



GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor

**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES  
Division of Water Rights

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

AUG 15 2011

**ORDER OF THE STATE ENGINEER**  
**On Extension of Time Request**  
**For Application to Appropriate Water Number 41-3479 (A30414d)**

Application to Appropriate Water Number 41-3479 (A30414d), currently in the name of State of Utah Board of Water Resources, was originally filed on August 7, 1958, to appropriate 500,000 acre-feet under A30414. The original appropriation has been segregated and A30414d represents 299,684.602 acre-feet. The water is to be diverted from a surface source to be located South 1,087 feet and East 1,020 feet from the N1/4 Corner of Section 15, T2N, R22E, SLB&M (Green River). The water is to be used for irrigation and stockwatering. The application was originally approved on October 6, 1959, and proof of beneficial use was last due on October 31, 2009.

The applicant has filed for an extension of time within which to file proof with the State Engineer stating that this water right was received from the Bureau of Reclamation in 1996. Several segregations from this right have been made to allow water to be placed to use and the balance of the water is to be reserved for the Lake Powell Pipeline Project.

Notice of the application was published in the Vernal Express on November 25 and December 2, 2009. The extension request was protested by USA Bureau of Reclamation and USA Fish and Wildlife Service. A hearing was not held.

The Bureau of Reclamation is concerned that the intent of the original conveyance of this right to Utah Board of Water Resources was that any water not developed by October 6, 2009, would be lapsed and not the subject of further extensions. Further extensions could jeopardize the Central Utah Project for which over \$2,000,000,000 has been spent.

Fish and Wildlife Service is concerned that further extensions on this water right could jeopardize the water use on the Ouray National Wildlife Refuge and impact endangered or threatened fish.

The applicant has indicated that to protect the Central Utah Project, they will subordinate this right to the Bureau of Reclamation's rights for CUP. By an agreement dated May 6, 2011, the applicant requested that the State Engineer administer this right as junior in priority to the Bonneville Unit of the Central Utah Project.

It has been in excess of 50 years since the original approval of this application. An application to appropriate water cannot be extended beyond 50 years without meeting certain criteria as outlined in Subsections 73-1-4(2)(f) and 73-3-12(4)(b) of the Utah Code. In conjunction with this extension request, on June 2, 2010, the applicant submitted a 40-year plan. The State Engineer has reviewed that plan and is of the opinion that the applicant's extension request

ORDER OF THE STATE ENGINEER

Extension of Time to Submit Proof

Application to Appropriate Water Number 41-3479 (A30414d)

Page 2

complies with Utah Code Ann. § 73-3-12. The applicant is a public water supplier as defined in Utah Code Ann. § 73-1-4 and the water is needed to meet the reasonable future water requirements of the public. It is the opinion of the state engineer that this extension request should be approved beyond 50 years from the original approval date of the appropriation.


It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Application to Appropriate Water Number 41-3479 (A30414d) to and including **October 31, 2020**.

This extension is granted in accordance with the law, which states "Within the time set by the state engineer under Subsection 73-3-10(5), an applicant shall construct works, if necessary; apply the water to beneficial use; and file proof with the state engineer in accordance with Section 73-3-16." This extension is also granted in accordance with Subsections 73-1-4(2)(f) and 73-3-12(4)(b) of the Utah Code, which provide for the extension of time to submit proof on an application to appropriate beyond 50 years. It is earnestly recommended that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

**It is the applicant's 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.** Your contact with this office, should you need it, is with the Eastern Regional Office. The telephone number is 435-781-5327.

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 15<sup>th</sup> day of August, 2011.

  
Kent L. Jones, P.E., State Engineer  
by John R. Mann, P.E., Assistant State Engineer

ORDER OF THE STATE ENGINEER  
Extension of Time to Submit Proof  
Application to Appropriate Water Number 41-3479 (A30414d)  
Page 3

Mailed a copy of the foregoing Order this 15<sup>th</sup> day of August, 2011 to:

State of Utah Board of Water Resources  
1594 West North Temple, Suite 310  
Salt Lake City UT 84114-6201

United States Department of the Interior  
Fish and Wildlife Service  
c/o Megan A. Estep  
PO Box 25486  
Denver, CO 80225-0486

United States Bureau of Reclamation  
c/o Bruce C. Barrett  
302 East 1860 South  
Provo, UT 84606-7317

BY:   
Sonia R. Nava, Applications/Records Secretary