



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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August 1, 1995

Mr. Glen Allred
Red Cedar Corporation
Star Route 705
Trout Creek, UT 84083

Dear Mr. Allred: RE: Rights to divert water from Granite and Red Cedar Creeks

I am writing this letter to answer the unresolved questions of how much water should be allowed to be diverted by Red Cedar Corporation before George Douglas is entitled to divert water from Granite Creek, and when should the accounting for the diversions begin. After doing some research of the water rights and the Judgement on Stipulation signed by Judge Ray M. Harding, we have concluded the following:

The quantity of water that Red Cedar Corporation is entitled to for irrigation is as follows:

1. **2182.80 acre-feet for irrigation under water right 18-32.** From April 1 to October 31 of each year Red Cedar Corp. can divert $(3 \text{ acre-feet/acre}) \times (727.6 \text{ acres}) = 2182.80 \text{ acre-feet}$ of water for irrigation. The accounting of this water starts on April 1st of each year from a combination of Granite Creek and Red Cedar Creek.
2. **600 acre-feet for Irrigation under right 18-578.** From November 1 to March 31 of each year Red Cedar Corp. can divert $(3 \text{ acre-feet/acre}) \times (200 \text{ acres}) = 600 \text{ acre-ft}$ of water for irrigation. This water is to be diverted from the tailwater of the BMB power plant. If no water is diverted for power generation then water under BMB for 18-464 and 18-553 (Red Cedar Creek Water) can not be diverted under 18-578.

Using the above values, the Red Cedar Corporation can divert a maximum of 2182.80 acre-feet of water for irrigation from April 1 to October 31 under right 18-32 from Red Cedar Creek and Granite Creek combined. The diverted total of 2182.80 under right 18-32 should be counted separately from the Irrigation right 18-578 (600 acre-feet) since they are distinct and different water rights covering different time periods.



According to stipulation, George Douglass is entitled to the next 469.22 acre-feet for irrigation from Granite Creek under right 18-432 covering the period April 1 through October 31.

The accounting of total diversions for water rights 18-32 and 18-432 start on April 1 and ends on October 31 of each year. The accounting of total diversions under water right 18-578 start on November 1 and ends on March 31 of each year. Water which is being taken by either party should be identified by right and deducted from the quantity which that party is entitled to. Water should be delivered in accordance with the priority schedule contained in the stipulations with the clarifications provided in this directive.

If you have any questions or need further assistance please feel free to call me at (801) 538-7380, or John Mann at (801) 538-7397.

Sincerely,



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

LHS/ga

cc: John Mann