

RECEIVED

AUG 27 1998

WATER RIGHTS
SALT LAKE

JOHN H. MABEY, JR., No. 4625
L. WARD WAGSTAFF, No. 5554
Assistant Attorneys General
JAN GRAHAM, No. 1231
UTAH ATTORNEY GENERAL
ATTORNEYS FOR UTAH STATE ENGINEER
1594 West North Temple, Suite 300
Box 140855
SALT LAKE CITY, UT 84114-0855
Telephone: (801) 538-7227

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
IN AND FOR CACHE COUNTY, STATE OF UTAH

WAYNE PETERSON and JULIE PETERSON,)
husband and wife,)
)
Plaintiffs,)
)
vs.)
)
CRAIG LARSON, an individual, and) Civil No. 980100552
CRAIG LARSON, trustee)
) Judge Gordon J. Low
Defendant)
)

STATE OF UTAH)
) ss.
COUNTY OF CACHE)

Robert Fotheringham, P.E., being first duly sworn, says:

(1) I am the duly appointed Regional Engineer for the
Division of Water Rights of the Utah Department of Natural
Resources.

(2) Pursuant to an ORDER of this Court dated August 14, 1998, I measured or caused to be measured the flow rate of Nielson's Spring, on the following dates and times with the following results:

a.	June 2, 1998	5:20 a.m.	7.32 gpm
b.	August 12, 1998	9:25 a.m.	7.89 gpm
c.	August 20, 1998	3:15 p.m.	7.50 gpm

Average Flow: $7.\overset{57}{75}$ gpm *Rmf*

(3) At the time the measurements were made, the following circumstances may have affected the flow measurements: The catchment and overland spring flow was measured approximately 20 feet below the reservoir.

Diversions from the system prior to or during the measurements would impact the total flow measurement.

The spring appears to be a perched spring; therefore, the flows will vary based on temperature, vegetative water use and season.

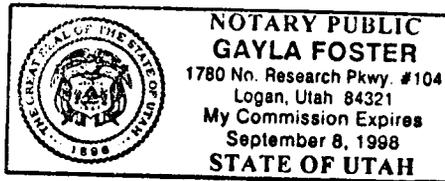
DATED this 24 day of August, 1998.

Robert M. Fotheringham P.E.

ROBERT FOTHERINGHAM, P.E.
Northern Regional Engineer
Utah Division of Water Rights

Subscribed and sworn to before me this 24 day of
August, 1998.

[Signature]
NOTARY PUBLIC



CERTIFICATE OF MAILING

I certify that on August 24, 1998, I caused to be mailed a copy of this AFFIDAVIT OF ROBERT FOTHERINGHAM to the following parties at the following addresses.


Robert Fotheringham, P.E.

Joseph M. Chambers
HARRIS, PRESTON & CHAMBERS, P.C.
31 Federal Avenue
Logan, UT 84321

Mark B. Hancey
HANCEY & ASSOCIATES
31 Federal Avenue
Logan, UT 84321

Bruce Pendery
HULT & MARYCHILD
P.O. Box 543
Logan, UT 84323-0543