

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLI-)
CATION NUMBER a-12711 (57-2526))

MEMORANDUM DECISION

Change Application Number a-12711 (57-2526) was filed by Mount Olivet Cemetary Association to change the point of diversion, place and nature of use of 1.2 cfs. of water evidenced by Application No. 26456 (57-2526). Heretofore, the water was diverted from a 16-inch well at a point located North 2366 feet and West 3708 feet from the E1/4 Corner of Section 9, T1S, R1E, SLB&M. The water was used for the supplemental irrigation of 72.84 acres at Mount Olivet Cemetery.

Hereafter, it is proposed to divert the 1.2 cfs. of water from 19 points of diversion located within the Emigration Canyon drainage in Sections 15, 16, 20, 22, 28, 29, 31, and 32, T1N, R2E, SLB&M. The described sources are springs, existing wells, and proposed new wells. It is intended to use the water supplementally for the domestic purposes of 658 families and for irrigation of 9.655 acres of land.

The change application was advertised in the Deseret News from June 16, 1983 to June 30, 1983 and was not protested.

After reviewing the subject change application, water rights of record, and the geohydrology of Emigration Canyon, the State Engineer has determined the following:

1. The original point of diversion (well) under Application No. 26456 (57-2526) is located below the mouth of Emigration Canyon.
2. The applicant's proposed points of diversion in the change application are located above the mouth of Emigration Canyon.
3. Substantial water rights on Emigration Creek have diversion points located below the mouth of the Canyon.
4. Emigration Creek is a gaining stream throughout much of its reach in the Canyon.
5. Emigration Creek is fully appropriated

In view of the foregoing, it is the opinion of the State Engineer that approval of the change application would have the same effect as that of a new application to appropriate, i.e., a diminution of the flow in Emigration Creek and an impairment of prior rights

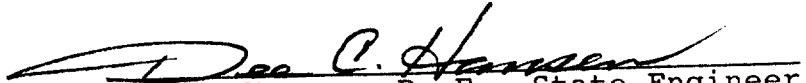
It is, therefore, ordered and Change Application Number a-12711 (57-2526) is hereby **REJECTED**.

REJECTED **MICROFILMED**

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

Dated this 20th day of January, 1984.


Dee C. Hansen, P. E., State Engineer

DCH:EDF:slm

Mailed a copy of the foregoing Memorandum Decision this 20th day of January, 1984, to:

Mount Olivet Cemetary Association &
The Boyer Company
675 East 500 South
Salt Lake City, Utah

84102

By:


Shawna L. Malcolm, Secretary

REJECTED

REJECTED

MICROFILMED