



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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August 14, 2002

Russell O. Brown, P.E.  
Secretary, Board of Directors of the Provo River Distribution System  
1435 West 820 North  
Provo, Utah 84601-1343

Dear Russ:

Thanks for the opportunity to review the draft Policy on Change and Exchange Applications which was adopted by the board at its July 10, 2002 meeting.

Enclosed are my suggestions. The suggested addition is a note that the state engineer will terminate a change or exchange if the water user fails to pay any exchange fees or assessments that have been levied by the company or the water right owner. Perhaps this document is not the proper vehicle but it seems that we should also indicate there are factors in addition to failure to pay the state engineer's assessment that could trigger the termination of a change or exchange.

Other than the few suggestions I made, I think that it looks fine. Let me know what you think. When we get a final document we will put it in our files and implement it next year. We will also send it to all the members of the board and to those companies and water right owners that will be affected by it.

Thanks for your help with this.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Sim".

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

Note: The revisions were in section C ENFORCEMENT  
they have been made in the attached Document.

## **PROVO RIVER DISTRIBUTION BOARD**

### **A Policy on Change and Exchange Applications in the Provo River System**

As all water users in the Provo River system should pay their fair share of the cost associated with the operation of the system, a policy has been developed to address change and exchange applications and the costs associated with their use. There are three types of change and exchange applications:

- 1) An application where a shareholder in a stock canal company changes the point of diversion of the water represented by his stock to a well.
- 2) An application where owners of storage rights exchange reservoir water for a well or another diversion point. These owners are usually large entities where the end-user is not typically the owner of the storage right.
- 3) An application where an individual requests a change in the point of diversion for a small decreed river right from the river to a well.

#### **A. IDENTIFICATION OF CHANGES AND EXCHANGES**

The State Engineer has a list of approved change and exchange applications. Once each year, in the late winter, the River Commissioner, with the assistance of personnel from the State Engineer's office, will research all of the changes and exchanges made during the previous year. They will determine any reductions of river diversion that should be made for the coming year and add to, or modify, the list of changes or exchanges that would be assessed during the coming year.

## B. ASSESSMENTS

1. The amount of a supplemental assessment to cover the cost of administration by the State Engineer and the River Commissioner shall be determined by the River Distribution Board at its annual meeting.
2. Supplemental assessments will begin upon the year following the approval of an application by the State Engineer.
3. The State Engineer will bill for the three types of change and exchange applications as follows:
  - a) When a shareholder in a stock canal company changes the point of diversion, the canal company will be billed the normal river assessment and a supplemental assessment for change applications. The canal company will then be responsible for the collection of supplemental assessments.
  - b) When owners of storage rights exchange reservoir water for a well or another diversion point, the State Engineer will bill the owner of the storage right the normal river assessment and a supplemental assessment for exchange applications. The owner of the storage right will be responsible for the collection of supplemental assessments.
  - c) When an individual requests a change in the point of diversion for a small decreed river right, the State Engineer will bill the owner of the river right the normal river assessment and a supplemental assessment for the change application. The State Engineer's office will be responsible for the collection of the assessments.

## C. ENFORCEMENT

In the case of a delinquent account, the company or the owner responsible for collecting assessments must submit a request to the State Engineer that a change or exchange associated with a delinquent account be terminated for failure to pay the assessment. The company or the owner may also request termination for failure to pay any fees or assessments related to a change or exchange which are levied by the company or the owner. The State Engineer will then send a letter telling the applicant to cease use of the water.

The River Commissioner will make field inspections as needed to determine that water is being used in accordance with the application and the river decree.

Adopted by the Board of Directors of the Provo River Distribution System July 10, 2002.