November 3, 2008

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WATER RIGHT,
SALT LAKE

Jerry D. Olds
Utah Division of Water Resources
1594 West North Temple
Salt Lake City, UT 84114

Re: **Draft Administrative Rule R655-16**

Dear Mr. Olds:

This letter is written in response to the draft Rule R655-16 which deals with the "Administrative Procedures for Defining Beneficial Uses for Supplemental Water Rights." This firm represents a number of public water suppliers including the Washington County Water Conservancy District, Bear River Water Conservancy District and the Kane County Water Conservancy District ("Public Water Suppliers"). Based upon proposed Rules R655-16-7 and the information furnished by your office at the September 16 hearing, we understand that the exception provided for in R655-16-7(4) will be further clarified with respect to Public Water Suppliers. A Public Water Supplier should not be required to make a sole supply/supplemental evaluation of its existing water rights when administrative action is taken by the State Engineer. For example, this exception should make clear that a change application by a Public Water Supplier on one or more of its existing water rights, within the Public Water Supplier's service area for public use, will not require a sole supply/supplemental evaluation of the Public Water Suppliers water rights portfolio. This is so because all of the Public Water Suppliers' water rights are considered to be used in conjunctively and are all part of the Public Water Suppliers group. This being the case it is our position that this exception should be revised and clarified accordingly.

Sincerely,
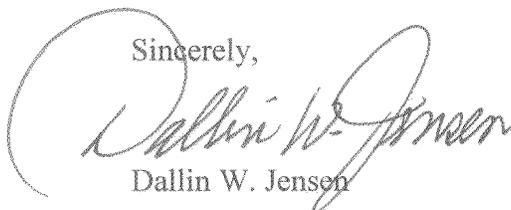
Dallin W. Jensen

DWJ/rls
cc: Ronald W. Thompson
        Voneene Jorgensen
        Mike Noel

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