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State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER JERRY D. OLDS
Executive Director *State Engineer/Division Director*

06 February 2006

McKEON BEEF
ATTN: APRIL McKEON, PRESIDENT
PO BOX 565
MILFORD UT 84751

RE: **NOTICE OF AGENCY ACTION / SEAA 1095**
 WATER RIGHTS 71-101 & 71-4549

Water Users:

On 08 October 1996, the Division of Water Rights ("the State Engineer") initiated the referenced agency action and sent to John B. McKeon an Order of the State Engineer ("Order") requiring the cessation of all irrigation of acreage in excess of that allowed under water right 71-101.

Pursuant to determining that the Order had failed to account for pending but unperfected Application for Permanent Change of Water 71-4549 (a21964) ("the change application"), it was determined that the acreage was likely within the limits allowed by those rights.

Subsequently, the State Engineer issued a Notice of Agency Action ("Notice") under the same SEAA number on 07 January 2005 in which it was again alleged that acreage was being irrigated in excess of that allowed under the listed rights.

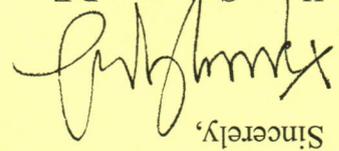
April McKeon responded to the Notice in a letter dated 27 January 2005 wherein the allegations numbered 4 and 5 in the Notice were disputed. The acreage being irrigated was again examined during the 2005 irrigation season and appeared to be within the limitations of the pertinent rights.

It has subsequently been reported to the State Engineer and verified by the Regional Engineer that McKeon Beef has filed proof documentation pursuant to the change application which has yet to be field investigated and verified. Upon verification of that documentation, if additional applications are required to assure that the rights are consistent with the observed beneficial uses of water, McKeon Beef will be advised by the Southwestern Region Office.

Meanwhile, it will remain the responsibility of McKeon Beef to limit the acreage irrigated under the referenced rights to no more than **70.5525 acres**. If any additional acreage is to be irrigated, valid rights must be authorized by the filing of applications with the State Engineer and receiving approval of those applications.

Therefore, the subject agency action with McKeon Beef can be formally concluded. Your efforts to comply with the Order and Notice are commended and appreciated. Any further enforcement action in this regard will be initiated with the owner of record at the time such action may be deemed necessary.

Please be aware that maintenance of the necessary arrangements to provide sufficient rights for the irrigated acreage remains the responsibility of the owner of the irrigated property. You should consult regularly with Distribution Commissioner LaVar Davis or with the Southwestern Region Office of the Division of Water Rights in Cedar City to assure the required arrangements have been completed *prior to the commencement of the irrigation season.*

Sincerely,


Kerry Carpenter, P.E.
Enforcement Engineer

pc: G. Kurt Vest, P.E. / Southwestern Regional Engineer
LaVar Davis / Distribution Commissioner / PO Box 483 / MILFORD UT 84751
File: SEAA 1095
Encl: None