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December 17, 2009

**HAND DELIVERED**

Kent L. Jones  
Utah Division of Water Resources  
1594 West North Temple  
Salt Lake City, UT 84114

**RECEIVED**  
DEC 17 2009 AA  
WATER RIGHTS  
SALT LAKE

**Re: Draft Administrative Rule R655-16**

Dear Mr. Jones:

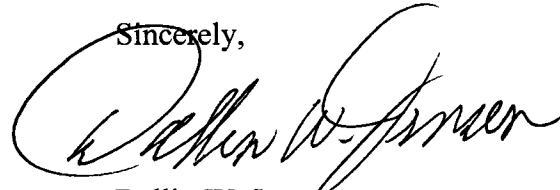
This letter is written in response to the draft Rule R655-16 which deals with the Sole Supply Supplemental Water Rights (the "Rule"). This firm represents a number of public water suppliers, including the Washington County Water Conservancy District, Bear River Water Conservancy District and the Kane County Water Conservancy District ("Public Water Suppliers"). Based upon our understanding of the proposed Rule, the information furnished by you and your staff at the November 17 hearing and the subsequent meeting with you and the water users on December 3 at my office, we understand that R655-16-6(2) will provide an exemption for Public Water Suppliers unless all four provisions, (I) (II) (III) and (IV) of this section are met. For example, if a change application is filed by a Public Water Supplier on one or more of its existing water rights for use within the Public Water Supplier's service area, this will not require a sole supply/supplemental evaluation of the water right being changed or of the other water rights in the Public Water Suppliers portfolio. This is so because all of the Public Water Suppliers' water rights are considered to be used conjunctively and are all part of the Public Water Suppliers group. However, if a Public Water Supplier purchases a water right from another water user who owns more than one water right, a declaration of sole supply will be required of the seller, but that will not require any action with regard to the Public Water Suppliers' water rights.

We suggest that R655-16-6(2)(a) should be further clarified to state a sole supply declaration, "may only be required where:" where all the four provisions, (I) (II) (III) and (IV), of this section are met rather than the language in the draft. Finally, we believe that if a Public Water Supplier meets the provisions of this section it should not be subject to the exception in R655-16-9(1), which theoretically could allow the State Engineer to override the above exemption. Thus, this exception should either be modified accordingly or eliminated.

Kent L. Jones  
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If you have any follow up questions regarding this matter, please give me a call at (801) 536-6770.

Sincerely,



Dallin W. Jensen

DWJ/rls

cc: Ronald W. Thompson  
Voneene Jorgensen  
Mike Noel

ENCLOSURE

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