

Jody L. Williams, #3491
PacifiCorp, dba Utah Power
& Light Company
Attorney for Respondent
1407 West North Temple
Salt Lake City, Utah 84140

JUN 13 1990

**BEFORE THE STATE ENGINEER
FOR THE STATE OF UTAH**

In the Matter of
the Santa Clara
River Diversions

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Request for
Reconsideration

Pursuant to Rule R625-6 of the Division of Water Rights and §§ 63-46b-13 and 73-3-14, Utah Code Anno., 1953, as amended, PacifiCorp, doing business as Utah Power & Light Company ("UP&L") hereby requests the State Engineer to reconsider his Order dated June 8, 1990, effective June 15, 1990, requiring UP&L to cease diverting water into the canal system serving UP&L's Upper Sand Cove and Gunlock hydroelectric plants. The basis for UP&L's Request for Reconsideration is set forth below:

1. Most of the losses are occurring between the parshall flume below Veyo hydro plant and the parshall flume located at the highway crossing below the town of Veyo. Since this section of the power canal is located in close proximity to the Santa Clara River, UP&L believes that most, if not all, of the canal leakage re-enters the river and is useable downstream.

2. The memorandum from Gerald W. Stoker dated April 27, 1990, indicated on Page 7 of the Conclusions that "the bulk of the water escaping below the Veyo station appears to re-enter the

river, and is thus useable downstream." Thus, UP&L does not believe that returning the water to the river below Veyo will materially increase the flows available for downstream users.

3. The water for Veyo Irrigation Company and Lloyd Leavitt is diverted from the Santa Clara River just upstream from the Veyo plant and converges with the power canal at the Veyo plant tailrace. The water is conveyed in the power canal to their respective points of diversion from the canal downstream. They will be deprived of their legally entitled water rights unless they have alternate diversions from the river or unless their water can still be delivered down the power canal.

4. UP&L has been informed by letter, attached as Exhibit A, that the Utah Division of Wildlife Resources has planted bass and trout in Upper and Lower Sand Cove Reservoirs. If the canal is dewatered, total fish loss will occur.

5. UP&L has been informed that there may be several illegal diversions along the canal which would contribute to the losses in this section of the power canal. UP&L requests the State Engineer to identify all diversions and to order a curtailment of any which are illegal or which have later priority dates than the downstream irrigation users. Certainly, any illegal diversions would deprive UP&L, as well as lower irrigators, of water they are legally entitled to under their rights.

6. UP&L has an ongoing maintenance program to inspect and repair leaks along the canal when they are discovered. However, some of the leaks require dewatering of the canal to complete the

repairs; and for obvious irrigation and wildlife needs, UP&L is postponing the repair of those leaks until after the irrigation season is over.

CONCLUSIONS

Based upon the Memorandum of Gerald W. Stoker, Area Engineer, and Kerry E. Carpenter, Assistant Regional Engineer, and upon the facts alleged in this Petition for Reconsideration, UP&L requests the State Engineer to rescind his Order dated June 8, 1990 because compliance with his Order will not materially increase available water in the Santa Clara River to downstream irrigation users, will deprive Veyo Irrigation Company and Lloyd Leavitt of their legitimate water supplies, will have a detrimental effect upon the fisheries in Upper and Lower Sand Cove Reservoirs, will work an unnecessary economic hardship on UP&L, and is not in the public interest.

DATED this 13th day of June, 1990

PacifiCorp, dba Utah Power & Light
Company

By: _____

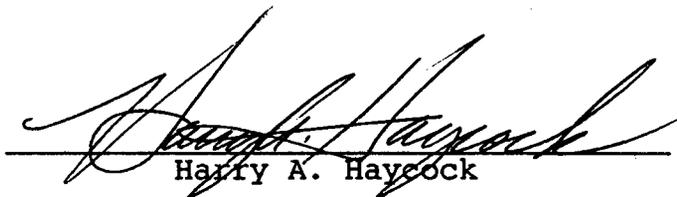
Jody L. Williams

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Salt Lake City, Utah 84140
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VERIFICATION

Harry A. Haycock, Senior Vice President of PacifiCorp, doing business as Utah Power & Light Company, hereby states that he has read the contents of the foregoing Petition for Reconsideration and that the allegations made therein are true to the best of his knowledge and belief.

DATED this 13th day of June, 1990.



Harry A. Haycock

DELIVERY CERTIFICATE: On this 13th day of June, 1990, I personally delivered the original of the foregoing Request for Reconsideration to Robert L. Morgan, Utah State Engineer, at 1636 West North Temple, Suite 220, Salt Lake City, Utah 84116.



SENT BY:PP&L

; 6-11-90 ; 15:10 ;



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Timothy H. Provan
Division Director

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622 North Main Street
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May 22, 1990

Mr. Jim Burrus
Utah Power and Light
1407 West North Temple
P.O. Box 899
Salt Lake City, UT 84110

Re: Sand Cove Reservoirs/Santa Clara River

Dear Jim:

For a number of years the Utah Division of Wildlife Resources, in cooperation with Utah Power and Light, has managed the Upper and Lower Sand Coves to the benefit of the sportsmen of Utah.

This spring the Division continued to attend to the management of these important resources. In conjunction with the Dixie Wildlife Federation (a local sportsmen's club) we restocked largemouth bass in the Lower Sand Cove. Additionally, Upper Sand Cove was stocked with 2,500 catchable rainbow trout from the Mammoth Creek Hatchery. Both of these reservoirs can provide many hours of recreation to local anglers in a relatively dry area of the state.

In past years both reservoirs have been operated by holding water storage at levels to enhance these fisheries. We trust that you will be able to continue to operate under these beneficial guidelines in the future, but we have been concerned over recent low water levels and associated declines in fish numbers. The upper reservoir was about one-half drained this spring and it was debatable if stocking should have been completed. The Division will, in part continue to intensively manage these reservoirs for the benefit of sportsmen.

Your cooperation in this important endeavor is greatly appreciated.

Very truly yours,

Dale K. Hepworth
Regional Fisheries Program Manager

F. Clair Jensen
Regional Supervisor

JS/as