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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      JERRY D. OLDS  
*Executive Director*      *State Engineer/Division Director*

May 18, 2007

Dear Water Users and Interested Parties:

The purpose of this letter is to provide notice to water users, landowners and other interested parties of the State Engineer's water appropriation policy for the Argyle Creek Canyon of Nine Mile Creek – Area 90. The new policy, effective as of May 18, 2007, significantly restricts new appropriations of water to isolated ground-water sources, for the beneficial use purposes of part-time domestic use of one family and limited to the maximum annual diversion of 0.25 acre-feet per year. The policy also sets forth conditions for the utilization of isolation springs and on the placement and construction of underground water wells. The policy limits new applications to appropriate water to one application per existing lot. These restrictions/limitations are being taken to protect prior downstream surface water rights

Applications previously filed, where action has been withheld, will now be evaluated based on the new policy and action will be taken to either approve or reject the applications. New diversions or uses of water not permitted under this policy can still be accomplished by filing change applications on existing owned or acquired water rights within the policy area.

I appreciate your cooperation and input during this policy review. If you have questions or need assistance regarding this matter, please contact our Southeastern Regional Office in Price at telephone number (435) 637-1303.

Sincerely,

Jerry D. Olds, P.E.  
State Engineer

## WATER APPROPRIATION POLICY FOR ARGYLE CANYON

The State Engineer, after reviewing the information from the public meetings, written comments, and other water resource data and information that is available, believes that applications to appropriate water in Argyle Canyon can be approved if certain conditions are imposed to protect prior downstream water rights. The State Engineer will consider applications to appropriate water in Argyle Canyon (see figure 1), which meet the following conditions.

- 1) The proposed water use is limited to the part-time inside domestic use of one family. The maximum total annual withdrawal will not exceed 0.25 acre-feet per year.
- 2) The State Engineer will consider only one application to appropriate water per lot; said lot having been platted prior to the adoption of this policy. Lots platted after the adoption of this policy will need to acquire an existing water right and file a change application thereon.
- 3) The water source of all new applications to appropriate must be either:
  - a. A well with a minimum 30 foot surface seal and meeting the following criteria:
    - i. The well must be developed in bedrock.
    - ii. If bedrock is encountered within 20 feet of the surface, the seal does not need to extend beyond the 30-foot minimum.
    - iii. If bedrock is not encountered within 30 feet of the surface, the seal must extend through a clay layer with a minimum thickness of 20 feet or a minimum of 10 feet into bedrock in order to isolate it from flows directly contributing to Argyle Creek.
    - iv. A buffer zone of 250 feet on either side of Argyle Creek, and tributary creeks with perennial<sup>1</sup> flow, is established to mitigate against interference with surface flows. Wells cannot be located closer than 250 feet from the center of Argyle Creek or tributary creeks with perennial flow.
    - v. A buffer zone with a radius of 250 feet is established around springs with a perennial surface flow connection to Argyle Creek, and tributary creeks with perennial flow, to mitigate against withdrawal from ground-water flows directly contributing to Argyle Creek. Wells cannot be located closer than 250 feet from springs with a perennial surface flow connection to Argyle Creek or tributary creeks with perennial flow.
  - b. An isolated spring not immediately adjacent (within 250 feet from the center) to Argyle Creek, and which does not have a direct perennial surface flow connection to Argyle Creek or tributary creeks with perennial flow.

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<sup>1</sup> Perennial means a stream or part of a stream that flows continuously during all seasons as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

- 4) Applications to appropriate water filed under this policy are assumed to have an immediate need for water. Approvals will allow a five (5) year period for development and proof of beneficial use. Requests for extension of time, which fail to demonstrate significant progress toward completion of the project, will be denied.
- 5) Return flow from indoor domestic use must return to the hydrologic system through the use of a drain field system or the equivalent.
- 6) Proposed water resource development that does not meet the above criteria must be supplied through the acquisition, segregation, and changing of a valid, existing water right within Argyle Canyon. Such change applications will be evaluated on their individual merits.
- 7) All diversion works must be equipped with a totalizing meter. Records of water use must be kept and shall be available to the State Engineer for review upon request.

Effective date:

The effective date of this policy is May 18, 2007.

*Jerry D. Olds*  
Jerry D. Olds, P.E., State Engineer

Figure 1 – Map showing the area covered by Argyle Canyon Policy

