

January 23, 2013

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Kent L. Jones, P.E.
Utah State Engineer
Utah Division of Water Rights
1594 West North Temple, #220
Salt Lake City, Utah 84116-3156

RECEIVED
JAN 23 2013 SC
WATER RIGHTS
SALT LAKE

RE: Metropolitan Water District of Salt Lake & Sandy Request for Reconsideration
Utah State Engineer Order dated January 3, 2013
Water Right Numbers: 57-7800 and 57-9001
Change Application Number: a28548
Applicant: Kevin Tolton

Please place copies of this Request for Reconsideration in the following related files:

Water Right Number: 57-10315 (Change Application Number: a28537)
Water Right Number: 57-10316 (Change Application Number: a28541)
Water Right Number: 57-10317 (Change Application Number: a28545)
Water Right Number: 57-10318 (Change Application Number: a28546)
Water Right Number: 57-10319 (Change Application Number: a28547)

Dear Mr. Jones:

Metropolitan Water District of Salt Lake & Sandy (MWDSLS) respectfully requests that you reconsider your January 3, 2013 order described above (Order) for the following reasons:

MWDSLS owns and operates the Little Cottonwood Water Treatment Plant (LCWTP), which treats Little Cottonwood Creek (LCC) and Provo River System water for delivery to MWDSLS' member cities, Salt Lake City (SLC) and Sandy City (Sandy). By contract among the cities and MWDSLS, SLC makes LCC water available to MWDSLS as SLC determines such water is not needed to meet other SLC obligations. Sandy is obligated to make all Sandy LCC water available to MWDSLS for treatment, excepting only water necessary for Sandy to

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meet obligations that were in effect as of the date of Sandy's annexation into MWDSLS in approximately 1991.

Sometimes the potential impacts to MWDSLS are not apparent. For example, Sandy Irrigation Company has a right to 2 cfs of first primary winter water that it makes available by contract to Sandy City, who in turn makes that water available to MWDSLS for treatment.

An impairment of SLC's LCC rights not only impacts MWDSLS, but also Sandy City. To the extent one MWDSLS member city makes LCC water available to MWDSLS but that member city does not call for all of that water, the other member city has a preferential right to purchase that water.

At times Sandy has purchased MWDSLS water to reduce ground water draws in an attempt to conjunctively manage surface and ground water sources and conserve ground water in an area where the State Engineer has concerns about potential mining of ground water. An impairment of SLC or Sandy LCC water rights could also impact ground water users in the valley.

MWDSLS sells treated LCC water at the same price it sells water available to MWDSLS from other sources, such as the Provo River Project, Central Utah Project and Ontario Drain Tunnel. This revenue is critical to MWDSLS.

In addition, it is important for MWDSLS to be able to coordinate the use of limited storage and direct flows in order to meet present and projected demands.

Not only is coordination of use of different sources critical for proper management of water supplies from a quantity perspective, the Provo River System water and LCC water have different chemistry. At times, it is important for operation and cost considerations to have sufficient access to both sources.

MWDSLS has also worked very hard, and spent a great deal of public money, creating some redundancy in its system and supply in order to maximize the ability of MWDSLS and its member cities to serve critical public needs even in times of emergency. MWDSLS' access to LCC water is important to that goal. LCC water would be especially critical, for example, in the event that Provo River System water was not available to MWDSLS because of damage to the Salt Lake Aqueduct, or in the event of certain Provo River System water quality emergencies.

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Utah State Engineer
Utah Division of Water Rights
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MWDSLS has also begun to acquire its own interests in Little Cottonwood Creek water. MWDSLS has recently purchased a portion of the North Despain decreed rights and irrigation company shares.

MWDSLS adopts as if stated fully here the points made by SLC in its Request for Reconsideration.

Thank you for your attention to this matter.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU



Shawn E. Draney
Scott H. Martin