

Jerry D. Olds, State Engineer
c/o Mark Page, Southeastern Area Engineer
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Price, UT 84501-0718

December 5, 2003

RECEIVED

DEC 10 2003

**WATER RIGHTS
PRICE**

RE: Water meeting held on November 18, 2003, concerning
the water resources of Argyle Creek and the Argyle
Drainage.

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DEC 12 2003
**WATER RIGHTS
PRICE**

Dear Sir:

As a landowner and water user in Argyle Canyon, with many
priority water dates, prior to the creation of the Utah State
Engineers Office in 1897, I am very interested in what water
we have in Argyle Canyon and what "New Comers" are proposing
to do with it.

Utah, being the desert land it is, has great need for
straight forward laws and regulations for the limited water
sources we have. Accordingly, the early settlers of Utah
also recognized this. As early as 1903 a complete "Water
Code" was enacted. This code has been continuously updated
and revised ever since. As late as August 1, 2003, the revised
information on water rights states: "The principle was established
that those who first made beneficial use of water should be
entitled to continue use in preference to those who came later.
This fundamental principal was later sanctioned and is known as
the Doctrine of Prior Appropriation. This means those with
earliest priority dates who have continuously used the water
since that time have the right to water from a certain source
before others with later priority dates."

In 1935, the Utah Legislature passed a law to substantially
upgrade the previously mentioned law passed in 1903. In this,
the State Engineer could only appropriate more rights for water
to a new applicant if; 1. There is unappropriated water in the
proposed source, and 2. The proposed use will not impair existing
rights.

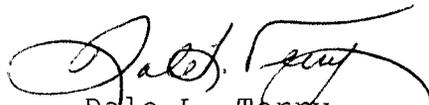
In this, The Argyle Canyon situation, there is no unappropriated
water in this drainage area. If anything, I dare speculate that
there has been too many permits or shares of water appropriated
for the amount of water I have seen in this canyon for the past
25 years.

This brings us to the second qualification for the State Engineer to be able to grant new water rights. The granting of new users, of the same amount of water, would greatly impair we farmers and ranchers in the canyon below.

So, until "new" water is available in Argyle Canyon the State Engineer or anyone else should not allow additional users of this limited resource, "water". Those who are not in compliance with the laws as they now exist, must be brought into compliance.

This being said, and knowing the officials in the Southeastern Regional Office, I am very confident that they will keep us on the right track.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dale L. Terry".

Dale L. Terry
1290 East 300 North
Price, UT 84501