



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

1594 West North Temple, Suite 220
Box 146300
Salt Lake City, Utah 84114-6300
801-538-7240
801-538-7467 (Fax)

December 5, 1997

MEMORANDUM

To: D. Larry Anderson, Director
Division of Water Resources

From: Bob Morgan, State Engineer *Bob*

In 1995 the U.S. Bureau of Reclamation assigned a major portion of Water Right 41-2963 to the Board of Water Resources. The portion assigned to the Board was the remainder of the original 500,000 acre-feet of water that was to be stored in Flaming Gorge Reservoir and used for the Ute Indian Unit of the Central Utah Project. The Bureau has retained the power production portion of the water right as well as municipal water for Dutch John and recreational uses around Flaming Gorge Reservoir.

Some controversy has arisen as to how much water is available to deplete from the remainder of this water right. After several meetings with you and members of your staff and discussions within the Division of Water Rights, it is my opinion that under this water right a total depletion of 169,990 acre-feet will be allowed. That portion of the water right retained by the Bureau and also the segregation for the Red Fleet Reservoir and Jensen Unit will deplete approximately 11,100 acre-feet. Therefore, we will continue to evaluate the segregations until such time as the depletion of 158,890 acre-feet is obtained. After that, it is our opinion that any further depletion will be an enlargement of the original intent of this water right.

Attached is a sheet showing the calculations and basis of this determination.

/gm
Attachment

cc: Ted Stewart, Executive Director
bcc: Bob Leake, Mark Page, Kerry Carpenter, Kent Jones, Jerry Olds

