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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER

For Temporary Change Application Number 57-7796 (t43182) JAN 16 2018

Temporary Change Application Number 57-7796 (t43182) in the name of Emigration Improvement District was filed on December 26, 2017, to change the point of diversion, places of use, and uses of 200.00 acre-feet of water as evidenced by Water Right Number 57-7796. Heretofore, the water has been diverted from a surface source located North 700 feet and East 465 feet from the W¹/₄ Corner of Section 11, T1S, R1E, SLB&M. The water has been used for the irrigation of 50.00 acres from April 1 to October 31. The water has been used in all or portion(s) of Sections 10 & 15, T1S, R1E, SLB&M.

Hereafter, it is proposed to divert 200.00 acre-feet of water from points of diversion changed to:

- (1) Well - South 295 feet and West 315 feet from the NE Corner of Section 33, T1N, R2E, SLB&M (6-inch well, 100-500 feet deep);
- (2) Well - North 922 feet and West 2251 feet from the SE Corner of Section 16, T1N, R2E, SLB&M (existing);
- (3) Well - North 275 feet and West 1065 feet from the SE Corner of Section 16, T1N, R2E, SLB&M (existing 5.5-inch well, 145 feet deep, drilled in 1999);
- (4) Well - North 1030 feet and East 40 feet from the S¹/₄ Corner of Section 1, T1S, R1E, SLB&M (existing);
- (5) Well - North 1425 feet and West 1350 feet from the NE Corner of Section 21, T1N, R2E, SLB&M (existing);
- (6) Well - South 280 feet and East 1200 feet from the NW Corner of Section 5, T1S, R2E, SLB&M (existing);
- (7) Well - South 165 feet and East 610 feet from the NW Corner of Section 5, T1S, R2E, SLB&M (existing);
- (8) Well - South 195 feet and West 975 feet from the NE Corner of Section 6, T1S, R2E, SLB&M (originally proposed as an 8-inch well, but constructed in 1994 as a 6-inch well, 105 feet deep);
- (9) Well - South 5 feet and East 1228 feet from the NW Corner of Section 27, T1N, R2E, SLB&M (originally proposed as a 6-inch well, 0-285 feet deep, but constructed in 1994 as a 6-inch well, 285 feet deep);
- (10) Well - South 40 feet and East 605 feet from the N¹/₄ Corner of Section 27, T1N, R2E, SLB&M (existing);
- (11) Well - South 1000 feet and East 1340 feet from the NW Corner of Section 27, T1N, R2E, SLB&M (existing);
- (12) Well - South 715 feet and East 255 feet from the N¹/₄ Corner of Section 27, T1N, R2E, SLB&M (existing);
- (13) Well - North 1950 feet and East 1400 feet from the SW Corner of Section 33, T1N, R2E, SLB&M (existing);

- (14) Well - North 1370 feet and East 2875 feet from the SW Corner of Section 1, T1S, R1E, SLB&M (existing);
- (15) Well - South 1555 feet and West 1060 feet from the E $\frac{1}{4}$ Corner of Section 32, T1N, R2E, SLB&M (existing);
- (16) Well - North 578 feet and East 529 feet from the S $\frac{1}{4}$ Corner of Section 32, T1N, R2E, SLB&M (existing 6-inch well, 120 feet deep, drilled in 1996);
- (17) Well - South 1220 feet and West 1140 feet from the NE Corner of Section 33, T1N, R2E, SLB&M (existing);
- (18) Well - North 1280 feet and West 2028 feet from the E $\frac{1}{4}$ Corner of Section 28, T1N, R2E, SLB&M (existing 10-inch well, 1200 feet deep);
- (19) Surface - South 1000 feet and East 1400 feet from the NW Corner of Section 27, T1N, R2E, SLB&M (Emigration Creek (Block));
- (20) Well - North 492 feet and West 1850 feet from the E $\frac{1}{4}$ Corner of Section 28, T1N, R2E, SLB&M (existing);
- (21) Surface - South 1995 feet and West 1810 feet from the NE Corner of Section 33, T1N, R2E, SLB&M (Contract Holder: Mather (6392 Emigration));
- (22) Well - North 310 feet and East 1280 feet from the W $\frac{1}{4}$ Corner of Section 33, T1N, R2E, SLB&M (originally proposed as a 6-inch well, 0-110 feet deep, but constructed in 1993 as a 4.5-inch well, 110 feet deep);
- (23) Well - South 852 feet and West 1684 feet from the E $\frac{1}{4}$ Corner of Section 1, T1S, R1E, SLB&M (8-inch well, 0-60 feet deep);
- (24) Well - North 565 feet and West 713 feet from the S $\frac{1}{4}$ Corner of Section 1, T1S, R1E, SLB&M (existing);
- (25) Well - North 210 feet and West 300 feet from the SE Corner of Section 31, T1N, R2E, SLB&M (existing);
- (26) Well - North 170 feet and East 710 feet from the SW Corner of Section 32, T1N, R2E, SLB&M (6-inch well, 100-500 feet deep);
- (27) Well - North 793 feet and West 2427 feet from the SE Corner of Section 16, T1N, R2E, SLB&M (existing);
- (28) Well - South 1840 feet and East 145 feet from the NW Corner of Section 28, T1N, R2E, SLB&M (12-inch well, 1140 feet deep).

The water will be stored the same as heretofore in the following reservoir: unnamed - from July 1 to June 30, having a capacity of 6.00 acre-feet in an excavated storage pool, and inundating 1.25 acres in all or portion(s) of Section 1, T1N, R1E, SLB&M. The water is to be used for year-round municipal purposes within the service area of Emigration Improvement District.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 and 73-3-8 of the Utah Code for the approval of temporary change applications.

In evaluating applications that propose to change the nature of use of a water right, the State Engineer believes it is appropriate to examine the rates and amounts of hydrologic depletion associated with the historical water use as compared to the proposed use to assure that there is no

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enlargement of the underlying water right. In this case, it is believed that the historical water uses would have incurred the following rates and amounts of hydrologic depletion:

<u>Prior</u> <u>Beneficial Use</u>	<u>Allowed</u> <u>Diversion</u>	<u>Rate of</u> <u>Depletion</u>	<u>Amount of</u> <u>Depletion</u>
Irrigation: 50.00 acres	200.00 acre-feet	48.875% ¹	97.75 acre-feet

The State Engineer has reviewed the change application and underlying water rights. It appears this change can be made provided certain precautions are observed.

It is the opinion of the State Engineer that this temporary change application can be approved without adversely affecting existing rights.

It is, therefore, **ORDERED** and Temporary Change Application Number 57-7796 (t43182) is hereby **APPROVED** subject to prior rights and the following condition(s):

- 1) **This application shall automatically expire one year from the date of this approval.**
- 2) The total diversion of water under this application for municipal uses by Emigration Improvement District is limited to the amount of water reasonably necessary to deplete 97.75 acre-feet up to a maximum diversion of 200.0 acre-feet. The applicant must maintain records sufficient to demonstrate that the depletion from its uses under this application do not exceed 97.75 acre-feet.
- 3) Each source developed under this application must be individually metered and the diversions of water reported annually under the **Utah Water Use Program**.
- 4) The applicants shall install and maintain measuring devices to record all water diverted from all sources under this application and report this information to the Division's Water Use Program.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

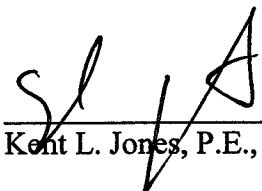
¹ *Consumptive Use of Irrigated Crops in Utah*, Research Report 145, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994, Table 25" University of Utah Station, p342. The benchmark crop for the referenced calculation is alfalfa, the most typical and consumptive crop evaluated in the study, (23.46-inches or 1.95 feet/5.0 feet duty = 48.875%.)

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Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 16th day of January, 2018.


Kent L. Jones, P.E., State Engineer
Boyd Clayton For

Mailed a copy of the foregoing Order this 16th day of January, 2018 to:

Emigration Improvement District
P. O. Box 58945
Salt Lake City UT 84158

Emigration Improvement District
c/o Barnett Intermountain Water Consulting
106 West 500 South, Suite 101
Bountiful UT 84010

Division of Water Rights
Stream Alteration Section

Division of Water Rights
Water Use Program

BY: 
Doralee Cannon, Applications/Records Secretary

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