



HYRUM CITY

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August 11, 2006

Jared Clawson, President
Hyrum Irrigation Company
327 South 800 East
Hyrum, UT 84319

RECEIVED

MB SEP - 5 2006
WATER RIGHTS
SALT LAKE

RECEIVED

AUG 16 2006

WATER RIGHTS
LOGAN

Dear Jared:

As you are aware, Hyrum City holds 822 water shares in the Hyrum Irrigation Company and 1,400 acre-feet of stored water in the Porcupine Reservoir. Hyrum City is concerned about what we understand to be improper distribution of water from the Hyrum Canal.

It is our understanding that 1/3 of the irrigation water from the Little Bear River should be diverted into the O'Berry Canal and the remaining 2/3 of the river water should remain in the Hyrum Canal. Hyrum City water released from Porcupine Reservoir is not subject to the 1/3 - 2/3 split, but is to remain in the Hyrum Canal for use by Hyrum City.

The existing rectangular weir is constructed to divide the Little Bear River water as indicated above. A headgate and corrugated metal pipe on the O'Berry Canal side allows for more than the 1/3 flow to be diverted into the O'Berry Canal when the headgate is open. There is a steel plate installed on the O'Berry side of the weir that, if operable, can be slid to reduce the flow on the O'Berry side. It appears that this plate was installed to adjust the weir to account for the added flow from Porcupine Reservoir that should remain in the Hyrum Canal for Hyrum City.

Hyrum City officials have observed instances of improper allocation of Hyrum Canal water at the O'Berry diversion. Frequently the headgate at the diversion is open, allowing flow above the 1/3 allotment into the O'Berry Canal. In addition, when Hyrum City has called for the release of Porcupine

Reservoir water the headgate has remained open, thereby allowing not only an improper distribution of river water but also allowing Porcupine Reservoir water to flow into the O'Berry system. When Porcupine Reservoir water for Hyrum City is flowing in the canal, the O'Berry Canal should receive less than 1/3 of the total canal flow by the amount released from Porcupine Reservoir. Hyrum City has also suffered from water users diverting more than their allotment of water by damming almost the total canal flow for a period of time. During hot summer months this has required Hyrum City to supplement canal water with pumped water for irrigation. This is expensive and may not be necessary if the canal water were properly distributed.

Improper allocation of water has been an ongoing problem for many years. Growth in Hyrum City and recent drought years call for the condition to be remedied to protect Hyrum's irrigation water investment. Hyrum City respectfully requests the Hyrum Irrigation Board to instruct the water master to divert water at the O'Berry Canal, and all other diversions on the canal system, in accordance with the assigned and proper distribution of water shares.

We appreciate the diligence of those who work to provide Hyrum City and other users with irrigation water. Please contact us if you have questions or comments regarding this letter or for discussion as to on how we may be able to work with the Canal Company to facilitate the resolution of the water distribution issues presented in this letter.

Respectfully,


W. Dean Howard
Mayor

cc:

Gerald Swenson, Hyrum Canal Water Master
Corey Nielsen, Hyrum Irrigation Board Member
Doug Stipes, Hyrum Irrigation Board Member
Paul James, Hyrum Irrigation Board Member
Leon Savage, Hyrum Irrigation Board Member
Floyd Burnett, Hyrum Irrigation Board Member
E. Lynn Nielsen, Hyrum Irrigation Board Member
Bob Fotheringham, Office of State Water Engineer