

JOSEPH NOVAK  
ATTORNEY AT LAW  
520 CONTINENTAL BANK BUILDING  
SALT LAKE CITY, UTAH 84101  
TELEPHONE 328-4737  
AREA CODE 801



September 24, 1969

Mr. Hubert C. Lambert  
Utah State Engineer  
442 State Capitol  
Salt Lake City, Utah 84114

Re: Provo Reservoir Water Users Company - Provo River  
Decree, paragraph 4(c)

Dear Mr. Lambert:

Reference is made to the written directive of your office by S. Bryce Montgomery, Hydrologic Engineer, dated September 19, 1969 to Mr. Hugh McKellar, Provo River Commissioner, with respect to delivery of Provo River water to Provo City under paragraph 4(c) of the Provo River Decree at page 13 thereof. I have reviewed the contents thereof at the request of the Provo Reservoir Water Users Company and it is our conclusion that the interpretation of the Provo River Decree as set forth in said directive is erroneous and we request that said directive be vacated and set aside forthwith.

It is our view that the 16.5 second feet set forth under paragraph 4(c) simply confirms the right of Provo City to use 16.5 second feet of the irrigation water awarded to it under paragraphs 4(a) and 4(b) for power purposes and does not award 16.5 second feet for irrigation purposes in addition to the quantity set forth in said paragraphs 4(a) and 4(b). I am advised that such has always been the interpretation of your office ever since the Provo River Decree was entered, as shown by the reports of the successive Provo River Commissioners.

The effect of the foregoing directive as we view it will be to take 16.5 second feet of water away from the secondary rights of the Provo Reservoir Water Users Company which it has been using for over fifty years and give it to Provo City. Needless to say, the impact thereof on the Provo Reservoir Water Users Company would be disastrous. And we are at a loss to understand why such a directive, completely changing the status quo, would be issued ex parte without notice to the Provo Reservoir Water Users Company

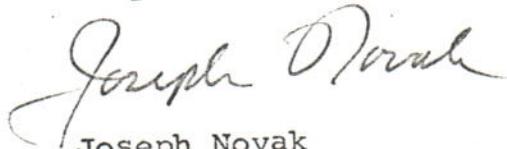
Mr. Hubert C. Lambert  
September 24, 1969  
Page 2

and without an opportunity for it to be heard.

In view of the above we strenuously object to the foregoing directive and again request that it be vacated and set aside and that the status quo be restored forthwith. Thereupon we submit that the matter be set down for an immediate hearing such that we can more fully present our views thereon.

Your early response to this request will be appreciated.

Very truly yours



Joseph Novak  
Attorney for Provo Reservoir Water  
Users Company

JN:rh

c.c. Provo Reservoir Water Users Company  
P. O. Box 1  
Provo, Utah 84601

Hugh McKellar  
Provo River Commissioner  
81 East Center Street  
Provo, Utah 84601