



StatC of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Norman H. Bangerter
Governor
Doe C. Hansen
Executive Director
Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240

November 1, 1991

Carbon Canal Company
Attn: Jack Chiaretta, President
5978 Upper Miller Creek Road
Price, Utah 84501

Re: Water Right Evaluation - Winter Portion
Water Right 91-3 (A1036; a-494; a-1189) Certificate No. 2080

Dear Mr. Chiaretta:

In answer to your written request, I offer the following evaluation of the winter portion of the above noted water right. This right was certificated May 31, 1932. The winter portion of this right was not to exceed the diversion of 25.0 second feet of water from the Price River adjacent to the Carbon Country Club in the NW4NE4 Section 1, T14S, R9E, SLB&M, and used for domestic and culinary purposes.

A deed on the file indicates that 3.5 second feet of the winter right was sold to Utah Power & Light Company on August 9, 1956. This portion of the right was subsequently moved to the Carbon Plant in Price Canyon and used for power generation purposes.

During the adjudication work on the Price River in the early 1970's, William Marsing, then President of the Carbon Canal Company, signed a Statement of Water User's Claim indicating that the remaining 21.5 second feet of water is diverted and used to provide water during the winter season from October 1 through March 31. The adjudicated uses include the domestic needs of 135 families, the watering of 6500 head of cattle, 200 head of horses and 15,000 head of sheep. During the remainder of each year, the domestic and livestock water needs are provided from the flow used for irrigation purposes. It should be noted that in the Proposed Determination of Water Rights for the Price River, supplemental rights are listed to assist in supplying the water for the domestic and livestock uses described on your water right. As a result, this water right is not considered to be the sole provider of water during the non-irrigation season.

The volume of water required to provide for these uses during the winter season has been calculated to be 184.56 acre feet. This volume can be provided by an average daily flow of 0.51 second feet of water.

Carbon Canal Company
November 1, 1991
Page 2

Records provided as part of the Price River Water Commissioner's Annual Reports for the period 1971-1989 indicate that an average flow of 13.4 second feet is diverted during the winter season. This would indicate that the flow over and above that which is needed to provide for the consumptive nature of this right, provides carrier water to deliver the water to the end of the 35 mile long canal.

The following scenario indicates how this Division would evaluate this right if all or a portion of it was sold. For example, if 5.0 second feet of water was to be sold, this flow represents 23.25% of your diversion right. You would then be required to reduce the consumptive use of the right by the same percentage. This would equate to a reduction of 38.52 acre feet. This volume of water would be the limit of the beneficial use that the purchaser would realize from the purchase, not the absolute use of the 5.0 second feet of water.

I trust that the foregoing is helpful and answers your questions concerning the winter portion of the Carbon Canal Company's water right under Application 91-3. Should you have any further questions or concerns, please feel free to contact me, or Mark Page, the Regional Engineer in the Price Office.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM/gm