GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Temporary Change Application Number 71-1412 (t39035)

Temporary Change Application Number 71-1412 (t39035) in the names of Stanley G. Dalton, Frisco Heights LLC, and Red Stone Land Development LLC, was filed on May 16, 2013, to change the points of diversion, places of use, and uses of 204.976 acre-feet (af) of water as evidenced by Water Right Numbers 71-1412, 71-1646, and 71-5054. Heretofore, the water has been diverted from the following points located: (1) Well - South 40 feet and East 1320 feet from the N¼ Corner of Section 12, T28S, R11W, SLB&M (existing 16-inch well, 640 feet deep); (2) Well - South 2600 feet and West 1330 feet from the NE Corner of Section 12, T28S, R11W, SLB&M (existing 16-inch well, 660 feet deep); (3) Well - South 50 feet and East 70 feet from the N¼ Corner of Section 12, T28S, R11W, SLB&M (existing 16-inch well, 420 feet deep); (4) Well - North 400 feet and East 400 feet from the S¼ Corner of Section 8, T28S, R10W, SLB&M (existing well). The water has been used for the irrigation of 50.25 acres from March 15 to November 1, and the stockwatering requirements of 142 head of livestock (in cattle or horses or equivalent species) from January 1 to December 31. The water was used in all or portion(s) of Section 8, T28S, R10W, SLB&M; and Section 12, T28S, R11W, SLB&M.

Hereafter, it is proposed to divert 204.976 acre-feet of water from a well located North 50 feet and West 50 feet from the S¼ Corner of Section 13, T29S, R11W, SLB&M (existing well). The water is to be used for the irrigation of 51.244 acres (sole supply of 51.244 acres) from March 15 to November 1. The place of use of the water is being changed to all or portion(s) of Section 13, T29S, R11W, SLB&M; and Section 24, T29S, R11W, SLB&M.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 of the Utah Code for the approval of temporary change applications.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, but rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and/or no enlargement occurs.

It is, therefore, **ORDERED** and Temporary Change Application Number 71-1412 (t39035) is hereby **APPROVED** subject to prior rights.

This application shall automatically expire November 1st, 2013.

If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building

foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

It is the applicants' 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 Southwestern Regional Office. The telephone number is 435-586-4231.

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 22nd day of May, 2013.

For: Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 22nd day of May, 2013 to:

Stanley G. Dalton
Frisco Heights LLC
PO Box 13
Minersville UT 84752

Red Stone Land Development LLC
3076 South Bloomington Drive West
St. George, Utah 84790

April McKeon, River Commissioner
Box 565
Milford, UT 84751

Greg Marshall
PO Box 93
Minersville, UT 84752

BY: Keith Christensen, Engineering Technician III