



Kent L. Jones, P.E.
Utah State Engineer
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84116-3154

January 7, 2014

Dear Mr. Jones "Kent":

This letter is written in behalf of the Weber River Water Users' Association ("The Weber Association") and the Davis and Weber Counties Canal Company ("The DWCC Company"), both of whom share vested water rights and stakeholder interests on the Weber River System. Both The Weber Association and The DWCC Company share the same management and operation responsibilities for storage facilities and water distribution infra structure on the Weber River System. As part of this letter we are including a Memorandum document with Attachments A, B, C, D, E and F to help clarify the position of the named stakeholders receiving water from the Weber River and the Echo Reservoir Project ("ERP").

There have been several meetings, e-mails and telephone communications between the Bureau of Reclamation (BOR) and myself as manager of the two stakeholder identified in this letter. There have also been some meetings well attended by BOR representatives, the Weber and Provo River Commissioners, Provo River Water Users (PRWU) representatives, Provo Reservoir Water Users Company (PRWUC), Central Utah Water District, Jordanelle Special Service District, Salt Lake City Metropolitan Water District and others who have interests in the distribution of Weber River Water.

Let me preface the contents of this letter, memorandum and attachments, with this statement: Both The Weber Association and The DWCC Company appreciate the long term working relationship that has been mutually cooperative and efficiently understood in regards to all of the projects constructed by the BOR and assigned to The Weber Association and The DWCC Company for management, operation and use by the water users for the past century. We recognize your efforts to ensure that the water rights are properly administered, similarly as they have been during the past century. That being said, The Weber Association and The DWCC Company wish to clarify their position in regards to operational diversions and timing of diversions from the Weber River to the Weber – Provo Diversion Canal ("W-PDC") near Kamas, Utah. Through numerous discussions and meetings with the BOR, we have come to some common ground as far as procedures for past operations of the system and the current perspective for possible operations and water distributions in the future. However, there are a few areas that bear factual clarification, according to our perspective, that corroborate traditional

operations of the past, based upon water rights, contracts and agreements that we believe should not change future operations of the W-PDC. Our purpose is to ensure that statements and comments remain factual and not allow for expansion by any one stakeholder or stakeholders that may bring deviations from actual water right administration. Water is going to become more precious due to conditions of drought, agriculture production demands, changes in water conversions from agriculture to municipal and industrial needs, including residential construction and environmental considerations. The attached memorandum is meant to add clarification as to why things have been administered the way they have in the past and why it should not change in the future, without proper filings. We include comments about: 1. Possible methods for future operations based upon the facts and past performance; 2. The need to have the Weber River Commissioner become better informed through communications between other river commissioners and stakeholders; and 3. Development of better methods for measuring and monitoring water distribution and deliveries.

**We wish to point out four major areas that are part of the operations for the Weber River System: 1. The above two entities using water from the Echo Project support the Weber River Commissioner, who is employed by the State of Utah to manage the Weber River System according to priority and direct flow water rights that pertain to the law of the river, if you will. 2. During times of "drought or water shortages", as stated in many of The Bureau contracts, everyone will be subject to the same reductions for use based upon "water availability" through respective water rights, including priorities. 3. The Echo Project (approximately 74,000 acre feet) of storage water will be full at least on paper prior to any diversions from the Weber River system for use by other appropriators and water right holders, with the exception of the 1903 "Utah Light and Traction Company" (decreed right # 61) and the 1909 "Utah Power & Light Company" (decreed right # 67) to use Weber River Water for non-consumptive purposes, "Diverted from Weber River, returned to natural channel". Quotes are from the 1937 Weber River Decreed Water Rights. 4. The contracts cited in this letter are based upon the facts and represent the purposes for operation of the Weber River System. The Weber Association feels that third party contracts entered into by the Weber Association, The Provo River Water Users' Association ("The Provo Association") and The Provo Reservoir Water Users' Company ("The Provo Reservoir Company") that are not named directly or included in the water rights or contracts as agreed upon by affected stakeholders in this letter and memorandum should be junior in priority for water right management in the Weber River system with the original documents attached herein receiving priority and consideration first. The original rights of priority must stand on their own and be followed, except when properly verified change applications through the Utah State Engineers Office; Division of Water Rights are recorded.

The Weber Association and The DWCC Company hold certain priority water rights. Suffice it to say, that all the rights will not be discussed in this letter. However, it bears mention that ALL users on the system based upon priority should receive delivery of their decreed water rights. The Weber Association has decreed water rights beginning in August of 1929, number 741, "64,314 Ac. Ft. Diverted from Weber River. Stored January 1 to December 31 in Echo Reservoir," and Water Right number 742, for "32,389 Ac. Ft. Diverted from Weber River," "Stored January 1 to December 31 in Echo Reservoir." These rights

all relate to the Echo Project in addition to smaller water rights in behalf of The Weber Association. The DWCC Company which owns shares in the Echo Reservoir Project of approximately 39.4 % (percent) of the Echo Project has water rights that are dated back to an 1881 water right number A 44 to irrigate 40,790.70 acres of land, "Diverted from Weber River," 1889 water right number A 48 to divert 60 cubic feet per second ("cfs") of Flood and High water and 36.923 cfs on Low water, "Diverted from Weber River," and a 1902 water right number A 58 for 75.000 cfs diversion on Flood and High water and 46.15 cfs on Low water, "Diverted from Weber River", which supersedes the Utah Light and Traction Company rights of 1903, "Diverted from Weber River and returned", as non-consumptive use. Quote: Weber River Decreed Water Rights 1937.

The Weber Association and The DWCC Company wish to clarify their position through a memorandum, which is included as part of this letter as well as 6 attachments. We thank you for your service to all water users and stakeholders and look forward to working with you in the future as well as we have in the past.

Kindest Regards,



Ivan J. Ray

General Manager:

Weber River Water Users Association

Davis and Weber Counties Canal Company

cc.

Weber River Water Users' Association Board of Directors

Davis and Weber Counties Canal Company Board of Directors

Reed Cozens, Weber River Commissioner

Jared Manning, Utah Division of Water Rights

Wayne Pullen, Assistant Area Manager Bureau of Reclamation

Justin Record, Bureau of Reclamation

Jay Henrie, Weber River Management Plan, P.E.