

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NO. a-3607)

MEMORANDUM DECISION

Change Application No. a-3607 was filed by New Harmony Reservoir and Irrigation Company and seeks to change the point of diversion of water right described in the Virgin River Decree. The application was protested by New Harmony Primary Water Rights Users and a hearing held at St. George, Utah, April 21, 1960.

Protestants are the owners of rights to divert water from Main Canyon Creek with a priority equal to that of applicant and are concerned that the diversion of water at a higher point on the creek may deprive them of their water rights. However, this office believes that with proper control of distribution the change can be made without impairment of the existing rights.

It is, therefore, ordered that Change Application No. a-3607 be, and the same is hereby, APPROVED, subject to existing rights and the condition that applicant install permanent water measuring devices of a type and at points to be designated by the State Engineer before diversion of any water.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from date hereof.

Dated this 8th day of June, 1960.

RKH/le
Encl: Approved Change Application

cc/ New Harmony Reservoir & Irr. Co.
New Harmony, Utah

New Harmony Primary Water Rights Users
c/o L. A. Pace, Agent
New Harmony, Utah

Wayne D. Criddle
Wayne D. Criddle
STATE ENGINEER

Don Marsh