

November 4, 1992

Al Trout  
Fish & Wildlife Service  
866 South Main  
Brigham City, UT 84302

Dear Al:

The State Engineer's office does not have record of flows entering and leaving Cutler reservoir through the month of October. Interstate regulation of the river ended September 30; therefore, diversion records along the Bear River are not available for the month of October. Diversion practices during the month of October, by all water users along the river in Utah, Idaho, and Wyoming are probably consistent with historic uses. Flows into and out of Cutler reservoir are gaged by UP&L. Inflows are estimated through monitoring change in stage of the reservoir contents, and outflow releases are gaged downstream or through Bear River canal diversions. These records are provisional at this time but can be acquired from UP&L through Carly Burton. The record will eventually be published data through a USGS publication. The water courses which return flow to the refuge are not gaged, so records of these flows are not available. The State Engineer does not have authority to require or enforce mitigation relating to distribution, therefore, your desire for mitigation may best be negotiated through contact with water users from the Bear River.

I have contacted Robert Morgan, State Engineer for the State of Utah regarding your correspondence requesting distribution on or about October 27, 1992. Please direct further correspondence with regard to your concerns over distribution to his office 1636 West North Temple, Salt Lake City, UT 84116, along with a copy to this office.

Sincerely,

Robert M. Fotheringham, P.E.  
Northern Regional Engineer

RMF:gf

Dear Bob:

This is a follow up request for information regarding the illegal diversions by the Bear River Canal Company.

In order to calculate damages fairly, I need to know the total number of acre feet which was illegally diverted from October 1 through October 27.

Please furnish me with the daily natural riverflows into Cutler and the daily diversions made by the canal company from the reservoir.

After analyzing the data, we will propose how the canal company can mitigate the damages they caused.

Sincerely,

Al Trout  
Refuge Manager