

Hugh A. McKellar

ENGINEER

provo, utah 373-4869

APRIL 28, 1971



STATE ENGINEER
STATE CAPITOL
SALT LAKE CITY, UTAH

DEAR SIR:

ENCLOSED IS A COPY OF A LETTER FROM THE PROVO CITY ENGINEER REQUESTING DELIVERY OF 16.5 CFS OF WATER FOR COOLING IN THE PROVO CITY POWER PLANT.

I HAVE TALKED TO MR. BERT FISHER OF PROVO CITY IN CONNECTION WITH THIS REQUEST. I ASKED FIRST, HOW IT WAS PROPOSED TO MEASURE THE WATER INTO AND OUT OF THE PLANT SO AN ACCURATE RECORD COULD BE KEPT. SO FAR AS HE KNEW, THERE WAS NO PROVISION FOR SUCH MEASUREMENTS.

SECONDLY, I ASKED WHERE THE WATER WOULD GO AFTER HAVING BEEN USED IN THE PLANT. HE SAID IT WOULD RUN IN THE CANAL KNOWN AS THE FACTORY RACE AND EMPTY INTO UTAH LAKE. THIS MEANS THAT CLASS A USERS ON THE RIVER BELOW THIS "NON CONSUMPTIVE" USE WOULD HAVE NO OPPORTUNITY TO UTILIZE THE WATER.

IS THIS REQUEST PROPER UNDER THE MORSE DECREE?

IF SO, IT SEEMS THAT SOME MEANS OF MEASURING THE WATER IN AND OUT OF THE PLANT SHOULD BE PROVIDED.

IT ALSO APPEARS THAT CLASS A USERS BELOW THE "NON CONSUMPTIVE" USE SHOULD STILL HAVE ACCESS TO THE WATER SIMILAR TO THE SITUATION WITH UTAH POWER AND LIGHT IN PROVO CANYON AND THAT PROVISION SHOULD BE MADE FOR RETURNING THIS WATER TO PROVO RIVER ABOVE THEIR DIVERSION STRUCTURES.

SINCE THIS WATER IS THE SUBJECT OF LITIGATION, IT IS REQUESTED THAT I BE ADVISED AS SOON AS POSSIBLE ON THE ABOVE ITEMS.

VERY TRULY YOURS,

A handwritten signature in blue ink that reads "Hugh A. McKellar".

HUGH A. MC KELLAR
COMMISSIONER