

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)
NUMBER 91-4826 (a16868))

MEMORANDUM DECISION

Change Application Number 91-4826 (a16868), in the name of John R. and Marilyn C. Reva, was filed on June 29, 1992. Heretofore, 2.0 acre-feet of water has been diverted from Fish Creek at Scofield Dam at a point located North 810 feet and West 990 feet from the SE Corner of Section 10, T12S, R7E, SLB&M, and rediverted from Price River at the Carbon Canal Diversion located at a point South 560 feet and East 680 feet from the N $\frac{1}{4}$ Corner of Section 1, T14S, R9E, SLB&M, and used for irrigation and livestock purposes. The water represented by this change application is held by the applicants under Stock Certificate Number 5404 in the Price River Water Users' Association. Hereafter, the applicants are proposing to divert the same quantity of water by pump from the Price River at a point North 50 feet and West 525 feet from the E $\frac{1}{4}$ Corner Section 12, T15S, R10E, SLB&M. The water will be used from April 1 to October 31 of each year for irrigation of 0.50 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T15S, R10E, SLB&M.

The application was advertised in The Sun Advocate from July 23, 1992, to August 6, 1992, and was not protested.

In reviewing this matter, it is the opinion of the State Engineer that this Change Application can be considered for approval because it represents water that is available from Scofield Reservoir to the stockholders of the Price River Water Users' Association. It is also the belief of the State Engineer that changing the point of rediversion from the Carbon Canal to a pump on the Price River will not interfere with other vested rights, however, the applicants will be required to meet specific criteria as outlined hereafter.

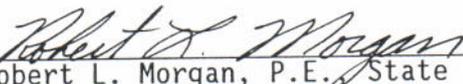
It is therefore, **ORDERED** and Change Application Number 91-4826 (a16868) is hereby **APPROVED** subject to the following conditions:

1. The applicants must install a totalizing water meter on the pump discharge at the point of rediversion from the Price River. Access to the meter must be given to the Price River Water Commissioner at all reasonable times.
2. No change in the location of the pump can be made without prior authorization from the Division of Water Rights.
3. No more water may be diverted during the use period than is represented by the stock in the Price River Water User's Association, which is the basis for the change.
4. The water being changed shall be regulated by the Price River Commissioner at the expense of the applicants.
5. Continued ownership of the stock certificate, which is the basis for this change application, shall be required in order to maintain this right.

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This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 23rd day of December, 1992.


Robert L. Morgan, P.E. State Engineer

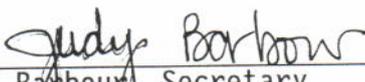
RLM:MPP:jb

Mailed a copy of the foregoing Memorandum Decision this 23rd day of December, 1992, to:

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BY: 
Judy Barbour, Secretary