

PROVO RIVER WATER USERS ASSOCIATION

DEER CREEK PROJECT

RECEIVED

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APR 28 1993

*JF* WATER RIGHTS  
SALT LAKE

April 27, 1993

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

Dear Mr. Morgan:

This letter is in response to the letter dated February 4, 1993 directed to you by the Weber River Water Rights Committee (the "Committee") relative to its concerns regarding the modification and automation of the Weber-Provo Diversion Dam and Canal. We were unaware of the above letter until we received a copy thereof with the letter from the Committee dated March 23, 1993 directed to Roland Robison, Regional Director, Upper Colorado Region, Bureau of Reclamation. The March 23, 1993 Committee letter raised a number of the same concerns as its above February 4, 1993 letter and we responded to those concerns in our April 26, 1993 letter to the Regional Director, a copy of which was sent to you.

It should be emphasized that this Association disagrees with the Committee's suggestion that this Association's diversions from the Weber River are or should be limited to some average quantity diverted over the past years. It should be noted that the Committee does not suggest that the Weber River Project or the Weber Basin Project water rights should be likewise limited. Clearly, under Utah law, this Association has the right to improve the efficiency of its water system and is entitled to make the most efficient use of its water so long as it diverts only the volume of water to which it is entitled under its water rights. It should be re-emphasized that the Weber River Water Commissioner has the authority and responsibility to regulate and distribute the waters of the Weber River in accordance with existing water rights. We fully expect that the Water Commissioner will see to it that the prior rights on the Weber River are fully protected. Likewise, we fully expect that the

Robert L. Morgan, P.E.  
April 27, 1993  
Page 2

Water Commissioner will administer both the Provo River Project Weber River water rights and the Weber Basin Project water rights in accordance with their respective priorities.

The Committee notes that even in times of drought there have been sufficient flows under current diversions to fill Deer Creek Reservoir and cites last year as a prime example. Deer Creek Reservoir did not fill in 1992 even though this Association diverted and stored all of the Weber River water made available to it by the Weber River Water Commissioner. However, since 1986, Deer Creek Reservoir has filled (except in 1992) primarily from the storage of Provo River water as a result of the replacement of water in Utah Lake under the 1986 Interim Deer Creek/Strawberry Exchange Agreement. Otherwise such waters could not have been stored in Deer Creek Reservoir.

The modification and automation of the Weber-Provo Diversion Dam and Canal should enable this Association to divert more of the fluctuating surplus flows of the Weber River and thereby more fully utilize the Provo River Project Weber River water rights. While we anticipate that more Weber River water will be diverted than in prior comparable years, it is our firm position that any such increased diversions clearly fall within the Provo River Project Weber River water rights and we have so advised the Committee in our prior meetings. After Jordanelle Reservoir becomes operational and the 1986 Interim Deer Creek/Strawberry Exchange Agreement terminates, more emphasis will be placed on more fully utilizing the Provo River Project water rights on both the Weber River and the North Fork of the Duchesne River as a result of the Utah Lake Management Plan. Storage in Deer Creek Reservoir from those sources will become priority storage and will not be subject to release to Utah Lake. On the other hand, storage of Provo River water in Deer Creek Reservoir will become system storage and will be subject to release to Utah Lake under the Management Plan.

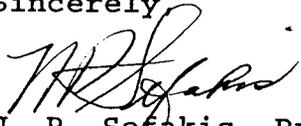
We do not believe that any increased diversions from the Weber River by this Association will ". . . radically alter the historic practice of diversions . . ." or ". . . adversely affect the water rights of the Committee members, particularly of the Weber Basin Water Conservancy District." It is the Provo River Project Weber River water rights which control and not past diversions. The Provo River Project water rights are predicated on full development. Past diversions reflect less than full development, which still has not been achieved. Be that as it may, the whole purpose of the above modification and automation

Robert L. Morgan, P.E.  
April 27, 1993  
Page 3

is to firm up the Provo River Project water supply regardless of whether the storage of water in Jordanelle Reservoir might be incidentally benefited thereby. Accordingly, this Association would strongly resist any restriction on its Provo River Project diversions by the Water Commissioner or Reclamation based on average quantities of water diverted during past years.

We trust that the foregoing fully responds to the February 4, 1993 Committee letter and will clarify any misunderstanding of the position of this Association concerning the above matter. If you have any questions thereon, please advise.

Sincerely,



N. P. Sefakis, President

NPS/JN:dwb

cc: Bruce Barrett, Projects Manager, Bureau of Reclamation  
Charles F. Black, Jr., Chairman, Weber River Water Rights  
Committee  
Ivan W. Flint, General Manager, Weber Basin Water  
Conservancy District  
Don A. Christiansen, General Manager, Central Utah Water  
Conservancy District

COPIES ALSO SENT TO:

The Honorable Michael O. Leavitt  
Governor of the State of Utah  
210 State Capitol  
Salt Lake City, Utah 84114

Ted Stewart, Executive Director  
Department of Natural Resources  
1636 West North Temple  
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Senator Orrin G. Hatch  
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Salt Lake City, Utah 84138

Senator Robert Bennett  
United States Senate  
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Congressman James V. Hansen  
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Provo, Utah 84606

Congresswoman Karen Shepard  
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