

**Response to Provo City:**

1. From this comment, it appears that you misunderstood our intentions under the proposed distribution plan. Under no circumstances would we propose such a foolish approach to water administration. The decreed rights held by Provo City on the Provo River are Class A rights which would have a priority date ahead of the primary storage rights in Utah Lake. Therefore, the primary storage rights in Utah Lake could not require the Class A rights on the Provo River cease diversions.

2. Again, it appears that you misunderstood the proposal. When all system storage in Utah Lake and upstream reservoirs has been used, then the secondary storage rights in Utah Lake would be cut off. This provision does not apply to any direct flow rights on the tributary streams.

3. The primary and secondary storage rights in Utah Lake would not affect the Class A direct flow rights held by Provo City.

4. Under the proposal any upstream storage rights held by Provo City would be regulated according to their respective priority dates and the criteria set forth in the proposal concerning system and priority storage. We believe that the provision concerning system and priority storage will ensure that the storage rights receive water in order of priority. If Provo City or any other water user stores water upstream under a later priority water right than those in Utah Lake, then yes it is subject to call under the

criteria set forth in the proposal.

5. Under the proposed distribution plan we would like to integrate the distribution of water between the various systems into one. The earliest water rights within the Utah Lake/Jordan River System appear to be those direct flow primary rights (not the primary and secondary rights in Utah Lake) located in Salt Lake Valley and are relatively small water rights. The only time that such criteria with regards to direct flow rights being distributed entirely upon priority dates within the entire basin would be if Utah Lake was dry. If this ever occurs we will all be in serious condition and perhaps this criteria is more theoretical than practical.

6. It was not our intent to arbitrarily assign priority dates on the Provo River System. As water rights are being changed, both on Utah Lake and tributaries streams, it becomes necessary to relate these rights by their respective priority dates. As you are aware, on the Provo River System there are no priority dates assigned to the various classes under the decree. This has worked well for over 70 years, and if conditions did not change we could continue to operate under the class system. However, we are beginning to see significant changes in the water use practices within the drainage basin, especially the Provo River. As a result of this, we are requested to evaluate these changes to ensure that existing water rights are not adversely impacted. In assessing any potential impact as a result of these changes, it is imperative that the respective priority dates between the water rights be

established. We realize that any such determination of priority dates would have to be made a part of the adjudication process.

7. One of the reasons for proposing the distribution plan is to ensure that the prior rights, both in Utah Lake and on the tributary streams are protected. It is our intent to distribute the waters of the Provo River in accordance with the decree and water right filings to ensure that the parties get their rightful amount of water. Jordanelle Reservoir and Deer Creek Reservoir are both later priority water rights and any diversions of Provo River water into these reservoirs would be subject to prior rights.

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