

Mr. Robert L. Morgan
June 28, 2000
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January 27, 2000 responding to comments on the prior draft of the Proposed Salt Lake Valley Ground-Water Management Plan, you state:

In Salt Lake Valley there are significant quantities of water covered by approved applications that are approaching 50 years. The ground-water basin is over-appropriated and if these water rights are developed, it has the potential to displace water users who have already developed the water and are using it under a later priority water right.

We question whether that statement is in full harmony with the prior appropriation doctrine or Section 73-3-21 which recognizes the priority of domestic use. We submit that junior water right holders developed their water rights with full knowledge of other, senior water rights in the area and fully assumed the risk that they might interfere with those senior rights. The holders of senior water rights are not responsible for the ground-water basin being over-appropriated by junior water rights holders. Senior rights should not improperly, and possibly illegally, be jeopardized by junior appropriators simply because they, with full knowledge, spent money developing their rights.

Conclusion:

Your January 27th letter mentions that "several entities with a stake in Salt Lake Valley ground-water did not get an opportunity to submit comments" to the prior draft Plan. We are among those entities. We appreciate the opportunity you have afforded to us and others to review and comment on the latest draft of the Plan. We appreciate the consideration that we know you will give to our comments and suggestions.

Respectfully,

WHITE CITY WATER IMPROVEMENT DISTRICT

By: Paulina L. Flint
Paulina Flint, Chair

WHITE CITY WATER COMPANY

By: James C. Hadlock
James C. Hadlock, President

cc: Jared Manning
Chuck Williamson