

Caineville Canal Company
John D. Jackson, Pres.
H C 70 Box 150
Caineville, Ut. 84775
Ph. 456-9121

RECEIVED

DEC 22 1995

WATER RIGHTS
SALT LAKE

Dec. 19, 1995

Mr. Lee Simms
Division of Water Rights

RE: Lower Fremont River Distribution

Dear Mr. Simms,

I have some very serious concerns about the Lower Fremont River System that has had my attention over the years and more especially the last water year 1995. Over the years Caineville and Hanksville, more especially Hanksville have experienced class (A) water use shortages at sundry times during the water year that have added up to a lot of water loss as well as crop and livelihood losses each year. Please bear with me while I attempt to explain some of these and some requested changes.

1) Regulating Secondary (B) Water : The Bates Decree states that no (B) water is available until all (A) water rights are satisfied. Due to the rapid rise in temperature and the rapid decrease in river stream flow, there needs to be released at least 2 cfs more than needed to raise Hanksville to (A) water. Also I strongly believe that a defined cut off point in (B) water usage needs to be established and suggest that point be at such time as it is estimated to be 6 cfs of (B) water in system.

I have observed this system for many years and have concluded that due to distance and weather, when the commissioner waits until Hanksville and/or Caineville gets below class (A) water to release only the specified amount to satisfy class (A) water rights, and the water gets there, there is a loss of 3 - 5 days water usage. When this scenario occurs several times each year along with the times after thunder showers when class (B) water is given to avoid wasting water, the shorted usage can result in up to 5 weeks in the heat of summer. The greatest fluctuation in the Fremont River occurs at Hanksville to the amount of 6-7 cfs each day, reason itself suggests that Hanksville's water cannot be maintained at class (A) water only, not being allowed to rise above and yet receive a full share of water right, while keeping class (B) water in Torrey and surrounding users.

2) Garkane Canal: The "Garkane Canal" needs to be filled in order that some users are able to get their water. In the past it has been the practice to fill the canal as fast as possible by using a large flow of water, which results in class (A) water shortage of 40% to 50% for 3 - 4 days in the Caineville Canal and I assume that much and more in the Hanksville Canal, and at times when there is up to 20 cfs of class (B) water in Torrey Canal. It is not necessary to fill this (garkane canal) system at the expense of class (A) water rights when class (B) is available.

Also, since Garkane no longer uses the Canal it could be considered to make the canal smaller to lessen evaporation and leakage as it is a rather large storage and it does leak and the users down stream have been absorbing all of the shrinkage to date.

3) Water Measurement Records / Commissioner: It has been the practice in the past for the river commissioner to read the measurement devices and keep records in order to know how much to assess each Canal Co. and other users and for a record for the State. However during the months of April, May, September, and October, there is hardly if any need to regulate water usage, and during the months of June, July, and August, it is very critical to monitor at least every three days. Reasons being-- ie.. Water released or adjusted on Sunday takes approx. 1 1/2 days to reach Caineville and another day to Hanksville, and if too much or not enough it would not be adjusted until the next Sunday resulting in a water use shortage / waste somewhere in the system for the remaining 4 days. Water regulate on Sunday and it rains of Monday or Tuesday, that water goes to waste when it could be utilized up stream for a few days. There are other examples that would establish the need for closer monitoring by the commissioner these are only a few but are very real .

It is suggested that a monitoring device is installed on each measuring weir, flume, etc. that would keep the water use records needed for the months of Apr, May, Sept, and Oct. and the commissioners time and our monies used to closely monitor and regulate the Lower Fremont System that all Water Rights are satisfied more efficiently and do away with these reaccuring shortages that can be done away with.

4) Appointment of Commissioner: Because some of the users on the Lower Fremont system feel that the Commissioner needs to be a neutral party in order to be treated fairly, and the fact that the water begins to lessen on the lower end of the river first, and the users on the upper end of the river have the greater class (B) right, it is strongly suggested that the river Commissioner be recommended and appointed by office of the State Engineer being responsible, and accountable to said engineer for the propriety, integrity, and neutrality in Commissioner position and duty regardless of the geographical location of his home. And this is in accordance with District Judge, Ferdinand Erickson, who established the River Commissioner.

I believe the things addressed here are real and the requests are reasonable and attainable.
Thank you

Sincerely

John D. Jackson, Pres.
Caineville Canal Co.

Sincerely

A handwritten signature in black ink, appearing to read "John D. Jackson". The signature is fluid and cursive, with a large initial "J" and "D".

John D. Jackson, Pres.
Caineville Canal Co.

C.L. Lee Sims

Kirk Forbush