



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Jerry D. Olds
State Engineer

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November 19, 2002

Gary A. Aiken, General Manager
Strawberry Water Users Association
745 North 500 East
Payson, UT 84651

Bruce Barrett, Project Manager
Bureau of Reclamation
302 East 1860 South
Provo, UT 84606

Gary → Bruce
Dear Mr. Aiken and Mr. Barrett:

It has been brought to my attention that Strawberry Water Users Association is delivering water under contract to water users in the Clinton Irrigation District (Birdseye area), the main stem of the Spanish Fork Canyon, Diamond Fork Canyon, and the Hobble Creek area. It is my understanding these deliveries of water are made by releases of water from Strawberry Reservoir.

After researching the records from the Division of Water Rights, we found no water right or documentation that would allow for the delivery, diversion and use of such water. If this is correct, no water should be diverted until change or exchange applications are filed and approved by the State Engineer.

We had hoped that individual water users would file the necessary water right applications to cover their use of water, however, this has not occurred. This situation must be addressed as soon as possible, therefore, we are adopting the following distribution policy effective at the beginning of the 2003 irrigation season.

Beginning April 2003, the Spanish Fork Water Commissioner will be instructed to no longer deliver Strawberry Reservoir storage water by exchange in Spanish Fork Canyon unless the water user has a valid contract with the Strawberry Water Users Association and a valid change or exchange application has been approved by the State Engineer.

It is our recommendation that Strawberry Water Users Association contacts their contract holders in this area and informs them of the need to file a water right application in coordination with the association and approved by the State Engineer prior to April 2003. We encourage the water users to do this as soon as possible. There is a certain amount of time required for advertising and processing. If applications are delayed, it may not be possible for a decision to be made prior to the beginning of the 2003 irrigation season. The time involved in considering the administrative decision on the application may be delayed even further if an application is protested.

If you have any questions concerning this distribution policy, please contact Lee Sim, Assistant State Engineer for Distribution at (801) 538-7380 or e-mail LEESIM@UTAH.GOV. You may also contact Jim Riley, Regional Engineer at (801) 538-7400 or e-mail JIMRILEY@UTAH.GOV.

Sincerely,

A handwritten signature in cursive script that reads "Jerry D. Olds".

Jerry D. Olds, P.E.
State Engineer

cc: John Mendenhall, Water Commissioner
Kevin Creer, Distribution System Chairman
Lee Sim, Assistant State Engineer
Jim Riley, Regional Engineer