

February 27, 1998

MS DOROTHY F KLASSE
DISTRICT ENGINEER
US ARMY CORPS OF ENGINEERS
SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Re: Public Notice Number 199550735
Water Right Concerns Related to the Riverine Habitat Restoration Alternative (Proposed
Action Alternative) of the Provo River Restoration Project

Dear Ms. Klasse:

This letter is in response to your public notice referenced above and is to inform you of items that should be resolved before the Utah Reclamation Mitigation and Conservation Commission (URMCC) begins construction on the proposed Provo River Restoration Project (PRRP).

It is our understanding that sufficient water will be secured to meet the needs of the project. However, we are not aware of any water rights and/or purchased water which the URMCC will dedicate to supply the water used by the PRRP. It appears the project will increase the consumptive use of water along the expanded river corridor. The permit should be conditional on the URMCC demonstrating how much water will be consumed by the project and that adequate water rights are available and approvals can be obtained to dedicate them to supply this use in order to prevent harming other water rights on the river. Because it is not feasible to regulate the amount of water consumed by this project, reliable sources of water are essential.

Channel seepage losses associated with this project are not foreseeable and could raise some questions. Changing the channel seepage losses affects the quantity of water available to groups of water users. The reach between Jordanelle Dam and the Upper Midway Dam (River Road Bridge) loses water. If the losses are increased in this reach, Heber Valley direct-flow rights will be adversely impacted. The URMCC should be required to either demonstrate that the project does not significantly change the seepage losses in the river, or provide just compensation to any water users adversely impacted by changes in the seepage losses caused by the project.

Page Two
Ms. Klasse

Failing to adequately protect existing water rights could result in future conflicts stemming from the PRRP. URMCC should be aware of these concerns and be required to make things right with other water users on the system. Please feel free to contact Greg Mladenka (801) 538-7375 or Ben Anderson (801) 538-7469 of our office if you have any questions.

Sincerely,

Robert L. Morgan
State Engineer

cc: Chad Gourley
Michelle Waltz