

Response to North Jordan Irrigation Company:

1. We acknowledge that the diversion entitlements tabulated on page 3 of the proposed Distribution Plan neglect the portion of North Jordan Irrigation Company's right that was sold to Kennecott (Water Right # 59-3517). This omission will be corrected.

2. The designation of the North Jordan Canal company as a primary right is based on the Morse Decree. It appears from the Morse Decree that the East Jordan Canal Company, the South Jordan Canal Company, the North Jordan Irrigation Company, the Utah and Salt Lake Canal Company and Salt Lake City Corporation were to be treated equally when it came to distributing the waters stored in Utah Lake. There was no indication that any one of these entities had an earlier priority than the other with regards to Utah Lake storage water.

We did not feel it was necessary to tabulate diversion entitlements for the smaller decreed rights which we refer to in the distribution plan to as "Early Priority Rights". These rights require only a small amount of water which in general is fed entirely by accretionary flow in the Jordan River. According to the Morse Decree, the canal and irrigation companies must allow a sufficient flow through the Jordan River such that when this flow is added to the accretions of the river, the flow is satisfactory to meet the beneficial use of these rights. The Morse Decree "grouped" these rights together; we followed a similar approach in the proposed distribution plan. However, as mentioned earlier,

these rights require such a small amount of flow relative to the primary rights, that we do not foresee satisfying their beneficial use to be a problem. Accretionary flow would probably be insufficient only in extremely dry years. Junior appropriators would likely have already ceased diversions by this point. Tabulating diversion entitlement for these rights would only cause unnecessary complexity to the distribution plan.

If under severe enough drought conditions water is only passed through Utah Lake, (Utah Lake is essentially dry), the entire system will be operated by priority, including the entities referred to in the Morse Decree.

We recognize there has historically been difficulty recovering water stored by other users on the system. One of the major objectives of the proposed distribution plan is to formalize rights to stored water on the system so arguments over ownership do not ensue during drought years. Sevier Bridge and Piute reservoirs on the Sevier River have been operating for several years under an arrangement similar to the one proposed for the Utah Lake Drainage.

3. We did not address the issue of the potential for increased pumping costs for Utah Lake Water users in the proposed distribution plan to date. However, it is an important topic of discussion in our office and we plan to address this problem. If Utah Lake is operated at a lower elevation then some type of compensation may be justified.

4. No response required.

FILENAME: NJORDAN.UTL