

RECEIVED

UCT 6 1980

Edward W. Clyde
 Ted Boyer
 CLYDE, PRATT, GIBBS & CAHOON
 Attorneys for Plaintiff Central Utah Water Cons. District
 200 American Savings Plaza
 77 West 2nd South
 Salt Lake City, Utah 84101
 Telephone 322-2516

ATTORNEY GENERAL
 NATURAL RESOURCE AGENCIES

IN THE FOURTH JUDICIAL DISTRICT COURT OF WASATCH COUNTY
 STATE OF UTAH

CENTRAL UTAH WATER CONSERVANCY)	
DISTRICT, a body politic and)	
PROVO RIVER WATER USERS)	PLAINTIFF'S FIRST SET
ASSOCIATION)	OF INTERROGATORIES
)	
Plaintiffs)	
)	
vs.)	Civil No. 5472
)	(consolidated)
DEE C. HANSEN and)	
JESS D. KIMBALL)	
)	
Defendants)	

Comes now the Plaintiff, Central Utah Water Conservancy District, by and through its counsel of record, pursuant to the Utah Rules of Civil Procedure, and serves upon the Defendant, Dee C. Hansen, the following Interrogatories to be answered in writing under oath within 30 days of service hereof.

- Does the State Engineer have a state-wide policy in regard to the approval of .015 c.f.s. domestic filings in watershed areas which are fully appropriated? *If the area is fully appr. there is no 0.015 policy because there is no approval.*
- If he has such a policy, is it written or oral, or partly each? *In areas where we have a set policy it is generally written. If however we are just holding large files to permit study then*
- If written, where can a statement of the written policy be examined and copies? If oral, what is it? *In the Off.*
- Do you have a policy regarding approval of .015 c.f.s. domestic filings in Heber Valley? If the answer is yes, what is that policy? *Yes.*
- Is a domestic filing for 0.15 c.f.s. for a home, in your opinion, physically and economically feasible if water is only available under its priority for one or two months of the year? *A 0.015 filing is from a well and because of lag time is available all year long in limited areas.*
- Do you have a policy which would permit a domestic filing with a late priority to continue to divert water from a

yes
~~*No*~~
both
your office
yes
probably more time.

appears to be a

CLYDE, PRATT, GIBBS & CAHOON
 ATTORNEYS AT LAW
 200 AMERICAN SAVINGS PLAZA
 7 WEST SECOND SOUTH
 SALT LAKE CITY,
 UTAH 84101

well which is tributary to the Provo River after you have started shutting off earlier priorities because of insufficient water? *No*

7. In your opinion, is there unappropriated water in the Provo River and/or the Provo River Drainage in Heber Valley after extreme high water? In this regard state:

(a) In an average year, when does the river go on regulation, so that high water rights are curtailed or shut off?

(b) Has there been any year in the last decade when the high water rights have not been shut off dry because there is not sufficient water for them and for senior rights?

(c) The Provo River Decree, entitled "Provo Reservoir Co., a corporation, Plaintiff v Provo City, et al, Defendants," in the Fourth Judicial District Court, in and for the State of Utah, Utah County, which decree is dated in May, 1921, appears to create three divisions and at least 19 classes of water rights. Is your office administering that decree, and do you have a water commissioner appointed for the Provo River?

(d) In an ordinary year, which of the 19 classes of water in the Provo River Decree are curtailed or shut off for part of the year because of inadequate water?

8. Is there, in your opinion, an underground water basin in Heber Valley which can be developed by wells, which is not tributary to the Provo River?

9. In this regard, state whether a well drilled anywhere in Heber Valley to a depth of 500 feet will, in your opinion, intercept water tributary to the Provo River and/or its tributaries.

Dated this 3 day of October, 1980.

Edmond W. Jensen

I certify that I mailed a copy of the foregoing Plaintiff's First Set of Interrogatories to Mr. Joseph Novak, Attorney for Plaintiff Provo River Water Users Association, 520 Continental Bank Building, Salt Lake City, Utah 84101; Mr. Dallin W. Jensen

July
check
73

yes
yes

Priority
water supply
yes
limited

and Michael M. Quealy, Assistants Attorney General, Attorneys for Defendant Dee C. Hansen, 301 Empire Building, 231 E. 4th South, Salt Lake City, Utah 84111 and to Ms. Ellen Maycock of Cruse, Landa, Zimmerman & Maycock, Attorneys for Defendants Kimball, Peets, Korfonta, Rose, Anderson, O'Tooele and Farrell at 620 Kearns Building, Salt Lake City, Utah 84101 this 3 day of October, 1980.


