



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

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WATER RIGHTS
SALT LAKE

March 3, 1999

Mr. Robert L. Morgan, P.E.
Utah Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84116-3154

Subject: Comments on Curlew Valley Report and Other Water Right Concerns,
Snowville City Hall, Utah

Dear Bob:

The Division of Wildlife Resources (DWR) is appreciative of the continued study efforts by the Division of Water Rights regarding ground water levels in Curlew Valley. We also appreciate the explanation of your most recent study results. However, we now feel sufficient study has occurred, the problem has been identified, and corrective action(s) should be taken to resolve the problem.

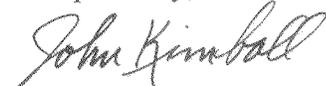
The DWR, like any other water right holder, has a deep and sincere interest in receiving water according to the priority of water rights we hold in Curlew Valley. Over the past several decades, there have been numerous occasions when we have expressed, verbally and/or in written form, concerns that the flow of springs, which provide water right appropriations to Locomotive Springs WMA, has declined dramatically. Records show a decline from 29,000 acre feet per year flow in 1969 to 8,000 acre feet per year in 1993. The 1974 report, an April 1993 file memo, and this most recent study all substantiate our concern for loss of flow from the Locomotive Springs.

While Curlew Valley is now closed to new water right filings, there are a number of undeveloped, approved applications on file. If these are allowed to be developed, they will cause further impairment to already established senior water rights. The DWR wonders why, with all the information available, the State Engineer's Office has not shut down new development throughout the valley until existing senior water rights are made whole? There is concern as to why senior water rights holders have to worry about receiving sufficient water to fulfill the beneficial use(s) entitled to them. It is, after all, the State Engineer's responsibility to protect these rights.

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The DWR finds it impossible to effectively irrigate the wet meadow grasslands obtained from the Eliason and Showell families (also known by many as the "Cowboys" property) due to lack of flow from the springs associated with this water right. Water rights associated with this property date back to the 1860's and are some of the earliest water rights in Curlew Valley. We respectfully request the State Engineer's Office develop a water budget plan for the Curlew Valley, as has been done in other areas of the state, by the end of the 1999 calendar year. Further, physical implementation of the plan should occur in calendar year 2000 to make water rights whole by their priority date.

Respectfully,



John Kimball
Director