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SEVIER RIVER COMMISSIONER

MARCH 27, 1975

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

Dear Mr. Hansen:

This letter is written in response to the letter received from Mr. Thorpe Waddingham dated March 10, 1975, concerning the administration of the Sevier River system, with specific references to the regulation stream, storage holdover credits and reservoir losses.

I had originally intended to write a lengthy letter explaining in minute detail all the stipulations referred to in the letter. The letter was also to include a lengthy oratory on lack of communications, lack of understanding, and lack of cooperation between the Upper and Lower Zones. However, inasmuch as it is my understanding that a special hearing with the State Engineer and interest parties will be held concerning the allegations set forth in Mr. Waddingham's letter, I will only briefly review the elements of concern contained in the above mentioned letter.

The comments below refer to the elementary schedule of matters to be established at the meeting:

regulating stream

To my understanding, the Piute Reservoir and Irrigation Co., Monroe South Bend Canal Company, and Vermillion Irrigation Company are not parties to the stipulation, and they are not listed in the decree as A-L users. It is also my understanding that the Monroe South Bend Canal Company and the Vermillion Irrigation Co. do not have any storage rights during any period of the year, either in the Piute Reservoir or Sevier Bridge Reservoir. However, both the Monroe South Bend Canal Co. and the Vermillion Irrigation Co. have extensive storage rights in Otter Creek Reservoir. It was my understanding that the waters of the Otter Creek Reservoir could be delivered to Piute Reservoir and utilized during the irrigation season. There has been no attempt in the past to separate Monroe South Bend or Vermillion Irrigation Company's Otter Creek water from the Otter Creek water that was either due Piute Reservoir or physically captured in Piute Reservoir, due to a transfer. By the pure nature of the system and the need to deliver waters from one reservoir to another reservoir and throughout the system with the minimal amount of transportation losses, in affect, gives South Bend and Vermillion Irrigation Co. a temporary holdover right in the reservoirs in question. Both the Monroe South Bend and the Vermillion Canal Companies are administered on a use or lose basis, until such time that physical releases from Piute Reservoir are necessary to satisfy diversion.

I must agree with Mr. Waddingham that it is apparent that commissioners do not place the same intrepation on water rights and documents referred to, and it is also obvious that there is a basic misunderstanding of the waters of the Sevier River and how they are physically captured, stored, delivered, transferred, held-over, and lost to the system.

With reference to the water summary dated October 1, 1974, which was included in the letter, this water summary is merely an estimated summary to give an indication to the irrigation companies in my area, approximately what water could be expected for the following irrigation season and to give them indications as to where the physical water represented by their credits was stored. This summary was not intended for publication and clearly points out that the figures are approximate, and one adding and subtracting the figures can tell very easily whether there are any deficits in the credits and the location of the various water rights involved.

The terminology A-L is a terminology which I use to identify the difference between the direct flow rights below Piute Reservoir which receive monthly water usage summaries and the Piute Reservoir Irrigation Company storage rights. I will hence forth in all correspondence refer to this particular group of irrigation companies as A-L Companies plus 2, so that this element will no longer be a problem.

The approximate credits referred to on the summary are estimates and are in no way reflect the actual physical amount of water which has been delivered into the Lower Zone. The difference between the 7,085 acre feet and the 5,911 acre feet indicates the amount of regulation water which was physically delivered and credited as a monthly flow percentage. It was my policy in the past to allocate all regulation water over Vermillion Dam on the monthly reports. But, due to the fact that considerable amount of A-L regulation stream water was lost in Sevier Bridge, it was necessary for me to deduct from the irrigation company's water credits, the total amount of regulation stream credit. This was not a politically popular move and I found it much better not to allocate on the monthly reports all of the waters involved in the regulation stream. Likewise, it is my understanding that it is proper and important that the water books must balance and the water must be identified, and I see no reason why this procedure is improper. Also, the calculations do not in any way reflect that a regulating stream is transferred into Otter Creek Reservoir. This has not been the practice in prior years and I am sure that detail breakdown will be available as soon as the regulation water can be transferred into the Piute Reservoir.

I have included the Vermillion and South Bend Irrigation Companies in the regulation stream not as a benefit to the irrigation companies but as a penalty for having water available at the head of the diversion in sufficient enough quantities to properly regulate and administer their stream. If the Vermillion and South Bend Irrigation Companies are not included in the regulation stream, they would enjoy in the benefits and not share in the river losses and storage losses associated with the stream. Also, the regulation water, as pointed out by Mr. Waddingham, is water derived from the primary flow rights during the summer time. Vermillion Irrigation Co. and South Bend Irrigation Company fall in this category. I have discussed this situation with the A-L users as they have the same basic concern as Mr. Waddingham. It would be my recommendation as a practical matter to include the Monroe South Bend and Vermillion Irrigation Companies in the regulation stream. The total amount of water delivered over Vermillion Dam and the credits involved in the regulation stream will in no way change if Vermillion Irrigation Co. and Monroe South Bend are not associated with the regulation stream. If Vermillion Irrigation Company and Monroe South Bend are removed from the water summary, the total amount of water due and transferrable into Piute Reservoir will remain unchanged.

The actual amount of guaranteed water credits to be honored on the first of the irrigation season, April 1, 1975, will be 23,458 ac. feet of water minus winter losses. The water summary in no way implies the amount of water which will be actually honored during the 1975 water year.

It is not the policy of the Upper Sevier River Commissioner to deduct, or transfer storage water to direct flow rights or visa-versa. I am completely aware of the situation on how new storage water is calculated in the Upper Zone of the Sevier River, and the water summary report of 1974 in no way indicates that any waters will be lost to the storage companies. If there is any deficit in water credits to be delivered in the Sevier River system, the deficit will be made up by the appropriate parties creating the deficit.

At the time the water summary dated October 1, 1974 was prepared, there was in fact no deficit as approximately 11,000 acre feet of regulating water had been identified and transferred over Vermillion Dam. Before any deficit can be made up the exact amount of the deficit must be identified, if they do in fact exist.

Winter losses on water held in Piute Reservoir is 5% and has been since I became River Commissioner. The water summary dated October 1, 1974 reflects a winter loss of 6% (my error). The actual amount of water loss in Otter Creek Reservoir and Piute Reservoir will be provided at the beginning of the water year, on the April 1 water summary. The deficits indicated in the water summary, if they do in fact exist, will be accounted for in reservoir losses and transportation losses involved with the regulation stream..

I hope I have provided you with enough basic information so that you may have a little insight into the problems referred to in Mr. Waddingham's letter. Inasmuch as there seems to be a basic misunderstanding as to the ability to identify the difference between holdover credits, storage credits, new water, regulation water, and primary direct flow water, I would like to request of you at this time to obtain from the Lower River a complete summary on their water calculations involving these particular items for the last three years: specific questions concerning the transfer of water from Sevier Bridge Reservoir to the DMAD Reservoir; calculation of March primary, with reference to total amount of water and water credited; calculations involving the total amount of water involving Piute Reservoirs; and water interests through ownership in irrigation stock in the Lower Zone. This information would be of great help and should be very helpful in establishing continuity between the Upper and Lower Rivers.

Sincerely yours,


Bruce Whited

BW:jn

cc: Mr. Roger Walker
Mr. Thorpe Waddingham
President Otter Creek Board
President Piute Reservoir Board