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RECEIVED
SEP 30 1983
WATER RIGHTS

CHANGE-SEE ABSTRACTION

BEFORE THE UTAH STATE ENGINEER

Application No. a-12710)	PROTEST OF
(57-69) of Mt. Olivet)	SALT LAKE CITY
Cemetery and Boyer Company.)	CORPORATION
)	

COMES NOW Salt Lake City Corporation, by and through its Assistant City Attorney Ray L. Montgomery, and protests the foregoing identified application on the following grounds:

1. The change in point of diversion provided for in the application will reduce the stream flow, thus increasing the trans-evaporation losses in the stream flow, resulting in a reduced stream flow available to Salt Lake City Corporation under Third District Court Decree No. 25890.


2. In application 9207 (57-29), change application a-12710, certificate 2220 indicates that the water right amounts to 1.17 CFS and not in excess of three acre feet per acre per annum for 82.29 acres which amounts to 246.87 acre feet per year. This certificate also states that the rights are subject to the terms of the court decree, Third District Court No. 25890, which only allows 1.00 CFS continuous flow, or 1.27 CFS from 6:00 a.m. Mondays to 6:00 p.m. Saturdays, which would be an average of 1 CFS of continuous flow. The change application enlarges the

decreed water right to the detriment of Salt Lake City Corporation.

3. Change application a-12710 (57-2526) Mt. Olivet Cemetery Association, The Boyer Company, proposed to change the point of diversion with a 16-inch well from a location within Mt. Olivet Cemetery approximately to a point up-canyon in the Emigration drainage. This change in point of diversion will reduce water rights of Salt Lake City Corporation in Emigration Creek pursuant to the said decree.

4. The change of point of diversion requested for 4) Lefthand Burr Fork Spring area, at a point north 1850 feet west 2580 feet from the southeast corner, section 16; 5) Thomas Spring, at a point north 4950 feet west, 2150 feet from the southeast corner, section 16; 6) City Canyon Spring area, at a point south 1226 feet east 2200 feet from the northwest corner, section 22; and 7) Jeep Trail Spring, at a point south, 1500 feet west 1800 feet from the east one-quarter corner of section 15, are protested by Salt Lake City Corporation. The City has prior contractual obligations to Zions First Security for the delivery of water to some of the Pinecrest homeowners from these same sources of water.

DATED this 28th day of September, 1983.


RAY L. MONTGOMERY
Assistant City Attorney
Attorney for Protestant

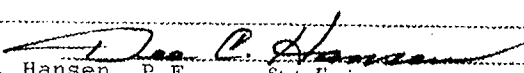
(This page not to be filled in by applicant)

STATE ENGINEER'S ENDORSEMENTS

1. 3-9-83 Change Application received ^(over counter) by mail in State Engineer's office by CP
2. _____ Priority of right to make change brought down to, on account of _____
3. 3-9-83 Fee for filing Application \$ 5.25, received by CP, Receipt No. 02126
4. 3-31-83 Application microfilmed by CAA Roll No. 1004 and indexed by 3-18-83
5. _____ Application platted by _____
6. 05/06/83 Application examined by EADP
7. _____ Application returned, with letter, to _____ for correction
8. _____ Corrected application resubmitted ^{over counter} by mail to State Engineer's office
9. 05/06/83 Application approved for advertisement by EADP
10. JUN 8 1983 Notice to water users prepared by WWE
11. JUN 16 1983 Publication began, was completed JUN 30 1983 Deseret News
12. 6/10/83 Proof slips checked by COE
13. _____ Change Application protested by _____
14. 12/1/83 Publisher paid MEV No. 031018
15. _____ Field Examined by _____
16. 12/12/83 Application designated for ^{approval} ~~rejection~~ by EADP SE
17. 12/16/83 Change Application copied slm proofread by _____
18. 12/16/83 Change Application ^{approved} ~~rejected~~ and returned to applicant _____

This application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by 4/30/87
3. This change is subject to all conditions imposed on the approval of the original application or right


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

19. _____ Time for making proof of change extended to 4/30/90, 4/30/95
20. _____ Proof of change submitted.
21. _____ Certificate of change No. _____, issued.

I hereby certify that the foregoing is a true copy of the Application by _____ to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah _____, 19____ State Engineer

Change Application No. A-12710