

Response to Provo River Water Users' Association:

General comments - We do not understand your concern regarding differentiation of Provo River and Utah Lake rights under the plan. Could you please clarify your comment.

Please see USBR item 1 response in regard to transbasin diversions and return flows. Exchange questions are addressed under specific comments below.

We recognize there may be existing agreements between the Utah Lake and PRWUA regarding storage in Utah Lake from which this proposal deviates slightly. However, we believe conditions are changing to the extent that a more functional, accountable system is required. We would appreciate additional comments about specific provisions of any agreement you feel the proposed plan directly violates.

Although we are not aware of any direct contradictions of the Provo River Decree included in the proposed plan, we recognize additional activities discussed at the meeting as "Adjudicative" do have some conflicts with the existing decree. We do not see those conflicts as being damaging to the proposed distribution plan though the outcome of the Adjudication may vary significantly from recommendations we mentioned at the meeting.

1. No comment required.

2. We acknowledge your recitation of priority dates and quantities of flow relative to rights below Utah Lake. As you have stated the pending General Adjudication is the forum to challenge quantities of water and/or priorities decreed for these rights.

We recognize a subordination agreement was signed for North Jordan Canal water involved in the "Welby-Jacob" change applications (a15006 and a15015) which modifies distribution of Utah Lake Waters as the change is implemented. We note there are many agreements, pending changes, and exchanges underway throughout the Utah Lake Drainage. The purpose of the distribution proposal document was not to identify each individual right on the drainage, but rather to establish a general framework of respective rights, upon which each of the individual rights, changes and agreements could be attached. We therefore choose not to modify the distribution document to address this specific agreement, but choose rather to note in the document these newer changes and agreements remain in force as a part of the distribution process.

3. The phrase "maintained by users of the lake" is intended to mean the users of Utah Lake are responsible to maintain the pumps and channels to allow water to be withdrawn from the Lake down to this elevation. The distribution plan document will be modified to clarify the statement.

4. The 125,000 acre feet of storage is included solely for the purpose of supplying primary storage rights in Utah Lake during

periods of extensive drought. We determined the size of the pool using an operation model of the proposed distribution plan and historical data, directed toward matching historical water deliveries. We plan to release additional data with the next revision of the distribution plan document.

6. We suggest the distribution plan can work in spite of the complexity of imported water. One of the purposes of the plan is to clearly delineate the various types of water. Additional book keeping will be required.

(a) Trans-basin diversions which accumulate in Utah Lake will be handled as the individual rights indicate, and therefore don't need to be incorporated into the proposed distribution plan document (their interaction with the system as a whole has already been set forth as part of their respective water right document).

(b) We are unable to completely respond to the "Deer Creek - head of the river" storage exchanges since the details of such an exchange are not contained in an Exchange application as required by law. From the description given we see no conflict between the operation of such an exchange and the requirements which have been set forth for exchanges.

(c) Please see response to USBR comment 2.

6.1 We will amend the proposed distribution plan document to clearly indicate "system storage" can be exchanged with waters from other sources and thereby become available for other uses as would be the case in the Deer Creek-Strawberry Exchange.

6.2 Please see response to CUWCD comment 3. We disagree with your assessment of the extent of Utah Lake Rights. Since obtaining the diversion entitlement for Utah Lake Users is intertwined with the evaporation of water from Utah Lake, the amount of water required to fill diversion entitlement can be substantially more than the mere entitlement.

Upstream releases are required when "system storage" is available upstream and Utah Lake Primary and Secondary Rights' diversion entitlement cannot be satisfied from the water in Utah Lake without invading the 125,000 ac-ft primary right pool. The table on page 5 does not indicate when "system storage" must be released downstream, but rather when "system storage" can be converted to "priority storage". Projections of Utah Lake inflow are not required since "system storage" can remain in upstream reservoirs if not needed for Utah Lake rights. Upstream reservoir users have the "system storage" water, they just can't use it until it becomes obvious it won't be needed at Utah Lake. The table on page 5 fills the function of indicating when "system storage" won't be needed to fill the rights served from Utah Lake.

6.3 Your understanding of this section is correct. We will attempt increase the clarity of this section in the next release of the plan document.

6.4 Your concerns are noted (please see 6.2 above). We will attempt to further clarify this concept in the next release of the document.

7.0 "Available storage" is intended to mean the total of "system storage" and "primary storage". We intend this joint regulation to come into play when Secondary Rights in Utah Lake can not be satisfied. We will revise this section in the next release of the document to reflect this meaning.

8.0 The distribution document is not intended to adopt any priority dates except those already established on the basis of existing water right documents. The water right priority dates presented for Provo River Decreed Rights at the distribution meetings are proposed for inclusion in the General Adjudication, not as part of the distribution plan.

We are aware the relative position of upper and lower Provo River Decreed Right Priority Dates presented at the meetings are contrary to the conditions of the existing Provo River Decree. We believe the Provo River Decree was premised upon certain inter-dependencies within the river system, which allowed the relative priorities of upper and lower users to be reversed. We are concerned practices

which have allowed this premise to work are being or will be undermined. The dates we suggested, in our opinion, restore the original priorities (prior to the decree). As mentioned above these dates are a proposal from the State Engineer as part of the General Adjudication not the distribution plan. We think this issue will be very difficult and expect significant negotiation to occur between these users as the Adjudication proceeds.

9. We concur once exported water is in a system it should be distributed by the commissioner charged with distribution within that system. We will clarify this point in the distribution plan document.

10. No comment required.

13. Addressed under response 8.0. We expect additional meetings and correspondence will be required to develop a plan which we can begin to implement. Even after the plan is implemented we expect some required modifications may become apparent.

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