

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE)

APPLICATION NUMBER E3165 (55-AREA))

MEMORANDUM DECISION

Exchange Application Number E3165 (55-AREA), in the names of Sharon K. and Willard J. McAtee, was filed on August 17, 1993, to exchange 1.0 acre-feet of water as evidenced by Contract with Central Utah Water Conservancy District. The 1.0 acre-feet of water is to be released from Jordanelle Reservoir into the Provo River and, in lieu thereof, 1.0 acre-feet of water will be diverted from an eight inch diameter well, 100 feet to 500 feet deep, located South 1130 feet and East 2570 feet from the NW Corner of Section 28, T3S, R5E, SLB&M, and used for the irrigation of 0.18 acres and the domestic purposes of one family.

The application was advertised in The Wasatch Wave from September 1, 1993, to September 15, 1993, and was not protested.

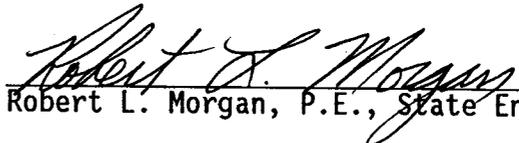
The State Engineer is of the opinion that this exchange can be approved provided certain conditions are met.

It is, therefore, **ORDERED** and Exchange Application Number E3165 (55-AREA) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The applicant 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 applicant shall install means by which all water diverted from the well can be measured.
- 3) The duly-appointed River Commissioner on the Provo River shall release 1.0 acre-foot of water from Jordanelle Reservoir for this exchange as needed.

This Decision is subject to the provisions of Rule R655-6-17 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 22nd day of December, 1993.


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

RLM:JER:ap:mw

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Mailed a copy of the foregoing Memorandum Decision this 22nd day of December, 1993, to:

Sharon K. and Willard J. McAtee
1031 Grindelwald Court Q2
Midway, UT 84049

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

BY: 
MaClovia White, Secretary