

State of Utah
Department of Natural Resources
Division of Water Rights
1594 West North Temple
Suite 220
PO Box 146300
Salt Lake City, Utah

December 3, 2003



RE: 90-1810 (A73049)
Dallas A. Jackman
6946 Harvest View Way
West Jordan, Utah 84084

I recently attended the public meeting for the water users in Argyle Canyon held on Oct. 18th at 6:00 p.m. in Price. I found that meeting to be very informative and valuable. It was interesting that only three or four applications for water have been submitted since 2000. None of which have been issued water rights permits.

I attended a hearing concerning our filing on Wednesday, Oct 25, 2000 in the Board Room of the Price River Water Improvement District in Price. That hearing was recorded and I assume that the tape of that meeting is still available. In that meeting I explained that the water from the spring in question never did reach Argyle Creek because of the impervious nature of the ground and therefore was lost through plant transpiration and evaporation as it trickled over the surface some 200 feet or more from Argyle Creek. There wasn't very much water there to begin with when we applied in August of 2000 (see water flow chart on previous letter) and there is much less now. We are getting about 1 gal every ten minutes which equates to about 6 gal/hr or about 144 gals./day. The chances of any of that water reaching Argyle Creek is extremely remote. However because we developed the spring the way we did (see attached letter of October 24, 2000) that is 144 gals/day that does enter Argyle Creek since it is piped directly to the creek. We buried a 500 gal tank at the spring so that it feeds directly into the tank and then the excess is piped directly into Argyle Creek. Water that never would have made it to the stream. That is "Bonus Water" that is not covered by the original water rights filings that date back to the late 1800s' since it would have never reached the stream to become part of the original filings. (As stated by the State Water Engineer in the meeting held October 18th.)

I believe that it is advantageous for all parties concerned to issue the water permit applied for because:

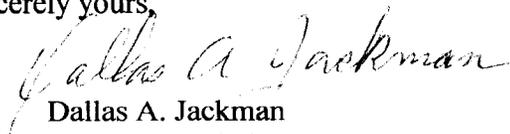
- 1- This is water that would never reach the stream.
- 2- This water is being added to Argyle Creek because of appropriate development of the spring and piping directly into the stream.
- 3- The water is only used on weekends so water usage is minimal.
- 4- There is no agriculture or livestock to use the water.
- 5- The ranchers cattle are constantly on our cabin site and the cattle use more water than we do.

- 6- The water that is at that location would never reach the stream and therefore is considered to be under the heading of the "Futile Water Law", and as such is not a part of the water rights claimed by the Ranchers of Nine Mile Canyon.
- 7- We have taken all the steps necessary to use this water legally through the proper application for permits.
- 8- Approximately 80% of the water that we do use is returned to the existing aquifer because of the proper installation of a septic system. This septic system was properly installed and inspected, resulting in the appropriate permit being issued.
- 9- The Ranchers in Nine Mile Canyon are the real winners in this situation because we have spent thousands of dollars to develop a spring that provides them with thousands of gallons of water over the course of a year, Water that would never have been available to them, either legally or otherwise.
- 10- According to the state, the Futile Water Law, states that any water that would Not enter into the water aquifer filed on by the ranchers is not part of their filing and is not owned by them.

Please read the copy of the attached letter dated October 24, 2000 concerning the application for Water Rights # 90-1810(A73049). I believe that you do have a copy of this letter in my file.

Thank you for your consideration in this matter. I believe that yours is not an easy position to be in, especially during these draught years. I do believe that you will do that which is advantageous to everyone involved by issuing this permit.

Sincerely yours,



Dallas A. Jackman
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801-562-5998

State of Utah
Department of Natural Resources
Division of Water Rights
1594 West North Temple
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Salt Lake City, Utah 84114-6300

October 24, 2000

RE: 90-1810 (A73049)
Dallas A. Jackman
2852 Robidoux Rd.
Sandy, Utah 84093

The spring in Question is not much more than a muddy spot on a hillside area approximately 100 yards south of Argyle Creek. No water from this spring was ever going into Argyle Creek. This spring was just getting the ground wet over a small area where it was then evaporating into the air and watering a few wild strawberry plants and native grasses along with some trees.

If a spring that never adds water to Argyle Creek is properly developed it may add to the overall flow of the creek, not detract from the water supply of that stream.

As an employee of the United States Department of Agriculture, National Forest Service, Salt Lake Ranger District I have helped with the development of springs in the Stansbury range and elsewhere. I also teach Outdoor Biology and have emphasized the conservation of our natural resources in the classroom for the past 34 years. I am telling you this just to let you know of my background and the concerns I have for our limited supply of natural resources.

In order to develop this spring so that water has been added to the stream in Argyle Canyon I have piped the water from the spring directly to the stream in a water line specifically for that purpose. I started by driving a 1 ½ " pipe back into the hillside where the most moisture seemed to be found. This pipe was about four feet long and had many small holes drilled into the length of the pipe. This allowed some of the water in the ground to accumulate into the pipe which was then piped into a 500 gal. Collecting tank. The overflow from this tank then runs directly through the pipe into Argyle Creek. The idea was that we would pump the water from this tank to another 500 gal. tank above the cabin site so water could gravity feed down into the cabin. I borrowed a pump and pumped water to the upper tank in early June. The pump was returned to the owners and that is the only time I have pumped water from the collecting tank. That 500 gal. Of water has lasted me all summer and in fact there is still water in the upper tank. While I was using approximately 500 gal of water in 5 months time, the spring overflow has been adding water to the stream at the rate of approximately 720 gals/day. That is over 700 gals/day that never reached the stream before the development of this spring.

In June I measured the rate of flow of water reaching the stream and found that the spring was producing approximately 1 gal/minute. I measured the flow in October and the spring was producing approximately 1 qt/minute. The following chart shows how much water has been added to the Argyle Creek in daily, monthly, biannual and annual amounts.

| | Rate of flow = 1g/m | .50 g/m | .25 g/m |
|----------------|---------------------|--------------|--------------|
| TIME | | | |
| 1 day (24 hrs) | 1,440 gals | 720 gals | 360 gals |
| 1 months | 43,200 gals | 21,600 gals | 10,800 gals |
| 3 months | 129,600 gals | 64,800 gals | 32,400 gals |
| 6 months | 259,200 gals | 129,600 gals | 64,800 gals |
| 12 months | 518,400 gals | 259,200 gals | 129,600 gals |

An average household uses approximately 50 gals/day for culinary purposes and since we are not using it for watering gardens or lawns our usage would be mainly weekends. Our water needs are very small.

I can't imagine that we would ever use more that 2,000 gals / year at the most and 500 gals./year would be more realistic. That seems like a small price to pay for adding over 300,000 gals / year for the use of the ranches in Nine Mile Canyon.

If every cabin owner would develop the available springs in the same manner that I have developed this spring imagine how much more water would be added to the overall amount of water in Argyle Creek that could be used for the agriculture purposes.

This has been an extremely dry year over the entire state and our reservoirs are nearly dry. This is the reason that Argyle creek has been so low this past summer. I don't think anyone would have been in opposition to this application during any other time.

If I restored this spring to its natural condition there would once again be no water reaching Argyle Creek from this source. Common sense would dictate that the development of this spring is to the advantage of everyone concerned.

I would hope that you could see the advantage in what I have done and allow me to have the permit as applied for.

Sincerely Yours.

Dallas A. Jackman