



*Cottonwood Creek Consolidated
Irrigation Company*

Utah Division of Water Rights
1594 West North Temple Suite 220
Salt Lake City, Utah 84114

Attn: Kent Jones, State Engineer

A contract between Cottonwood Creek Consolidated Irrigation Company (Cottonwood) and Ephraim Irrigation Company (Ephraim) was made part of the Emery County Project, and more specifically, Joes Valley Dam. This contract was formed to settle a long lasting dispute over trans mountain water rights and diversions. The contract was signed in 1969. Among other provisions, the contract provided that Ephraim shall have the right to divert during the entire year all available water intercepted and collected in its canal system above the inlet of the Ephraim tunnel up to and including 72 cubic feet of water per second of time. Also, That Ephraim will construct and maintain a diversion control structure acceptable to the United States at the portal of the Ephraim tunnel which would bypass to Joes Valley Reservoir water in excess of 72 cubic feet per second. It was agreed that the amount of bypass water would be 100 acre feet annually. At any time Ephraim does not have credit for the exchange in Joes Valley Reservoir, Ephraim agrees to limit its diversion through the tunnel to water available under its own present water rights.

Cottonwood has repeatedly requested from the State Engineer flow data relating to the diversions through the Ephraim Tunnel. This has been a local request, but has not been granted. Cottonwood is asking the state office if such data exists and if so, could we have access to it. If there is no data, we would ask why since by state law, all diversions are required to have a measuring device.

We are aware that Ephraim is in the last stages of a major construction project to improve the tunnel. It would seem appropriate that a control structure and measuring device would be part of the approved project. Your help in this matter would be appreciated.

Sincerely,

Clyde Magnuson, President

Cc: Ephraim Irrigation Company
Marc Stilson, Region Engineer,
Emery Water Conservancy District.