

RECEIVED

AUG 03 2000

WATER RIGHTS
CEDAR CITY

August 1, 2000

Utah State Engineer
P.O. Box 506
Cedar City, Utah

Dear Mr. Carpenter,

I am a small shareholder in the Newcastle Reservoir Company. As a shareholder I am interested in water users in Pinto Canyon abiding within their water rights. Several issues are of concern to me regarding the use of water by the current owners of the old Robert/Warren Platt farm.

(1) There has been a substantial increase (appears several times) in acres cultivated at this property. When I traveled by this farm in the 1950's and 1960's there was not this large acreage under cultivation nor would there be a sizeable parcel of well watered alfalfa in late July.

Would your records along with the water master's memory provide me with your record of the amount of land irrigated on this farm over the last five years compared with those of the 1950's and 1960's?

(2) This property owner is taking water out of the Pinto Creek 24 hours a day seven days a week all summer long. What time does his water right allow him to take water from the Pinto Creek?

Would you provide me with the Water Master's record of water taken from Pinto Creek at this property versus the water right allotment? I would like to have your record for the last four years. If I have not erred and subject is taking water from the creek at unauthorized times, what notice has your department given of this, and what penalty has been assessed?

(3) This property owner has moved the course of Pinto Creek substantially over the past years. Have you advised the property owner of this unlawful action? Or if the property owner has received license from your department to change the creek's course, could you advise me if he provided engineering plans and if permits were issued for the work done? The course of the creek has in several spots been designed/modified to make shallow wadies. The course of the creek has been cut by heavy equipment and in several locations located further into the canyon wall.

I would like the property owner to pay for an independent engineering firm, approved by down stream water users to study the change in the use of water on this property. Specifically to determine what the changes in the creek's course has on down stream water users. And secondly, how the property owner with limited water rights has been able to put so much more property under irrigation.

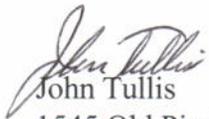
Finally, would you let me know your conclusions as to whether this property owner has been taking water outside of his authorized water right? And how do you conclude they are able to

irrigate acreage several times that the Platts' did and with significantly more feet of water per acre.

On Sunday July 30, 2000 I drove by this property and saw a wheel line irrigating the property, and a sprinkler watering the side of the hill where dirt is being quarried and perhaps a building pad laid out. At the north end of the property the Pinto Creek has been completely filled in and a dike laid out across the property creating a small wadi. The course of the creek at this point has been moved east and cut into the side of the hill. This all amounts to great license being taken by the property owner that appears to exceed limits of the law. It also calls for his paying for an independent engineering study to determine if his actions are harming down stream water users.

Your reply as it relates to the areas of your responsibility in this matter will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Tullis".

John Tullis
1545 Old Piedmont Rd.
San Jose, CA 95132