

September 28, 2016

Kent L. Jones
State Water Engineer
1594 W. North Temple
Salt Lake City, UT 84114

Dear Mr. Jones,

In response to the Larry Maycock letter of Sep. 19, 2016, we would like to state our feelings and let the State know our position in this ongoing and never ending matter.

We have not complained, we have followed Steven Gale's distribution with no arguments or disagreements. Rocky Ford must think that they are the only one's short of water. We think that instead of taking our water again as they did in 2014 (462 ac ft. too much), a futile call should be made, much like the Beaumont call that was made in the spring of 2016 in Indian Creek.

We would be more than willing, as they suggest in their letter of complaint to you, to sit down and discuss the problem. Until such talks are implemented and a conclusion reached by both parties, we are not at all responsible to deliver water that we did not take. It is not our responsibility to make Rocky Ford whole because of shortages of water or ditch loss.

The installed telemetry should as far as we are concerned have taken care of any distribution issues day by day. We remain firm in our resolve to not be taken advantage of anymore, ie. 462 acre feet too much in 2014. Talks like the 1967 agreement or any other solution to the problem is in all of our best interest. We recommend that a solution to this continually whining be pursued and stopped.

In Mr. Maycock's complaint about water being sent to the Reservoir at this time, it is our understanding that 7500 feet must be in the Reservoir before Rocky Ford can store. Minersville does not have a direct flow right until after Oct. 31, therefore any water being sent would be Minersville's, not Rocky Ford's.

We would like telemetry installed in the outflow of the Reservoir for Rocky Ford, also in the Carol Riley diversion at Beaver Canyon and the South Ditch Divider in Beaver.

We are entitled to credits that we have never received when we send excess flow to the Reservoir when our right is not full. Rocky Ford receives credits when there seems to be a shortage, this seem a bit one sided. In 2013 or 14 an agreement was agreed upon after the annual meeting, and Jared Manning typed it up and sent it down for signatures, and Rocky Ford

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decided not to participate. We are not obligated to absorb any ditch loss below the Furnace Ditch. Our share of any ditch loss has been absorbed when it reaches the Furnace Ditch.

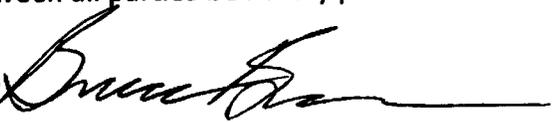
Letting Larry Maycock make decisions on the distribution of water, see above mentioned letter of Sep. 19, 2016, is out of line. If Larry wants to distribute the water, let him apply for the position, until then leave Steven Gale to do his job. At our annual meeting, no changes in distribution was discussed, and his offer in his letter has not been discussed with anyone. Furthermore, we feel that the Cedar City Office should be fully involved in this and all decisions made regarding this matter.

According to the telemetry, in the spring of 2016, Rocky Ford received more water than their 9.67cfs right. We feel that we need credit for our water sent to them. The 10 second feet that springs up below the reservoir needs to be applied to some water right, not used unaccounted for. The 9.67 cfs water right for Rocky Ford should be on turns, like all the ditches are now, that the water right came from, not continual flow.

Also in the Cox Decree Section 96, page 42, the 31cfs of Rocky Ford's should not be in the equation when appropriating the water. It plainly says in the decree, when appropriating the water the 31 cfs is not allowed (see attached). It also says in the decree that the 4 ½ cfs shall be divided between all of the above parties to the extent necessary to fully satisfy the decreed rights, excluding the 31 cfs.

In closing, we thank you for your consideration, and strongly request and recommend a meeting between all parties be hastily pursued and an agreement reached as soon as possible.

Respectfully,



Bruce Brown, Aberdare Canal
Tavish Edwards, Barton Ditch
Ross Bradshaw, Furnace Ditch
Wayne Bradshaw, Aberdare Canal
Eric Jessup, Hay Ditch
David Edwards, Barton Ditch

last decree decreed, shall not be entitled to pro-rate as to such 31 c.f.s., but after June 1st and for the balance of the irrigation season, when there is not sufficient water to satisfy all of said rights, then said Rocky Ford Irrigation Company shall enjoy the right to pro-rate also for said 31 c.f.s. and to receive its share of the waters in the Beaver River between said two points in proportion to the rights of the respective parties aforesaid as hereinbefore set forth; (Provided further that when there is not sufficient water in the river between the aforesaid points to fully satisfy the aforesaid rights after June 1st that then in apportioning said waters between June 1st and October 31st, additional water up to 4½ c.f.s. shall be divided pro-rata between all of the above parties to the extent necessary to satisfy their decreed rights, except that in making such division of said 4½ c.f.s. the Rocky Ford Irrigation Company's proportion thereof shall be computed without allowing anything for the 31 c.f.s. it acquired from the Minersville Reservoir and Irrigation Company.)

- (c) Priority 1890. 36,800 acres. 9.5 c.f.s. From April 1st to October 31st, inclusive of each year. Said water to be diverted and conveyed and used through the North Dotson and Gillins ditch and the South Dotson and Gillins ditch as described in paragraph "a" above to irrigate 380 acres of land in the vicinity of Minersville and in the Milford project in the legal subdivisions set forth in paragraph "a".
- (d) Priority 1890. 36,800 acres. 19.0 c.f.s. From April 1st to October 31st, inclusive of each year. Said water to be diverted, conveyed and used as described in paragraph "a" above.
- (e) Priority 1903. 36,800 acres. 5.0 c.f.s. From April 1st to October 31st, inclusive of each year. Said water to be diverted, conveyed and used as described in paragraph "a" above.
- (f) Priority Feb. 25, 1907. 36,800 acres. 31,900 acre feet. Application No. 1215 as modified by Application No. 2398. To be stored from October 1st to June 30th of the following year. Said water to be impounded in a reservoir on the natural channel of Beaver River inundating the following legal subdivisions in whole or in part:
S½ Sec. 30, N½, SW¼ Sec. 31, T. 29 S. R. 8 W.; SE¼ Sec. 25, NE¼, S½ Sec. 36, T. 29 S. R. 9 W.; Sec. 1, S½, NE¼, Sec. 2, N½ Sec. 11, T. 30 S. R. 9 W., covering at its full stage 2166 acres. The center of the impounding dam