

Response to Wasatch County Commission:

1. We understand and support your request to have the water rights of citizens in Wasatch County remain whole. The proposed plan seeks to serve existing uses and rights in the same way as they have always been served. We expect water accounting practices will require some change to facilitate better bookkeeping and any abuses of existing rights will require some re-alignment. However, water deliveries are intended to remain unchanged in cases where there is no modification in the historical conveyance or use practices. There could ultimately be an impact on rights as an outcome of the General Adjudication which is underway but that action is not dependent on the distribution plan.

2. We commend you for establishing a water issue library in your county. We will keep the library in mind and forward pertinent documents which may be of benefit to your citizens.

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Response to Wasatch County:

1. We acknowledge your concern the system has worked well for you because it is managed and understood locally. We agree combining problems from individual systems into one big system would of itself only complicate the problem solving process. Our goal is not to remove local understanding and management of the waters. The intent of the plan is to look at problems which impact or cross over systems from a more regional point of view. It is intended the proposed plan will have little or no impact on existing diversions and water use. The proposed plan seeks to clarify the rights of the various users in relation to one another and facilitate the continued efficient use of the resource while protecting all existing rights.

Protecting all existing rights in the future will require a better understanding of the relationship between the rights than is currently in place. The Provo River Decree has effectively shielded users from this complexity for many years on the basis of well understood inter-relationships. However, as demands on the system have grown and uses change, it is no longer adequate to ignore the inter-relationships since the changes threaten the very mechanisms which have allowed the system to operate this way in the past.

2. We concur with your perception there are many unresolved issues and questions which need to be examined and discussed with water

users. The plan presented was intended to be the beginning of a series of discussions regarding water rights within the basin, not the final word.

3. If our discussions have suggested the proposed plan was developed to satisfy a special interest request on Utah Lake we regret the misunderstanding. The plan was developed based upon a perception on the part of the Division of Water Rights that the rights of the systems which use the waters of the drainage have become so entwined (and will only become more so) that it was necessary to establish some common ground rules and look at interaction between the systems in order to protect the rights of everyone.

4. As a regulatory office the manner in which we conduct business is set primarily by statute and/or the rule making procedure which has been adopted by the agency as directed by statute. The nature of our mission places the Division primarily in a reactionary rather than a planning role. A water user submits a proposal in terms of a water right application, and the State Engineer responds to it.

We tried to be candid about our concerns regarding the Valley wide sprinkler proposal at the meeting. We fear it may have an impact on "senior" downstream rights. We cautioned the Heber Valley interests to consider the impacts of such a proposal on other users and carry on frank discussions with involved parties. We would be

more than happy to participate in such a discussion. However, since it is not our proposal and we have no formal proposal before us (an application of some kind) we feel it is inappropriate for us to initiate such discussions.

Making arbitrary changes to your water rights is not within the statutory authority of the State Engineer. Proposals which change the basic nature of rights must be submitted to the court by the State Engineer during the General Adjudication which is currently underway. However, any changes made will be as a decree of the court, and presumably the users will have opportunity to present evidence refuting any proposal prior to the issuance of a decree.

The State Engineer has no hidden agenda going into the Adjudication. He submits a proposed determination of water rights as required by the court, and hopes the outcome of the legal proceedings is a clearer vision of the rights he is to protect and distribute. Several ideas have been considered for inclusion in the proposed determination including the priority dates for water rights on the Provo River as we discussed in the meeting and various duties. We will keep all users aware of the recommendations as we move closer to submitting a proposed determination.

5. We note your feelings regarding water management practices and the inefficiency of Utah Lake. The proposed distribution plan presented by the Division allows the flexibility to reduce storage

in Utah Lake, as long as the rights which are normally served out of the Lake are satisfied. However, it should be kept in mind that efficiency and water management are relative terms which may have diverse connotations depending upon the orientation of the individuals involved. While the concepts you are proposing may seem very reasonable to Heber Valley interests, there are those on the system who do not consider water flowing to the Great Salt Lake as being wasted. The Division is charged with the difficult task of protecting all of these interests within the scope of their individual water rights.

6. We note your request to delay implementation of the distribution plan until studies currently being conducted by the CUWCD are completed. Since the District has a multitude of studies planned and underway we would appreciate it if you could be more specific about which studies you feel are vital to the proposal and which concepts within the proposal you feel they may influence significantly.

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