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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
Division of Water Rights

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*Executive Director*      *State Engineer/Division Director*

March 17, 2004

Bruce C. Barrett, Area Manager  
Provo Area Office  
Bureau of Reclamation  
302 East 1860 South  
Provo, UT 84606-7317

Re: Order of Distribution, Duchesne River

Dear Mr. Barrett:

I am writing in response to your letter dated March 11, 2004.

The construction of the Central Utah Project (Project) facilities within the Duchesne River drainage has had a significant effect on the water use practices of the water users on the river system. In order to maximize the use of water, protect prior existing water rights and allow the Project to divert the water to which it is entitled, the State Engineer has worked with the local water users, including the Ute Tribe and Central Utah Water Conservancy District (District), in developing the delivery schedules that have been submitted to the District Court. The delivery schedules have evolved since the early 1970s as more information and experience have been gained regarding the distribution of water on that River.

These delivery schedules are based on an irrigation duty of 4.0 acre-feet per acre. This is a reasonable and scientifically defensible quantity to meet the irrigation diversion requirements for lands served from the Duchesne River. Also, all the studies conducted by the Bureau of Reclamation (Bureau) in the planning of the Project were based on an irrigation diversion requirement of 4.0 acre-feet per acre.

The delivery schedules divide the irrigation season into specific intervals and define the specific diversion rates and allowable quantities of water that can be diverted during each period. The schedules are structured to provide water in the amounts necessary to closely approximate the ideal demands of the crop and to deliver a full 4.0 acre-feet per acre of water during the irrigation season.

As stated above, it has always been the intent of the state engineer, based on the best information available, to maximize the use of water, protect prior existing water rights, and to allow the Bureau/District to divert the water to which they are entitled. However, it has never been the intent of the state engineer that the delivery schedule be used to limit the opportunity of the water users to divert the full 4.0 acre-feet per acre duty during any period of the irrigation season.

Water users who raise alfalfa must cut it, allow it to dry, bail it, and then haul it from the field. Normally, they get 3 to 4 cuttings of hay each season. The time when alfalfa is cut varies throughout the river system depending on many environmental factors as well as personal choices made by individual water users. Also, since the delivery schedule is based on the consumptive use pattern of alfalfa, the flows listed in the schedule during the early and late periods of the irrigation season are very low. This may make it difficult for the water user to properly manage the water during these early and late periods.

In developing the delivery schedules, the state engineer was aware of these issues and the variables involved. Although not stated in the schedules, it was understood by the state engineer that the commissioner would need as much flexibility as possible within the delivery schedule parameters in order to deliver the full 4.0 acre-feet per acre duty during the irrigation season.

With this concern in mind, the state engineer approached the Bureau and the District in 1991 about short-term regulation of water in Starvation Reservoir. At that time, all parties involved agreed that short-term regulation of water (less than two weeks) would be acceptable, would provide for the wise management of the water resources on the system, and would ensure equity in distributing the water.

It is unfortunate that the Bureau appears now to have changed its position in opposition to short-term regulation. Any small storage increase the Project might gain through such a position would come at the cost of all direct flow water users, including the Ute Tribe, if they elect to grow alfalfa, receiving less than the 4.0 acre-feet per acre duty of water.

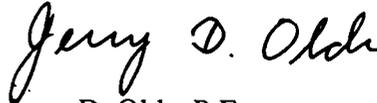
I do not believe short-term regulation of water in reservoirs is storage of water. Rather, short-term regulation is simply a management tool for the water commissioner and the water users to wisely and efficiently use their water. It provides the needed flexibility to the water commissioner to deliver a full 4.0 acre-foot duty and assure the equitable distribution of the water during the irrigation season.

If it is the position of the District and the Bureau to not cooperate in allowing short-term regulation of water by the water commissioner, then we may need to explore other options to ensure the water commissioner and the direct flow water users have the flexibility necessary in the delivery schedule to divert and beneficially use the 4.0 acre feet per acre duty during the irrigation season.

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I look forward to working with all water users to review this matter and find an acceptable solution. Please contact me if you have any questions or concerns.

Sincerely,



Jerry D. Olds, P.E.  
State Engineer

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