

RIVER COMMISSIONER

RICHFIELD, UTAH

February 26, 1973

Sevier Valley Canal Co. and
Piute Canal Company
c/o Garth Ogden and
Clark Wall, Presidents

Re: Winter Water Usage

Dear Sirs:

This letter is written to clarify my position on any water which is found in the Piute Canal below the Willow Creek wier during the months of October through May.

In clarifying my position on this matter I must draw your attention to the following excerpt from the Cox Decree, page 231, third paragraph, "that the rights herein decreed are founded upon appropriation 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".

I feel that it is important for all parties envolved that the Willow Creek diversion point be maintained in such a manner that no waste water will enter the Piute Canal below this point, unless the water is ordered by the Piute Reservoir and Irrigation Company.

I feel it is the Sevier Valley Canal Company's responsibility to maintain the diversion in such a manner that no water can excape into the Piute Canal system when Piute Canal Company is not using water or has not called for culinary water to be delivered.

In order to control this point, I will require that all waste water found in the Piute Canal, when no water has been requested by Piute Canal, be charged against Sevier Valley Canal Company's storage credit.

This condition will prevail for all water found in the Piute Canal below the Willow Creek weir, unless the water in the canal below this point is due to mischievous behavior, on the part of users below this point attempting to gain an unauthorized culinary stream for livestock or, in fact, fall irrigation. In this case, Piute Reservoir and Irrigation Company will be charged for this water and it will be deducted from their storage credits.

I might add that I will work with you in any way possible to control this problem and to maintain the diversion point in such a manner that total river losses may be kept to a minimum.

Please contact me if you have any questions concerning this problem.

Sincerely,
SEVIER RIVER COMMISSIONER


Bruce Whited, P.E.

cc: Walker, Roger
✓ Norseth, Dan
Bassett, N.S.

BW: jn