



STATE OF UTAH
NATURAL RESOURCES
Water Rights

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1636 West North Temple • Suite 220 • Salt Lake City, UT 84116-3156

WATER RIGHTS
SALT LAKE

July 21, 1986

Oak Corporation
942 East North Union
Suite A-105
Midvale, UT 84047

Attention: Glen Allred

Dear Sir: RE: Granite Creek & Red Cedar Creek Water Rights

Mr. George Douglass has been in contact with this office concerning the contents of a letter from Oak Corporation, written June 14, 1986. The letter, for the most part, addresses complications regarding right-of-way and the construction of your pipelines. These matters are not of direct concern to this office.

However, you also make reference to your "...intent to begin full use of (your) water on approximately July 1, 1986." Mr. Douglass, and his attorney, Mr. Lee Kapaloski, were worried that this meant 24 hour-per-day diversions of the entire stream up to the 18 second-feet limit shown by the Thousand Peaks right in Granite Creek. There would obviously be no flow left to satisfy Mr. Douglass' needs.

I visited the area on July 9 and observed that the pipeline construction has not yet been completed, and your diversions have not yet begun. However, in response to the concerns raised, I think it appropriate to remind you that:

- 1) You are indeed entitled to divert up to 18 second-feet of water from Granite Creek, but only for the beneficial uses specified in the Thousand Peaks right (18-32).
- 2) The right is primarily for the irrigation of 727.6 acres with incidental stockwatering and domestic uses. Certificate No. 2348 on that right, however, further quantifies that right by allowing a maximum of 3 acre-feet per acre irrigated. Therefore, a maximum of about 2200 acre-feet of water diverted per year is allowed, as supplemented by Red Cedar Creek water (20 second-feet; Certificate No. 2349, 18-33), and this only when assuming production from the full 727.6 acres.

Therefore, even though you may have diversion rights for up to 18 second-feet, you may not have beneficial uses this year to justify more than an average of 1 or 2 second-feet, depending upon how much of the specified 727.6 acres is to go into production.

Lastly, it is apparent that both parties see the potential of more efficient use of the limited supply available, since both Oak Corporation and Mr. Douglass have pending applications for additional acreages. I must assume by your applications alone that you feel a total of about 2000 acres more or less is possible.

In order of priority, you have the original right on 727.6 acres of land. Mr. Douglass than has his existing acreage of about 120 acres followed by a pending application, (15-533) for an additional 320 acres. Total to that point in priority is still less than 1200 acres. Your latest applications (15-558 & 15-559) are last in priority for an additional 1200 acres, to a total of about 2400 acres for both owners.

Simply speaking, given the above, it appears that:

- 1) There is sufficient water to satisfy existing rights and approved applications for both parties as they now exist. (About 850 acres).
- 2) Unless such existing uses are satisfied fully and efficiently, no additional appropriations can be approved. The two drainages would then be declared fully appropriated.
- 3) If existing rights can be fully satisfied, all subsequent approvals will then have to go by order of priority. The State Engineer can legally consider your new applications for an additional 1200 acres of irrigation only after it has been demonstrated that the combined flows of Red Cedar & Granite Creeks can efficiently serve the prior 1200 acres of irrigation (and other incidental uses) efficiently.

In conclusion, I think it obvious that it is the advantage of all that both parties cooperate to the fullest in these matters. Oak Corporation, in particular, will need to balance diversions from both sources to satisfy their eventual 1927.6 acres of irrigation since all your waters are comingled. The Douglass' diversions cannot be adjusted since the 120 acres and the 320 acre parcels of land are separate and distinct.

If you have additional concerns or if these matters have been incorrectly stated, please do not hesitate to contact me. I am at your disposal should any consultation be required.

Sincerely,



Jesse B. Anderson, P.E.
Area Engineer

JBA/11

✓ cc: George C. Douglass

Lee Kapaloski, Attorney at Law