



September 2, 1998

Mr. Lee H. Sims
Assistant State Engineer
Utah Division of Water Rights
1594 W. North Temple
Salt Lake City, UT 84114-6300

RECEIVED

SEP 04 1998

**WATER RIGHTS
SALT LAKE**

Re: Granite and Red Cedar Creek Instream Flows

Dear Mr. Sims:

We are concerned about the continued unregulated takings of water by the Red Cedar Corporation and the BMB Corporation from Granite Creek over and above their allocated right. For the last several years water has been essentially taken the entire year, over their allocated use, resulting in dewatering of a significant amount of fisheries and riparian habitat on public lands administered by the BLM (who has a water right here). This is also occurring on Red Cedar Creek the last several years when a "new" diversion dam was built to replace a older one.

As a result of these two diversions and takings of all the water, over and above their share, about 1/2 to one mile of perennial stream has been dewatered on public lands. This has eliminated a once productive recreational fisheries for the local west desert residents. Riparian vegetation as a result of this dewatering the last five years is declining and becoming dead and decadent.

Now, with the Utah Division of Wildlife Resources planning a active recreational and conservation fisheries program for the local residents involving native and sport fishes for these two waters, there is a need to have the publics water returned to the creeks immediately to begin the riparian restoration process. There is no cause for corporations to "take" all the public's waters. There is enough water to satisfy the corporations water rights as well as allow water to pass down the creek. Once their share has been utilized, streamflow should continue downstream in Granite and Red Cedar creeks to re-establish riparian and fisheries habitats. The Court has dictated the amount of water both the Corporations and the Douglass's are to get. The Corporation has been ignoring this Order.

We support your order of August 7th requiring the Red Cedar Corporation to cease taking waters from Granite Creek since their allocation has already been reached. Simple mathematics will show instream flows from the creek have been sufficient to fill their allocated share of water earlier this summer, as Mr. John Mann has shown on a recent field review. A water metering system should be put in place to monitor water in Granite Creek, as well as pipeline flows taken by both Corporations and the Douglass's. Any records the Corporation may have should be deemed "suspect" as their records and measurements have not been validated.

Lack of filling the vacant Water Commissioner position following resignation of the former one several years ago has exacerbated the problem. Failure of the Corporations to abide by the water law was likely a factor that led to the former commissioners departure. Private water rights and those on public land's should not be compromised by Corporations illegal taking of all the water. We request that your office rectify this situation immediately. We support the rights of all parties to have their legal share of water, as well as recognize the right of public water and riparian needs of resources of the United States and the State of Utah.

Utah Council Trout Unlimited
2348 Lynwood Dri
Salt Lake City, UT 84109

Please keep us informed of your progress in settling this water issue in both creeks.

Sincerely,


Paul Dremann, Vice President, Conservation
Utah Council Trout Unlimited

cc: Director, BLM
Utah State Director, BLM
USDI, Office of Solicitor, SLC
TU National, Conservation Counsel
Utah DWR, Central Region (C.Thompson)

Mr. Sims -
Don Duff & I would
like to meet with you
at your convenience -
I'll be out of town
until next Thursday
Paul Dremann
467-3862