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WATER RIGHTS
SALT LAKE

November 28, 2003

Mr. Jerry D. Olds
State of Utah
Division of Water Rights
P. O. Box 146300
Salt Lake City, Utah 84114-6300

Dear Mr. Olds:

This letter is to follow up with you on our position on the water rights in Argyle Creek, Nine Mile Canyon.

As previously stated in our letter of July 15, 2003, we have some of the most senior water rights on Argyle Creek. These rights date back to 1885 and 1886 and are listed as follows: 90-40, 90-41, 90-68, 90-69, 90-72, 90-73, 90-76, 90-77, 90-80, 90-81, 90-84, 90-85, 90-115, 90-116, 90-118, 90-120, 90-122, 90-124, 90-126, 90-171, 90-178 and 90-232.

We also have water rights in Parley's Canyon Creek, which is a tributary to Argyle Creek. These are: 90-117, 90-119, 90-121, 90-123, 90-125 and 90-127.

Our forefathers filed on and proved up these water rights in good faith but we continue to have difficulty receiving water because of upstream diversions by junior water right owners. There is not enough water to go around. The drought has aggravated this situation but is not the reason for the water shortage. The essential problem is people taking water out of priority and new applications.

When cabin sites were first sold off in Argyle Canyon it was made very clear there was no water rights available with the properties and the Wimmer family was assured that the cabin sites were being sold with none.

The State should not approve any new applications or change applications, even small ones. Many of the applications that were approved should be cancelled as we believe they were issued in error. As in many places in the State this drainage is over allocated.

Some cabin owners state they use very little water and all returns to the creek. That is simply not so. They dump septic water and pollute the drainage. They also dig around and alter the formation.

This water is the life blood of our ranch. We use this water for culinary "human and animal" consumption and irrigation of our crops. We do not want any septic systems up stream of our property without proper engineering and approval.

We think it would be appropriate for the State Engineer to write letters to the water users explaining that regardless of where they are on the stream, they cannot use any water until all senior rights have been satisfied.

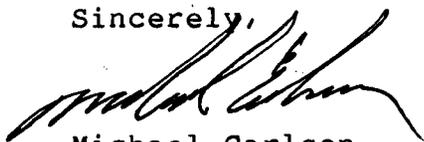
Some upstream users are either unaware of this rule or are deliberately taking water.

What procedure would the State suggest we follow to resolve the problem of unauthorized diversions? Who should we contact? What will be done to stop this problem?

What is imperative is that no more applications be considered. The fact is there is no additional water available in Argyle Creek.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Carlson", with a stylized flourish at the end.

Michael Carlson