

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE )

APPLICATION NUMBER E2990 (55-AREA) )

MEMORANDUM DECISION

Exchange Application Number E2990 (55-AREA), in the name of Gerald H and Cynthia L. Gagnon, was filed on July 2, 1992, to exchange 1.0 acre-foot of water as evidenced by contract with Central Utah Water Conservancy District. The 1.0 acre-foot of water is to be released into Provo River and, in lieu thereof, 1.0 acre-foot of water will be diverted from a eight inch well, 100 feet to 500 feet deep, located North 600 feet and East 940 feet from the SW Corner of Section 28, T3S, R5E, SLB&M, and used for the irrigation of 0.16 acre, the stockwatering of two head of livestock, and the domestic purposes of one family.

The application was advertised in The Wasatch Wave from July 22, 1992, to August 5, 1992, and was not protested.

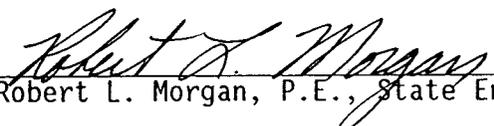
The State Engineer is of the opinion that this exchange can be approved provided certain conditions are met.

It is, therefore, **ORDERED** and Exchange Application Number E2990 (55-AREA) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The applicants shall maintain in good standing a contract with Central Utah Water Conservancy District for 1.0 acre-foot of water, otherwise the application and the right to divert and use water hereby granted shall lapse.
- 2) The applicants shall install means by which all water can be measured.
- 3) The duly appointed River Commissioner on the Provo River shall release 1.0 acre-foot of water from Deer Creek Reservoir for this exchange as needed.

This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, 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 Decision. 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 Decision, 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 6th day of November, 1992.

  
Robert L. Morgan, P.E., State Engineer

RLM:JER:ap;jb

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Mailed a copy of the foregoing Memorandum Decision this 6th day of November, 1992, to:

Gerald H and Cynthia L. Gagnon  
2359 Golden Gate Circle  
Norco, CA 91760

Stanley H. Roberts, Jr.  
River Commissioner  
1675 South 350 East  
Orem, UT 84058

BY: Judy Barbour  
Judy Barbour, Secretary