

November 10, 2010

Dept. of Natural Resources Division of Water Rights
ATTN: Mike Silva
1594 W. North Temple Ste 220
PO Box 146300
Salt Lake City, UT 847114

Dear Utah State Water Engineer,

We the undersigned are writing this letter to see if we can somehow, reasonably address our concerns about the water flows below the Patterson Dam (re: Cox Decree).

The flows were established in the Cox Decree above and below the Patterson Dam, the dam being the point where flows are filled to their full decreed right above the Patterson Dam (161.1cfs). The return flow below the Patterson Dam was intended, and seemed at the time of the decree to be adequate to fill the decreed rights below the Patterson Dam. As time has passed and irrigating practices have improved, the return flows have diminished to the point that it is, after the high water flows, not possible to fill the decreed rights below the dam.

We are aware of the statutory requirement for all water users to use their water to the most beneficial use and not waste water. The water users above the Patterson Dam have done so to the best of their ability, however, the improved water practices (i.e. pivots, wheel lines etc), have diminished the underground water table which creates the return flow for water users below the Patterson Dam.

The water rights that have been transferred to Beaver Mountain, should be subtracted from the above mentioned 161.1cfs, per State Water Engineer policy, that states no water shall be transferred to the Beaver Mountain, unless it is out of the Beaver River, 1870 priority, above the Patterson Dam, therefore said transferred waters should come out of the total flow decreed above the Patterson Dam. We also feel that it should be recognized that some 58 to 60 ft + or - of the above mentioned 161 cfs is all that is 1870 priority, the junior priority rights should not supercede 1870 rights below the Patterson Dam.

It should be noted that water rights below the Patterson Dam, also have an 1870 priority date, making it equal to and of no less value than the value of the water rights above the Patterson Dam, and therefore, entitled to their share of waters appropriated to 1870 priority dates.

We can only assume that when the decree was written and adopted by the District Court, the return flows below the Patterson Dam were adequate. We do not intend to impair the rights of the water users above the Patterson Dam, however, we below the Patterson Dam have been impacted and our water right diminished for the above named, and other reasons.

We would respectfully request that the above issue be examined, and hopefully some solution could be developed to accommodate all users above and below the Patterson Dam (i.e. supplemental wells or some other alternative).

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Respectfully,

Signature to the letter dated November 11, 2010 to the State Water Engineer regarding flows below Patterson Dam.

ABERDEEN CANAL: Grace Terona PRES
Russ Bradshaw
Wayne Bradshaw
Stuart Bradshaw Sec

Furnace Ditch
Russ Bradshaw
Emi Jessup
Phillip Jessup

South Ditch Wayne Bradshaw

Hay Ditch
Wayne Bradshaw
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