

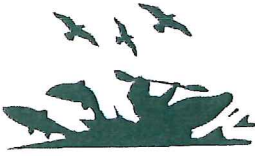
Utah Stream Access Coalition

A Summary of the Expert Opinion and Report of Sara Dant, PH.D. on the Commercial Navigability of the Weber River At Utah's Statehood

UTAH STREAM ACCESS COALITION V. PARK, ET AL.,
THIRD DISTRICT COURT, SUMMIT COUNTY, UTAH, CASE NO. 110500360
HON. KEITH A. KELLY

The Utah Stream Access Coalition engaged Dr. Sara Dant, a professor of Western American History at Weber State University, as an expert witness to answer the question of whether the Weber River was a commercially navigable river at the time of Utah's statehood -- that is, whether it was used, or was susceptible of being used, in its ordinary condition, as a highway for commerce over which trade and travel were conducted in the customary modes of trade and travel over water in 1896. During the course of her engagement, Professor Dant collected and reviewed more than 200 primary and secondary sources regarding the commercial uses of the Weber and nearby rivers in northeastern Utah and southwestern Wyoming during the relevant time period. Based on her analysis of these historical sources, all of which are listed and discussed in her report, Professor Dant has concluded that in 1896, the Weber River was a commercially navigable river that regularly transported railroad ties, mine timbers, sawmill logs, cordwood, and other valuable commodities in the customary modes of trade and travel over water. Specifically, Professor Dant found that:

- In 1852, Robert Gardner first identified the Weber River as a potential highway of commerce when he surveyed it for log floating purposes.
- During the 1850s and 1860s, people used the Weber River to float logs downstream to sawmills located at Uintah and Morgan. Details of these log drives are scarce, and are found in secondary sources.
- During the late 1860s, railroad tie contractors floated railroad ties down the Weber River from the upper river to Echo for use in construction the Union Pacific's Transcontinental Railroad. Details of these log drives are found in primary and secondary sources.
- During the 1870s, railroad tie drives regularly occurred on the Weber from Holiday Park to Echo to furnish ties for the LDS Church's Coalville and Echo Railroad, and various UP branch lines including the Summit County Railroad from Echo to Park City. These tie drives are well documented by primary and secondary sources.
- During the early 1880s, railroad tie drives occurred on the Weber River from Holiday Park to Wanship to supply ties for the Oregon Short Line Railroad. These tie drives are well documented by primary and secondary sources.
- From 1881 until statehood in 1896, log drives regularly occurred on the Weber River from Holiday Park to Wanship to bring mining timbers and cordwood for fuel to the mines in Park City. These log drives are well documented by primary and secondary sources.
- As late as the 1890s, people used the Weber River to float logs downstream to saw mills located in the upper canyon. These log floats are documented by primary and secondary sources.



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- In 1896, news reports identified the upper Weber River as a source of ties for future railroad extensions.
- From the 1860s until statehood, the use of the Weber River as a commercial highway to transport timber commodities was entirely consistent with historical uses of rivers as modes of trade and travel throughout the West and the nation. Many other rivers in Utah, Wyoming, Colorado, and Idaho were used in the same manner and for the same purposes and this is well documented by primary and secondary sources.
- These commercial uses of rivers continued in Utah until the 1930s and elsewhere in the West until 1946 and made a vital contribution to the economic development of Utah and the West, particularly in the railroad and mining sectors.
- Based on the historical record, it is my professional opinion that the Weber River was commercially navigable at the time of Utah's statehood, and that it was used, and was susceptible of being used, in its ordinary condition, as a highway for commerce over which trade and travel were conducted in the customary modes of trade and travel over water.

Requests for copies of Professor Dant's full report and sources may be submitted to the Utah Stream Access Coalition at secretary@utahstreamaccess.org