



MICHAEL O. LEAVITT  
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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
Division of Water Rights

ROBERT L. MORGAN Executive Director  
JERRY D. OLDS State Engineer/Division Director

October 15, 2003

Tod J. Smith  
Whiteing & Smith  
1136 Pearl Street, Suite 203  
Boulder, Colorado 80302

Re: City of Roosevelt  
Water Right No. 43-3035 (Durigan Well)

*Tod*

Dear Mr. Smith:

This letter is in response to your letter of August 28, 2003. In reviewing the well data you attached to your letter, it appears there is a misunderstanding which has led to your conclusion that Roosevelt City over pumped the Durigan Well during the month of July 2003.

You marked several days where it appeared the city had pumped more than 0.98 af as allowed by Water Right No. 43-7300. However, the well meter information for each of the days marked actually represents more than one days water use. The following table clarifies this misunderstanding.

Date	Change from previous meter reading	No. of days since previous meter reading	Gallons per day	Acre Feet per day
7/7/03	399,000	3	133,000	0.41
7/14/03	1,245,000	4	311,250	0.96
7/17/03	898,000	3	299,500	0.92
7/19/03	611,000	2	305,500	0.94
7/21/03	590,000	2	295,250	0.91
7/26/03	888,800	3	296,000	0.91
7/28/03	595,900	2	297,950	0.91
7/31/03	605,000	2	302,750	0.93

If the number of days since the previous meter reading is taken into consideration, Roosevelt City did not exceed it's diversion allowance under Water Right 43-7300 on any of the days in question.

I hope this information resolves the concerns you expressed regarding Roosevelt City's use of water from Durigan Well.

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Distribution of water in this area is regulated by a water commissioner appointed and supervised by the district court. The State Engineer supports the proper use, distribution, and administration of water according to water rights and this office certainly is willing to answer any questions you may have regarding water rights in the Roosevelt area. If you have any further questions, please contact either Bob Leake, Regional Engineer, by phone at (435) 781-5327 or by e-mail at [BobLeake@Utah.Gov](mailto:BobLeake@Utah.Gov) or Lee Sim, Assistant State Engineer, by phone at (801)538-7380 or by e-mail at [LeeSim@Utah.Gov](mailto:LeeSim@Utah.Gov).

Sincerely,



Jerry D. Olds, P.E.  
State Engineer

cc: Lee Sim, Assistant State Engineer  
Bob Leake, Regional Engineer  
Roosevelt City