



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

March 16, 1994

Michael O. Leavitt  
Governor

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Robert L. Morgan  
State Engineer

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Ms. Carolyn Winterton, Secretary  
Dry Gulch Irrigation Company  
263 E Lagoon St.  
Roosevelt, UT 84066

Dear Carolyn:

Bob Morgan asked if I would look into this issue and reply to your inquiry.

Paragraph 7 of the stipulation settlement in the lawsuit, Sand Wash Irrigation Company vs. Dry Gulch Irrigation Company and Moon Lake Water Users Association (Civil No. 5723), states in part:

" The parties hereto shall jointly request the Utah State Engineer to appoint a water commissioner to administer and distribute the waters of Sand Wash through that segment of Sand Wash between the Big Sand Wash Reservoir and the Plaintiff's diversion structure and head gates ... "

From this, it appears that the commissioner's jurisdiction is currently limited to the stretch of Sand Wash described above. The state statute (73-5-1) allows the state engineer the authority to determine the boundaries of a distribution system. Our office has adopted the policy to meet with the affected water users before making any decisions regarding setting up system boundaries or changing them. If we were to consider expanding the boundaries of the Big Sand Wash Distribution System, we would want to first hold a public meeting with the water users to discuss the issue.

If your company feels the need to change the system boundaries, please send us a written request to that effect and we will set up a public meeting with the water users. If you have any questions concerning this policy, please contact me at 538-7380.

Sincerely,

Lee H. Sim, P.E.  
Assistant State Engineer  
for Distribution

cc: Bob Morgan  
Bob Leake

