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July 21, 2020

Ms. Teresa Wilhelmsen, P.E.
Utah State Engineer
Utah Division of Water Rights
1594 West North Temple Suite 220
Salt Lake City, Utah 84114-6300

Re: Sevier River Distribution Model

Dear Ms. Wilhelmsen:

I write on behalf of the consolidated irrigation companies of DMADC regarding the ongoing landmark effort to create a Sevier River Distribution Model. DMADC appreciates the willingness of your office over the years and most recently to hear and address concerns as the model is developed.

DMADC sees the model as a valuable tool to properly account for water storage and distribution and thereby provide for orderly administration of water rights on the complex and sometimes delicate Sevier River system. DMADC looks forward to further opportunities to review the model operations and provide meaningful comments and input as it is developed. As it's developed, an important objective is to keep the model true to the "law of the river," which includes relevant decrees, case law and established distribution practices. As you know the Cox Decree was carefully crafted by stipulation and represents a balanced judicial decree, which governs the terms and conditions of the water rights.

This is particularly true with respect to distribution of the Section A primary water in Zone A, pages 2-8 of the Cox Decree, which issue was raised by DMADC in 2015. Administration of the Section A primary water rights directly impacts DMADC interests in the storage decreed to Sevier Bridge Reservoir in the Cox Decree. As you review this issue, please consider the following points.

As provided in the last paragraph of Section A, page 8, and in other Sections of the decree, whenever there is insufficient water to supply all the rights of a given class, each of the water rights within that class are diminished pro rata:

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WATER RIGHTS
SALT LAKE

SCANNED LP

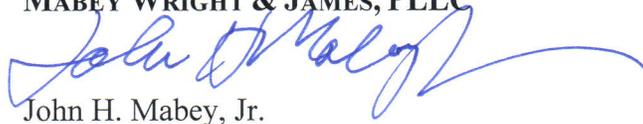
Whenever the waters available for distribution in said river, flowing in said Section A, are insufficient to supply all their waters of each class therein, then each class shall have precedence in their order as herein set out, and the rights of each party in each said class shall be diminished pro rata.

So whenever there is insufficient water to supply all the primary rights in Section A, all the primary rights are diminished pro rata – no primary right, no matter where located within the Section, is entitled to divert more than their reduced pro rata share. Otherwise, water rights are enlarged contrary to the distribution provisions of the Cox Decree.

If rights are enlarged, the storage rights awarded Piute and Sevier Bridge Reservoirs are interfered with, and the storage entitlements of DMADC are diminished. The model operations programmed by the Division should not deviate from these basic distribution provisions and in essence reallocate the water as historically distributed.

DMADC looks forward to further discussing this matter. Please contact the DMADC representatives to make those arrangements.

Sincerely,
MABEY WRIGHT & JAMES, PLLC

A handwritten signature in blue ink, appearing to read "John H. Mabey, Jr.", written over the printed name below.

John H. Mabey, Jr.

cc: Andy Nickle, President, DMADC
Lonnie Hammond, President, Piute Reservoir and Irrigation Company