

July 31, 2006

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To: Cedar Creek High Water Irrigation Co.
& Mr. Tom Fassio

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Dear Sirs,

This letter is being written in regards to Permanent Change Application 65-3182 (a30267), which was approved by the State Water Regional Engineer, Kirk Forbush, P.E. Cedar Creek Irrigation Company and Twin Creek Irrigation Company, Inc. both filed a protest and requested a hearing, but notification did not arrive to Twin Creek Irrigation Company, Inc., until after the deadline and Cedar Creek Irrigation Company never received notification. In two separate phone conversations with Kirk Forbush on 65-3183 and 65-3187, President Glen P. Peel and Mr. John Hill provided information that showed that Twin Creek Irrigation Company's water could not be used for calculation of the total flow when calculation 65-3182 (a30267). We would like a new Change Application be made by Cedar Creek High Water Irrigation Company to correct these errors and ensure that no Twin Creek water is included. You will find our figure listed below:

Total Flow	Cedar Creek High Water	Mr. Fassio @ .0404%
6.09 CFS		
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4.0 CFS		
70.00 CFS	7.4 CFS	.3 CFS
70.00 CFS	3.317 CFS	.13 CFS
46.12 CFS	11.5 CFS	.46 CFS
6.0 CFS		
<u>27.50 CFS</u>	<u>27.50 CFS</u>	<u>1.10 CFS</u>
235.807 CFS	49.77 CFS	1.99 CFS

In order to measure 235.807 CFS a Parshall Fume of sixteen feet will be necessary which would have the capability of measuring above the Total Flow of 235.807 CFS. There will also have to be a diversion made for 93-2937 to measure 12 CFS, Cedar Creek Tunnel and 93-1146 Cedar Creek (Black Canyon) 12 CFS, as these two are Trans Mountain Waters and are carried by Cedar Creek and Twin Creek Irrigation Company's.

We will also require Mr. Fassio to read the mountain water before any high water is taken due to high water and mountain water both reaching their peak at the same time.

Mr. Fassio has fifteen shares of 65-2660 in Twin Creek Irrigation Company water or 2.1 CFS with the addition of high water 2.0 CFS, this will require a new head gate and weir be put in place to read 4.1 CFS as his current head gate and weir cannot handle the higher flow. Until all head gates and weirs are in place, no water will be delivered by Cedar Creek and Twin Creek Irrigation Company's.

In closing we feel that Twin Creek Irrigation Company's 7 CFS must be removed from 65-3182 (a30267). The Sevier River System or Cox Decree list on pages 101 and 102, that Twin Creek's water which has been placed on this Change Order is not valid.

Mr. Fassio must use this water for irrigation purposes only and not for pond storage. The majority of Mr. Fassio's high water comes from Eighth Class water 1.10 CFS and therefore max flow has to be complied with. We suggest that Mr. Fassio place the Parshall Fume and diversion for 93-2937 and 93-1146 by the bridge on the road going to Pine Mountain, as this will allow easy access and maintainability for all involved.

Cedar Creek Irrigation Company and Twin Creek Irrigation Company, Inc. are in full agreement with the above information and ask that you take this problem into consideration for your immediate action. Thank you.

Sincerely yours



Glen P. Peel
President Twin Creek Irrigation Company, Inc.



Mark Sorensen
President Cedar Creek Irrigation Company

Cc copies to:

Kirk Forbush

Jerry Olds

Whispering Pines Pres. Carl Craner

Whispering Pines Water master Eugene Reno