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November 29, 2003

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WATER RIGHTS  
PRICE

Mr. Jerry D. Olds  
Utah State Engineer  
STATE OF UTAH  
Department of Natural Resources  
Division of Water Rights  
P. O. Box 718  
Price, UT 84501-0718

Re: WATER USER PROTEST  
Public Meeting Held November 18, 2003  
Carbon County Courthouse

Dear Mr. Olds:

As private citizens owning real estate in Argyle Canyon, we hereby formally protest any new applications for water from the Argyle Creek and/or the Nine Mile Creek. It has been our understanding for many, many years that **THERE IS NO UNAPPROPRIATED WATER IN ARGYLE CANYON AND/OR NINE MILE CANYON.** Any water used and consumed upstream simple "robs" the lower users of their entitled water. It is our position that only existing water rights should be used. If a family or individual needs water, then **THEY SHOULD PURCHASE** it from an existing source and file the appropriate applications with your office to change the place of use, or nature of use, of the water.

Argyle Canyon and Nine Mile Canyon have traditionally been used for livestock and ranching and farming and the water has been used to irrigate crops. There never has been enough water in Argyle and/or Nine Mile Creeks for past utilization, so we cannot believe there would be excess water now, especially with the drought conditions afflicting Utah. There are photographs available to you, taken last summer, which show that the **ARGYLE CREEK WAS BONE DRY.** The photos were taken approximately a dozen miles down the Canyon from the "Head of Argyle," where mountain springs begin to form the Creek.

There is no evidence, whatsoever, that any subdivision owners ever promised water rights to anyone buying Lots. Mr. Kim Lowe, who subdivided the Lobo Ranchettes, put it in writing in a letter that is available to you which specifically states that **THERE IS NO WATER** to be used on that subdivision except for livestock and game animals.

Regarding the other subdivisions, when the first subdivision was started in Argyle Canyon, the owners came and talked to the ranchers and assured them that they **WERE NOT** selling water with the subdivision Lots. Harold J. Wimmer and Lucille Wilcox Wimmer were specifically told, in person, in their own livingroom, that the subdividers had told buyers that **THERE WAS NO UNAPPROPRIATED WATER IN**

ARGYLE AND/OR NINE MILE CANYON. We are informed and believe that Maxine Wimmer Burdick, who was then the Duchesne County Recorder as well as a land owner in Argyle Canyon, was assured that there **WAS NO UNAPPROPRIATED WATER** in Nine Mile and/or Argyle Creeks available. We are informed and believe that Mrs. Burdick made sure that no Deeds mentioned Water Rights from those Creeks, as she was extremely conscientious at her job and was the Duchesne County Recorder until she retired, well into her 70's, at which time her daughter, Carolyne Burdick Madsen, won the election and is now the Duchesne County Recorder as well as a Canyon land owner.

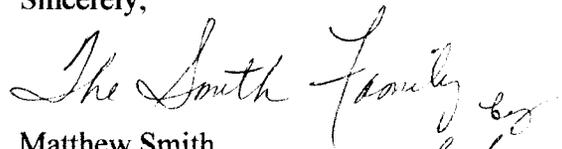
Besides the legal issues involved here, there is the larger moral issue. If there was no water available and weekenders purchased land with that knowledge, how then, can they now "rob" water, when the farmers and ranchers had to file on and "buy" water? The agriculture industry is the backbone of Utah (and America) and farmers and ranchers are barely getting by, financially. Virtually every farmer in Utah has another job to support the farm, and in most cases, the farmer's wife also works outside the home. Lucille Wilcox Wimmer taught school to help keep the ranches and the livestock. Harold J. Wimmer owned a construction company and traveled far from home to "bid" on jobs and work, in order to "keep the farm." As mentioned earlier, Maxine Wimmer Burdick was the Duchesne County Recorder in order to have an income to keep the ranches.

We, personally, have worked at various jobs, in order to help keep the ranches and livestock. We have worked for many years in order to help our family "keep the farm," which our parents and grandparents so valiantly kept for us..

Will the State of Utah now become a party to "robbing" water from agriculture? We think not. This would certainly hit the newspapers, if it hasn't already.

Thank you for your attention to this matter.

Sincerely,



Matthew Smith  
Kimberlee Hendricks Smith  
Dylan Alexander Smith  
Valerie Pascale Smith  
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