

RECEIVED

MAR 11 2004

WATER RIGHTS  
PRICE

March 5, 2004

Division of Water Rights  
PO Box 718  
Price, Utah 84501

RE:           Huntington Creek Distribution System  
              Water Right #93-294

Attn:         Mark Page, State Engineer

Dear Mark:

RECEIVED

MAR 18 2004

WATER RIGHTS  
SALT LAKE

The irrigation season is approaching and after last season, I am apprehensive about receiving the above mentioned water right. I would appreciate some assurance that the Huntington Creek River Commissioner has received proper guidelines which directs him when our water right is to be delivered. Please indicate, in writing, the procedure that he will follow to insure a proper distribution of the water.

I received a letter from Lee Sim on April 29, 2003, notifying me that our "diversion must be equipped with a functional and accurate measuring device, prior to the start of the 2004 irrigation season". I was further notified that if our diversion was "not in compliance, an order to cease the use of water will be issued and the diversion will be closed and locked". This letter will notify you that a parshall flume has been installed at our diversion in compliance with this order. I would assume that all diversions on Huntington Creek received the same order, namely; Utah Power & Light at their diversion into the Huntington Power Plant; John Nielson & Sons (who have a pump located on the river); the Avery Ditch; and Utah Power & Light (Kirk Johansen Ditch). I would further assume that these mentioned diversions will be inspected for compliance and an order to cease the use of water issued if they are found deficient. I request an indication, in writing, that the State Engineer has approved each of these diversions.

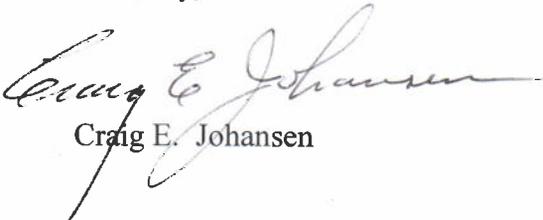
The temporary change of place of use and nature of use issued to Utah Power & Light

during last year's irrigation season adversely affected our water right. The transfer of over 8,500 Ac/ft from agricultural use to industrial use (with its full consumptive use) resulted in the deprivation of our water right in Huntington Creek, it being completely dry after June 28 and resulting in a loss of normal irrigation water for the remainder of the irrigation season. Future transfers must take into consideration the effect they may have on down stream water rights.

Further, any future storage right changes must also consider the effect on the down stream water rights. In regard to storage rights, please provide documentation as to how many acre-feet of storage Huntington-Cleveland Irrigation Company has in Electric Lake.

Last year's irrigation season was a disaster for us. I would expect that all of the proper measuring devices and guidelines are in place for a more equitable and responsible distribution of the water this season. I would appreciate your timely response to these requests.

Sincerely,



Craig E. Johansen

cc: Warren Peterson  
Scott Johansen