



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

May 9, 1994

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Governor  
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State Engineer

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Blaine Johnson, Commissioner  
Weber River Distribution System  
1615 E Shadow Valley Dr  
Ogden, UT 84403

Dear Blaine,

Re: Weber-Provo Canal

This letter is to follow up on our meeting on April 14. We met to discuss the status of storage on Provo River and the diversions through the Weber Provo Canal. We reviewed the system storage held in Jordanelle and Deer Creek Reservoirs and the amount of water still needed to fill Deer Creek Reservoir. Among the questions we considered were how will system storage be converted and when can the canal be shut off.

Since the meeting on April 14, the issues have been discussed further amongst the staff and we have met with Bob Morgan about the situation. We have come to the following conclusions.

Under the Utah Lake Management Plan, system storage is credited to the earliest priority rights first as it is converted. As the early priority rights are filled, system storage can then be credited to later priority rights. Under this policy, converted system storage would be credited first to Deer Creek Reservoir and then to Jordanelle Reservoir. However, there is an interim operating agreement for the two reservoirs with provisions on how system storage will be handled. Our position is to allow this agreement to operate with oversight from the state as long as the respective water rights are not exceeded.

We have further reviewed and discussed the water rights involved in the transbasin diversion from the Weber River to the Provo River. It is our interpretation that the rights allow up to 136,500 acre feet to be diverted for storage in Deer Creek Reservoir or Utah Lake and for irrigation purposes. There is no condition in the right that indicates the filling of Deer Creek Reservoir is a limiting criteria for the transbasin diversion. Therefore, our position is that the Weber-Provo Canal can be shut off only if one of more of the following conditions exists:

1. The Weber River must be distributed based on priority. The rights in the Weber-Provo Canal basically have a 1924 priority date. Therefore, the canal should be when shut off when there is insufficient flow in the Weber River to fill rights with a 1924 priority.



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2. The limit of the rights in the canal is 136,500 acre feet. The canal should be shut when this limit has been reached.
3. The canal should be closed if the transbasin diversions cannot be stored or used beneficially. The determination of no beneficial use would be made by the State Engineer.
4. The Weber-Provo Canal should be closed if the water users on the Provo request that the diversion be closed.

Until any of the above conditions are met, the full amount of water available according to the rights in the Weber-Provo Canal must be delivered.

The final status of the Weber water delivered through the canal will be accounted for by the Provo River commissioner. We understand your concern that the water be credited to the appropriate water users based on their water rights. The division will review the commissioner's accounting records to make sure the water is properly credited. If it is determined that Weber water has been stored in Jordanelle Reservoir, the situation can be remedied because the Jordanelle-Deer Creek interim operating agreement allows for the inter-reservoir transfer of water. Your most important concerns should be that diversions are made into the canal only when the priority of rights on the Weber River allows it and that the limits of the rights are not exceeded.

I hope this helps you in appropriately regulating the flows through the Weber-Provo Canal. If you have any questions about our conclusions, please give me a call.

Sincerely,



Lee H. Sim, P.E.  
Assistant State Engineer  
for Distribution

cc: Jim Riley  
    John Mann  
    Stan Roberts  
    Bob Morgan