



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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December 6, 2000

Ellsworth Farms  
c/o David Ellsworth  
385 South 200 East  
Fillmore, UT 84631

Dear Sir:

Thank you for taking the time yesterday to meet with me and discuss the water rights issues involved with the farm you recently acquired from the Tuttle. This letter is an attempt to summarize our discussion and to present our concerns issue by issue.

The first issue is the large irrigation well located approximately South 30 feet and West 250 feet from the NE corner of Section 1, T20S, R5W, SLB&M. It appears that this well was drilled in 1982 under change application 67-119 (a10908). This change application was originally filed by Don and Karla Dastrup to move 0.65 cfs of water and 30 acres of irrigation to a well in Section 6, T20S, R4W, SLB&M. The Dastrup's then sold to Merrill, Myrla and Brian Stephenson who then drilled the well. The Stephenson's, by letter dated April 6, 1983, withdrew Change Application a10908. The State Engineer issued a Memorandum Decision dated May 12, 1983, noting that Change Application 67-119 (a10908) is withdrawn and canceled. This, in effect, canceled out Change Application a10908 and the water rights reverted back to the original point of diversion and place of use leaving no water rights in this well.

In order for this well to be legally used, a change application must be filed on an existing valid water right to move water rights into this well. This application must be approved by the State Engineer.

The next issue is the sole supply acres that can be irrigated under the water rights that are appurtenant to your land. The State Engineers records show the following:

67-119 Water Right Number 67-119 was originally certificated for 3.21 cfs for the irrigation of 148.2 acres of land. Wesley Stephenson segregated his 50% interest in this right to Water Right 67-754. This leaves a balance of 1.605 cfs for the irrigation of 74.1 acres. The period of use for this water right is May 1 to Oct. 1.

67-160 Water Right Number 67-160 was originally certificated for 3.21 cfs for the irrigation of 148.2 acres of land. Wesley Stephenson segregated his 50% interest in this right to Water Right 67-754. This leaves a balance of 1.605 cfs for the irrigation of 74.1 acres. This water right comes from the same well and covers the

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same ground as Water Right 67-119 ( they are supplemental) The purpose of this application was to provide water during the period of use from March 15 to May 1 and from October 1 to November 1.

67-304 Water Right Number 67-304 was originally filed for 4.0 cfs for the irrigation of 140 acres of land. In 1970, 2.52 cfs of water and 88.2 acres of irrigation were segregated to Water Right Number 67-694. This left a balance of 1.48 cfs of water for the irrigation of 51.8 acres. This amount was certificated in 1973. Wesley Stephenson then segregated his 50% interest in the certificated amounts to Water Right 67-754. This leaves a balance of 0.74 cfs of water for the irrigation of 25.9 acres.

67-137 Water Right Number 67-137 was originally certificated for 4.76 cfs of water for the irrigation of 420 acres of land. In 1979, Greenwood Farms segregated 2.25 cfs of water and 200 acres of land to Water Right 67-867 upon which Change Application a10629 was filed. This change application moved this water and irrigated land to Section 17, T19S, R4W. This leaves a balance of 2.51 cfs of water and 220 acres of irrigation to be diverted under this water right.

67-286 Water Right Number 67-286 was originally certificated for 5.98 cfs of water for the irrigation of 305.6 acres. Analyzing the irrigated acreage described for this water right, it is evident that the majority of the acreage overlays the same acreage as that covered by Water Right 67-137. This fact makes Water Right 67-286 supplemental to Water Right 67-137. After analyzing the acreage, Water Right 67-286 describes 305.6 acres of land but is limited to the sole supply of 112.9 acres of land.

In 1971, 0.88 cfs of water and 23.0 acres of land were segregated and changed by 67-708 (a6451). This leaves a balance of 5.10 cfs of water to be diverted and used on 305.6 acres limited to a sole supply of 89.9 acres.

67-692, 67-694, 67-708

Water Right Numbers 67-692, 67-694 and 67-708 are all water rights based upon segregations of other water rights. Water Right 67-692 was segregated from Water Right 67-127, Water Right 67-694 was segregated from Water Right 67-304 and Water Right 67-708 was segregated from Water Right 67-286. These rights were combined by Change Application a7328, Certificate Number a-1194. These combined water rights are limited to the diversion of 2.66 cfs of water for the irrigation of 502.4 acres, limited to the sole supply of 251.2 acres.

67-867 Water Right Number 67-867 is a segregated portion of 67-137. Change Applications a10629, a12260: Certificate Number a-1665 moved this water to Section 17, T19S, R4W. This water right can divert 2.25 cfs of water for the irrigation of 502.4 acres of land, limited to the sole supply of 200.0 acres. When

the State Engineer approved this change application by Memorandum Decision dated October 9, 1980 one of the conditions of approval specifically required the applicant to abandon 200 acres of sole supply acreage under the original right. Apparently this has not been done.

The following table summarizes the above information.

| <u>Water Right Number</u> | <u>Flow Rate (cfs)</u> | <u>Sole Supply Acres</u> |
|---------------------------|------------------------|--------------------------|
| 67-119                    | 1.605                  | 74.10                    |
| 67-160                    | Same as 67-119         | Same acreage as 67-119   |
| 67-304                    | 0.74                   | 25.90                    |
| 67-137                    | 2.51                   | 220.00                   |
| 67-286                    | 5.10                   | 89.90                    |
| 67-692, 694, 708          | 2.66                   | 251.20                   |
| 67-867                    | 2.25                   | 200.00                   |
| <hr/>                     |                        |                          |
| Totals                    | 14.865 cfs             | 861.10 acres             |

This information does not include any water from West Holden Irrigation Company. West Holden Irrigation Company has the right to divert 5.93 cfs of water for the irrigation of 863.98 acres, limited to the sole supply of 700.00 acres. The amount of water and irrigated land you are entitled to from West Holden depends on the number of shares of the company that you own. This information would be found on the company's books.

I also need to mention that all of the above numbered water rights are still in the names of the Tuttle. In order for the State Engineer to update title to your name, we need Report of Conveyance forms prepared by a Title Agent, an Engineer or an Attorney along with the recorded deeds supporting the reports. This will need to be done prior to the State Engineer accepting a change application on these rights.

I am enclosing printouts of the above numbered water rights along with copies of the certificates and proof maps. I hope this information will assist you in straightening this all out. It is important that these issues be resolved before the upcoming irrigation season as this office will not allow the continued use of a well with no water rights in it and the continued irrigation of land that is not covered by a valid water right. This office is willing to assist you in any way that we can in addressing these problems.

Sincerely,



Terry L. Monroe, P.E.  
Assistant Regional Engineer