

September 22, 2000

Hal Amidan

DRAFT

Dear Mr. Amidan:

I am writing in response to your letter of June 5, 2000 regarding the distribution of water on Raft River and its tributaries. We made a field inspection of the area earlier this year; we have carefully researched our records; and Bob Fotheringham met with you and your attorney. Based on the results of this effort, I will try to respond to the concerns you expressed in your letter. Distribution of water is always a somewhat controversial issue in the state of Utah, but especially in years as dry as this one has been.

Enclosed please find a copy of a priority schedule for Junction Creek, South Junction Creek, and the portion of Raft River in Utah and a map showing the location of the points of diversion. This priority schedule includes those water rights which are diverted from these sources. It does not include water rights for stockwatering directly from the stream source.

You expressed concern about the storage in the reservoir on South Junction Creek near the town of Lynn. According to the water right record, it appears that the reservoir owners have the right to store up to 865 acre feet of water in the reservoir during the period from October 1 to April 30. The water stored in the reservoir during this period can be held until it is needed, however, after April 30 any water entering the reservoir should pass directly through.

There is some question about how best to regulate the storage in the reservoir. Because of the remoteness of the area, it appears it would be difficult to find someone who would be acceptable to the majority of the water users and who would have time or would be willing to serve as commissioner for South Fork Junction Creek, Junction Creek, and Raft River. If a commissioner were appointed, it would be realistic to expect him check the reservoir level and distribution on the stream only once every week or every two weeks. Any effort greater than this would undoubtedly cost considerably more for all the water users and would not be cost effective. Any increased benefit would not be commensurate with the increased effort.

With an inspection only once every week or two, measuring devices on the stream entering the reservoir and leaving the reservoir would not be of much assistance in determining if additional water were being stored in the reservoir. Measuring devices might be useful if they were equipped with recorders or data loggers, but that would be very expensive for a system of this size and a fair amount of calculation would be necessary to determine if water was being stored or passed through the reservoir.

A simpler and perhaps more effective method would involve a series of markers set at the reservoir water level beginning on April 30. A marked would be placed at the reservoir water level at each visit and each marker would be labeled with the date the reservoir level was checked. The reservoir storage level could be easily monitored this way. This type of regulation really would not require the efforts of a commissioner. The water users could agree to meet together at the reservoir every week or two and set the reservoir level marker as a group. This effort would also facilitate communication among the water users which would also be beneficial to the distribution of water in the area.

We also investigated Mr. Ordell Simper's storage pond mentioned on Long Creek. Although there are some irregularities in the water rights associated with the pond, it is very small (5 acre feet or less) and does not materially affect the distribution of water in the area. We will continue to work with Mr. Simper to straighten out his water rights but at this time there will be no effort from our office to regulate the storage in his pond.

Based on our investigation, it appears that the water being diverted in the Lynn area is being used appropriately and the water use has not been expanded beyond the limitations of the water rights. It is true that irrigation methods have been modified in some areas which would affect the return flows to the river, however, these types of changes are not reviewed nor regulated at present by the State Engineer unless other changes, such as point of diversion, are also involved.

In summary, at this time we believe the water users would be better served by working together to oversee the storage in the reservoir rather than going to the effort and expense of finding and hiring a commissioner. If you have any further questions concerning this issue please contact me at (801)538-7380 or Bob Fotheringham, Regional Engineer, at (435)752-8755.

Sincerely,

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

cc Bob Fotheringham
South Junction Creek Water Users