

Response to Bureau of Reclamation:

1. The proposed distribution plan in part II applies only to natural waters of the Utah Lake Drainage. Imported water to the drainage is not part of the distribution plan since the water is not native to the basin. We expect it will be managed according to the desires of the individual right holders (within the limits of their water right). The next revision of the distribution plan will address imported water separately to clarify this point.

2. We recognize this condition places some hardship on those wishing to operate exchanges. However, we feel this position on exchanges is consistent with existing statutes and is necessary to protect those with whom water is being exchanged. As stated at the distribution meetings, if the water user's goals are broader than the mere exchange of water, perhaps an exchange application is not the proper mechanism to accomplish the task.

3. Fish flows which represent the release of "system storage" from one reservoir for the capture by another would be allowed under the proposed plan. Upstream reservoirs under the plan always maintain the right to release water classified as "system storage" if they do not wish to store it in their reservoir. The limitation is that they may not divert the water for consumptive uses while it is classified as "system storage". In cases where a user chooses to release "priority storage" for non-consumptive activities the water is lost to the user just as water is lost if a direct flow user

chooses not to divert water. In some cases released "priority storage" will create a credit of sorts, since the water flows into Utah Lake and builds the "system storage" pool requiring less water to be held in reserve upstream.

4. Evaporation savings from Utah Lake under the plan are actually shared with upstream users since reductions in evaporation at Utah Lake allow greater amounts to be converted from "system storage" to "priority storage" upstream. We are not proposing evaporation credits on "system storage" held in upstream reservoirs since it is at the option of the user to store the water out of priority it is not being required. We believe adopting some scheme to compensate for evaporation savings would be counter productive and result in numerous disputes. The Utah Lake users by decree are allotted a certain amount of water irregardless of the evaporation on Utah Lake.

5. We recognize the concept of a regulation pool on Jordanelle Reservoir is a new proposal which may conflict with existing commitments. The details of this proposal are not set in concrete and we are more than willing to consider any suggestions the Bureau may have relative to this issue. From our perspective it is important the river commissioner not waste his energy trying to distribute water, without adequate resources. Because the direct flow rights on the Provo River are senior to the storage rights it is necessary for the commissioner to compute natural flow in the river. The precision of reservoir content measurements on Deer

Creek (and presumably on Jordanelle) are inadequate for daily calculation of natural flow based on changes in reservoir content. If you can provide adequate measurement and delivery equipment (irregardless of wind or other adverse weather) at Jordanelle Reservoir to allow the commissioner to regulate diversions at the required precision, then a regulation pool is not necessary. If not (previous history at Deer Creek suggests it is not) then the construction of Jordanelle Reservoir carries a stewardship responsibility to provide a means for the efficient distribution and regulation of the water.

6. Additional information from studies which support the proposed distribution plan will be included in the next revision of the distribution plan document.

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