

MEMO: To Wayne D. Criddle
FROM: Glen J. Allen

March 18, 1964

RE: Proof Policy Determination

Problem: Stalemate in procedure and policy of processing proofs and certification of rights for County Water System Inc.

I. Present Policy :

1. Requires all privately owned public utilities to be restricted to domestic, irrigation, stockwatering, and commercial uses.
 - a. All uses must be described as to the type, extent, and place of use.
 - b. All places of use must be designated by legal subdivision (40 acre tract) within which they are located.
 - c. On all irrigation uses the actual configuration of the irrigated area must be shown.
 - d. Once proof of appropriation is submitted and the proof due date is past, all further development ceases. (Any difference in extent of use covered by the application and now shown on the proof is forfeited.)

2. Municipal applications and proofs are interpreted to include all types of uses under the one term.
 - a. When water is appropriated for municipal purposes neither the application nor the proof defines the place of use (other than within the corporate limits of the municipality) unless part of the use is extended beyond the city's corporate limits, then the place of use is described by legal subdivisions.
 - b. Normally if the place of use is situated within the corporate limits of a municipality a tracing showing the place and extent of use is not required.
 - c. There is no limit as to the number of connections a municipality may make within its corporate limits and no record of that number is indicated on our records.

II. Problem

1. The County Water System Inc. filed municipal applications to appropriate water. They claim that this was done after they had filed the proper papers with the Public Service Commission to become a public utility. These applications to appropriate water for municipal purposes were approved by the State Engineer and proofs for that use have been submitted, there appears to have been a change in policy toward municipal filings.

The applicants maintain that they are entitled to the use they filed for and that they have managed the system in that manner. (ie adding new connections and extending service to those requesting from time to time within the area served by the said county water system). Since the proofs were submitted for municipal purposes, many new connections have been made in the area served by the wells on which proof has been made.

The applicants maintain that service is continuously being extended to new homes in the area they served and that to be required to make new applications and submit new proofs as service is extended to their clients would constitute undue hardship and expense on their clients.

2. If the County Water System is granted the right to the same privileges extended to municipalities would it establish a presedent for other water companies to follow?
3. There are a number of water compnies formed to serve rural communities as a matter of necessity because a Federal Lending Agency would not loan to municipalities. What effect would a decission on the County Water System Inc. filing have on these companies.

It would be appreciated if a policy were determined on how to handle these filings within 30 days so we may proceed toward certification of the rights.

Glen J. Allen

GJA/er

PROOF DUE DATES

JANUARY 31

Emery
Sanpete
Sevier
Wayne

SEPTEMBER 30

Salt Lake

FEBRUARY 28

Carbon
Grand
San Juan

OCTOBER 31

Juab
Tooele
Utah

JUNE 30

Daggett
Duchesne
Hintah
Wasatch

NOVEMBER 30

Garfield
Kane
Piute
Washington

JULY 31

Cache
Morgan
Rich
Summit

DECEMBER 31

Beaver
Iron
Millard

AUGUST 31

Box Elder
Davis
Weber

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