

1                   **SCOFIELD LAND TRANSFER JOINT RESOLUTION**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Patrick Painter**

5                           Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9                   This joint resolution of the Legislature urges Utah's congressional delegation to sponsor  
10 legislation to resolve the Scofield land transfer issue.

11 **Highlighted Provisions:**

12                   This resolution:

13                   ▶ urges Utah's congressional delegation to sponsor legislation to resolve the Scofield  
14 lands transfer issue as outlined in this resolution, and to make every effort to see it  
15 successfully pass the United States Congress.

16 **Special Clauses:**

17                   None

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19 *Be it resolved by the Legislature of the state of Utah:*

20                   WHEREAS, the United States, acting through the Bureau of Reclamation and in  
21 cooperation with Price River Water Conservancy District and Carbon Water Conservancy  
22 District, acquired lands to accommodate both normal and flood control storage of water;

23                   WHEREAS, in 1946, the United States, acting through the Federal Bureau of  
24 Reclamation (BLM), completed construction of the Scofield Dam to provide water for  
25 irrigation, municipal, and industrial purposes;

26                   WHEREAS, the only features of the Scofield Project are Scofield Dam and Reservoir,  
27 which are designed to impound both normal and flood flows;



28           WHEREAS, in order to store flood flows, the dam and reservoir basin are designed  
29 with space for storage of water at levels between the Normal Water Surface Elevation and the  
30 Flood Surcharge Elevation;

31           WHEREAS, to safely accommodate the flood storage, the United States acquired lands,  
32 and interests in lands, up to and sufficiently beyond the Flood Surcharge Elevation of the  
33 Reservoir;

34           WHEREAS, residents have paid Carbon County property taxes for the entire time that  
35 they have claimed title to the property and the United States has made Payments In Lieu of  
36 Taxes since acquisition of the property and completion of the project;

37           WHEREAS, claimants have constructed private wells and other utilities on the United  
38 States property and a special service district was created to construct, operate, and maintain a  
39 sewer system within the subdivision;

40           WHEREAS, claimants should have a choice of one of two options to resolve issues of  
41 trespass and encroachment;

42           WHEREAS, the first option available to claimants should be to authorize the Secretary  
43 of the Interior to transfer a fee interest in the claimed portion of the property above the  
44 elevation of the crest of the existing spillway, if the claimant remits to the United States the  
45 current fair market value of the fee interest in the claimed portion of the property, exclusive of  
46 the value of any permanent structures; to retain a flood easement by the United States over the  
47 entire tract; and have deed restrictions requiring, among other things, the claimant to secure or  
48 tie down any and all structures so as to prevent them from being displaced during any flood  
49 event;

50           WHEREAS, the second option to claimants should be to authorize the Secretary of the  
51 Interior to grant to a claimant an easement or life estate permitting the continued occupation of  
52 the claimed portion of the property above the elevation of the crest of the existing spillway  
53 elevation and the continued existence of existing structures, subject to the claimant remitting to  
54 the United States the current fair market value of the easement or life estate provisions under  
55 which the claimant agrees to hold the United States harmless for any and all claims arising  
56 from the design, construction, operation, or replacement of Scofield Dam and Reservoir; and  
57 an easement or life estate provisions requiring, among other things, the claimant to secure or tie  
58 down any and all structures to prevent them from being displaced during any flood event;

59 WHEREAS, federal revenues generated from the exercise of either option should be  
60 retained in a trust fund administered by the United States Secretary of the Interior, acting  
61 through the Bureau of Land Management and used for the purpose of providing enhanced  
62 recreation opportunities at Scofield Reservoir; and

63 WHEREAS, the efforts of Governor Herbert, Alan Christensen, John Jones, Boyd  
64 Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed  
65 Vidmar, and Ted Wilson have helped to shape this solution to the issue:

66 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
67 urges Utah's congressional delegation to sponsor legislation that resolves the Scofield land  
68 transfer issue as outlined in this resolution, and to make every effort to see it successfully pass  
69 the United States Congress.

70 BE IT FURTHER RESOLVED that the Legislature of the state of Utah expresses  
71 appreciation to Governor Herbert, Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara,  
72 Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed Vidmar, and Ted Wilson for  
73 their efforts in developing a solution to this issue.

74 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority  
75 Leader of the United States Senate, the Speaker of the United States House of Representatives,  
76 the Carbon County Commission, the United States Bureau of Reclamation, Governor Herbert,  
77 Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert  
78 Spensko, Mike Milovich, Ed Vidmar, and Ted Wilson and to the members of Utah's  
79 congressional delegation.

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**Legislative Review Note**  
as of 2-16-11 11:27 AM

**Office of Legislative Research and General Counsel**