



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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

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Salt Lake City, Utah 84116-3156
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April 30, 1991

Mr. Rodney Leavitt, River Commissioner
Santa Clara River Distribution System
P. O. Box 8
Gunlock, UT 84733

Dear Rod:

Re: Grass Valley-Pinto Diversion Tunnel

Last May we instructed you to close the gate on the trans-basin diversion tunnel between Grass Valley and Pinto Creek and to open the gate from the existing diversion dike to allow the available flow of these tributaries to flow into the Santa Clara Drainage. This was done because it appeared the New Castle Reservoir Company did not have authority to divert water under its 1908 priority right until prior rights on the Santa Clara River had been satisfied.

This is true as far as the 1908 right is concerned. However, further research of the 1919 Greenwood Decree and the 1922 Santa Clara River Decree indicates New Castle Irrigation Company owns earlier priority rights to the flows of Grass Valley Creek which are equal in priority to the other Santa Clara River rights and are subject only to the primary and secondary rights of Grass Valley Creek. These primary and secondary rights total 12.68 cfs.

Therefore, you are hereby instructed to open the Grass Valley-Pinto Creek Diversion Tunnel gate and allow any flows in excess of 12.68 cfs to be diverted through the tunnel to Pinto Creek.

If you have any questions concerning these instructions, please contact me at 538-7371, Gerald Stoker at 586-4231, or Lee Sim at 538-7380.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

RLM:LHS:bd

cc: Mike Quealy
Gerald Stoker
Reed Mathis, Santa Clara Dis.Sys.
Richard Jones
Thorpe Waddingham
Bloomington Canal Company
Central Canal & Irrigation Co.
Veyo Irrigation Company

Randy Bowler
Gunlock Irrigation Company
Santa Clara Seep Ditch Co.
St. George Clara Field Canal Co.
Saucer Five Ranch
Pine Valley Irrigation Co.
Shivwits Land Corporation
New Santa Clara Field Canal Co.