

IN THE THIRD JUDICIAL DISTRICT COURT, IN AND FOR DAGGETT COUNTY,
STATE OF UTAH

IN THE MATTER OF THE GENERAL)
DETERMINATION OF ALL THE RIGHTS,)
BOTH SURFACE AND UNDERGROUND, TO)
THE USE OF WATER WITHIN THE) AMENDED PETITION
DRAINAGE AREA OF THE GREEN RIVER)
IN DAGGETT AND SUMMIT COUNTIES)
IN UTAH.)

Comes now Wayne D. Criddle, State Engineer of the State of Utah, and respectfully represents and shows unto this Honorable Court:

1. That your petitioner has heretofore submitted to this Court in the above entitled cause a Proposed Determination of Water Rights for Pot Creek, a water source and proper division of the above adjudication.
2. That several protests to this Proposed Determination have been filed some of these protests have been heard and others are still pending and that as a part of said Proposed Determination there was listed a pending application in the name of Zelph S. Calder, designated as Application No. 12327.
3. That, as of March 20, 1959, your petitioner filed herein his petition requesting the right to embody said application in the said Proposed Determination after the applicant had complied with certain conditions; that your petitioner now files this amended petition showing compliance with certain conditions, requesting permission to waive certain conditions and to substitute actual notice for constructive notice.
4. That the applicant, Zelph S. Calder, has submitted proof of appropriation under Application No. 12327 showing the irrigation of 757.19 acres and has submitted all further information required by the State Engineer; and that the said applicant, pursuant to the applicable statutes, has filed Change Application No. a-3524 in order to conform the said Application No. 12327 with the proof as filed.
5. That the State Engineer represents to the Court that Zelph S. Calder, as the applicant under Application No. 12327 and the

claimant under Water User's Claim No. 307, is entitled to an award in this proceeding in lieu of a Certificate of Appropriation substantially as follows and as shown on the attached schedule: The right to store water in the Matt Warner Reservoir in any given year up to 2945.0 acre feet, said storage to be limited to the period from March 1 to June 30 of each year and only after all other prior rights have been fully satisfied; the right to release from storage in any given year during the period from May 1 to August 31 of each year for the irrigation of a total of 742.64 acres as hereinafter described: namely, 24.60 acs. NE $\frac{1}{4}$ SE $\frac{1}{4}$, 38.25 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T1S, R23E, SLBM. 1.31 acs. NE $\frac{1}{4}$ SW $\frac{1}{4}$, 33.80 acs. NW $\frac{1}{4}$ SW $\frac{1}{4}$, 4.30 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.75 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$, 22.10 acs. SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acs. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T1S, R23E, SLBM. 16.10 acs. NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.20 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.90 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T1S, R23 E, SLBM. 2.45 acs. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T1S, R24E, SLBM. 16.0 acs. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T1S, R24E, SLBM or a total acreage of 208.76 acs, which land is owned by Lucille H. Calder; a total of 27.0 acs. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T1S, R24E, SLBM, which land is owned by Leo Calder; 8.95 acs. SE $\frac{1}{4}$ NE $\frac{1}{4}$, 33.70 acs. NE $\frac{1}{4}$ SE $\frac{1}{4}$, 7.70 acs. NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.70 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T1S, R24E, SLBM. 33.75 acs. SW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.47 acs. NW $\frac{1}{4}$ SW $\frac{1}{4}$, 24.30 acs. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T1S, R24E, SLBM. 38.70 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.12 acs. SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.12 acs. SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T1S, R24E, SLBM. 40.0 acs. NE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.45 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15.0 acs. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T1S, R24E, SLBM. 40.0 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acs. NW $\frac{1}{4}$ NW $\frac{1}{4}$, 36.50 acs. SE $\frac{1}{4}$ NW $\frac{1}{4}$, 13.35 acs. SW $\frac{1}{4}$ NW $\frac{1}{4}$, 36.77 acs. NW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acs. NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T1S, R24E, SLBM or a total acreage of 506.83 acs. which land is owned by the applicant. The priority of the right shall be established as February 10, 1937. The water appropriated is yielded by a stream commonly called "Pot Creek", diverted therefrom by means of an impounding dam and reservoir, the intersection of the longitudinal axis of said dam with the natural stream channel being situated North 510 feet and West 540 feet from E $\frac{1}{4}$ Cor. Sec. 2, T. 1 S., R. 23 E., SLBM. The water is impounded by means of an earth fill dam, having crest length of 290 ft., crest width of 10 ft. constructed to a height of 36 ft. above the natural stream bed, thus creating a reservoir having a capacity of 2,945 acre-feet at spillway crest elevation of 107.6 ft. The impounded

water is released through the dam outlet works, either into an irrigation earth ditch or directly into the natural channel of Pot Creek for rediversion therefrom. There shall be no incidental or other uses besides the primary use for irrigation above described.

6. Your petitioner requests permission to give actual notice of the filing of said change application and of the award intended to be made by mailing a copy of this petition to all users of water from Pot Creek, the source of the appropriation, and your petitioner requests permission to substitute such actual notice for the constructive notice provided by the statute.

WHEREFORE, your petitioner prays for an order directing the service of this petition upon all users of water from Pot Creek and its tributaries, for an order dispensing with the publication of notice of the said change application, and for an order directing that any person opposed to the entry of an award to Zelph S. Calder in accord with the foregoing petition make known said opposition by filing an answer to this petition within twenty days after service upon him of a copy of this petition.

WALTER L. BUDGE
Attorney General

/s/ Robert B. Porter
ROBERT B. PORTER
Deputy Attorney General

Wayne D. Criddle
State Engineer of Utah.

<u>PRIORITY</u>	<u>FLOW</u>	<u>PERIOD OF USE</u>	<u>APPLICATION NO.</u>	<u>W. U. CLAIM NO.</u>	<u>DITCH OR RESERVOIR</u>	<u>CLAIMANT</u>	<u>ACRES IN EACH CATEGORY</u>	<u>SUPPLEMENTAL SOURCES</u>	<u>TOTAL ACRES</u>	<u>REMARKS</u>
Feb. 10, 1937	2,945 ac. ft.	May 1 to Aug. 31	12327	307	Matt Warner Reservoir (Source - Pot Creek)	Zelph Calder	742.64		742.64	Period of storage March 1 to June 30.