

July 31, 2007  
Kerry Carpenter, P.E.  
Enforcement Engineer  
88 East Fiddlers Canyon Road Suite F  
Cedar City, Utah 84720

Tel. 435-952-2376 Fax. 435-865-9037

RE: Letter Dated July 27, 2007

Dear Mr. Carpenter:

**Utah Code 73-1-3: "Beneficial Use basis of right to use. Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state."**

A Salt Lake County judge set the water duty in Salt Lake County at 3 acre-feet per acre. The State Engineer uses Dr. Hills hydrologic-scientific studies and data in determining crop water requirements and set a water duty of 4 for Utah County. Utah County and Salt Lake County have essentially equal soils and equal growing conditions and would therefore require equal water duties.

It is my understanding that the Utah Lake & Jordan River Drainage Basin regional engineer, Mr. Harold Donaldson, changed the water duty to 5 from 4. Why? Where is the supporting science?

This is not an adjudication issue, but a internal policy issue where state employees have acted outside their capacity and are adversely impacting Utah County public water supply wells.

The level of Utah Lake and wells in Utah County are directly connected. Any artificial demand on Utah Lake like the illegal water duty of 5, creates an artificial demand on Utah county wells.

Clearly, the 5 acre-feet duty in Salt Lake County is unfair, illegal, and dishonest. Utah County cities are already suing & fighting over falling water levels. It appears reckless for State water officials to sanction an illegal water duty which adversely impacts Utah County wells.

The only action required by the Office of the State Engineer is to follow science instead of undue political influence.

Summarily granting irrigators in Salt Lake County the right to waste 325,851 gallons per acre is wrong and not an issue for the courts, but a public policy issue. The cry of drought falls on deaf ears when known illegal water duties are not addressed in a timely manner by state water officials. **This dishonest water duty is a pox on Utah's integrity, and an artificial drain on Utah County's public water supply systems.**

Sincerely,

Mr. Garside  
2077 East 1710 South  
Spanish Fork, Utah 84660

Tel. 801-471-6469

cc: Utah County Commissioners

