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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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August 16, 2004

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Minersville Reservoir and Irrigation Co.
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Re: Beaver River

- Report of June 30, 2004 Inspection of Storage Reservoir Measuring Devices for Minersville Reservoir, Three Creeks Reservoir & Kents Lake Reservoirs
- Draft Distribution Order Regarding Reservoir Storage Distribution

Gentlemen:

The purpose of this letter is to: convey a copy of the above referenced items, provide a brief explanation of each, and advise you that certain modifications must be implemented with respect to measurement of reservoir storage on the Beaver River Distribution System.

INSPECTION REPORT

The report describes the existing condition of the measuring devices located at each reservoir and the modifications that are necessary to provide an accurate and reliable accounting for the regulation of reservoir storage. Also included in the report is a copy of the photos taken during the inspection.

In the case of all three reservoirs, we have determined that direct measurement of the reservoir inflow is not necessary. The reservoir inflows can be calculated based on the changes in reservoir content and the reservoir outflows. Therefore, the focus of the necessary modifications is to ensure that accurate data can be collected for reservoir contents and reservoir outflows.

This letter, in conjunction with the June 30, 2004 Inspection Report, hereby serves notice that the necessary modifications described within the report must be completed by April 1, 2005. Failure to complete the necessary modifications by that date will result in an Order from the State Engineer forbidding the storage of water in the non-compliant reservoirs.

DRAFT DISTRIBUTION ORDER REGARDING RESERVOIR STORAGE

The enclosed Draft Distribution Order, which incorporates by reference the Beaver River Water Rights General Schedule and Schematic and the Beaver River Water Rights General Description and Relative Priority, is based on a review of the 1931 Beaver River Decree, the March 24, 1943 Supreme Court Decision, the November 8, 1943 Amended Court Decision, and the 1953 Agreement between Rocky Ford Irrigation Company and Kent's Lake Reservoir Company. The General Schedule and Schematic shows relative priority, period of storage, place of storage, and other pertinent information. The General Description of the Water Rights lists such rights in order of their relative priority and gives instructions to the water commissioner regarding measurement and calculation of reservoir inflows and flows of the Beaver River. Taken together, this information represents the State Engineer's understanding of the Beaver River reservoir storage water rights at the current time.

The information is being delivered to you in draft form for your review and comment. Please include with any request for modification of the information an explanation of how the information is in error and the "water right" or other legal basis for any requested modification. A discussion of the information may be helpful; if requested, the State Engineer may set up a meeting for that purpose. If a meeting is scheduled, it will be held in Salt Lake City and one representative from each entity will be invited to attend (in addition to their attorney).

Once any comments or modification requests have been reviewed and acted on by the State Engineer, the Distribution Order will be put in final form and signed and the water commissioner will be instructed to follow this information in regulating the reservoir storage, probably beginning April 1, 2005.

If you have any questions concerning either of these items or would like to request a meeting to discuss them, please contact me by phone at (801)538-7380 or by e-mail at LeeSim@utah.gov.

Sincerely,

Lee H. Sim, P.E.
Assistant State Engineer for Distribution

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