

Turnbow Ranching Company
Parley Turnbow
10877 South Clear Creek Drive
Sandy, Utah 84070

April 2, 2003

L. Ward Wagstaff
Assistant Attorney General
1594 West North Temple, Ste. 300
Salt Lake City, Utah 84116

RECEIVED

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ATTORNEY GENERAL
Natural Resource Division

Re: Letter of March 27, 2003

Dear Mr. Wagstaff:

I appreciate your letter responding to my concern. We feel it is important that you understand why the current duty does not work for our conditions.

Approximately forty-five years ago when I was a young boy, I stood on the ditch bank with my father and a Bureau representative told him that our canal would not be piped, but they would give him all the water he needed. Over the next forty years, approximately 75% of the valley had their canals piped at no cost, which allowed them to install sprinkling systems that were paid mostly by government funds.

To date, we have yet to receive any assistance. However, an additional study was prepared on our canal (at a cost that would have piped most of the canal) and the study concluded that we had a 69% water loss. As you can tell by the study, we have very porous ground which is the main reason that the four acre foot duty is inadequate for our property. Last season, while our neighbors were green, we burned.

I recognize that you may not be able to pipe our canal, but until such time that we are treated equal by "government", we are asking for an exception to our property. I would be happy to walk the property with you and show you our problem. I can also show you that the water we use on the property returns to the river system and, to a great extent, benefits those downstream in the later summer months.

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It is not our desire to have the irrigation duty increased for everyone. Most users have already signed documents agreeing to the new duty and in return, have received benefits in the form of improved delivery systems and Central Utah Project water supplements. We do, however, feel that there is justification for the property on the Turnbow ditch to have a higher per acre duty. This justification comes from the studies prepared in planning for the Central Utah Project and for studies which have been completed since. The water shares on this ditch have received no benefit from the Central Utah Project and because they are among the earliest priorities, there is very little project water available for these acres.

As studies have been completed, the problems that we are faced with have been well documented and agreed to by all those who have reviewed the studies. No one, however, has been willing to help correct the problems. Based on the standards applied to other canals, this ditch would have been improved to a level that would have justified the four acre foot duty. To apply the irrigation duty now to acres in this ditch constitutes a taking without just compensation.

We are not asking for favors, only to be treated fairly. We request any opportunity to tell our story. We believe the Government has the right and responsibility to utilize our water resource in the most efficient manner possible. In performing this responsibility, it should protect those who may sustain damage as a result of the progress made by the Government. For this reason, we request that an exception be included in the Order of Distribution for the Turnbow ditch.

We do not desire to be difficult, we are asking for much needed help.

Thank You,



Parley Turnbow

PDT/es