

Rocky Ford Irrigation Company

PO Box 49
Minersville, UT
84752

To Whom It May Concern:

After consulting with Kerry Carpenter, Rocky Ford Irrigation Company is formally asking for specific information regarding the Beaver River Water System.

These include:

- 1) Over the course of the last several years there have been 1870 water rights above the Patterson Dam sold to the Mount Holly Corporation or to the State, thus, changing the 161.31cfs calculated at the mouth of the Beaver Canyon by the USGS equipment. What specifically is the new maximum water right above the Patterson Dam now that the sold 1870 water rights stay on top of the mountain?
- 2) We are requesting the specific instructions given by the State engineer to the Water Master of the Beaver River concerning all distribution of Beaver River water.
- 3) We are formally requesting that these instructions specifically clarify the State law regarding 4 acre ft/acre for all acreage on any given ditch. There is significant evidence showing that much more than 4 acre ft/acre were delivered last year, and for that matter, the last several years. I will give some specific examples herein.
 - a. The Patterson Ditch received, according to the State report, 3,884 acre ft of water last year. The Patterson Ditch, according to the State water decree, indicates that it only has 638 acres. There was nearly 6 acre ft/acre delivered last year. This is in direct violation of the State law.
 - b. The Barton Ditch received 2,142 acre ft of surface water according to the State report, with only 400 acres of ground to be watered on that ditch. Again, in violation of the State law.
 - c. The Aberdale Canal Company, according to the State water summary, received 3,363 acre ft and has an acreage allotment of 535 acres. Again, in violation of State law.
 - d. All of these are surface water totals exceeding the 4 acre ft State law on beneficial use of water. This does not even begin to address our concern regarding supplemental well sources that are being pumped even though the surface water per acre ft requirement has been met for beneficial use.
- 4) We formally request that the Patterson Dam, according to recommendations made by the State many times over the last several years, have an actual dam constructed with a head gate for proper water measurement. The use of a backhoe to continually divert and then redivert water in the river channel because of no proper dam or head gate would seem to constitute something beyond appropriate maintenance.

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MAR 29 2010

WATER RIGHTS
SALT LAKE

- 5) We are in the process of independently verifying the effectiveness of all watering devices on the Beaver River. As indicated by Steve Gale in his annual water report meeting less than a month ago, there are multiple devices that do not function properly. When is the State going to enforce the law that indicates no water shall be delivered through a device that cannot measure it?
- 6) The ineffectiveness of the devices is already known by the State, and has been known by the State for no less than 9 years, as indicated by the limited information and pictures that can be accessed and viewed on the State's official website. We are very aware of the problems caused by summer floods, however, this would seem to indicate that instead of doing nothing all measuring devices should be installed to withstand and compensate for such natural occurrences. When is the State going to require this and follow through on implementation with a reasonable timetable considering the known history?
- 7) We formally request that properly functioning measuring devices be installed on all wells, sole-source, or supplementary for the specific purpose of verifying that use is within the state mandated 4 acre ft/acre.

Thank you for addressing these concerns in a timely manner. If you have an questions or concerns pleas contact Mark Truman, Rocky Ford Irrigation Company president.

Sincerely,

Mark Truman



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WATER RIGHTS
SALT LAKE

STATE OF UTAH)
)
COUNTY OF BEAVER)

On the 23 day of March, 2010 personally appeared before me, a Notary Public, in and for the State of Utah, Mark Truman, signer(s) of the instrument, who duly acknowledged to me that he executed the same.



Sylvia Curtis
Notary Public

161 - Satisfy all above Patterson

Return Filow boats to Below Patterson

Sprinklers Limit Water Coming Down

Yardleys at Patterson (above or Below) not part of # 161 above.

Mucked up Copy of Beaver River Decree @ Cedar Office.

Review and Copy Notes.

Beaver Water

A 1870 Rights about

B 1903 Rights about.

C Stockwater Right Oct. March
Stock & Cullinary

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Sincerely,

Mark Truman



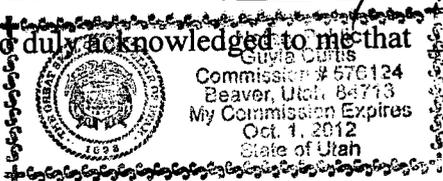
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Guyia Curtis
Notary Public