

December 28, 2004

State of Utah
Department of Natural Resource
Division of Water Rights - Mr. Lee H. Sim
1594 West North Temple, Suite 220
P. O. Box 146300
Salt Lake City, Utah 84114-6300

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WATER RIGHTS
SALT LAKE

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Dear Mr. Sim:

This letter is being sent to you on behalf of the Interstate Irrigation and Reservoir Company and the twenty one ranches and stockholders for which the Company supplies water.

May 5, 2004, the drainage area of Burnt Fork in Summit County Utah was called for regulation. At this time our Water Commissioner regulated the water both in Utah and Wyoming according to dates of appropriation. Our concern lies in that our Certificate #5572, with a priority right of February 18, 1926 with a flow of 50 second feet, and also Certificate #5573, priority date July 7, 1927 with a flow of 22.74 second feet, both has a beginning period of use April 1st. We run into problems where two different State laws are in play. Wyoming has no irrigation season, but Utah does. We feel that during regulation after Wyoming rights are filled by priority dates, senior to ours, the remaining water up to our priority should be turned our way. This is where we felt the decision to start the water season early affected us. A number of Utah ditches, with beginning period of use dates starting May 15th, were turned on where historically that water would have been used to satisfy our rights. As it was, we received no water from our direct flow rights. We understand that we are in a drought and that the State has the right to start the irrigation season early. This decision adversely affected our ability to raise a crop where as most of the ranches in Utah with May 15th user dates were able to raise an average crop.

Thank you for your time. We hope our concerns with the period of use will be taken into consideration if the situation occurs again.

Sincerely,

David A. Potter Sec

Board Members
Interstate Irrigation & Reservoir Company

cc: Todd Covolo
P. O. Box 65
Lyman, Wyoming 82937