

Beesmark Investments, L.C.

251 River Park Dr., Suite 350 ✧ Provo, Utah 84604 ✧ (801)226-1266 ✧ Fax (801)226-1516

March 4, 2005

Jerry D. Olds, P.E.
State Engineers Office
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, UT 84116

HAND DELIVERED

Re: Measuring Device Notice For Main Creek Area

Dear Mr. Olds:

I received, on behalf of Beesmark Investment, L.C., notices to install measuring devices on our diversions on Main Creek in Wasatch County. These were specifically identified as SEAA 1074, 1075, 1076, and 1078. I have had some discussion with Mr. Lee Sims about the extent of this notice's mailing, and it is my understanding that the notice does not encompass the whole Main Creek area. Rather it has been selectively sent to only certain entities in the lower end of the stream. If this is the case, it is my position that this would be unfair and discriminatory to have such a random or non-comprehensive measuring program on the stream. It is in all our best interests to insure that people who have rights to divert along the whole stretch of the stream keep within the limits of their diversionary rights. Our diversions are particularly dependent on upstream diverters not exceeding their authorized and legal authority to divert. Therefore, the need for measuring devices should be across the board and, indeed, include areas in the upper parts of the stream to insure no violations in that area as well.

Again, it is my position that, if there is going to be a request for measuring devices to be installed on a stretch of stream, the notice should be comprehensive and all inclusive to insure that all parties are treated equally and there is no discrimination or lack of monitoring of potential abuses by those not required to so measure. It is my assumption, that I will hear from you regarding this matter in the very near future to help facilitate my decisions for the upcoming irrigation season.

I have visited with Mr. Robert Gappmeyer who received a similar notice identified as SEAA 1077. He is of the same opinion as me and asked that I include him in this letter.

Sincerely,

BEESMARK INVESTMENTS, L.C.

A handwritten signature in black ink, appearing to read "Ralph W. Rasmussen, Jr.", written in a cursive style.

Ralph W. Rasmussen, Jr.

cc: Robert Gappmeyer
Lee Sims