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November 3, 2008

Jerry D. Olds, P.E.
 Utah State Engineer
 P.O. Box 145300
 Salt Lake City, UT 84114-6300

Re: Proposed Rule R655-16 Relating to Sole Supply for Supplemental Water Rights

Dear Mr. Olds:

Nephi Irrigation Company ("Nephi Irrigation"), respectfully submits the following comments on the proposed new Rule R655-16, Administrative Procedures for Defining Beneficial Uses for Supplemental Water Rights, published in the Utah State Bulletin August 1, 2008 (the "Proposed Rule").

Nephi Irrigation is the record owner of at least 12 separate water rights. Each of such rights is included in multiple supplemental groups, which in turn include water rights held by parties other than Nephi Irrigation. Nephi Irrigation will be heavily impacted by the Proposed Rule both in connection with administrative actions requested by Nephi Irrigation, and as the recipient of requests from other water right holders to establish a sole supply for our water rights.

The State Engineer's office has suggested, both during the September 16 hearing and subsequently, that municipalities may be excluded from operation of the Proposed Rule. We certainly hope this is the case. However, for the same reason that municipalities should be excluded, so should other water suppliers like Nephi Irrigation.

Water suppliers such as municipalities, water irrigation companies and water users associations ("Water Suppliers") share a number of common traits, including broad service areas, multiple water rights and little, if any, control over how and where the water so delivered is used.

Jerry D. Olds, P.E.
Utah State Engineer
November 3, 2008
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All of the policy reasons supporting the exclusion of municipalities from operation of the Proposed Rule would apply equally as well to mutual irrigation companies like Nephi Irrigation.

We are aware that the Provo River Water Users Association has submitted comments on the Proposed Rule, and we have reviewed those comments. We agree with the concerns raised by the Provo River Water Users Association, particularly as they relate to Water Suppliers, and we hereby adopt those comments by reference.

We appreciate your willingness to take our concerns into account, and trust they will be helpful in crafting revisions to the Proposed Rule that accomplish your stated purpose, without imposing undue burdens on Water Suppliers such as Nephi Irrigation.

Sincerely,

NEPHI IRRIGATION COMPANY



Christopher E. Bramhall
Attorney

cc: Blake Garrett,
President