

Jerry D. Olds, State Engineer  
c/o Marc Stilson, Southeastern Area Engineer  
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SALT LAKE

RE: Water meeting held on December 6, 2006, concerning  
the water resources of Argyle Creek and the Argyle  
Drainage.

Dear Sir:

As a landowner, and major owner of the permits or shares associated with the Argyle drainage, therefore, a significant 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 the the water sources we have in Argyle Canyon and what "New Comers" are proposing to do with them.

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 29 years.

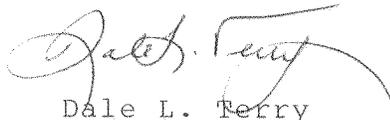
This brings us to the second qualification for the State Engineer to be able to grant new water rights "The proposed use will not impair existing rights". The granting of new users, of the same amount of water, would greatly impair we farmers and ranchers in the canyon below.

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; i.e., Those with existing cabins and property who are pumping water from the river, springs or wells for their use, when they do not have the proper water rights. This is a major problem in Argyle Canyon and must be addressed first before anyone can determine if there may be additional permits that can be released in this drainage system.

There are requirements throughout the entire state, which an individual must follow in order to obtain water rights for any purpose, whether it be for domestic, agriculture, industrial or even recreational uses. The most fundamental of these requirements is for an individual to purchase a permit from another individual who has the before mentioned priority rights or "Permits" in the water system he is seeking.

If the regional and state engineers have already determined to implement their "Proposed New Policy" for the Argyle Canyon and thus drainage system, then this epistle of mine will make no difference, but it just may bring to the attention of others some of the disparities that are going on.

Respectfully,



Dale L. Terry  
1290 East 300 North  
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