

Jim Riley Engineering, LC

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November 3, 2008

Jerry D. Olds, State Engineer  
Utah Division of Water Rights  
1594 West North Temple  
Salt Lake City, UT 84114

RECEIVED  
NOV 13 2008 SN  
WATER RIGHTS  
SALT LAKE

Re: Proposed Rule R655-16

Dear Mr. Olds:

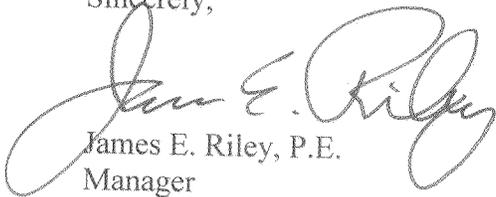
I have attempted to fill out numerous of these forms and have become very confused and frustrated at the information given by the Division of Water Rights. I have the following comments regarding the sole supply forms, now deemed the Group Contribution Forms:

1. Anticipated Cost or Savings – apparently no one who wrote the rule has actually tried to work through one of these forms. It is stated that they can be completed within 60 seconds, true, they can be printed out in 60 seconds or less, however, getting the records of the Division in shape so that one can be filed then determining how much water is coming from each source and obtaining signatures from all of the parties is a very laborious process taking numerous hours. The end result at times is not needed because the amount of water owned by the applicant is a known value and obtaining signatures from neighbors who may or may not own the balance of the water rights means nothing.
2. Justification – R655-16-2. The justification is flawed. The water rights as described by the Division of Water Rights, particularly in the Proposed Determination of Water Rights, have not provided this information. During the adjudication process is the time when this type of information should be quantified, but it has not been. To require this information at a later date is at great effort and price on the part of a water right owner. Most times the water rights have been split to numerous other water rights by other owners and to require signatures from all of the owners can be an impossible task.
3. Statement of Group Contribution R655-16-6 1(c). Requiring that this be a sworn statement attempts to adjudicate the water right – this is not the place to adjudicate the water right. These statements should not be sworn statements, they should be the best available information to the owner of the water right.

4. Statement of Group Contribution R655-16-6 1(d). To require that all owners of the water right sign the form is a heavy burden to an owner who clearly owns a portion of a water right. The other owners may not be known or may choose not to update the records of the State Engineer, which leaves very few options for the owner of a portion of a water right. The owner should be able to sign for the portion that he or she owns.
5. Statement of Group Contribution R655-16-6 1(e). Updating the water right records at times is very difficult. This causes conflict and the form should be made to reflect the statement that the owner can sign.
6. Statement of Group Contribution Form R655-16-6 2(a). To require that this is binding on the owner of a water right is essentially having the owner adjudicate the water right – this is not the place.
7. Statement of Group Contribution R655-16-6 (6). You are requiring the owners of water rights to submit group contribution forms on the amount of water that is supplied from each source, but year to year these values change, particularly when you have surface water supplemented by groundwater.

This rule does not contemplate when other owners of supplemental water rights or owners of portions of supplemental water rights cannot obtain the signatures of other parties to the water rights. The other problem that I have encountered with this rule is demonstrating to the staff at the Division of Water Rights the nature of the water right in question.

Sincerely,



James E. Riley, P.E.  
Manager

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