



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
442 STATE CAPITOL  
SALT LAKE CITY, UTAH 84114

DIVISION OF  
WATER RIGHTS  
HUBERT C. LAMBERT  
STATE ENGINEER

May 1, 1970

Mr. Hugh McKellar  
Provo River Water Commissioner  
81 East Center Street  
Provo, Utah 84601

RE: Delivery of water to Provo City  
Corporation as per Provo River  
Decree, Civil No. 2888, paragraphs  
4(a), 4(b), and 4(c), page 13

Dear Mr. McKellar:

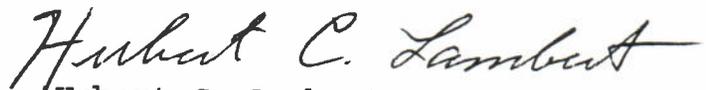
On September 19, 1969 the State Engineer issued you a directive concerning the delivery of water to Provo City under paragraph 4(c), page 13 of the Provo River Decree. Opposition to the directive developed and a hearing was conducted by the State Engineer on October 29, 1969. Since this hearing, a study has been made of the deliveries made in the past and of the Provo River Decree. Records of the Provo River Commissioner dating back to the year 1902, affidavits of Mr. W. O. Facer, former water master for Provo City, covering the period 1933 to 1940 and other information have been studied. The September 19, 1969 distribution directive to you is amended as follows:

You are directed to consider that the 16.5 second-feet awarded to Provo City under paragraph 4(c) of the Provo River Decree is a flow in addition to the quantities awarded in paragraphs 4(a) and 4(b) of said decree. However, it is my opinion that this award was for power use only. Therefore, you are directed to deliver to Provo City this 16.5 second feet only when Provo City can utilize the flow for a non-consumptive power use.

A copy of this directive to you is being sent to the protestants of the former decision. This decision is subject to the provision of Section 73-3-14, Utah Code Annotated, 1953,

which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days of the date hereof.

Very truly yours,



Hubert C. Lambert  
STATE ENGINEER

HCL/cp

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|--|---|
| cc: Palmer DeLong<br>Project Manager<br>U.S. Bureau of Reclamation<br>P. O. Box 1338<br>Provo, Utah 84601                            | cc: Thomas O. Parker<br>Asst. Regional Solicitor<br>U.S. Dept. of Interior<br>3426 Federal Building<br>Salt Lake City, Utah 84111 |
| cc: Provo Reservoir Water<br>Users Company<br>P. O. Box 1<br>Provo, Utah 84601   | cc: Provo River Water Users Assn.<br>217 First Security Bank Bldg.<br>Provo, Utah 84601   |
| cc: Joseph Novak, Attorney<br>Provo River Water Users<br>Association<br>520 Continental Bank Bldg.<br>Salt Lake City, Utah 84101     | cc: Richard L. Maxfield, Attorney<br>Provo City Corporation<br>28 North 100 East<br>Provo, Utah 84601                             |
| cc: A. J. Thuli<br>Kennecott Copper Corp.<br>P. O. Box 1199<br>Salt Lake City, Utah 84111  | cc: Glen Wright, City Engineer<br>Provo City Corporation<br>City and County Building<br>Provo, Utah 84601                         |
| cc: James B. Lee, Attorney<br>Kennecott Copper Corp.<br>Kearns Building<br>Salt Lake City, Utah 84101                                | cc: Dallin W. Jensen<br>Assistant Attorney General<br>442 State Capitol<br>Salt Lake City, Utah 84114                             |
| cc: Donald C. Norseth ✓<br>Directing Hydrologic Engr.<br>Division of Water Rights<br>442 State Capitol<br>Salt Lake City, Utah 84114 | cc: S. Bryce Montgomery<br>Hydrologic Engineer<br>Division of Water Rights<br>442 State Capitol<br>Salt Lake City, Utah 84114     |