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Governor
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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER
On Extension of Time Request
For Permanent Change Application Number 57-7800 (a24463)

Permanent Change Application Number 57-7800 (a24463), in the name of Kevin Tolton, was filed on May 8, 2000, and approved on August 4, 2000, to divert 0.565 cfs or 0.92 acre-foot of water from points located: (1) Surface - South 836 feet and East 4518 feet from the W¹/₄ Corner of Section 7, T3S, R2E, SLB&M; (2) Surface - South 318 feet and West 408 feet from the E¹/₄ Corner of Section 12, T3S, R1E, SLB&M. The water is to be used for the irrigation of 0.01 acre from April 1 to October 31, the indoor domestic requirements of one family, and the stockwatering requirements of 15 head of livestock (in cattle or horses or equivalent species). Proof was last due on August 31, 2012.

The applicant has filed for an extension of time within which to file proof with the State Engineer stating that conveyance lines are still functional and litigation has delayed the construction work.

Information contained in the file indicates that there has been some physical development completed under this application. Approximately twelve years have passed since the application was approved. Approvals are issued with the understanding that the applicant has the means to pursue the proposed project in a timely manner. However, the applicant's affidavit in support of the application may justify reasonable cause for delay.

The applicant is placed on notice that extension requests must comply with the provisions of Section 73-3-12 of the Utah Code which provides that the applicant is to construct works if necessary, apply water to beneficial use, and file proof with the State Engineer OR file a request for an extension of time with the State Engineer on or before the date set for filing proof. The State Engineer is to extend the date set for submitting proof if the applicant shows reasonable and due diligence in completing the appropriation or reasonable cause for delay in completing the appropriation. If the State Engineer finds unreasonable delay or lack of reasonable and due diligence in completing the appropriation, the State Engineer may deny the extension of time; or grant the request in part or upon conditions, including a reduction of the priority of all or part of the application.

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Permanent Change Application Number 57-7800 (a24463), to and including **August 31, 2014, the end of the fourteen year period.** Future extension requests must comply with the criteria of Utah Code Ann. Section 73-3-12 and if substantial additional physical development is not made prior to the deadline established by this order, the next request for an extension of time may be denied.

The applicant is advised that the Permanent Change Application was approved on August 4, 2000, subject to certain conditions. Careful review of the approval documents should be made to ensure development conforms to those conditions.

This extension is granted in accordance with the law which states "Within the time set by the State Engineer under Subsection 73-3-10(5), an applicant shall construct works, if necessary; apply the water to beneficial use; and file proof with the State Engineer in accordance with Section 73-3-16." It is earnestly recommended that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 28th day of February, 2013.


Kent L. Jones, P.E., State Engineer
BY: John R. Mann, P.E., Assistant State Engineer

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Extension of Time to Submit Proof
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Mailed a copy of the foregoing Order this 28th day of February, 2013 to:

Kevin Tolton
585 Lofty Lane
North Salt Lake, UT 84054

BY: 
Sonia R. Nava, Applications/Records Secretary