

THORPE A. WADDINGHAM

ATTORNEY AT LAW
DELTA, UTAH 84624



January 9, 1975

Mr. Dee Hansen
Utah State Engineer
442 State Capitol
Salt Lake City, UT 84114

Re: Sevier Reservoir Administration

Dear Mr. Hansen:

As you know, the irrigation companies that I represent have had a problem in obtaining the records necessary to intelligently anticipate and plan water deliveries to the corporate stockholders of the companies I represent. The problem has been limited to the obtaining of records from the Sevier River Commissioner administering the Upper Zone. The problem has been continual for many years, but in the last few years has been of critical concern.

I have discussed this problem verbally, on many occasions, with you and your predecessor in office, as well as with members of your staff which have responsibility for such matters. Considerable time has elapsed, however, since the concern of the companies that I represent has been reduced to writing. Our past complaints have not gone entirely unnoticed and I acknowledge that your office, from time to time intervened in an attempt to obtain the records referred to. I have now been requested to voice the concern of the companies that I represent in the strongest possible way. The balance of this letter has reference to a specific critical problem, but my comments are intended to refer to the failure, in past years, of Commissioner Bruce Whited to furnish the records necessary to complete the Sevier River Annual Reports on time and his repeated failures to make available, in a regular and timely fashion, information similar to that which is the subject matter of this letter.

The officers and employees of the irrigation companies that I represent are attempting to anticipate and plan for distribution of water to the stockholders of the companies for the coming irrigation season. In order to do so, it is necessary that Commissioner Whited furnish the irrigation companies with the following information:

1. An accounting of the hold over storage credits in the Upper Zone remaining at the end of the 1973-74 irrigation season, i.e. in Piute Reservoir and Otter Creek Reservoir.

2. Whether or not Commissioner Whited administered the storage of water in Piute Reservoir and Otter Creek Reservoir during the 1973-1974 irrigation season, so as to result in an exchange between such two reservoirs and if so, the details concerning such exchange.

Mr. Dee Hansen
January 9, 1975
Page 2

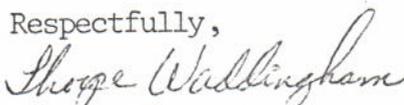
3. The 1972 and 1973 Sevier River Annual Reports show hold over storage credits in the Upper Zone to be in excess of the physical water available in Piute Reservoir and Otter Creek Reservoir. An accounting of the procedure used in "curing" such deficits is necessary.

It is obvious that the requested information is necessary so that a computation can be made showing the amount of physical water which would have been in Piute Reservoir if an exchange with Otter Creek Reservoir had not been made. This computation is necessary so that it can be determined when and in what amounts, if any, water should be released from Piute Reservoir to Sevier Bridge Reservoir in order to properly administer the waters in conformity with the respective rights of the users as set forth in the Cox Decree.

It is my understanding that Mr. Roger Walker, Sevier River Commissioner for the Lower Zone, has verbally requested Mr. Whited to furnish such information and that Mr. Whited has thus far failed to comply with such requests.

Please consider this letter as an urgent request that you contact Mr. Whited and demand that such information be immediately furnished to Mr. Roger Walker or in the alternative that he explain to you why he is unable to do so. Unless this particular problem and the continual problems referred to in this letter can be satisfactorily resolved on and administrative level, my clients will have no alternative other than the seeking of relief in a judicial proceeding.

Respectfully,


THORPE WADDINGHAM

Attorney for Abraham Irrigation
Company, Deseret Irrigation Company,
Melville Irrigation Company, Delta
Canal Company and Central Utah Water
Company, doing business as Consoli-
dated Sevier Bridge Reservoir Co.

TAW:krm

THORPE A. WADDINGHAM

**ATTORNEY AT LAW
DELTA, UTAH 84624**



January 8, 1975

Mr. Dee Hansen
Utah State Engineer
442 State Capitol
Salt Lake City, UT 84114

Re: Sevier River Distribution

Dear Mr. Hansen:

Please be advised and take notice of the following facts:

1. That the present gauge height on Gunnison Bend Reservoir is 6.00' and the quantity of water stored therein is 1,250 acre feet.
2. The conductivity of the water so stored in Gunnison Bend Reservoir is 3,400 micromhos per centimeter.
3. That the maximum quantity of water that can be safely stored in Gunnison Bend Reservoir is 3,500 acre feet.
4. That the conductivity of the water presently stored in D.M.A.D. Reservoir is 2,000 micromhos per centimeter.
5. That the present unused capacity of D.M.A.D. Reservoir is approximately 2,250 acre feet.
6. That the present make of the Sevier River below Sevier Bridge Reservoir is 50 c.f.s. per day.
7. That Central Utah Water Company is presently unable, because repairs to its diversion works are being made, to divert water into Fool Creek Reservoir and will not be able to do so until at least February 1, 1975.
8. That D.M.A.D. Reservoir will be filled to capacity by February 1, 1975.
9. That there is presently no physical facility for by-passing D.M.A.D. Reservoir and diverting water from the D.M.A.D. wells directly into Gunnison Bend Reservoir, i.e. to enable well water to be mixed with stored water to obtain a composite quality suitable for irrigation.

Mr. Dee Hansen
January 8, 1975
Page 2

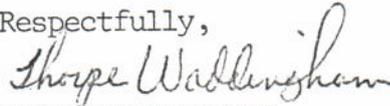
10. That it is not possible to mix sufficient water from D.M.A.D. with the water in Gunnison Bend Reservoir to cause the resulting water to be of a quality suitable for irrigation. Of course, the reason this is not possible is because of the limited capacity available in Gunnison Bend Reservoir and the relative conductivity of the water in the two reservoirs.

After full consideration of the foregoing facts, it has been determined that it is both necessary and desirable that the drain water in Gunnison Bend Reservoir be released into the natural channel of the Sevier River and allowed to flow down stream. This decision has been reached after full consultation by the officers and directors of the Abraham Irrigation Company and the Deseret Irrigation Company with Mr. Roger Walker, the Lower Sevier River Commissioner. Mr. Walker has occasionally tested the quality of the water in the two reservoirs referred to and in the river and is knowledgeable concerning both the facts and, of course, the operation of the river below Sevier Bridge Reservoir.

It is also noted that water would probably have to be released from Gunnison Bend Reservoir, without regard to the quality problem, in this particular year because of the additional water accruing by reason of the inability of Central Utah Water Company to divert into Fool Creek Reservoir.

The officers, directors and stockholders of the irrigation companies that I represent are extremely sensitive to criticism from other users on the Sevier River whenever water is released from Gunnison Bend Reservoir for any reason. Accordingly, I request that you and your staff take whatever action you deem necessary to check the facts as set forth in this letter. I would appreciate your prompt acknowledgement of this letter, together with whatever comments you care to make.

Respectfully,



THORPE WADDINGHAM

Attorney for Abraham Irrigation Company and Deseret Irrigation Company

TAW:krm