Central Utah Water Conservancy District

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July 1, 1991

Mr. Robert L. Morgan, P.E.
State Engineer
Division of Water Rights
1636 West North Temple, Suite 200
Salt Lake City, Utah 84106

Re: Comments on Proposed Utah Lake Drainage Distribution Regulations

Dear Mr. Morgan:

The following comments on your proposed draft distribution regulations are submitted on behalf of the Central Utah Water Conservancy District.

We agree the inter-relationships between the various water rights and types of water rights need to be understood. Similarly, the relationships between the water rights in the natural flows of those streams tributary to Utah Lake and the water that is presently being imported into that basin from numerous foreign sources needs to be understood.

The effort to gain that understanding is constructive. The approach taken; however, does not necessarily accomplish that stated objective. It would aid us in understanding what your goals are by way of regulations to see the factual basis for some of the conclusions contained in the summary-materials that have been made available. We would appreciate the opportunity of reviewing the modeling and other hydrographic studies that have been prepared so we can compare them with our information and see if we are in agreement with your numbers. In that regard, we request some additional time to further review the material and to supplement this response.

In addition, we have some specific concerns that we want to call to your attention. First, we are of the impression that the North Jordan Irrigation Company's rights have been satisfied from return flows and the natural accretions to the Jordan River and are not dependant upon the waters of Utah Lake.

We could better understand the table on page 5 if we could review a sample of the data or modeling information used to arrive at these figures. We do not necessarily question them, but we would like to verify them to our own satisfaction.

The proposal indicates that waters imported into this drainage must be accounted for by the river commissions in the drainage of origin. This is fine, but the proposal does not indicate whether the State Engineer then proposes to regulate the use of this water for the benefit of those holding rights in the Utah Lake drainage.

The imported water is extremely important to both the Provo River Project and to the Central Utah Project. The water users of Utah Lake have no legal right to call on this imported water which is not naturally tributary to the Utah Lake drainage. Similarly, the State Engineer cannot provide the Utah Lake water users this imported water through administrative regulations, when the legal right to call on this water does not exist in the first instance. The proposal should affirmatively state that the State Engineer is not purporting to regulate imported water under the Utah Lake distribution proposal.

We have concerns about the suggestion that a 5,000 acre-foot pool of water should be provided in Jordanelle Reservoir. The applications to appropriate and exchange water for Jordanelle Reservoir were approved without any such reference being made.

It is unclear where the 5,000 acre-foot pool would come from. It appears as if water from such a pool would be project water for which the Central Utah District would be obligated to repay the federal government. The administrative allocation of such water for the benefit of other downstream users could seriously affect the project's water supply and reduce the quantity of water the District has available to sell to its customers thereby negatively affecting the District's economic ability to repay the costs of the project.

The District must have additional time to investigate the affect of the 5,000 acre-foot regulation pool on the project water supply. The reservoir is being built with public funds for specific public purposes; therefore, we require further discussion with your office concerning this matter.

We are very concerned about the proposed requirement of simultaneous exchanges of water. This may not be practical for a project as vast and complex as the CUP simply due to the physical limitations of the facilities that are already in place. For example, under the Deer Creek-Strawberry Exchange, the Syar tunnel is full during the irrigation season for the delivery of irrigation water to Strawberry Water Users Association and future CUP users. No capacity is available to bring water over for exchange purposes during the irrigation season. Any attempt to do so would disrupt existing contracts between the Strawberry Water Users and its shareholders and would clearly impair their contractual rights and

interfere with their ability to use their water. This would also make CUP project deliveries impossible.

Exchange water is released from Strawberry Reservoir for delivery to Utah Lake during the non-irrigation season and stored for later release as required downstream. This exchange is important and it does not appear to us that it can be done on a simultaneous basis.

Similarly, releases of water for minimum stream flow maintenance will likely be done on an exchange basis. The exchange cannot be accomplished on a simultaneous basis since the demands being met with the exchange water frequently occur at different times of the year. A simultaneous release and exchange may benefit no one but the account ledger.

The current plans of the Central Utah Project provide that increased streamflow releases would be made past the Strawberry Aqueduct for fishery purposes, and that a like amount of water (not on an instantaneous basis) would be replaced to the project from the District purchased water in Utah Lake. To maintain and insure an adequate quality of water in Utah Lake, the project would provide for controlling saline springs in Utah Lake. To adequately maintain these exchanges on an instantaneous or an as-used basis would not be in the best interest of the State of Utah. If the releases from Strawberry Reservoir to Utah Lake were made on an as-used basis, the project would release large amounts of water to Utah Lake when Utah Lake is high in content and low in quality, and then release low amounts of water from Strawberry Reservoir to Utah Lake when the lake level is low and the quality is very high - the exact opposite of what should be accomplished for the best interest of the State of Utah.

It appears that 125,000 acre-feet of primary storage capacity to be established and maintained in Utah Lake to protect the primary rights could be reduced by the 14.2% represented by the rights held by the Central Utah Water Conservancy District. We do not need to account for this water twice, and it is the District's intent to use this water for exchange and replacement purposes.

We feel that your proposed regulations could provide some flexibility so that the call for replacement of system storage could be made with imported water rather than water stored in Jordanelle. We can see no reason why replacement storage could not be made by releases from Strawberry Reservoir, for example, rather than strictly from up-stream Provo River Storage.

We request the opportunity to supplement these comments within 60 days as we gather further information and have an opportunity to

study the material and water supply figures relied on by your staff in compiling this summary of the proposed regulations.

We appreciate your work in developing a distribution plan that will improve the management of this system.

Sincerely yours,

Don A. Christiansen
General Manager

DAC/HJP:dv

cc: Jonathan Jones, USBR
Dale Gardiner, SLCWCD
Joe Novak, Provo River Water Users Assoc.
Merril Bingham, Provo City