



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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March 20, 2001

E. Blaine Johnson
1615 E. Shadow Valley Dr.
Ogden UT 84403

RE: Distribution issues on the Weber River

Dear Mr. Johnson:

There are a few matters related to distribution on the Weber River which need to be addressed. First, there has been a practice of delivering water based on shares of stock in irrigation companies to some diversions which are not authorized on the water rights for those irrigation companies. Water should only be delivered to the authorized points of diversion which are established on the records of the State Engineer's Office.

This has been done to supply Echo Reservoir shareholders their water on East Canyon Creek. Although there are points of re-diversion listed on the certificate for Echo Reservoir which show the ditch locations in Morgan County, the actual delivery of this water requires an exchange of storage water from East Canyon Reservoir. This exchange should be formalized by the filing of an Exchange Application with the State Engineer's Office. The most practical way to facilitate this exchange would be to use Davis & Weber Counties Canal Company rights. It should be filed by the Weber River Water User's Association on behalf of their shareholders and should be endorsed by the Davis & Weber Counties Canal Company. I can assist in preparing this application if needed.

Water has also been delivered to Weber Basin Water Conservancy District at Stoddard into the Gateway Canal which they may be entitled to based on ownership of stock in the Davis & Weber Counties Canal Company. There has been no application to authorize this delivery and it must be discontinued until a change application has been filed to include the Stoddard diversion as a point of diversion on the Davis & Weber Counties Canal Company water rights.

Generally speaking, your duty as commissioner is to deliver water to the properly established rights on the system. Shareholders in irrigation companies are entitled to be delivered their water by the companies and should not request delivery of water from you to satisfy their shares of stock.

E. Blaine Johnson
March 20, 2001
page -2-

The practice of buying "power water" has also been done for many years on the Weber River. There is no water right specifically for taking power water through the Weber - Provo Canal. Any water purchased by Provo River interests which is to be taken through the canal must be accounted for and distributed under application A9569. Any diversion of water into the Weber - Provo Canal must be made in a manner such that direct flow rights are not impaired. This can best be done when the river is determined to be on flood stage.

I commend you for your good work on the system. If you have any questions, feel free to call either me or Lee Sim.

Sincerely,



John R. Mann, P.E.
Regional Engineer

cc: Weber Basin Water Conservancy District
c/o Ivan Flint, General Manager

Weber River Water User's Association
Davis & Weber Counties Canal Company
c/o Floyd Baham, General Manager

Lee Sim, Assistant State Engineer