

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION)

NO. 37552 (25-4548))

)
)
)
MEMORANDUM DECISION

The above-numbered application has been filed to appropriate water from surface sources in Cache County. It was protested by A. T. Larsen, D. R. Geddes, Gene Larsen, and Glen Larsen. A hearing was held in the Cache County Hall of Justice, Logan, Utah, on August 19, 1966.

The protestants contend that at most times during the irrigation season, all of the water tributary to Spring Creek and to the Cub River is fully appropriated, and that except during periods of high spring runoff, there would be no water for appropriation.

From field examinations and other information available to this office, it would appear that there is already existing a substantial amount of development which during periods of low water flow would utilize all of the waters tributary to this source. However, it is our conclusion that there are times when there is unappropriated water in the source. The applicant should be aware that the protestants have prior rights and that these rights must first be satisfied before he may divert water from this source.

It is, therefore, ordered that the above-numbered application is hereby APPROVED, subject to prior rights, and a copy of this application bearing such notation is hereby returned to the applicant.

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

Dated this 31st day of January, 1967.


Hubert C. Lambert, STATE ENGINEER

DCH/at

cc: Doc Hansen
cc: A. T. Larsen
cc: D. R. Geddes
cc: Gene Larsen &
Glen Larsen