



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
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May 9, 1990

Richard Jones, President
Newcastle Reservoir Company
Newcastle, UT 84756

Re: Grass Valley-Pinto Diversion Tunnel

Dear Mr. Jones:

We have reviewed the "Santa Clara River Decree" concerning the distribution of water from the Grass Valley Creek drainage. It is apparently clear that Newcastle Reservoir Company does not have authority to divert water under their 1907 priority claim until primary water rights are satisfied or waived on the Santa Clara River system.

We have instructed Rodney Leavitt, Santa Clara River Water Commissioner, to close the gate on the trans-basin diversion tunnel and to open the gate from the existing diversion dike. This will allow the available flow of these tributaries to flow into the Santa Clara drainage. The "Tunnel" diversion will also be tagged by a representative of the State Engineer and any violation involving the changing of the gate(s), without express authority of the State Engineer or his representative, will result in court action.

If you have any questions concerning this directive we invite you to contact either Robert L. Morgan, State Engineer, or Gerald W. Stoker, Area Engineer, for further clarification.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

cc: Michael Quealy, Assistant Attorney General
Gerald W. Stoker, Area Engineer
Lee Sim, Distribution Engineer
Rodney Leavitt, Water Commissioner
Reed Mathis, Santa Clara River Water Users Chairman
Boyd Christensen, Newcastle Reservoir Co. Secretary