



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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Governor

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February 6, 1992

Mr. Ivin Flint
Weber Basin Water Conservancy District
2837 East Highway 193
Layton, UT 84041

and

Mr. Terel H. Grimley
Ogden River Water Users Association
471 West 2nd Street
Ogden, UT 84404

Gentlemen:

The recent edict by the Bureau of Reclamation to reduce the storage in Pineview Reservoir has caused controversy over who presently has how much water in the reservoir, or in other words, whose water was released? Blaine Johnson was asked by the users to assist them in resolving the controversy and he in turn sought direction from Lee Sim and me as representatives of the State Engineer.

This situation arose due to dam safety concerns, not normal year-to-year operation of the facility. Flood control releases from March 1 to June 30 of each year are covered under section 14, page 5 of the Weber Basin/Ogden River Water Users Association contract. However, as previously stated, this release occurred due to dam safety, not flood control.

A determination of ownership of the water released is outside the jurisdiction of the State Engineer and should be handled by the users. The State Engineer is not in the position to interpret contracts which you have entered into between yourself. If the users are unable to agree amongst themselves whose water is now stored, it seems probable that it will have to be determined in the appropriate District Court.

It is not appropriate for the State Engineer to dictate to the rightholders in Pineview their ownership of the water presently contained therein. However, this information is critical to the commissioner's being able to perform his duties in distributing water. Therefore, we must request that you inform us at your earliest convenience of your stipulation or other agreement which solves this problem.

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If you have not informed us in writing of that agreement by April 1, 1992, we will assume that you desire to allocate ownership on a pro-rata basis as of October 01, 1991. The following proportions will be used to determine ownership:

Let: A = Weber Basin Volume on 10/01/91
 B = Ogden River Water Users Assoc. Volume on 10/01/91
 C = The total contents of the reservoir on 10/01/91.
 D = C - 40,000 acre feet = the amount to be released.

Hence: Weber Basin's reduction is:

$$(A)(D) \div C$$

and Weber Basin owns $(A \div C)$ 40,000 acrefeet.

Ogden River's reduction is:

$$(B)(D) \div C$$

and Ogden River owns $(B \div C)$ 40,000 acrefeet.

The water stored for Utah Power and Light must be included in either Weber Basin's or Ogden River's storage since they have no actual storage right on record with the State Engineer. Utah Power and Light storage is done under contract with the storage right holders.

Thank you for your cooperation in this matter. If you have any questions, feel free to call me.

Sincerely,



John R. Mann, P.E.
Weber Regional Engineer

JRM/dt

cc: Bob Morgan
 Carly Burton
 E. Blaine Johnson
 Jay Henry
 Lee Sim