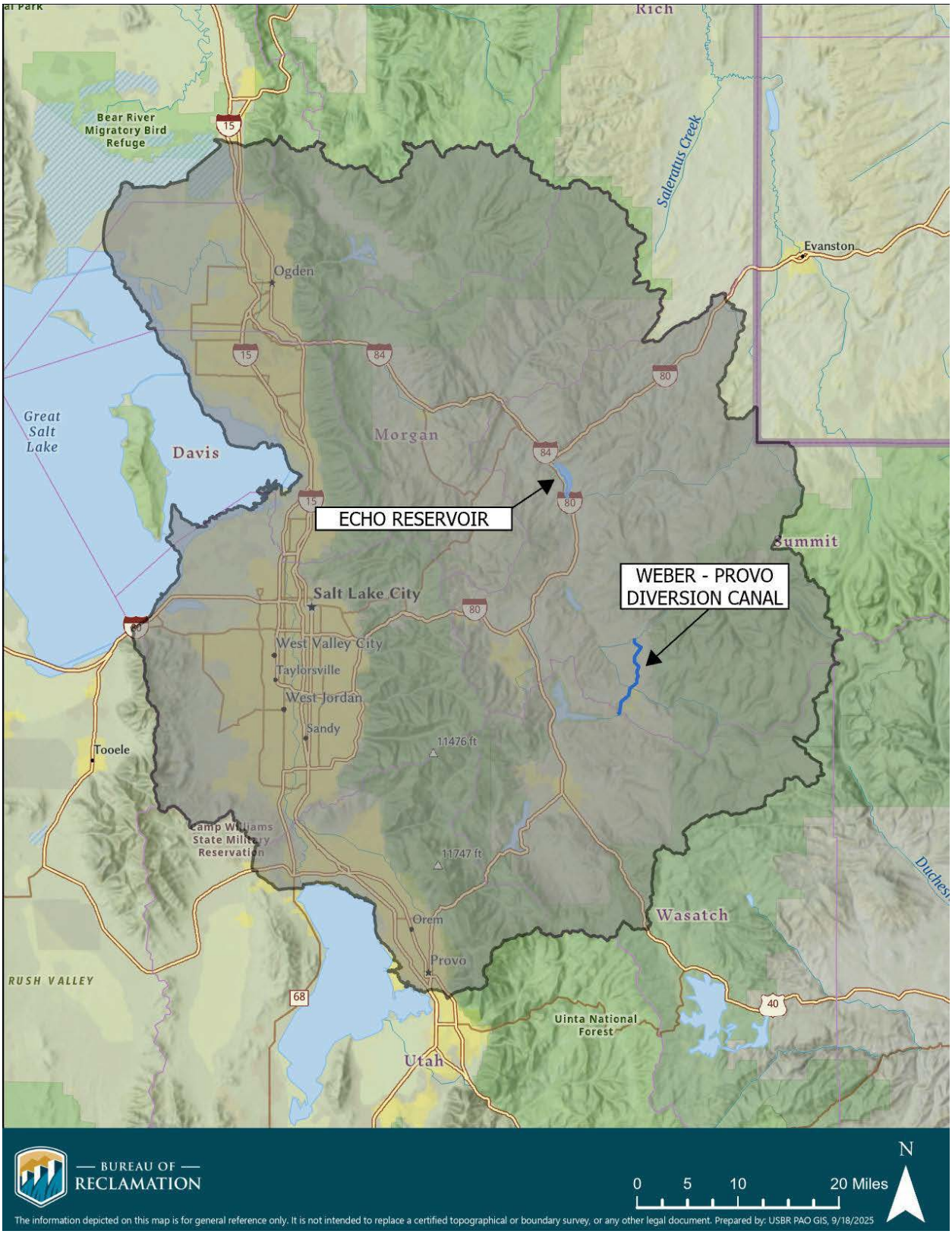

Figure 2.1 Proposed Action Alternative Area (Project Area)

A conversion contract executed pursuant to this Proposed Action Alternative would not:

- Authorize any new federal infrastructure or distribution facilities (e.g., piping, water treatment plants, canals)
- Provide approval or control for any land use such as for new homes, municipal supplies, wells, or other activities for which Reclamation has no authority or responsibility.
- Allow any party, including the United States, to circumvent the State of Utah's approval process for changes in the beneficial use of water.
- Change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to the 1926 Repayment contract and the December 20, 1938, (ILR-1083), contract between the WRWUA and Provo River Water Users Association (PRWUA).

2.4 POTENTIAL GROWTH ALTERNATIVE

Under the Potential Growth Alternative, Reclamation and WRWUA would execute a conversion contract authorized by the 1920 Act to make project water available for miscellaneous use and irrigation. Under this alternative, up to 44,000 ac-ft of project water would become available for miscellaneous use during the period of April 1 to October 31. Year-round domestic use is currently permitted incidental to irrigation for project purposes. Under this alternative, incidental domestic use would continue to be allowed on a year-round basis. The Potential Growth Alternative would include the enactment of the third-party contract workflow and other conditions described in Section 2.5.

The referenced 44,000 ac-ft corresponds to a mid-range demand forecast reported in the 2024 Weber River Water Users Association Water Supply Study (Sunrise 2024). This study assessed present and future water supply needs in the Weber River Basin area and identifies conversion of commercial agricultural water supplies as an important source of supply to meet growing M&I water needs. The study estimates the demand for converted supplies to be 37,388 - 49,851 ac-ft, located primarily in north Davis County, west Weber County, and other Wasatch Back sub-areas. The midpoint of this demand estimate, rounded to the nearest thousand ac-ft, constitutes the 44,000 ac-ft partial conversion amount. Under the Potential Growth Alternative, conversion of project water would be limited to the Potential Growth Area where this conversion demand has been identified (see Figure 2.2).

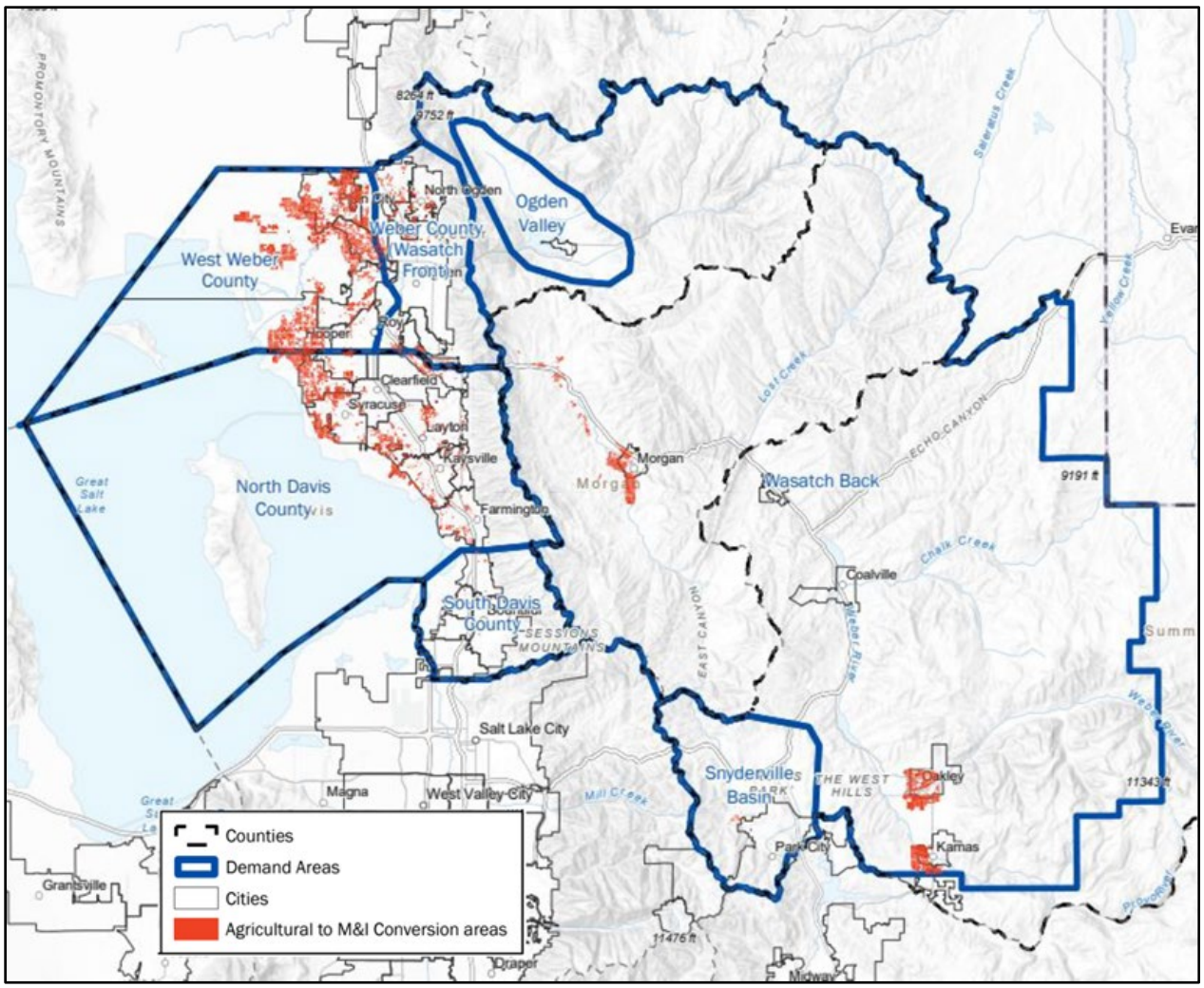

Figure 2.2 Potential Growth Alternative Area (Sunrise 2024).

The Potential Growth Alternative would involve the same considerations regarding a conversion contract and third-party contracts, subject to the geographic and quantity limits described above. The Potential Growth Alternative would not change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to the 1926 Repayment contract and the December 20, 1938, (ILR-1083) contract between the WRWUA and PRWUA.

If future conversion demand exceeds 44,000 ac-ft and additional conversion of project water is desired, then additional NEPA analysis would be needed to assess and disclose environmental impacts.

2.5 CONDITIONS APPLICABLE TO ACTION ALTERNATIVES

General conditions based on anticipated trends in water demand:

- Reclamation anticipates that in the foreseeable future (approximately 5-10 years), the majority of the WRP water supply covered by a future conversion contract would continue to be used for irrigation.

- Reclamation anticipates that the majority of the water that is changed under the third-party contracts would be used for outdoor watering (e.g., lawns and landscaping) through municipal systems or standalone domestic wells.

- Reclamation anticipates that water changed under third-party contracts would (in part) be used for indoor culinary and industrial use. These uses would include small domestic and supplemental to municipal supplies.

- Future plans for water treatment plants or large-scale municipal development could potentially utilize the WRP water supply for industrial, commercial, and other indoor purposes. However, it is important to note that as such developments are proposed, additional NEPA analysis may be needed to assess and disclose environmental impacts. Any industrial, commercial, or other indoor use may require changes in the timing of WRP water delivery, which would be addressed in future analyses, if necessary.

Third-Party Contract Review Process:

A conversion contract under the 1920 Act, as mentioned, would be executed between WRWUA and Reclamation, authorizing shareholders to enter into third-party contracts allowing for miscellaneous use of the WRP water supply under either action alternative. These third-party contracts would be necessary for WRWUA shareholders to use WRP water for miscellaneous use.

Under both Action Alternatives[8], Reclamation has established a draft workflow (see Appendix B) for future third-party contracts administered through the Provo Area Office. The purpose of this workflow would be to track compliance with Reclamation policy, applicable contracts, and determine if any further NEPA analysis would be required. The workflow would also be used to ensure quality control of internal routing and review processes.

These third-party contracts would allow delivery and operating entities to track what the water is used for and where it would be applied. These contracts could include specific information relating to the delivery, place of use, billing, and so forth. The third-party contract could include

[8] Action Alternatives include the Proposed Action Alternative and the Potential Growth Alternative and not the No Action Alternative.

contractual protections requiring that sufficient water be left in the existing infrastructure to allow remaining irrigator(s) to farm. Operation and maintenance payments could continue to be paid to the original entities, to ensure sufficient funding would be available to maintain existing facilities.

Proposed third-party contracts from WRWUA shareholders would be sent to the Provo Area Office for review against an internal checklist (see Appendix B). The checklist would be used to verify compliance with Reclamation policies under the following programs, not limited to: Dam Safety, Contracting, Environmental, Lands and Water Rights. After reviewing the third-party contract(s) the Provo Area Manager would transmit a letter informing affected parties the results of the third-party review and would coordinate with the Reclamation Regional Director, as needed.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS

Reclamation considers a variety of legal and policy requirements when considering federal action. Elements of the human environment that are subject to the requirements of a statute, regulation, executive order or similar requirement are shown in Table 3.1, below. Reclamation's interdisciplinary team identified issues through internal scoping and from known issues in the area. Issues determined to merit detailed analysis are identified in the table. A rationale is included in the table to explain how each resource was evaluated. If any element or issue was determined to potentially be impacted, it was carried forward for detailed analysis in this EA. If an element is not present or would not be affected, it was not carried forward for analysis. The following codes were used to explain the disposition of each element or resource of the human environment:

NP = not present in the area impacted by the proposed or alternative actions
NI = present, but not affected to a degree that detailed analysis is required
PI = present with potential for impacts that need to be analyzed in detail in the EA

Table 3.1 Elements/Resources of the Human Environment

Determination	Element/Resource	Rationale
NI	Air Quality & GHG	Action Alternatives would not in and of themselves result in increases or decreases in greenhouse gas (GHG) emissions from the approval of the conversion contract that would allow for project water to be used for M&I water, while allowing for the option of continued agricultural use. The Environmental Protection Agency (EPA) GHG permitting programs only apply to major stationary sources emitting over 100,000 tons carbon dioxide equivalent (CO2e) per year (e.g., power plant, landfill, etc.) or modifications of major sources with emission increases greater than 75,000 tons CO2e per year. Additionally, the EPA requires annual reporting for facilities with stationary sources that emit 25,000 metric tons CO2e per year to provide a basis for future policy decisions and regulatory initiatives regarding GHG's. None of the circumstances listed above are considered within the scope and scale of this EA, therefore, this resource is not considered for further analysis in the EA.

Determination	Element/Resource	Rationale
NI	Cultural/ Archaeological Resources	The project area has cultural resources within its boundary, following a review of available cultural resource data. However, the Action Alternatives have no potential to cause adverse effects on historic properties due to the nature of the undertaking. The Utah State Historic Preservation Office concurred with this determination on November 15, 2024 (see Appendix C). However, if any ground disturbance is proposed or if there were infrastructure that would require maintenance or replacement as part of the Proposed Action Alternative, then Reclamation's federal nexus would require Section 106 compliance in the future, on a case-by-case basis.
NP/NI	Designated Areas: Wild & Scenic Rivers, other Wilderness Designations	Based on geographic information systems (GIS) analysis, the project area does not include Wild and Scenic Rivers (NP). Wilderness Areas are located in the affected area of the Proposed Action Alternative (NI). Part of the southern extent of the Proposed Action Alternative, includes some U.S. Forest Service managed Wilderness Areas (Mount Olympus, Twin Peaks, Lone Peak, Mount Timpanogos). Water conversion actions are unlikely to take place in Wilderness Areas. Therefore, no impacts to these areas would be expected, and no analysis of impacts would be necessary.
PI	Farmlands (Prime/Unique)	Some impacts to Farmlands may be realized under the Action Alternatives, and therefore this resource is brought forward for analysis.
NI	Geology / Minerals	Minerals and geologic features are present within the project area based on a GIS review of the project area. Project water has been delivered and would continue to be delivered under the Action Alternatives. The Action Alternatives allow for changes in water use; however, they in and of themselves do not limit nor force historical agricultural use to be abandoned, nor do they induce urbanization or industrial activity or change the area where project water would be delivered and used. Therefore, it is not anticipated that geology/minerals would be affected to a degree that requires further analysis.
NP	Indian Trust Assets: Native American Religious Concerns	There are no ITAs in the area benefitted by the WRP, as per a review of available data. Therefore, the Action Alternatives have no potential to cause effects to ITAs. Additionally, changing water use from irrigation to miscellaneous purposes does not alter availability of water in the Weber River Basin, nor does it impact a Tribe's ability to enter a compact or settlement regarding their reserved water rights.

Determination	Element/Resource	Rationale
NI	Lands/Access	Various land and access authorizations exist within the project area. Layers in GIS were reviewed for intersection within 300 feet of the project area. The Action Alternatives would rely on existing infrastructure to allow for delivery of converted water. Any impacts to land/access authorizations would be addressed through separate actions, as those become available for decision-making. Consequently, no analysis is needed in this EA to assess future actions.
NI	Paleontology	While paleontology is present within the study area, the Action Alternatives would not likely affect paleontological resources based on the nature of the action, with no ground disturbances proposed.
NI	Plants: Invasive and Noxious Weeds	The Action Alternatives allow for changes of water use; however, in and of themselves they do not limit nor force historical agricultural use to be abandoned, nor do they induce urbanization, introduce contaminants, or change the area where project water could be delivered and used. There are no ground disturbing activities associated with this action. The nature of this action, combined with the absence of ground disturbing activities which could introduce invasive species including noxious weeds, is anticipated to have no appreciable impact on invasive and noxious weeds in the project area.
NI	Plants: Native Communities	The Action Alternatives allow for changes of water use; however, in and of themselves, they do not limit nor force historical agricultural use to be abandoned, nor do they induce urbanization, introduce contaminants, or change the area where project water would be delivered and used. There are no ground disturbing activities associated with this action. The nature of this action, combined with the absence of ground disturbing activities which could impact native plant communities, is anticipated to have no appreciable impact to native plant communities within the project area.
NI	Plants: Threatened, Endangered, Proposed, or Candidate	The Action Alternatives allow for changes of water use; however, in and of themselves, they do not limit nor force historical agricultural use to be abandoned, nor do they induce urbanization, introduce contaminants, or change the area where project water would be delivered and used. Although threatened, endangered, proposed, and candidate species may exist within the project area, the limited scope and nature of the Action Alternatives led Reclamation through internal scoping discussions to determine there would be “no effect” on these species or their associated habitats.

Determination	Element/Resource	Rationale
NI	Recreation	Based on the Action Alternatives, there would be no change in the timing of deliveries from Echo Reservoir. Further, no changes to diversion points are proposed, resulting in no foreseeable changes to reservoir operations and water levels. As such, no impact to recreation resources at the reservoir and/or campgrounds would occur that would require additional analysis.
NI	Socioeconomics	Impacts to Socioeconomic conditions may occur through the implementation of this project, however, not to a degree that would require detailed analysis. As trends in growth and urbanization are larger actions, and not dependent on the implementation or denial of the Action Alternatives.
NI	Soils	Soil is present within the project area where project water has been delivered and would continue to be delivered under the Action Alternatives. The Action Alternatives allow for changes of water use; however, in and of themselves they do not limit nor force historical irrigation use to be abandoned, nor do they induce urbanization or change the area where project water would be delivered and used. Therefore, based on review of the current data, it is not anticipated that soils would be affected to a degree that requires further analysis in this EA
NP	Wastes (hazardous/solid)	The Action Alternatives, in and of themselves, have no potential to introduce or produce hazardous waste or materials based on the scope of the proposal to convert water use. Therefore, hazardous or solid wastes will not be carried forward for further analysis in this EA.
PI	Water: Floodplains, Lakes, Riparian Areas, Streams/Rivers, Wetlands	Some impacts to the listed water related areas may occur under the Action Alternatives, and therefore this group of resources are brought forward for analysis. Some effects are also addressed in the hydrology section 3.3 of this EA.
PI	Water: Hydrology	This resource will be brought forward in the EA to analyze the water use depletion and implications for return flows.

Determination	Element/Resource	Rationale
NI	Water: Water Quality	Based on review of the project area in Reclamation's GIS database, surface and groundwater resources are present within the project area where project water has been delivered historically and would continue to be delivered under the Action Alternatives. The Action Alternatives would allow for changes to the nature of project water use; however, they would not limit nor force historical agricultural use to be abandoned, nor would they induce urbanization, based on the growth already projected within the project area. The Action Alternatives would not change the source of the project water or the area where project water would be delivered and used, nor would they implement construction activities. Therefore, it is not anticipated that groundwater or surface water quality would be affected to a degree that requires further analysis.
PI	Water: Water Rights	This resource will be brought forward in the EA to analyze the water rights affected and change application process.
PI	Water: Water Supply	This resource will be brought forward in the EA to analyze water supply and demand for irrigation and M&I uses.
NI	Wildlife: Fish, Migratory Birds, and Wildlife (USFWS designated or non-designated)	The Action Alternatives do not involve any ground-disturbing activities or operational changes and based on the results of the Hydrology and related water resources analysis in this EA, there are no reasonably foreseeable mechanisms by which fish, wildlife or their habitats would be impacted to the extent that a detailed analysis is needed.

3.1 FARMLANDS: PRIME/UNIQUE

3.1.1 AFFECTED ENVIRONMENT

Prime farmlands are defined by the U.S. Department of Agriculture as:

> *Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.*

Unique farmlands are defined by the U.S. Department of Agriculture as:

> *Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.*

The project area contains approximately 143,264 acres of land that is classified as agricultural, based on publicly available GIS data provided by the Utah Division of Water Resources (2022). This data was used with Natural Resources Conservation Service GIS data for prime and unique farmlands to determine which agricultural acres are also classified as prime and/or unique. The following summary is presented, based on the above data:

No Action Alternative and Proposed Action Alternative areas:

- Prime farmlands, both irrigated and irrigated and drained: 58,712 acres
- Unique farmlands: 634 acres

Potential Growth Alternative area:

- Prime farmlands, both irrigated and irrigated and drained: 39,507 acres
- Unique farmlands: 426 acres

3.1.2 NO ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

The No Action Alternative would allow for the continued use of water to support prime and/or unique farmlands. Land development would continue to go forward, but without the use of WRP water for miscellaneous use. The extent of how much project water is presently supporting prime and/or unique farmlands is unknown because these farmlands are supported by a variety of water sources in the area.

3.1.3 PROPOSED ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

The Proposed Action Alternative would allow for the continued use of water to support prime and unique farmland production. It is estimated that future third-party contracts could divert water from prime and unique farmlands to miscellaneous use. This change could occur over an approximately 50-year timeframe (Sunrise 2024).

The location and scope of proposed third-party contract work, after a conversion contract with WRWUA is presently unknown but would take place in the project area. The location and scope of proposed third-party contract work is also presently unknown. As mentioned under the No Action Alternative, it is unknown to what extent prime and/or unique farmlands depend upon project water, and it is therefore difficult to accurately assess the impacts of water conversion in and of itself, as a part of the Proposed Action Alternative. Consequently, the Proposed Action Alternative would not result in readily measurable increases or decreases in Prime and/or Unique Farmland acreage.

3.1.4 POTENTIAL GROWTH ALTERNATIVE ENVIRONMENTAL EFFECTS

The Potential Growth Alternative would allow for the continued use of water to support agricultural use for prime or unique farmlands. It is expected that future third-party contracts would shift water use from some prime and unique farmlands to miscellaneous use. This shift of use would more likely occur over the next 50 years (Sunrise 2024), up to approximately 44,000 ac-ft.

As discussed above, the location and scope of proposed third-party contract work is presently unknown but would take place in the project area. Past land developments have shown to be demand driven and can affect the acreage of prime and/or unique farmlands in the project area. Like the Proposed Action Alternative, it is difficult to accurately assess the impacts of water conversion in and of itself, as a part of the Action Alternatives, based on the ever-changing land development landscape, largely on privately held lands. However, implementation of this alternative, as described, would result in fewer impacts to acres of prime and unique farmland based on water use shifting to varied purposes based on the forecasted potential growth of 44,000 ac-ft rather than the full conversion of all 74,000 ac-ft.

3.2 FLOODPLAINS, PONDS, STREAMS/RIVERS, WETLANDS

3.2.1 AFFECTED ENVIRONMENT

Wetlands (including floodplains) within the project area help maintain related ecosystems and provide habitat for wildlife, affecting water quality and flood control. Wetlands are typically located in low-lying areas, along streams, canals, and near lakeshores. They encompass a variety of wetland types, including marshes, swamps, and riparian zones, each possessing unique hydrological and ecological characteristics.

Proposed Action Alternative and No Action Alternative Area:

Based on a GIS analysis of available data, freshwater emergent or forested/shrub covered wetlands cover an estimated 75,724 acres, representing approximately 3% of the total watershed within the Proposed Action and No Action Alternative areas of 2,712,514 acres. Freshwater ponds occupy 10,777 acres, making up less than 1% of the area, while lakes (including reservoirs) cover 76,597 acres, or approximately 3% of the area. Riverine wetlands span 20,974 acres, accounting for less than 1% of the total area.

Potential Growth Alternative Area:

Based on a GIS analysis of available data, freshwater emergent or forested/shrub covered wetlands cover an estimated 53,816 acres, representing approximately 3% of the total watershed under the Potential Growth Alternative area of 1,591,867 acres. Freshwater ponds occupy 5,576 acres, making up less than 1% of the area, while lakes (including reservoirs) span 47,461 acres, or approximately 3% of the area. Riverine wetlands cover 13,133 acres, accounting for less than 1% of the total area.

3.2.2 NO ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Wetlands within the project area would continue to rely on the existing hydrological regimes provided by WRP water, largely unchanged under this alternative. Over time, as land and water use patterns change with expected urban and/or industrial development, wetlands could be affected. The extent of these changes is not clearly known as there are many factors like shifting land use patterns that affect development within wetlands.

3.2.3 PROPOSED ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

The option of using all 74,000 ac-ft of WRP for miscellaneous use could have an effect on wetlands (including floodplains), ponds, lakes, and riverine systems. These impacts depend largely on the scope and scale of the proposed changes from irrigation infrastructure that could reduce the amount of water on the landscape in one area while allowing for municipal, industrial, domestic, and irrigation for agricultural use in another area. Largely, these changes are unknown and subject to many factors.

Allowing the conversion of water to miscellaneous use would not substantially alter the overall water balance in the region. This is based on a lack of known specific proposals to use water that could fully remove substantial amounts of water from the project area watersheds. This suggests that the implementation of the Proposed Action Alternative is expected to have minimal adverse effects on wetland ecosystems within the project area, largely dependent on the extent of future third-party contract proposals.

3.2.4 POTENTIAL GROWTH ALTERNATIVE ENVIRONMENTAL EFFECTS

The option of limiting 44,000 ac-ft of WRP water for miscellaneous use could also have an effect on wetlands (including floodplains), ponds, lakes, and riverine systems. However, under this alternative, since a lesser amount of water would be available for conversion, any minimal impacts would be reduced by approximately 40% when compared to the Proposed Action Alternative. Like the Proposed Action Alternative, impacts would depend on the scope and scale of the proposed third-party changes to irrigation infrastructure. Largely, these changes are unknown and subject to many factors, but in the long term, agricultural water use would persist in the amount of approximately 30,000 ac-ft of water until further changes are proposed (Sunrise 2024).

Limiting the conversion of water to miscellaneous use to 44,000 ac-ft, however, is not expected to substantially alter the overall water balance in the region. Absent specific proposals to use water that in a way that fully removes substantial amounts of water from the project area watershed, it is largely unknown what changes may occur. The third-party review process would identify any additional NEPA analysis to disclose impacts and identify potential mitigation measures. This suggests that the implementation of the Proposed Action Alternative is expected to have minimal adverse effects on wetland ecosystems within the project area.

3.3 HYDROLOGY

3.3.1 AFFECTED ENVIRONMENT

The WRP stores water year-round in Echo Reservoir, with up to 74,000 ac-ft of flow diverted each year. The water is delivered to users through a canal network and is used during the irrigation season.

The standard irrigation duty employed by the Utah Division of Water Rights (2025) within the project area ranges from 3 to 5 ac-ft of irrigation supply per acre of crop. In Davis and Weber Counties, which contain much of the area benefited by the Project (Bureau of Reclamation 1961), the irrigation duty value is 4 ac-ft of irrigation supply per acre of crop. Of the 4 feet of water applied, an estimated 26.23 inches, or 55%, is depleted through evapotranspiration, according to reference values used by the State of Utah for alfalfa as a benchmark crop (Hill 1994). The remaining 45% of water applied for irrigation returns to the natural water system as surface and subsurface return flows.

The WRP serves irrigation users in both the Weber River and the Utah Lake/Jordan River sub-catchments of the Great Salt Lake Basin. Of the 74,000 ac-ft total project supply, up to approximately 5,400 ac-ft is delivered through the Weber-Provo Diversion Canal to users within the Utah Lake/Jordan River sub-catchment, while the remaining 68,600 ac-ft stays within the Weber River sub-catchment. Return flows re-enter the natural water system in the sub-catchment where the delivered water is applied. Return flows from federal projects are reserved by the United States for the benefit of the Project.

The lands receiving project water lie within the Weber River, Jordan River, and Utah Lake basins, which all flow into the Great Salt Lake (State of Utah 2024). Maintaining adequate flows to the Great Salt Lake to stabilize water levels is a priority, and in 2022 the governor suspended new appropriations of water within the Great Salt Lake drainage area (Office of Governor Spencer J. Cox 2022).

3.3.2 NO ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the No Action Alternative, the project supply would continue to be available for only the currently authorized irrigation and incidental domestic purposes. To the extent that the historical demand for irrigation remains in effect within the project area, there would be no change in the project water use, and thus no new hydrologic effects. The return flows from the project would continue to be approximately 33,600 ac-ft, with 31,100 ac-ft occurring in the Weber River sub-catchment and 2,400 ac-ft in the Utah Lake/Jordan River sub-catchment, assuming 55% depletion from the irrigation use.

Planning projections from the Kem C. Gardner Policy Institute (2022) and from the Weber River Water Users Association Water Supply Study (Sunrise 2024) indicate that irrigation demand may decline as land use shifts to accommodate residential and municipal development. To the extent that the historical demand for irrigation transitions to other demands, delivery of the unconverted project water supply and associated return flows may be reduced as the available water could not be delivered for uses other than irrigation.

The No Action Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to hydrology. Project water would continue to feed Utah Lake, the Great Salt Lake, and their respective tributaries as presently constituted. Growth in the project area is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with associated increase in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the No Action Alternative. The No Action Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

3.3.3 PROPOSED ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the Proposed Action Alternative, the entire 74,000 ac-ft of project supply would become available for miscellaneous use subject to the terms and conditions of the conversion contract without prescribing any change away from the existing irrigation and incidental domestic uses. This alternative would not change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to contracts dated December 16, 1926, (ILR-220) and December 20, 1938, (ILR-1083) with the WRWUA and PRWUA.

Projections from the Kem C. Gardner Policy Institute (2022) suggest a declining future demand for irrigation, and the Weber River Water Users Association Water Supply Study (Sunrise 2024) highlights growing M&I water demand as a need that could be met with converted project water. According to water budget data from the Utah Division of Water Resources (2024), M&I water use in the project area is estimated to be 33% consumptive, with the remaining 67% returning to the natural water system (Table 3.2). Notably, the consumptiveness of M&I water use could increase with future developments such as efficiency improvements or reuse configurations. To avoid impairment of other water users as described in Utah Code Section 73-3-3(1)(h), the use of converted project water would likely be limited to approximately 55% consumptive use so as not to exceed the depletion associated with the existing irrigation use.

Table 3.2. M&I water use from the Utah Water Budget Model for the East Shore Sub-area of the Weber River Basin (data from Utah Division of Water Resources 2024). The years shown refer to water years, which begin on October 1 and end on September 30.

Category	2018	2019	2020	2021	2022	Total
M&I Diversions ac-ft	188,185	168,039	215,526	184,137	174,429	931,316
M&I Depletions ac-ft	61,299	55,727	73,191	61,081	57,601	308,898
Consumptive Use	33%	33%	34%	33%	33%	**33%**

In areas not served by municipal water supply systems, the changing water needs accompanying projected growth may include domestic and landscape watering use for individual residences. For a standalone domestic residence, indoor water use is considered 20% consumptive (Utah Division of Water Rights 2025). Outdoor water use for turfgrass has an estimated depletion of 33% (15.94 inches divided by an irrigation duty of 4 feet; Hill 1994). Outdoor water use for stock watering is considered 100% consumptive (Utah Division of Water Rights 2025), but consistent with farm sector projections from the Kem C. Gardner Policy Institute report (2022), substantial growth in stock watering use is not expected. Altogether, water deliveries used for a combination of domestic and landscaping purposes with minimal stock watering would be approximately 20-33% consumptive.

The Proposed Action Alternative would make the entire 74,000 ac-ft of project water supply available for miscellaneous use but would not direct any change away from the existing irrigation use. Changes in use would not increase or decrease the total project diversions of 74,000 ac-ft; however, they have the potential to affect the depletion and corresponding return flows associated with the Project.

It is anticipated that the conditions described in Section 2.5 would apply to future demands for project water, and thus for the purposes of this analysis, the hydrologic effect of the Proposed Action Alternative would be bounded by two cases. On one extreme is the case where the entire project water supply is made available for miscellaneous use but no actual change in use occurs. In this scenario, since miscellaneous use would be allowed, but not elected, project water would continue to be utilized as it has been for irrigation and incidental domestic uses, and there would be no change.

On the other extreme is the case where a change in use occurs for the entire converted project supply. While it would be speculative to assume a particular outcome for the converted supply, an illustrative bounding case could be full conversion to M&I use, based on the nature of growth identified in the Weber River Water Users Association Water Supply Study (Sunrise 2024).

If the full 74,000 ac-ft of project water supply were to be used for 33-55% consumptive M&I use rather than for 55% consumptive irrigation use, this would result in total project return flows of 33,600-49,500 ac-ft, depending on the consumptiveness of the converted use (an increase of 0-15,900 ac-ft compared to existing conditions). Maintaining the existing delivery allocation through the Weber-Provo Diversion Canal, 31,100-45,800 ac-ft of the return flows would occur within the Weber River sub-catchment (an increase of 0-14,700 ac-ft), and 2,400-3,600 ac-ft within the Utah Lake/Jordan River sub-catchment (an increase of 0-1,200 ac-ft). To the extent that converted project water transitions to M&I use, it is anticipated that new water demand accompanying the growth would consume any additional return flows generated by the change in use of the converted project water, as discussed in more detail in Section 3.5 Water Supply. Thus, the Proposed Action Alternative is not ultimately expected to result in additional return flows to the system.

The proposed conversion to miscellaneous use from Echo Reservoir is not expected to have a substantial impact on the Great Salt Lake, based on interpretation of data from Utah's State Water Budget. Irrigation use in the Great Salt Lake Basin currently depletes approximately 1.5 million ac-ft annually across the entire watershed. The WRP water use represents less than 5% of these yearly depletions and would maintain return flows within the Weber River system, which ultimately feeds the Great Salt Lake. As is consistent with the analysis and independent data presented in this chapter, the Proposed Action Alternative would not change the overarching hydrology of the basin.

Utah water law disallows additional depletions of water rights from their original appropriated quantities. As such, any miscellaneous use resulting from the Proposed Action Alternative cannot deplete additional water from the hydrologic system, including the Great Salt Lake.

Given the minimal change in net consumptive use and continued in-basin flow, the conversion would have no measurable impact on lake inflows, salinity, or ecological function.

The Proposed Action Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to hydrology. Growth in the project area is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with the associated increases in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the Proposed Action Alternative. The Proposed Action Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

3.3.4 POTENTIAL GROWTH ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the Potential Growth Alternative, 44,000 ac-ft of project supply would become available for miscellaneous use subject to the terms and conditions of the conversion contract without prescribing any change away from the existing irrigation and incidental domestic uses. The remaining 30,000 ac-ft of project supply would continue to be restricted to irrigation and incidental domestic uses. As with the Proposed Action Alternative, the Potential Growth Alternative would not change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to contracts dated December 16, 1926, (ILR-220) and December 20, 1938, (ILR-1083) with the WRWUA and PRWUA. Delivery of converted project water would be restricted to the Potential Growth Area where the conversion demand has been identified, shown in Figure 2.2.

Changes to miscellaneous use would not increase or decrease the total Project diversions of 74,000 ac-ft; however, they have the potential to affect the depletion and corresponding return flows associated with the Project. It is anticipated that the conditions described in Section 2.5 would apply to future demands for project water, and thus for the purposes of this analysis, the hydrologic effect of the Potential Growth Alternative would be bounded by two scenarios. On one extreme is the scenario where the partial project supply is made available for miscellaneous use but no actual change in use occurs. In this scenario, because miscellaneous use would be allowed but not elected, then the project water would continue to be utilized as it has been for irrigation and incidental domestic use, and there would be no change.

On the other extreme is the scenario where the entire 44,000 ac-ft of available project supply is changed to miscellaneous use. While it would be speculative to assume a particular outcome for the converted supply, an illustrative bounding case could be complete conversion to M&I use, based on the nature of growth identified in the Weber River Water Users Association Water Supply Study (Sunrise 2024).

If the 44,000 ac-ft of diversions were to be used for 33-55% consumptive M&I use and the remaining 30,000 ac-ft for 55% consumptive irrigation use, this would result in total project return flows of 33,600-43,000 ac-ft, depending on the consumptiveness of the converted use (an

increase of 0-9,500 ac-ft compared to existing conditions). Because project water conversion would be restricted to the Weber River sub-catchment under this alternative, no change in depletion or return flows would occur within the Utah Lake/Jordan River sub-catchment. Maintaining the existing delivery allocation through the Weber-Provo Diversion Canal, 31,100-40,600 ac-ft of the return flows would occur within the Weber River sub-catchment (an increase of 0-9,500 ac-ft), and 2,400 ac-ft within the Utah Lake/Jordan River sub-catchment (no change from existing). It is anticipated that increased water demand, over time, that accompanies projected population growth would consume any additional return flows generated by the change in use of the converted project water, as discussed in more detail in Section 3.5 Water Supply. Thus, the Potential Growth Alternative is not ultimately expected to result in additional return flows to the system.

The Potential Growth Alternative is not expected to have a substantial impact on the Great Salt Lake, based on interpretation of data from Utah's State Water Budget. Irrigation use in the Great Salt Lake Basin currently depletes approximately 1.5 million ac-ft annually across the entire watershed. The 44,000 ac-ft of WRP water available for conversion under the Potential Growth Alternative represents less than 3% of these yearly depletions and would maintain return flows within the Weber River system, which ultimately feeds the Great Salt Lake. As is consistent with the analysis and independent data presented in this chapter, the Proposed Action Alternative would not change the overarching hydrology of the basin.

Utah water law disallows additional depletions of water rights from their original appropriated quantities. As such, any miscellaneous use resulting from the Proposed Action Alternative cannot deplete additional water from the hydrologic system, including the Great Salt Lake. Given the minimal change in net consumptive use and continued in-basin flow, the conversion would have no measurable impact on lake inflows, salinity, or ecological function.

The Potential Growth Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to hydrology. Growth in the project area is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with associated increase in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the Potential Growth Alternative. The Potential Growth Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

3.4 WATER RIGHTS

3.4.1 AFFECTED ENVIRONMENT

The Utah Division of Water Rights regulates and oversees water rights for all uses in the area and is responsible under state law to enforce water priorities. However, when evaluating this resource, it is important to understand that the Proposed Action Alternative seeks to change the allowed uses from irrigation to miscellaneous under Federal Reclamation law, and that this change is separate from a change in use as defined by Utah water law. Water rights associated

with the WRP are filed with the Utah Division of Water Rights, and Reclamation operates in accordance with Utah water law as per the 1902 Reclamation Act.

The WRP was authorized by Congress in 1924 with the purpose of diverting water from the Weber River watershed and delivering it for irrigation use. In that year, the United States filed an application with the Utah Division of Water Rights to appropriate 74,000 ac-ft of water from the Weber River for storage and irrigation use. That application was approved as water right #35-8739 and subsequently certificated in 1968 for irrigation, domestic, stock watering, year-round municipal, and other purposes.

3.4.2 NO ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the No Action Alternative, the WRP would remain for irrigation and incidental domestic purposes only. Continued use of water for irrigation would not introduce change to the water rights associated with the WRP or others in the area. As the WRP water would continue to be delivered to irrigators to produce commercial agricultural crops as it has historically been used, no change to the water rights or effects to the rights of others would occur.

3.4.3 PROPOSED ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the Proposed Action Alternative, change applications could be filed by the United States (and the water right users as co-applicants if the United States so chooses) to change the points of diversion and places of use to allow for diversions associated with potential miscellaneous use. Approved change applications for water rights associated with the WRP would be limited to the quantities of water as originally certificated, and no change in the season of use or the quantity of water diverted or depleted from the system would result. Utah law prohibits any proposed change in use of a water right from creating quantity impairment for other water right holders. Impairment, by definition, is “enlarging the quantity of water depleted by the nature of the proposed use when compared with the nature of the currently approved use.” Furthermore, these change applications would not prevent the water from being applied to irrigation land as it has historically done but simply provide additional flexibility in use. Any approved change applications would not limit irrigation use now or in the future.

Exchange applications currently allow shareholders to divert water from sources within the WRP Project Area in exchange for water stored and subsequently released from Echo Reservoir. These exchanges do not impact operations at Echo Reservoir and have been allowed for some time by Reclamation as consistent with irrigation purposes. The Proposed Action Alternative would allow shareholders to file these exchange applications for uses other than irrigation and incidental domestic purposes thereto.

The United States reserves the right to return flows associated with the WRP in accordance with their administration by the Utah State Engineer. As the right to these return flows would remain in force both now and after 1920 Act Conversion, the Proposed Action Alternative would result in no substantial impact to these rights. How these return flows may be used in the future is not

known, and any attempt to address their future use would be speculative and beyond the scope of this assessment.

Under the Proposed Action Alternative, these potential change and exchange applications would be available to the entire 74,000 ac-ft available under water right 35-8739, and inclusive of the entire WRP Project Area. As these applications would not limit historical use, and as any approval is contingent upon the State Engineer's determination that other users would not be impaired through the change or exchange in accordance with Utah Law, the Proposed Action Alternative would result in no substantial impacts to water rights of downstream users or to those associated with the WRP.

3.4.4 POTENTIAL GROWTH ALTERNATIVE ENVIRONMENTAL EFFECTS

As with the Proposed Action Alternative, the Potential Growth Alternative would allow for change and exchange applications to be filed by the United States (and the water right users as co-applicants if the United States so chooses) to change the points of diversion and places of use to allow for diversions associated with potential miscellaneous use. As was true under the Proposed Action Alternative, these change applications for water rights associated with the WRP would be limited to the quantities of water as originally certificated, and no change in the season of use or the quantity of water diverted or depleted from the system would result.

In the Potential Growth Alternative, however, any of these potential applications would be limited to the Potential Growth Area defined above and would not exceed 44,000 ac-ft of WRP water supply appropriated under water right 35-8739.

3.5 WATER SUPPLY

3.5.1 AFFECTED ENVIRONMENT

The WRP supplies 74,000 ac-ft of irrigation water supply serving approximately 109,000 acres, primarily in Davis and Weber Counties in the area lying between the Great Salt Lake and the Wasatch Mountains (McCune 2000). Weber River flow is impounded at Echo Reservoir and delivered through a canal network in the Weber River drainage area and through the Weber-Provo Diversion Canal to project users in the Provo River drainage. Up to approximately 5,400 ac-ft is delivered through the Weber-Provo Diversion Canal, while the remaining 68,600 ac-ft of project supply stays within the Weber River Basin. Project facilities are owned by Reclamation and operated and maintained by the Weber River Water Users Association.

According to the Utah Division of Water Resources (2021), the reliable water supply within the Weber River Basin is estimated to be 288,300 ac-ft, of which 195,800 ac-ft is potable supply and 92,500 ac-ft is secondary supply for non-potable use within M&I system boundaries. The reliable water supply within the Jordan River and Utah Lake basins is estimated to be 635,800 ac-ft, of which 544,600 ac-ft is potable supply and 91,200 ac-ft is secondary supply. The WRP irrigation supply is delivered separately from M&I secondary systems, such that the 74,000 ac-ft project supply is additional to the secondary supply totals quantified above.

The area served by the Project is experiencing growth (Table 3.3) and changing water demands, which has prompted the Weber River Water Users Association to request additional flexibility in project water use (Sunrise 2024).

Table 3.3. Recent trends in population growth in counties served by the WRP (data from U.S. Census Bureau 2024).

County	Population (2010)	Population (2020)	Percent Change
Davis	306,479	362,679	+18%
Morgan	9,469	12,295	+30%
Salt Lake	1,029,655	1,185,238	+15%
Summit	36,324	42,357	+17%
Utah	516,564	659,399	+28%
Wasatch	23,530	34,788	+48%
Weber	231,236	262,223	+13%

Statewide between 2020 and 2060, farm sector employment is projected to decline by 7.7%, whereas the number of households is projected to increase by 107.0% (Kem C. Gardner Policy Institute 2022). The Gardner Institute report emphasizes that these numbers are not intended to be definitive predictions of the future, but rather projections of what may reasonably happen. Thus, while it would be speculative to assume this exact future growth scenario, these trends do illustrate changing water supply needs in the areas served by the Project. Relative to a 2015 baseline and dependent on water conservation practices, the Utah Division of Water Resources (2021) projects a 28,600-176,600 ac-ft increase in M&I water demand in the Weber River Basin by 2070 (data from Appendix E of the 2021 report).

3.5.2 NO ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the No Action Alternative, the project water would continue to be available for only the currently authorized irrigation and incidental domestic purposes. To the extent that the historical demand for irrigation remains in effect within the project area, there would be no change in the project water use, and thus no new water supply effects. The Project would continue to supply 74,000 ac-ft annually for the currently authorized purposes.

Planning projections from the Kem C. Gardner Policy Institute (2022) and from the Weber River Water Users Association Water Supply Study (Sunrise 2024) indicate that irrigation demand may decline as land use shifts to accommodate residential and municipal development. To the extent that the historical demand for irrigation transitions to other demands, delivery of the unconverted project water may be reduced as the available water could not be delivered for uses other than irrigation. This could contribute to local and regional water supply stress as lands historically served by the Project would need to secure other supplies in a basin where new appropriations have been suspended by executive order (Office of Governor Spencer J. Cox 2022).

The No Action Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to water supply. Growth in the project area is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with associated increase in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the No Action Alternative. The No Action Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

3.5.3 PROPOSED ACTION ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the Proposed Action Alternative, the entire 74,000 ac-ft of project water supply would become available for miscellaneous use subject to the terms and conditions of the conversion contract without prescribing any change away from the existing irrigation use. This alternative would not change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to contracts dated December 16, 1926, (ILR-220) and December 20, 1938, (ILR-1083) with the WRWUA and PRWUA.

The Proposed Action Alternative would not change the amount of water supply diversions available for beneficial use; rather, it would facilitate the continued use of the project water supply to meet a changing water demand.

Projections from the Kem C. Gardner Policy Institute (2022) suggest a growing population and a declining future demand for project irrigation supply, and the Weber River Water Users Association Water Supply Study (Sunrise 2024) highlights growing M&I water demand as a need that could be met with converted project water. In areas not served by municipal water supply systems, the changing water needs accompanying projected growth may include domestic and landscape water use for individual residences. In Figure 3.4, the Division of Water Resources (2021) models how changes to water supply and demand may play out over time in the Weber River Basin. The figure shows that while the existing reliable supply is static or decreasing over time, the system demand is expected to increase, even with baseline and additional conservation measures. Changing the project water to miscellaneous use, including M&I, offers a pathway to increase water supplies for M&I and other uses to keep pace with growing demand.

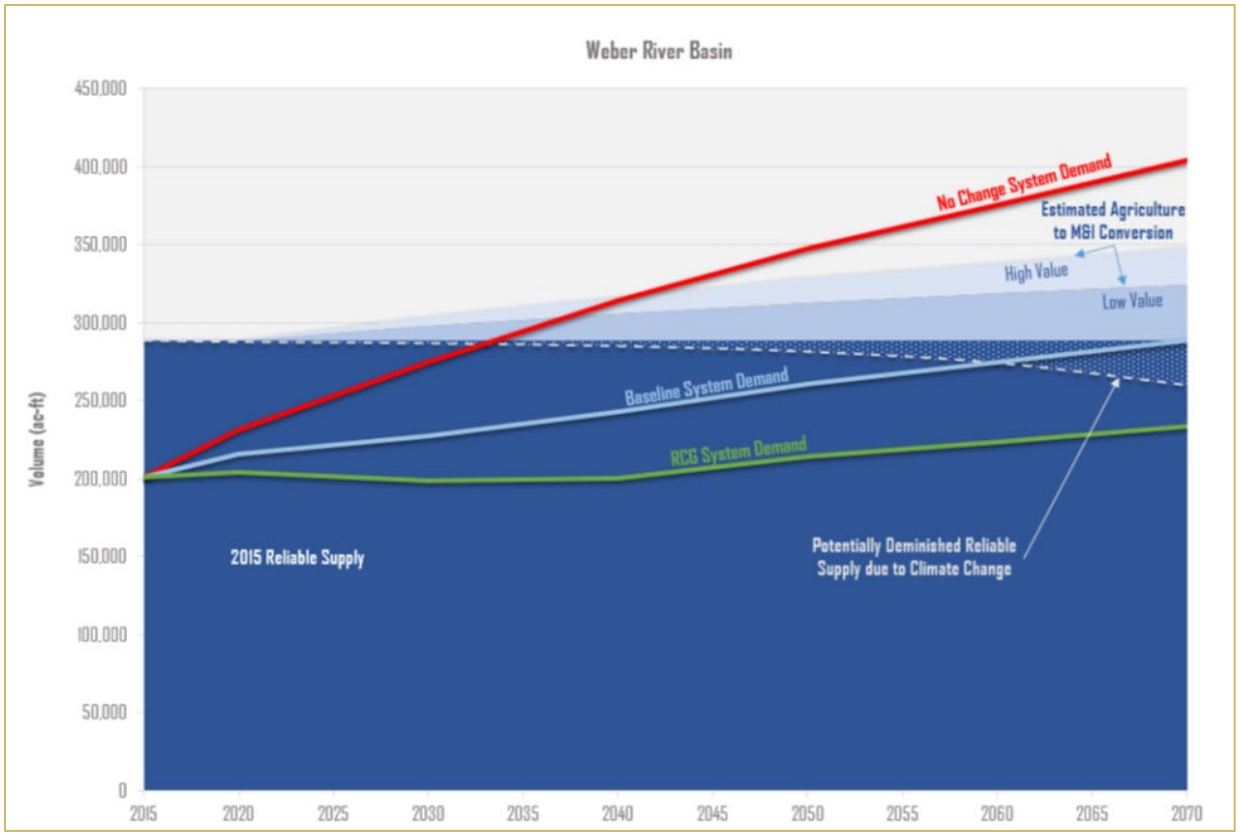

Figure 3.4. Projected water supply and system demand within the Weber River Basin (figure from Utah Division of Water Resources 2021, Appendix G).

The three solid lines in Figure 3.4 represent system demand with no change in per-capita use (red), with baseline conservation (blue), and with additional conservation (green). The shaded polygons represent reliable water supply (dark blue) and additional supply that could be made available through M&I conversion (medium and light blue for low and high estimates, respectively). The white dashed line represents a possible decline in reliable supply due to climate change effects. Since supply systems are not fully interconnected, localized shortages are possible even when basin-wide demand does not exceed basin-wide supply.

Culinary water use in domestic and municipal settings is generally less consumptive than irrigation (Utah Division of Water Rights 2025), which means that more water returns to the system following culinary use. Return flows from federal projects are reserved by the United States for the benefit of the Project. In Figure 3.4, the M&I supply increase through conversion slopes upward approximately parallel to the system demand increase with baseline or greater conservation. The similarity between these rates of increase suggests that new water demand accompanying the projected growth may consume any additional return flows generated by the change in use of the converted project water. Thus, the Proposed Action Alternative is not ultimately expected to result in additional return flows to the system.

The Proposed Action Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to water supply. Growth in the project area

is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with associated increase in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the Proposed Action Alternative. The Proposed Action Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

3.5.4 POTENTIAL GROWTH ALTERNATIVE ENVIRONMENTAL EFFECTS

Under the Potential Growth Alternative, 44,000 ac-ft of project supply would become available for miscellaneous use subject to the terms and conditions of the conversion contract without prescribing any change away from the existing irrigation use. The remaining 30,000 ac-ft of project supply would continue to be restricted to irrigation purposes. As with the Proposed Action Alternative, the Potential Growth Alternative would not change the existing delivery allocation of up to 5,400 shares through the Weber-Provo Diversion Canal, nor would it change the April 1 to October 31 delivery season from Echo Reservoir, pursuant to contracts dated December 16, 1926, (ILR-220) and December 20, 1938, (ILR-1083) with the WRWUA and PRWUA. Delivery of converted project water would be restricted to the Potential Growth Area where the conversion demand has been identified, shown in Figure 2.2.

As with the Proposed Action Alternative, the Potential Growth Alternative would not change the amount of water diversions available for beneficial use; rather, it would facilitate the continued use of the project water supply to meet a changing water demand. It is anticipated that increased water demand accompanying projected population growth would consume any additional return flows, as discussed above, generated by the change in use of the converted project water (Utah Division of Water Resources 2021). Return flows from federal projects are reserved by the United States for the benefit of the Project. Thus, the Potential Growth Alternative is not ultimately expected to result in additional return flows to the system.

If the demand for converted water supply were to exceed the converted supply of 44,000 ac-ft, then an additional conversion action would be needed to allow for miscellaneous use of the unconverted portion of the project supply.

The Potential Growth Alternative, when combined with past, current, and reasonably foreseeable actions, is not expected to result in additional effects to water supply. Growth in the project area is already taking place and is projected to continue (Kem C. Gardner Policy Institute 2022), along with associated increase in M&I water demand (Sunrise 2024; Utah Division of Water Resources 2021), independent of the Potential Growth Alternative. The Potential Growth Alternative would occur in this context of changing water demand but is not expected to combine with these trends to produce additional effects beyond those analyzed in the preceding paragraphs.

4.0 CONSULTATION AND COORDINATION

4.1 PERSONS, GROUPS, AND AGENCIES CONSULTED

Table 4-1 lists the people, groups, and agencies that were coordinated with or consulted during the preparation of this EA. The table also summarizes the conclusions of those processes.

Table 4-1. Coordination and Consultation

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Utah State Historic Preservation Office; Tribal Historic Preservation Office	National Historic Preservation Act Section 106	Reclamation's proposed alternative would have no potential to cause affects to historic properties. Reclamation submitted a copy of the letter of findings to the Utah State Historic Preservation Office (SHPO) on November 13, 2024. SHPO concurred with the determination of no potential to effect historic properties on November 15, 2024. The letter of findings was submitted to the Tribal Historic Preservation Offices of the Uintah and Ouray Ute Tribe, Shoshone-Bannock Tribe, Northwestern Band of Shoshone Nation, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Ute Mountain Ute Tribe, the Navajo Nation. consultation letters were sent on December 6, 2024, and no responses have been received at this time. No responses were received during the standard 30-day comment period.
U.S. Fish and Wildlife Service	Endangered Species Act Section 7	No consultation needed as no impacts to Federally listed species are present.
Native American Nations and Tribal Organizations	Executive Order 13175, Executive Order 13007	On December 6, 2024, Native American consultation was initiated by Reclamation through letters sent to the Uintah and Ouray Ute Tribe, Shoshone-Bannock Tribe, Northwestern Band of Shoshone

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
		Nation, Confederated Tribes of the Goshute Reservation, Paiute Indian Tribe of Utah, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Ute Mountain Ute Tribe, the Navajo Nation, Skull Valley Band of Goshute, and the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony. No responses were received during the standard 30-day comment period.

4.2 LIST OF PREPARERS

The specialists listed in the following table assisted in the preparation of this EA.

Table 4-2. Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Bridget Navarro	Civil Engineer – Water Rights	Co-Lead Water Resources, Project History, Quality Assurance and Control of Water Information
Dustin Woodbury	Civil Engineer – Water Rights Lead	Project Lead and Water Resources Overview
Dusty Carpenter	NEPA Coordinator	Air Quality, Socioeconomics, Environmental Justice, Process and Document Quality Assurance and Quality Control
Mark Wimmer	Division Manager	Project Management, Farmlands, and GIS
Melissa Shively	Supervisory Realty Specialist	Lands Access, ROWs and Reclamation Structures, Prime and Unique Farmlands
Nicole Dangerfield	Archaeologist	Archaeology, Cultural and Indian Trust Assets
Rick Baxter	Area Manager	Final Signature and Approval
Wyatt Carter	Wildlife Biologist	Biologic and Ecologic Resources (including streams, wetlands and floodplains) and Public Health and Safety

5.0 REFERENCES, ACRONYMS & ABBREVIATIONS

5.1 REFERENCES CITED

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5.2 LIST OF ACRONYMS AND ABBREVIATIONS

Abbreviations	Meaning/Description
ac-ft	Acre-feet
CO2e	Carbon Dioxide Equivalent
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
FONSI	Finding No Significant Impact
GHG	Greenhouse Gas
GIS	Geographic Information Systems
ITA	Indian Trust Assets
M&I	Municipal and Industrial (see 5.3 Water Use Terms)
PRWUA	Provo River Water Users Association
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
PEC	Program Economics, Revenues, and Contracts
Reclamation	U.S. Bureau of Reclamation
SHPO	State Historic Preservation Office
USC	United States Code
WRP	Weber River Project
WRWUA	Weber River Water Users Association

5.3 WATER USE TERMS

Term	Meaning/Description
Culinary	Water used for indoor purposes that is suitable for human consumption.
Domestic	Water used for indoor purposes only; not to exceed an allotment of 0.45 ac-ft for any one dwelling and for residences not served by a municipal distribution system (Division of Water Rights 2025).
Irrigation	The use of water to irrigate land primarily for the production of commercial agricultural crops or livestock (irrigation definition by Reclamation policy PEC P05).
Miscellaneous Use	The use of contract water from any project irrigation system for other purposes than irrigation (Reclamation Policy PEC P05).
Municipal & Industrial Use (M&I)	Water supplied for municipal and industrial uses provided through a municipal distribution system (Division of Water Rights 2025).

APPENDICES

Appendix A:
1926 Repayment Contract

C O N T R A C T

with

WEBER RIVER WATER USERS' ASSOCIATION

Providing for the construction of the Echo Reservoir and the Weber-Provo Diversion Canal.

December 16, 1926

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
SALT LAKE BASIN PROJECT

CONTRACT BETWEEN THE UNITED STATES AND THE WEBER RIVER WATER USERS' ASSOCIATION PROVIDING FOR THE CONSTRUCTION OF THE ECHO RESERVOIR AND THE WEBER-PROVO DIVERSION CANAL

THIS CONTRACT, Made this 16th day of December, 1926, between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, acting for this purpose through E. C. Finney, First Ass't. Secretary of the Interior, hereinafter referred to as the Secretary, under the provisions of the Act of June 17, 1902 (32 Stat., 388) and acts amendatory thereof or supplementary thereto, particularly the Warren Act of February 21, 1911 (36 Stat. 925), hereinafter collectively referred to as the Reclamation Law, and the WEBER RIVER WATER USERS' ASSOCIATION, hereinafter referred to as the Association, a corporation of the State of Utah, with its principal office at Ogden, Utah, Witnesseth:

EXPLANATORY RECITALS

2. WHEREAS, the United States proposes to construct a storage reservoir on the Weber River near Echo, in Summit County, Utah, for the impounding and storage of water for irrigation and other purposes to be known as the Echo Reservoir; and

3. WHEREAS, the United States proposes to construct a canal near Kamas, Utah, for the diversion of water from the Weber River to the Provo River, for irrigation and other purposes, to be known as the Weber-Provo Diversion Canal; and

4. WHEREAS, the construction by the United States of said Echo Reservoir and said Weber-Provo Diversion Canal as a part of the first division of the Salt Lake Basin Project, Utah, has been authorized by Congress; and

5. WHEREAS, it is the intention of the United States to build said Echo Reservoir so as to impound water to an elevation of 5560 feet above mean sea level, at which elevation the reservoir will have an estimated storage capacity of 74,000 acre feet; and

6. WHEREAS, it is the intention of the United States to build said Weber-Provo Diversion Canal so as to have a capacity of 210 second feet of water; and

7. WHEREAS, the United States has acquired for and in connection with the said Echo Reservoir and said Weber-Provo Diversion Canal certain water and water rights in and from the Weber River as represented by the following described water appropriations and filings:

> Application No. 9568, dated August 22, 1924 for 74,000 acre feet of water to be stored in the Echo Reservoir, filed and recorded in the office of the State Engineer of Utah, in Book I-29 of Applications to Appropriate Water, on Pages 278 to 280.
>
> Application No. 9580, dated August 22, 1924 for 300 second feet of the water of Weber River, filed and recorded in the office of the State Engineer of Utah in Book I-29 of Applications to Appropriate Water on Pages 326 to 328.

8. WHEREAS, the prosecution by the United States of the construction of said Echo Reservoir and said Weber-Provo Diversion Canal depends upon the ability of the United States to secure contracts for the repayment of expenditures made or to be made in so doing; and

9. WHEREAS, the United States will have for disposal under the terms of the said Reclamation Law from said Echo Reservoir 74,000 acre feet of water or so much thereof as may be actually available from its said water supply and also, at times, certain water for diversion to the Provo River through and by means of the said Weber-Provo Diversion Canal; and

10. WHEREAS, the Association desires to secure from the United States for the use of its stockholders for irrigation purposes a water supply from said Echo Reservoir to the extent of 74,000 acre feet or so much thereof as may constitute a proportionate share of the water actually available, and in addition thereto desires to provide means for the diversion from the Weber River to the Provo River through the said Weber-Provo Diversion Canal of certain water up to but not exceeding 210 second feet as hereinafter provided in Article 13.

11. NOW, THEREFORE, in consideration of the mutual and dependent stipulations and covenants herein contained, it is hereby agreed as follows:

EXTENT TO WHICH WATER RIGHTS MAY BE SOLD

12. The United States will sell a total of 74,000 acre feet of water from said Echo Reservoir, although it is anticipated that due to drought, shortage of supply, losses by seepage and evaporation and other causes, the water supply actually available in some years for use from said Echo Reservoir may be less than 74,000 acre feet.

SALE OF WATER BY THE UNITED STATES

13. The United States will furnish to the Association:

(a) Each year during the irrigation season beginning April 1 and ending October 31, 74,000 acre feet of water or so much thereof as may be actually available as aforesaid, said water supply to be delivered in the Weber River immediately below the outlet of the Echo Reservoir as nearly as practicable at the rate of delivery ordered by the Association but not more than 2000 acre feet per day. All such water shall be delivered and used subject to and in full compliance with the provisions of said Warren Act, and in no other manner.

(b) Capacity in the said Weber-Provo Diversion Canal up to but not to exceed 210 second-feet together with the right to divert surplus water from the natural flow of the Weber River from May 1st to August 1st of each year in such amount not exceeding 210 second feet as is sufficient, when beneficially used for irrigation purposes through existing canals diverting water from the Provo River above its confluence with the South Fork of the Provo River near Vivian Park at a duty not lower than 1 second foot for 60 acres of land, to maintain the flow of the Provo River just below its confluence with the South Fork of the Provo River near Vivian Park, Utah, up to but not exceeding 510 second feet, after which said Echo Reservoir shall be filled once each and every yearly period from November 1st to the following October 31st as against the right to divert through said Weber-Provo Diversion Canal the difference between what is actually required to maintain said flow

in the Provo River near Vivian Park, Utah, at 510 second feet as aforesaid and said 210 second feet and also as against the right to divert an additional 790 second feet from the Weber River to the Provo River which may be required for developments which may be provided by the United States in the future in connection with the Salt Lake Basin Project. It is expressly understood that capacity only in said Weber-Provo Diversion Canal is hereby disposed of by the United States, and that title to said Weber-Provo Diversion Canal remains in the United States, so that the United States may enlarge said canal for other possible developments which the United States may undertake in the future in connection with the Salt Lake Basin Project.

RIGHT OF WATER SUPPLY TO BE PERMANENT

14. It is understood that the Association is to acquire from the United States under the provisions of this contract and said Reclamation Law, a permanent right to the use of the water herein provided to be purchased by it.

UNITED STATES NOT LIABLE FOR WATER SHORTAGE

15. On account of drought or other causes there may occur at times a shortage in the quantity of water provided for herein, and while the United States will use all reasonable means to guard against such shortage, in no event shall any liability accrue against the United States or any of its officers, agents or employees for any damage direct or indirect arising therefrom and the payments to the United States provided for herein shall not be reduced because of any such shortage.

DISTRIBUTION AND USE OF WATER BY ASSOCIATION

16. The Association in the distribution of the water supply acquired hereunder, shall comply with the provisions of the Reclamation Law, particularly those of the said Warren Act, and regulations of the United States applicable thereto, and shall not furnish or deliver to any one landowner water in excess of an amount sufficient to irrigate 160 acres of land. The basis, the measure and the limit of the right of the Association to the use of the said water shall rest perpetually in the beneficial application of the same to the lands of individual land owners who are stockholders in the Association or stockholders in companies, corporations, or associations which in turn are stockholders in the Association. The Association shall cause said water to be put to beneficial use with due diligence in accordance with law.

OPERATION AND MAINTENANCE BY ASSOCIATION

17. The Association shall, at its own sole cost, operate and maintain said Echo Reservoir and said Weber-Provo Diversion Canal and appurtenant works after the construction of the same by the United States and when notified by the United States so to do, and will deliver and distribute said water or cause the same to be delivered and distributed to those entitled to use the same in compliance with the Reclamation Law and particularly the said Warren Act and the rules and regulations established by the Secretary. The Association shall maintain said Echo Reservoir and said Weber-Provo Diversion Canal and appurtenant works in proper operating conditions at all times and if it shall fail to do so, the United States may maintain or repair the same and charge the cost

thereof to the Association, which cost the Association shall promptly pay.

INSPECTION

18. The Secretary may cause to be made from time to time at his election a reasonable inspection of said Echo Reservoir, Weber-Provo Diversion Canal and appurtenant works, and of the books, records and papers of the Association to ascertain whether the terms of this contract are being faithfully executed by the Association. The actual expense of such inspection as found by the Secretary shall be promptly paid by the Association upon submission of bill therefor by the United States.

PROVIDE SECURITY

19. The Association shall provide or cause to be provided adequate security as determined by the Secretary by which the United States will be protected, secured and insured in the payment of all sums and charges herein provided to be paid to the United States by the Association: Provided: That no expenditures will be made by the United States under this contract until such security has been duly approved by the Secretary, notwithstanding prior execution of this contract by the United States.

TO USE ALL POWERS TO COLLECT CHARGES

20. The Association agrees that it will cause to be made and collected all necessary assessments and will use all the powers and resources of the Association, including the power of the Association to levy and collect assessments against its shares of stock and the power to withhold delivery of water, to collect and pay to the

United States all charges or sums provided in this contract in full on or before the date the same becomes due.

COMPETENT SUPERINTENDENCE REQUIRED

21. Until payment to the United States for the works and water supply herein contracted for have been completed the Association shall employ as superintendent a competent irrigation engineer who shall have experience as superintendent in the operation of irrigation works of similar character and magnitude as the Echo Reservoir and the Weber-Provo Diversion Canal and appurtenant works. The selection of such person shall be subject to the approval of the Secretary, and upon notice from the Secretary that said superintendent is or has become unsatisfactory the Association shall, as often as such notice be given, promptly terminate the employment of such unsatisfactory employee and employ one suitable to the Secretary.

PAYMENT OF CONSTRUCTION COSTS BY ASSOCIATION

22. The Association shall pay to the United States as the construction charge for said works and water supply as herein described, the cost thereof as determined and stated by the Secretary of the Interior in the statement hereinafter provided for, but not to exceed the sum of three million dollars ($3,000,000) in twenty (20) equal annual installments, the first of which shall become due and payable on December 1st of the year in which the Secretary announces the completion of expenditures for the Echo Reservoir, Weber-Provo Diversion Canal and appurtenant works; and subsequent installments on December 1st of each year thereafter for the term above stated. It is agreed

that in case the total cost of said works is less than three million dollars ($3,000,000) the amount to be repaid to the United States shall be proportionately reduced. It is further agreed that in case said three million dollars ($3,000,000) is not sufficient to complete said reservoir, canal and appurtenant works, or the portion thereof needed to secure for the Association the full benefits contracted for herein, the Association nevertheless agrees to pay the United States the amount expended in the partial completion of such works.

PAYMENT OF OPERATION AND MAINTENANCE CHARGES TO THE UNITED STATES

23. In addition to the payment of the construction charges as provided in Article 22 the Association shall pay to the United States each year in advance such operation and maintenance charges per acre foot for such service as may be performed by the United States, and as may be fixed by the Secretary as the Association's proportionate part of the cost of the operation and maintenance of the Echo Reservoir, Weber-Provo Diversion Canal and appurtenant works, including repairs, replacements, betterments, or any of them. The total of said cost due the United States shall be set forth in an estimate to be furnished each year by the Secretary and shall be due and payable on March 1 of each year. Such estimate, for any year other than the first in which payments are made under this contract, shall take account of any surplus or deficiency resulting from the estimate for the previous year being too high or too low.

COMPUTATION OF COST

24. The cost of Echo Reservoir, Weber-Provo Diversion Canal and appurtenant works provided for by this contract which the Associa-

tion obligates itself to pay shall embrace all expense of whatsoever kind in connection with, growing out of, or resulting from the work described, including the cost of labor, material, equipment, investigations, engineering, legal work, superintendence, administration, overhead, rights of way, property, and damages of all kinds; and the Secretary of the Interior will furnish the Association a statement of the total amount of such cost incurred by the United States, which statement shall be accepted as final and binding on both parties hereto.

PENALTY FOR DELINQUENCY IN PAYMENT

25. Every installment of money required to be paid to the United States under this contract, which shall remain unpaid after the same becomes due, shall bear interest at the rate of six per cent per annum until paid.

REFUSAL OF WATER IN CASE OF DEFAULT

26. The United States reserves the right to refuse the delivery of water to the Association in the event of its failure to pay in advance the annual operation and maintenance charges provided to be paid in Article 23 or in the event of the default by the Association for a period of more than twelve months in the payment to the United States of any installment of the construction charges provided to be paid in Article 22. The Association shall refuse water service to all water users who may be in default for more than twelve months in the payment to the Association of any assessment levied by it for the purpose of raising revenues to meet the payment of construction charges due the United States from the Association under this contract or who shall fail to pay in advance to the Association any assessment

levied by the Association for the purpose of raising revenues to meet the annual operation and maintenance charges of the United States or of the Association. The provisions of this article are not exclusive and shall not in any manner prevent the United States from exercising any other remedy to enforce collection of any amount due hereunder.

CONTRACT SUBJECT TO APPROPRIATIONS BY CONGRESS

27. This contract is subject to appropriations being made by Congress from year to year of moneys sufficient to do the work provided for herein and no liability shall accrue against the United States by reason of such moneys not being appropriated. Should only a portion of the moneys necessary to complete the work be so provided then the amount to be repaid by the Association to the United States for such work shall be reduced to an amount equal to the amount appropriated and actually expended.

SECRETARY MAY MAKE AND MODIFY REGULATIONS

28. The Secretary reserves the right, so far as the purport thereof may be consistent with the provisions of this contract, to make reasonable rules and regulations, and to add to or modify them as may be deemed proper and necessary to carry out the true intent and meaning of the law and of this contract.

OFFICIALS NOT TO BENEFIT

29. No Member of or Delegate to Congress or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom. Nothing, however, herein contained shall be construed to extend to this contract if made with a corporation for its general benefit.

SUCCESSORS AND ASSIGNS OBLIGATED

30. The provisions of this agreement shall apply to and bind the successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have hereto signed their names the day and year first above written.

(SEAL)

THE UNITED STATES OF AMERICA

By E. C. Finney
First Ass't. Secretary of the Interior

WEBER RIVER WATER USERS' ASSOCIATION

By A. P. Bigelow
President

Attest:

T. R. Jones
Secretary

(SEAL)

RESOLUTION OF THE STOCKHOLDERS OF THE WEBER RIVER USERS' ASSOCIATION

- - - - - -

BE IT, AND IT IS HEREBY RESOLVED by the stockholders of the WEBER RIVER WATER USERS' ASSOCIATION, that the Board of Directors of said Association and its President and Secretary be, and hereby are authorized to enter into a contract with the United States for the construction of the Echo Reservoir and the Weber-Provo Diversion Canal upon such terms and conditions as the Board of Directors may see fit.

BE IT FURTHER RESOLVED that said Board of Directors is hereby authorized and empowered to take any and all other steps as may be necessary to consumate such contract.

- - - - - -

C E R T I F I C A T E

I, T. R. JONES, Secretary of the Weber River Water Users' Association, do hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a special meeting of the stockholders of the Weber River Water Users' Association, held on December 16th, A.D., 1926.

I FURTHER CERTIFY that at said meeting there was duly represented 51123 shares of stock of the Weber River Water Users' Association, and that 51123 shares of stock voted in favor of said Resolution and that no shares voted against said Resolution.

T. R. Jones

Secretary of the Weber
River Water Users' Association

(SEAL)

H. P. BIGELOW, Pres. T. R. JONES, Sec'y.

THE WEBER RIVER WATER USERS' ASSOCIATION
Phone 3011 2453 Grant Avenue
Ogden, Utah

RESOLUTION
PASSED AT THE ANNUAL STOCKHOLDERS' MEETING OF THE WEBER RIVER WATER USERS' ASSOCIATION

HELD AT OGDEN, UTAH December 21, 1926

- - - - - -

BE IT, AND IT IS HEREBY RESOLVED by the Stockholders of the Weber River Water Users' Association, that the action of the Board of Directors in entering into the contract with the United States Government for the construction of the Echo Reservoir and the Weber-Provo Diversion Canal be, and the same is HEREBY RATIFIED AND CONFIRMED, and

BE IT, AND IT IS HEREBY FURTHER RESOLVED that the Board of Directors is hereby authorized and directed to do any act or thing required by the United States Government in carrying forward and consummating of said project, and it is HEREBY AUTHORIZED to do any act necessary therein.

CERTIFICATE

I, T. R. JONES, Secretary of the Weber River Water Users' Association, do hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the annual meeting of the stockholders of the Weber River Water Users' Association, held on December 21st A.D. 1926.

I FURTHER CERTIFY that at said meeting there was duly represented 58869 shares of stock of the Weber River Water Users' Association, and that 58869 shares of stock voted in favor of said Resolution and that no shares voted against said Resolution.

T. R. Jones

Jan. 4, 1927

(SEAL)

Secretary of the Weber River Water Users' Association.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEBER RIVER WATER USERS' ASSOCIATION

- - - - - -

BE, AND IT IS HEREBY RESOLVED by the BOARD OF DIRECTORS OF the WEBER RIVER WATER USERS' ASSOCIATION that the President and Secretary of said Association be, and hereby are authorized and empowered to execute and deliver to the United States a contract for the construction by the United States of the Echo Reservoir and the Weber-Provo Diversion Canal, upon such terms and conditions as set out in a form of contract submitted to the Board of Directors by the United States at this meeting

- - - - - -

C E R T I F I C A T E

I, T. R. JONES, Secretary of the WEBER RIVER WATER USERS' ASSOCIATION, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of a Resolution passed by the Board of Directors of the Weber River Water Users' Association at a meeting held on December 16, 1926.

I FURTHER CERTIFY that at said meeting 7 Directors were present and that 7 Directors voted in favor of said Resolution, and that no Directors voted against said Resolution.

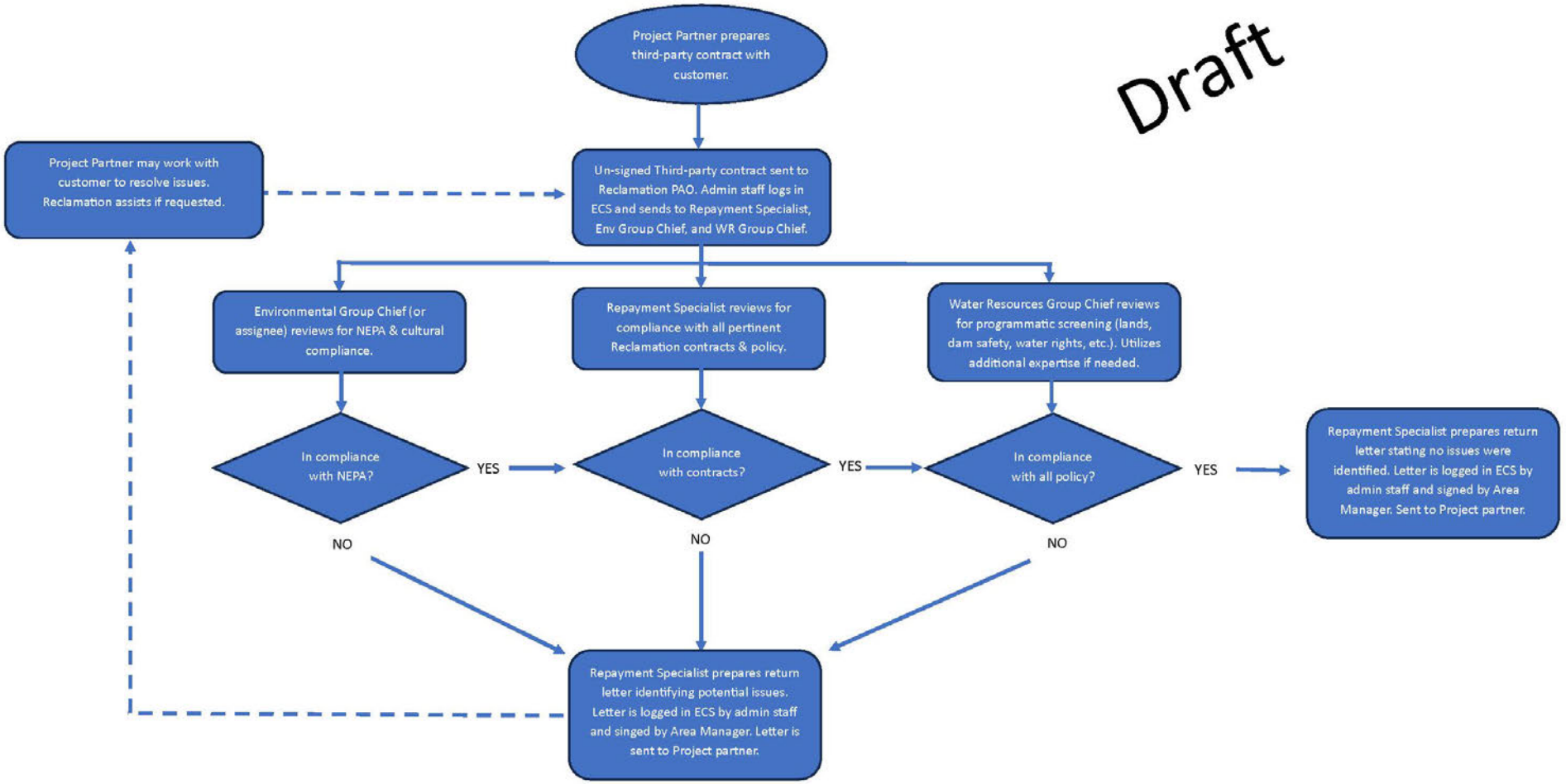
I FURTHER CERTIFY that the total number of Directors are nine (9).

T. R. Jones

Secretary of Weber River Water Users' Association.

(SEAL)

Provo Area Office Third-party Contract Review - Workflow



Appendix C:

Utah State Historic Preservation Office Concurrence

Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Donna Law
Interim Executive Director

Christopher Merritt
State Historic Preservation Officer
Utah State Historic Preservation Office

November 15, 2024

Rick Baxter
Area Manager
Provo Area Office
Bureau of Reclamation

RE: Weber River Project 1920 Conversion Act Environmental Assessment

For future correspondence, please reference Case No. 24-2869

Dear Mr. Baxter,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced project on November 13, 2024. Based on the information provided to our office, we agree with your determinations on this proposed undertaking.

This information is provided to assist with Section 106 responsibilities as per §36CFR800. If you have questions, please contact me at (801) 245-7239 or by email at clhansen@utah.gov.

Sincerely,

Christopher Hansen
Preservation Planner/Utah SHPO