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Form No. 107 3-66

MAR 9 1983

CHANGE APPLICATION NO. A-12710-57-69

WATER RIGHTS

# Application for Permanent Change of Point of Diversion

## Place and Nature of Use of Water

STATE OF UTAH

TITLE CHANGE-SEE ABSTRACT

Please clearly and correctly complete the information requested below which defines the right or rights being changed. (Type or clearly print.)

For the purpose of obtaining permission to permanently change: the point of diversion , place  or nature of use , of water rights acquired by See Exhibit A  
(Give Number of Application, certificate of appropriation, title and date of Decree or other identification of right.)

If the right described has been amended by a previous approved change application, give the number of such change application. No. \_\_\_\_\_  
TITL CHANGE-SEE ABSTRACT

- The name of the applicant is Mount Olivet Cemetery Association & The Boyer Compar
- The post-office address of the applicant is 675 East 500 South, Salt Lake City, Ut.  
(See Exhibit A) 94102
- The flow of water which has been or was to have been used in second-feet is 1.17
- The quantity of water which has been or was to have been used in acre-feet is \_\_\_\_\_
- The water has been or was to have been used for and during periods as follows:  

<u>Irrigation</u>	from	<u>March 1</u>	to	<u>November 30</u>	incl.
(purpose)		(month) (day)		(month) (day)	
_____	from	_____	to	_____	incl.
(purpose)		(month) (day)		(month) (day)	
and stored each year (if stored)	from	_____	to	_____	incl.
		(month) (day)		(month) (day)	
- The direct source of supply is See Exhibit A in halt lake County.  
(well, spring, stream, drain, river; if other explain)
- The point or points of diversion See Exhibit A

(Must be the same as that of right being changed unless a previous change has been filed and approved. Then use the point or points approved in the previous change.)

- Diversion works:  
 If a well give diameter and depth \_\_\_\_\_  
 If a dam and reservoir give height, capacity, and area inundated \_\_\_\_\_  
 If other give type of diversion facility Concrete diversion box with open canal

- The water involved has been or was to have been used for the following purposes in the following described legal subdivisions: (If used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)

Irrigation See Exhibit A

Total acres to be irrigated 82.29 acres

Stockwatering (number and kind) \_\_\_\_\_

Domestic (number of families and/or persons, etc.) \_\_\_\_\_

Other \_\_\_\_\_

- The point at which water has been or was to have been returned to the stream channel is situated as follows: (Please describe method of return.) \_\_\_\_\_

Note: Paragraph 10 is to be completed only when all or part of the water is returned to the natural stream or channel.

### The Following Changes Are Proposed

- The flow of water to be changed in cubic feet per second is 1.17
- The quantity of water to be changed in acre-feet is 329.16 (See Exhibit A)

CHANGE

13. The water will be used each year for:

Domestic from January 1 to December 31 incl.
(purpose) (month) (day) (month) (day)
Irrigation from April 1 to October 31 incl.
(purpose) (month) (day) (month) (day)
and stored each year (if stored) from to incl.
(month) (day) (month) (day)

14. It is now proposed to divert the water from See Exhibit A
(i.e., spring, spring area, stream, river, drain, well, etc.)
at a point(s) as follows: See Exhibit A

NOTE: The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance to some prominent and permanent natural object. A spring area must also be described by metes and bounds.

15. The proposed diverting and conveying works will consist of: (if a well, state diameter and depth thereof)
See Exhibit A

16. If water is to be stored, give capacity of reservoir in acre-feet height of dam
area inundated in acres legal subdivisions of area inundated
Not Applicable

17. The water is to be used for the following purposes in the following described legal subdivisions: (if used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)
Irrigation See Exhibit A

Total acres to be irrigated 9.655
but limited to the sole irrigation supply of 8.265 acres.
Stockwatering (number and kind)
Domestic (number of families and/or persons, etc.) 658 families (See Exhibit A)
Other

18. If paragraphs 11 and 12 designate that only part of the right described in paragraphs 1 to 10 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.

EXPLANATORY

The following additional facts are set forth in order to define more clearly and completely the full purpose of the proposed change: See Exhibit B

The undersigned hereby acknowledges that even though he may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the State Engineer's Office, all responsibility for the accuracy of the information contained therein, at the time of filing, rests with the applicant.

The Boyer Company

BY:

ITS:

Signature of Applicant

MOUNT OLIVET CEMETERY ASSOCIATION

BY:

ITS:

1. Winkworth Spring
2. Freeze Creek Spring
3. Twin Spring Freeze Creek
4. Lefthand Burr Fork Spring Area
5. Thomas Spring
6. City Canyon Spring Area
7. Jeep Trail Spring
8. Nugget-Freeze Creek Well No. 1
9. Twin Creek-Freeze Creek Well No. 2
10. Preuss-Freeze Creek Well No. 3
11. Preuss Well No. 4
12. Preuss-Pioneer Fork Well No. 5
13. Preuss-Cederloff Hollow Well No. 6
14. Twin Creek Well No. 7
15. Preuss-Winkworth Well No. 8
16. Preuss-Brigham Fork Well No. 9
17. Preuss-Pioneer Fork Well No. 10
18. Preuss-Meik Well No. 11
19. Nugget-Freeze Creek Well No. 12 (horizontal)

The descriptions of these diversion points are as follows:

1. Winkworth Spring: North 1,343 feet West 708 feet from the Southeast corner of Section 29, Township 1 North, Range 2 East, SLB&M.
2. Freeze Creek Spring: North 400 feet West 750 feet from the Southeast corner of Section 20, Township 1 North, Range 2 East, SLB&M.
3. Twin Spring Freeze Creek: North 400 feet West 700 feet from the Southeast corner of Section 20, Township 1 North, Range 2 East, SLB&M.
4. Lefthand Burr Fork Spring Area: North 1,850 feet West 2,580 feet from the Southeast corner of Section 16, Township 1 North, Range 2 East, SLB&M.
5. Thomas Spring: North 4,950 feet West 2,150 feet from the Southeast corner of Section 16, Township 1 North, Range 2 East, SLB&M.
6. City Canyon Spring Area: Originates approximately North 100 feet East 2,500 feet from the Northwest corner of Section 22, and continues

along the natural channel to a point approximately South 1,300 feet East 2,400 Feet from the Northwest corner of Section 22, Township 1 North, Range 2 East, SLB&M. Point of diversion being located: South 1,226 feet East 2,200 feet from the Northwest corner of Section 22, Township 1 North, Range 2 East, SLB&M.

7. Jeep Trail Spring: South 1,500 feet West 1,800 feet from the East Quarter corner of Section 15, Township 1 North, Range 2 East, SLB&M.
- ×8. Nugget-Freeze Creek Well No. 1: North 800 feet West 750 feet from the Southeast corner of Section 20, Township 1 North, Range 2 East, SLB&M.
- ✓9. Twin Creek-Freeze Creek Well No. 2: North 150 feet West 850 feet from the Southeast corner of Section 20, Township 1 North, Range 2 East, SLB&M.
- ✓10. Preuss-Freeze Creek Well No. 3: North 1,500 feet East 1,080 feet from the Southwest corner of Section 28, Township 1 North, Range 2 East, SLB&M.
- ✓11. Preuss Well No. 4: South 2,100 feet West 2,400 feet from the Northeast corner of Section 32, Township 1 North Range 2 East, SLB&M.
- ✓12. Preuss-Pioneer Fork Well No. 5: North 1,975 feet East 650 feet from the Southwest corner of Section 32, Township 1 North, Range 2 East, SLB&M.
- ✓13. Preuss-Cederloff Hollow Well No. 6: North 110 feet West 1,550 feet from the Southeast Corner of Section 31, Township 1 North, Range 2 East, SLB&M.
- ✓14. Twin Creek Well No. 7: North 1,275 feet West 1,400 feet from the Southeast corner of Section 29, Township 1 North, Range 2 East, SLB&M.
- ✓15. Preuss-Winkworth Well No. 8: North 1,410 feet West 995 feet from the Southeast corner of Section 29, Township 1 North, Range 2 East, SLB&M.
- ✓16. Preuss-Brigham Fork Well No. 9: South 2,525 feet West 1,600 feet from the Northeast corner of Section 28, Township 1 North, Range 2 East, SLB&M.

- ✓17. Preuss-Pioneer Fork Well No. 10: North 1,240 feet East 160 feet from the Southwest corner of Section 32, Township 1 North, Range 2 East, SLB&M.
- ✓18. Preuss-Meik Well No. 11: North 133 feet West 259 feet from the Southeast corner of Section 31, Township 1 North, Range 2 East, SLB&M.
- ✓19. Nugget-Freeze Creek Well No. 12: (Horizontal) North 425 feet West 750 feet from the Southeast corner of Section 20, Township 1 North, Range 2 East, SLB&M.

TITLE CHANGE SHEET

Paragraph 15: Diverting and conveying works will consist of:

Sources No. 1 through 7 - Springs:

All of these sources will consist of buried perforated collection pipes to a collection box. From the collection boxes, water will run by gravity or be pumped to buried concrete water storage reservoirs. Water will be delivered from the reservoirs to the place of use in buried pipelines.

Sources No. 8 through 16 - Vertical Wells:

All of these sources will be cased with 10 to 12-inch diameter steel casing to depths of 300 to 800 feet. Water will be pumped from the wells and delivered to the place of use as described above.

✓ Source 17 - Preuss-Pioneer Fork Well No. 10:  
This is an existing 6-inch diameter cased well 155 feet deep.

✓ Source 18 - Preuss-Meik Well No. 11:  
This is an existing 10-inch diameter cased well 250 feet deep.

Source 19 - Nugget-Freeze Creek Well No. 12:

This is to be a horizontally drilled well, 100 to 200 feet long and cased with 4-inch diameter perforated steel casing.

EXHIBIT B

This is Exhibit B to Change Application No. \_\_\_\_\_, for water rights acquired by Certificate No. 2220 (57-69).

EXPLANATORY

The following additional facts are set forth in order to define more clearly and completely the full purpose of the proposed change.

This change is based on a decreed diligence right and Certificate number 2220 (57-69). The decreed right has an 1874 priority and entitles Mt. Olivet Cemetery Association to irrigate 20 acres. Mt. Olivet Cemetery Association et al v. Salt Lake City et al, 65 Utah 193. The certificated right, Certificate number 2220 (57-69) entitles Mt. Olivet to use 1.17 second-feet on 82.29 acres of land and includes the same 20 acres as covered by the decreed right. Therefore, the total area irrigated under both rights is no more than the 82.29 acres listed on Certificate number 2220 (57-69).

The purpose of this Change Application is to allow the water right of Mount Olivet Cemetery Association to be transferred to various springs and wells in Emigration Canyon. The water will be used for the domestic and irrigation requirements of the residents of the canyon within the legal subdivisions described in Exhibit A, Paragraph 17. No more water will be diverted and used than applicant had a right to divert and use under its original right.

Mount Olivet Cemetery Association will retire from irrigation all of its water rights including its decreed rights under the Utah Supreme Court Case Mt. Olivet Cemetery Association et al v. Salt Lake City, 65 Utah 193, Certificate #2220 (57-69), Certificate #8139 (57-2526), Diligence Claim 2595 (57-7825), and Application to Segregate #26456-a (57-7549), and any other water rights it may now have for use on the cemetery grounds. Upon approval of this change, Mt. Olivet will obtain water from another source to meet its irrigation needs on the cemetery grounds. It should be

expressly noted, however, that Mt. Olivet Cemetery Association will continue to use the water on its cemetery grounds until such time as the water is placed to use in the canyon. Also, in the event all of Mt. Olivet's water rights are not placed to use in the canyon or Mt. Olivet retains an ownership interest in its various rights and decides not to use them in the canyon, then Mt. Olivet Cemetery Association will so inform the State Engineer and that portion of Mt. Olivet's water rights will revert to use upon the cemetery grounds. The remainder of the water will be segregated and proof submitted thereon.

Paragraph 17: The water is to be used within the following legal subdivisions:

The Southwest Quarter of Section 14; the South Half of the South Half and the Northeast Quarter of the Southeast Quarter of Section 15; all of Section 16; the Southeast Quarter of the Southeast Quarter of Section 20; the North Half and the North Half of the South Half of Section 21; the East Half of the East Half and the Northeast Quarter of the Northwest Quarter of Section 22; the Northwest Quarter, the West Half of the Southwest Quarter, and the West Half of the Northeast Quarter of Section 27; the South Half of the North Half and the South Half of Section 28; the South Half of Section 29; the South Half of the Southeast Quarter of Section 31; the North Half, the West Half and the Northeast Quarter of the Southeast Quarter, and the Southwest Quarter of Section 32; and the Northwest Quarter, the North Half of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter of Section 33, all in Township 1 North, Range 2 East, Salt Lake Base and Meridian.

The water is to be used for the domestic and irrigation supply for 658 families as follows:

Domestic - 1/2  
658 families X 0.45 acre-feet/family = 296.1 acre-feet

Irrigation - 8.48  
(average yard  $\frac{23.4 \text{ feet} \times 23.4 \text{ feet}}{43,560 \text{ sq. ft./acre}}$ )  
(equals 0.0126 acres)

658 families X 0.0126 acres/family X 4  
4 acre-feet per acre = 33.06 acre-feet

TOTAL

329.16 acre-feet

45  
408/45 = 9.07

100

10/11 Nov 1968

246.87  
3/2  
70.32

This water right will be the primary water right to meet the needs listed herein. The Change Application on Certificate 8139 (57-2526) will be used supplementally. These water rights will then be combined with the Change Applications on WUC 57-7479, and WUC's No. 57-7687, 57-7693 through 57-7696, 57-8066, 57-8138, 57-8168, and 57-7465 through 57-7486, to provide the domestic and irrigation requirements of up to 763 families.

By allowing the water to be used in the Canyon, the underground aquifers will be recharged from irrigation runoff and through the use of drainfield systems for all indoor "gray water." Of all water used, approximately 181.66 acre-feet will be returned to the aquifers. This figure was derived as follows:

58% of all indoor (296.1 acre-feet) =	171.74 acre-feet
30% of all irrigation (33.06 acre-feet) =	<u>9.18</u> acre-feet

TOTAL:	181.66 acre-feet
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The remaining 42% of indoor "black water" or toilet effluent will be collected, held in a temporary holding tank, and exported to Salt Lake City for treatment. The net result will be a positive effect on the overall hydrologic region of Emigration Canyon.