

SEVIER RIVER COMMISSIONER

RICHFIELD, UTAH

January 28, 1975

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

Re: Sevier Reservoir Administration
(Reply to letter dated 1-9-75
from Thorpe Waddingham)

Dear Mr. Hansen:

This letter is written in reply to your request for a reply to Mr. Thorpe Waddingham's letter dated January 9, 1975 concerning regulation and administration of the Upper Sevier River. With direct reference to this letter, I would like to make the following comments concerning the content and alligations set forth therein.

I must agree with the general concern of the letter in that one of the most important elements concerning the administration of a river system is that of proper record keeping of the waters involved therein. These records are an integral part of a water right and are every bit as important as the actual certificate of water rights received from the State Engineer giving a legal right to divert and use the water in the State of Utah. I will also agree that records of water deliveries are necessary to make intelligent anticipations of water deliveries for the upcoming water years. But, I must disagree as to the urgency and necessity of a total and comprehensive water delivery record, involving the preceding year, being in hand before any intelligent anticipation of water plan deliveries can be made for quantities of water deliveries for the upcoming water year. In fact, very little of the information found in the Sevier River Commissioner's Annual Report is necessary to anticipate water deliveries for the upcoming water year. And further, the records will point out that any forecasts as to upcoming water deliveries made prior to the beginning of the water year, since I have been involved with the delivery of waters of the Sevier River, have been merely forecasts and in all cases, have been off in the actual amount of water being delivered or transferred.

What I am basically pointing out, that it has been my understanding that the Lower Commissioner, Mr. Roger Walker, has received from me necessary information throughout the year to properly administer his portion of the river, and that on many occasions we have made forecast concerning future regulations in order that the waters of the Sevier River could be regulated and controlled as close as possible. I am not implying by the above statements that I have been delinquent in furnishing

total records on the Sevier River according to the time frame as established by the State Engineer. ~~I am only pointing out that even though, on some occasions, I have been delinquent on submitting records, it has not been instrumental in causing improper administration of the Sevier River waters. In fact, I feel that waters of the Sevier have been administrated properly and fairly, according to law, since I have become River Commissioner.~~

I would also, at this time, like to point out a fallacy in the operation of the waters of the Sevier River. That fallacy is that the Lower River Commissioner is responsible for all calculations regarding water deliveries through the Sevier River Drainage system and that the Lower Commissioner regulates and directs the manner in which the Upper Sevier River Commissioner regulates waters in his zone. It is as much of importance to the delivery of waters throughout the Sevier River for the ~~Upper Sevier River Commissioner to receive sufficient records on water deliveries, holdover figures and primary flows from the Lower Commissioner, as it is important for the Lower Commissioner to receive these records from the Upper Commissioner, and it is my feeling that waters stored and released in the Upper Zone are the responsibility of the Upper Sevier River Commissioner and not that of the Lower Sevier River Commissioner.~~ In fact, it is of more importance to the Upper Sevier River Commissioner that these records and calculations be made by him because the waters of the Lower Zone are first priority water, and are therefore under a guaranteed basis. What better forecast potential is there than a guaranteed water right? The first priority water must be made up from waters in the Upper Zone. This is before any waters can be stored or delivered in the Upper Zone. The Upper Commissioner is responsible for these waters and must account any releases and/or any remaining waters. The importance that is placed on these transfers and the responsibility connected with it is obvious.

I also feel very strongly that the proper cooperation between the Upper and Lower Commissioner on the Sevier River is important in the delivery of the waters throughout the Sevier River. ~~I also feel very strongly that any request for information between the two commissioners should originate from and through the River Commissioner.~~ This is necessary because the most comprehensive review and explanation of any water records has to originate through the River Commissioners, due to the fact that the Commissioners are the only ones that have a basic feeling for the actual problems involved in the administration of the waters of the Sevier River. I might add that I will reply to any request for information from any and all sources and that it need not be handled through the State Engineer to obtain the same results.

I am greatly disappointed in the water users of the Lower Sevier River in that they feel it necessary to again direct correspondence to you when a simple letter or phone call direct to me would have obtained the same results. However, they feel it necessary and in answer to the direct questions regarding the regulation waters in the Upper Sevier River, I respectfully submit the following information:

Item 1. Holdover credits in the Upper Zone, remaining at the end of 1973-74 irrigation season - This information can be found in Attachment "A", title "Water Summary as of October 1", as submitted to the water users in the Upper Zone. I would like to clarify two elements of importance with reference to this water summary. These elements are: ~~first, the total Piute Credit was 13,854 ac. ft., whereas the total contents of Piute Reservoir was only 5,330 feet. This leaves a balance of 8,524 ac. feet of water belonging to Piute Reservoir, but being stored in Otter Creek Reservoir;~~ and ~~secondly, that the total holdover credits in the Upper Zone, as of October 1 were 24,625 ac. feet. Whereas, the total waters stored at that time were 23,450 ac. feet of water, leaving a balance of 1,175 ac. feet of water allowed as holdover credits but not present in the reservoirs. A portion of this water is accountable for in river bank storage, but the majority of the water is found in Sevier Bridge Reservoir, represented by the A-L regulating stream.~~ It should be pointed out that if the regulation stream is not transferrable during the 1975 irrigation season, this amount of water would still remain as a credit to the Upper Zone and until the water was transferred to Piute Reservoir or lost due to the filling of the Sevier Bridge Reservoir, the A-L regulation stream credits would not be deducted from the holdover credits of the A-L water users.

Item 2. Did Commissioner Whited administer the storage waters in Piute Reservoir and Otter Creek Reservoir during the 1973-74 irrigation season - The answer to this question is obviously, yes, as it is impossible to deliver any waters in the Sevier River without proper regulation of the two storage reservoirs involved in the water system. And, as is pointed out above, at the end of the irrigation season, due to the regulation of the Piute Reservoir, a quantity of water belonging to Piute Reservoir was contained in Otter Creek Reservoir. This water has been identified and is available for delivery to the Piute system and in no way infects the continuity and calculations involved in the proper delivery of waters to the proper owners.

Item 3. Reference to holdover credits in the Upper Zone being in excess of the physical available water in Piute and Otter Creek Reservoir - ~~This request points out the classical mistake of not consulting a River Commissioner for an explanation before going outside of the river system for a decision.~~ If this would have been done, this item would not have been a concern. The 1972 holdover credits in the Upper Zone include holdover credits in Sevier Bridge of 4,598 ac. ft. The water was allotted according to the 1972 holdover credits. Any overage difference between holdover and the physical water is referred to as book keeping water to allow for any losses in transfers and prolonged holdover in Sevier Bridge Reservoir. In 1973 the same condition existed except the Otter Creek Reservoir filled to capacity and all holdover credits were "wiped out". The reservoir water was then reallocated as per ownership in Otter Creek Reservoir. ~~In order to identify the total holdover credits involved with an irrigation company, one must investigate and include the holdover credits available to the irrigator in all three major storage reservoirs in the Sevier River System.~~ In 1972 the gross holdover credit for the A-L users in Sevier Bridge Reservoir was 4,598 ac. ft. In 1973 the gross holdover credit in the Sevier Bridge Reservoir for A-L users was 11,040 ac. ft. Had the reservoir not filled, and it was physically impossible to transfer the regulating streams during the preceding year, any deficit in the holdover credits found in the Upper Zone would be made up through the transfer of the regulation water. If the reservoirs had not filled and the regulation stream could not be physically transferred, then the holdover credit would remain in Sevier Bridge Reservoir until the preceding year. If for some physical reason the A-L regulation credits in Sevier Bridge Reservoir were lost, then that amount of water would be deducted from the holdover credits in the Upper Zone.

It is obvious that the requested information is necessary to compute the amount of physical water which would have been in Piute Reservoir at any given time. Further more, these computations are necessary to determine when and in what amounts water should be ~~released from Piute Reservoir to Sevier Bridge Reservoir, in order to properly administer the waters of the Sevier River in conformity with respective rights as set forth in the Cox Decree.~~ However, ~~it should be noted that for the last four years Sevier Bridge Reservoir has been ahead of Piute Reservoir in priority, and Piute Irrigation Company has been allowed to use all of the water it could physically capture or use in its canal, and at no time has water been due Sevier Bridge Reservoir from the Upper Zone.~~

I have explained my reasoning behind the regulation of the Upper Zone. But, ~~the problem behind the lower users concern is that there has been a basic misunderstanding between holdover water and holdover credits between Roger Walker and myself. I have been supplying total holdover credits, when in fact, holdover water captured in the Upper Zone was required. This misunderstanding has just been brought to our attention and has been corrected.~~

To assure the lower users and the State Engineer that the water of the Upper Sevier was administered properly, I will recompute the holdover water for the years in question and submit a corrected summary in the 1974 report.

I hope this letter has answered the questions concerning the regulation of the Upper Sevier River and has given you a better understanding of the proper administration of the said Sevier River Drainage.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Bruce Whited".

Bruce Whited

BW:jn