

**PROVO RIVER WATER USERS ASSOCIATION
DEER CREEK PROJECT**

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WATER RIGHTS
SALT LAKE

July 8, 1996

Robert L. Morgan, P.E., State Engineer
Utah Department of Natural Resources
Division of Water Rights
1636 West North Temple Suite 200
Salt Lake City, Utah 84116-3156

RE: Unauthorized Use of Provo River Project Facilities

Dear Mr. Morgan:

The purpose of this letter is to express the concerns of the Provo River Water Users Association to the State Engineer regarding unauthorized use of Provo River Project facilities.

The Provo River Project (PRP) was constructed by the US Bureau of Reclamation (USBR) in the 1930's and 1940's to provide a supplemental water supply for the shareholders of Provo River Water Users Association (PRWUA), a nonprofit corporation. PRWUA is in the process of repaying the cost of construction of the project to the USBR. Facilities of the PRP include the Deer Creek Dam and Reservoir, Weber-Provo Diversion Canal, Provo Reservoir Canal, and the Duchesne Tunnel. PRWUA is responsible for the management, operation and maintenance of these and other PRP facilities. As the responsible party, PRWUA operates PRP facilities for the benefit of its shareholders and in accordance with its water rights and executed contracts and agreements. The expense to operate and maintain PRP facilities is funded solely by PRWUA shareholders except as provided for in the Deer Creek Reservoir / Jordanelle Reservoir Operating Agreement.

PRP water rights established in the name of the USBR include water right numbers 43-341 (A12230), 43-343 (A12229) and 43-344 (A16063) which allow for the annual diversion of up to 55,000 acre-feet of Duchesne River water at a rate of up to 600 cfs through the Duchesne Tunnel for storage in Deer Creek Reservoir. No other water

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rights are associated with the Duchesne Tunnel and no other uses are authorized for the tunnel.

During the period of June 19 through July 5, 1995 the State Engineer's office authorized the diversion of "flood" water from the North Fork of the Duchesne River through the Duchesne Tunnel. This action was not authorized by PRWUA. A total of 9,391 acre-feet of Duchesne River flood water was stored in Jordanelle Reservoir. Aside from the fact that this water was diverted and stored absent a valid water right, the issue of unauthorized use of PRP facilities must be addressed. PRWUA's position is that PRP facilities are to be used solely for PRP purposes according to existing water rights, contracts and agreements. Any uses outside of those authorized by PRWUA's water rights, contracts and agreements are not permitted.

PRWUA recognizes that the above diversions resulted from emergency flooding conditions and that by diverting flood water from the Duchesne River through the Duchesne Tunnel to store in Jordanelle Reservoir, flooding was lessened on the lower Duchesne River during the 1995 runoff season. PRWUA wishes to be a good neighbor in the operation of PRP facilities and provide assistance where practicable. However, this does not in any way authorize the State of Utah, Central Utah Water Conservancy District, or any other entity to divert water through the Duchesne Tunnel or to use any other PRP facility for purposes other than those authorized. PRWUA must remain in control of, and together with the USBR make the necessary decisions regarding, the operation of PRP facilities.

PRWUA supports the State Engineer in his responsibility to manage the waters of the State of Utah, provided PRWUA's operation and water rights are not impaired nor its authority pre-empted.

Sincerely,
PROVO RIVER WATER USERS ASSOCIATION



G. Keith Denos, P.E.
Superintendent

pc: Nick P. Sefakis
Don A. Christiansen
Joseph Novak