

North Jordan Irrigation Co.

4788 Hidden Cove
Taylorsville, Utah 84107
261-3166

June 21, 1991

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Mr. Robert L. Morgan, P.E.
State Engineer
Division of Water Rights
1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156

MAIL ROOM

RE: Distribution of Water Within the Utah Lake Drainage Basin

Dear Mr. Morgan:

Having attended your May 14, 1991 meeting regarding the subject issue and upon reviewing the brief handout that was provided, it is clear that major issues are before you and your staff. The meeting covered considerably more detail, in the form of charts and graphs, than is contained in your handout, which makes it difficult to analyze and understand the potential impact of your proposals.

I would like to say, on behalf of the directors and stockholders of the North Jordan Irrigation Company, that we support your efforts in developing a plan to distribute the waters of the Utah Lake system on a priority basis, rather than on a political basis. In reviewing the materials you have provided, the following comments are offered for your consideration:

- 1) The water balance chart set forth on page three of the handout is out of balance by at least 13,750 acre feet. North Jordan Irrigation Company sold Kennecott 32% of its court decreed water right;
- 2) Reference is made to early priority rights as having a priority of 1850, whereas primary rights have a priority of 1870 and later. I disagree with your designation of North Jordan's 1853 priority right as a primary water right receiving the same consideration as those rights having a priority of 1870 and later. There are also several other decreed rights having priorities of 1850 to 1864 that do not seem to be reflected in your water balance.

Given the premises that you are developing a distribution plan based upon priority, it seems to me that all early priority rights need to be represented in the water balance. Storage by junior appropriators should not be based upon the assumption that accretionary flow in the Jordan River will satisfy the primary rights.

We have found through ongoing experience with the politically-motivated Strawberry/Deer Creek Exchange Agreement, that once water is stored by a junior appropriator upstream of Utah Lake, it is next to impossible to get the water released;

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- 3) Another issue not addressed in your verbal or written presentation of the distribution plan is the penalties that will be imposed upon most, if not all, Utah Lake water users as a result of dramatically increased operating costs resulting from the need to pump ever-increasing amounts of water from Utah Lake.

Be it right legally or not, the historical operation of Utah Lake did not require pumping until the natural outflow decreased to a point lower than the downstream demand. With the extreme dry years we have all experienced, Utah Lake has dropped to near record low levels. No gravity flow has been available for three years or more. In 1989, it became so serious that the associated canal companies were forced to dredge an inlet channel to the Utah Lake pump station at a cost of \$215,000 just to be able to pump water in 1990. My point is, if artisan well rights have a measure of protection, do gravity flow rights not have the same measure of consideration?

- 4) As a member of the Board of Canal Presidents, North Jordan participated in the preparation of a position paper dealing with a Utah Lake Management proposed by the Sovereign Lands of Utah Lake. The paper states North Jordan's position as to any regulation of the lake that has the potential to impair or interfere with the rights of North Jordan and others. I would again encourage your review of that paper in your efforts to distribute the water of Utah Lake.

I appreciate the opportunity you have given in the review process of this critical issue. Please let me know when further meetings will be held or as supplemental handout materials are provided.

Very truly yours,



K. L. Hansen
President

/CS
cc: Board of Directors