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October 29, 2002

Mr. Jerry Olds, P.E.
State Engineer
Division of Water Rights
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, Utah 84114-6300

HAND DELIVERED

Re: **Strawberry Water Users Change Application a21462 (51-2259) Request for Reconsideration**

RECEIVED
OCT 29 2002
WATER RIGHTS
SALT LAKE

Dear Mr. Olds:

The Central Utah Water Conservancy District ("CUWCD") requests that you reconsider your Memorandum Decision of October 9, 2002, approving the above referenced change application for the following reasons.

The water developed in the Strawberry Tunnel primarily comes from the Strawberry River drainage and as such is considered foreign water to the Spanish Fork River drainage. As imported water, Strawberry Water Users Association ("SWUA") may indeed use and reuse this water and even fully consume it. CUWCD, therefore, does not object to the inclusion of additional levels of domestic use and stock watering use, so long as the total diversions and use by SWUA and its shareholders does not exceed the water available from the accretion flows developed within the old Strawberry Tunnel.

Where CUWCD has concern, is that the accretion flows developed within the tunnel generally do not come close to 7.0 cfs. CUWCD has no dispute with SWUA diverting and using the quantity of water that is, in fact, physically available in the form of accretion flows, but if SWUA is allowed to divert 7.0 cfs at times when the accretion flows in the Strawberry Tunnel are less than 7.0 cfs, SWUA will be diverting at its points of rediversion water belonging to others.

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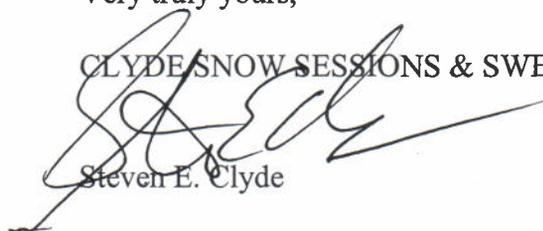
Even if the tunnel inflows were to equal 7.0 cfs, if SWUA is allowed to divert 7.0 cfs at its points of rediversion, without any reduction for conveyance losses from the portal of the Strawberry Tunnel to the points of rediversion, the water rights of others, including the CUWCD, will be impaired.

Accordingly, the approval of this above referenced change application should be conditioned upon SWUA being required to work out a methodology with the CUWCD to measure its accretion flows in the Strawberry Tunnel and separate it from Central Utah Project flows in the tunnel, and then limit SWUA's diversions at its points of rediversion to only that quantity of water actually being made within the tunnel, less conveyance losses from the tunnel portal to the points of rediversion. Without such further conditions on the approval of this change application, the water rights of CUWCD and others in the Spanish Fork River will be unlawfully impaired.

Accordingly, the CUWCD requests the State Engineer to reconsider his decision approving this change application and to amend his decision to further condition the diversion and use of water under this change application to avoid unlawfully impairing the water rights of CUWCD and others.

Very truly yours,

CLYDE SNOW SESSIONS & SWENSON, P.C.


Steven E. Clyde