



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

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March 22, 1993

Mr. Richard Poulson, Superintendent
Provo River Water Users Association
1875 S. State - Suite 1100
Orem, Utah 84058

Dear Mr. Poulson:

Recently, the Provo River Water Users Association installed new automated control gates at the diversion dam for the Weber-Provo Canal near Oakley. A number of water users on the Weber River have expressed concern about these new gates and the potential impact they could have on their water rights. With the diversion dam for the canal being located near the headwaters of the drainage basin, diversion into the canal can affect water rights throughout most of the Weber River system. These diversions are of extra concern since they are a 100 percent depletion to the Weber River. In order to administer this facility, I am hereby requesting the cooperation of your Association with the Weber River Commissioner to ensure the proper regulation of this facility.

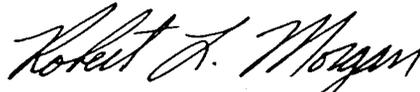
As you are well aware, the River Commissioner's responsibility is to ensure the proper distribution of water according to the water rights of record. In carrying out this charge, he must make a determination as to the availability of water and what water rights are entitled to receive water under their respective priority dates. Based upon this determination he then makes the necessary adjustments to the headgates to distribute the water accordingly. However, the automatic gates your Association has installed, could potentially change the headgate settings without the oversight of the Commissioner. I would ask that your Association not adjust your headgates without being directed to do so by the Commissioner.

It is not my intent to add unwarranted restrictions on your Association, rather I believe it is my responsibility, as State Engineer, to ensure that all water users are delivered water in accordance with their respective priority dates and under uniform administrative guidelines. In my opinion, we need to take this level of control to avoid future conflicts and to ensure the equitable distribution of water under the control of the River Commissioner.

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We are willing to work with you in making the necessary arrangements for the operation of the Weber-Provo diversion dam. However, in making any such arrangements, I must insist that the River Commissioner maintain complete control and oversight of the facility. If you have any questions about this request, please feel free to contact me.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

cc: Blaine Johnson, Weber River Commissioner
Bruce Barrett, Bureau of Reclamation
Weber River Water Rights Committee
Stanley Roberts, Jr. Provo River Commissioner
Weber Basin Water Conservancy District
Central Utah Water Conservancy District
Ted Stewart, Executive Director
Sherman A. Giles, Deputy Provo River Commissioner
Provo Reservoir Water Users Company
Beaver & Shingle Creek Irrigation Company