

# PARSONS BEHLE & LATIMER

A Professional Law Corporation

ONE UTAH CENTER  
201 South Main Street, Suite 1800 Post Office Box 11898  
Salt Lake City, Utah 84147-0898  
Telephone 801-532-1234 • Facsimile 801-536-6111

JUL 02 1991

WATER RIGHTS

July 1, 1991

Keith E. Taylor  
James B. Lee  
Gordon L. Roberts  
F. Robert Reeder  
Lawrence E. Stevens  
Daniel M. Allred  
Roy G. Haslam  
Dallin W. Jensen  
W. Jeffery Fillmore  
Kent W. Winterholler  
Barbara K. Polich  
Randy L. Dryer  
Charles H. Thronson  
David R. Bird  
Raymond J. Etcheverry  
Francis M. Wikstrom  
David W. Tundermann  
Chris Wangsgard  
James M. Elegante  
Val R. Antczak  
Patrick J. Garver  
Spencer E. Austin  
Lee Kapaloski

Stephen J. Hull  
John B. Wilson  
Robert C. Hyde  
Craig B. Terry  
David A. Anderson  
Gary E. Doctorman  
Kent B. Alderman  
John T. Anderson  
Kent O. Roche  
Patricia J. Winmill  
Randy M. Holyoak  
Lawrence R. Barusch  
Maxwell A. Miller  
William D. Holyoak  
Paul D. Veasy  
Daniel W. Hindert  
Lois A. Baar  
Lynn R. Cardey-Yates  
Carolyn Montgomery  
T. Patrick Casey  
Valden P. Livingston  
Michael L. Larsen  
Jonathan K. Butler

David G. Mangum  
Julia C. Attwood  
Derek Langton  
Lucy B. Jenkins  
Lorna Rogers Burgess  
Thomas R. Grisley  
David L. Deisley  
Richard M. Marsh  
Hal J. Pos  
W. Mark Gavre  
David J. Smith  
Mark S. Webber  
Mark M. Bettilyon  
James C. Hyde  
J. Michael Bailey  
E. Russell Vetter  
Cy H. Castle  
J. Thomas Beckett  
M. Lindsay Ford  
Jim Butler  
Kenneth R. Barrett  
Thomas B. Brunker  
Douglas R. Davis

Elizabeth S. Conley  
Elizabeth S. Whitney  
Elizabeth R. Blattner  
James H. Woodall  
James E. Karkut  
William J. Evans  
C. Kevin Speirs  
Howard C. Young  
David W. Zimmerman  
L. Ward Wagstaff  
Monica Whalen Pace  
Alan K. Flake  
K.C. Jensen  
Lisa A. Kirschner  
Michael A. Zody  
Paul E. Dame  
Elizabeth Kitchens Jones  
David M. Bennion

Of Counsel  
Ronald S. Poelman

Utah Division of Water Rights  
Investigations Section  
1636 West North Temple  
Salt Lake City, Utah 84116-3156

Re: Proposal for Distribution of Water Within the Utah  
Lake Drainage Basin

Gentlemen:

Parsons Behle & Latimer, on behalf of its client the Utah and Salt Lake Canal Company, submits the following comments to the May 14, 1991 draft "Distribution of Water Within the Utah Lake Drainage Basin." It is our understanding that a hearing was held with representatives of many of the Utah Lake Drainage System water users, but unfortunately, the Utah and Salt Lake Canal Company was not represented at that meeting. Accordingly, the Company's information is limited to that contained in your handout. We do appreciate the opportunity to submit these comments.

1. Because the handout is relatively brief and the methodology used in arriving at the allocations is not included, we request an additional meeting with the State Engineer to obtain explanations of the technical methodology for establishing the annual diversion entitlement numbers and the allocation of the 25,000 acre feet of active storage capacity. We are concerned that the numbers assigned to Utah and Salt Lake Canal Company do not accurately reflect its water rights.

2. We request a clarification from the State Engineer's Office that this is a distribution document and not an adjudicative one. Its provisions should be clearly subject to the final adjudication and to the full protections and safeguards required of rulemaking under the Utah Rulemaking Act.

Utah Division of Water Rights  
July 1, 1991  
Page Two

3. Since this document is preliminary, we request that it be administered on a temporary year-to-year basis for several years to ascertain its appropriateness before it is finalized.

We recognize the difficult issues faced in operating this system and compliment the State Engineer's staff on its efforts to produce this document. We believe that with fine tuning and further explanations, an acceptable program can be worked out to administer this system.

Thank you for your time and consideration.

Very truly yours,



David R. Bird  
of and for  
PARSONS BEHLE & LATIMER

mob  
cc: Marvin L. Steadman

UDWR