

February 7, 1973

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Mr. Bruce Whited
Sevier River Commissioner
Richfield, Utah 84701

Dear Mr. Whited:

Thank you for your further explanation of the holdover in the Upper Zone in your letter of January 24, 1973.

I must object to the charge of the entire 5263 acre feet of the October release to the A-L Users. It is my opinion that the accounting of the water entering the Piute Canal below Willow Creek wier cannot be termed "waste water." It is evident that by charging Sevier Valley the full amount, the Lower Storage interests have been deprived of this quantity of water and that their vested rights have been impaired.

Page 15, Barnson Springs, bottom of first paragraph, Cox Decree: "and stored in the Piute Reservoir and to be released therefrom and diverted from the Sevier River at the point and for use upon the lands as hereinafter described in connection with the storage fillings of said company, provided that any water stored under this right and used for culinary, domestic and stockwatering purposes shall be charged against the water so stored."

Page 231, third paragraph, Cox Decree: "that the rights herein decreed are founded upon appropriations of water for beneficial uses, and the rights herein decreed are subject to the conditions that they are required and necessary for beneficial uses, and such rights are subject to the limitations and conditions that the same are used for beneficial purposes, economically and without waste. Any water diverted from the said river and/or its tributaries, not beneficially used under the rights of the respective parties to this decree shall be returned to the river by the most practical and direct route."

It is my opinion that any water entering Piute Canal below the Willow Creek weir must be kept separate and made available to you for proper administration of the river.

I greatly appreciate your cooperation in this matter and assure you that my only interest is the correct accounting of the decreed rights of the Sevier River.

Sincerely,

cc: Don Norseth
Thorpe Waddingham

CONSOLIDATED SEVIER
BRIDGE RESERVOIR CO.

N. S. Bassett
N. S. Bassett, Sec.