

Response to Salt Lake County Water Conservancy District:

1. The proposed distribution plan is being done under Section 73-5, Utah Code Annotated 1953. We realize that many issues which we presented at the public meetings are beyond our authority concerning distribution matters. As we indicated, such items would be included within the adjudication process as set forth under Section 73-4, Utah Code Annotated 1953.

2. No response required

3. No response required

4. Based upon our review, it appears that the primary storage rights in Utah Lake can store water up to the compromise level. However, as we indicated at the public meeting and in our handout, water stored in Utah Lake is for the purpose of meeting the diversion requirements of the primary and secondary rights in Utah Lake. Thus the storage capacity of Utah Lake does not define the water rights. The quantity of water necessary to satisfy the beneficial uses is the limit and measure of the primary and secondary storage rights in Utah Lake. In our proposal, we are not recommending that Utah Lake be operated at a lower level. Rather that we are setting forth the criteria under which water rights in Utah Lake and on the upstream tributaries would be administered. Admittedly, the proposal would allow Utah Lake to be operated at a lower level, however, in our opinion it would not adversely affect the water rights which rely on Utah Lake as a source of supply.

5. We agree that as changes occur in the operation of Utah Lake that the potential impacts on water quality need to be considered. Currently there are a lot of unknowns over what the future operation of Utah Lake and upstream storage reservoirs will be. This makes it is very difficult to predict what the future salinity concentrations in Utah Lake will be. Under Utah water law, a water right holder is entitled to have his right protected in both quantity and quality. We believe that the Central Utah Water Conservancy District and the Bureau of Reclamation will significantly affect the future salinity levels of Utah Lake by the decisions they will be making in the near future. Indications are they are very aware of this problem and are looking at alternatives to maintain the salinity of Utah Lake at or below historical levels.

6. No response required.

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