

91-5027

APPLICATION FOR PERMANENT CHANGE OF WATER RECEIVED

Rec. by _____
Fee Paid \$ _____
Receipt # _____
Microfilmed _____
Roll # _____

AUG 18 1999

STATE OF UTAH

WATER RIGHTS PRICE

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

*WATER RIGHT NO. 91 5027 *APPLICATION NO. a a23664

Changes are proposed in (check those applicable)

point of diversion. place of use. nature of use. period of use.

1. OWNER INFORMATION

2) Price River Water User's Association

Name: 1) Aspen Cove At Scofield c/o Lyle Bryner 90 N. 100 E. #1 *Interest: _____%

Address: Homeowner's Association ~~6495 South Central Miller Creek Road~~

City: 862 North 1140 West Price, Utah-84501

Mapleton, Utah 84664

2. *PRIORITY OF CHANGE: August 18, 1999 *FILING DATE: August 18, 1999

*Is this change amendatory? (Yes/No): No

3. RIGHT EVIDENCED BY: 91-2 Price River Water User's Association

Stock Certificate No. 7198

Prior Approved Change Applications for this right: _____

***** HERETOFORE *****

4. QUANTITY OF WATER: _____ cfs and/or 25.0 ac-ft.

5. SOURCE: Price River

6. COUNTY: Carbon

7. POINT(S) OF DIVERSION: _____

N. 810 ft. & W. 990 ft. from SE Cor. Sec. 10, T12S, R7E, SLB&M

Description of Diverting Works: Scofield Dam

8. POINT(S) OF REDIVERSION

The water has been rediverted from _____ at a point: _____

Description of Diverting Works: _____

9. POINT(S) OF RETURN

The amount of water consumed is _____ cfs or 25.0 ac-ft.

The amount of water returned is _____ cfs or _____ ac-ft.

The water has been returned to the natural stream/source at a point(s): _____

*These items are to be completed by the Division of Water Rights.

Permanent Change

10. NATURE AND PERIOD OF USE

Irrigation: From April 1 to October 31
Stockwatering: From to
Domestic: From to
Municipal: From to
Mining: From to
Power: From to
Other: From to

11. PURPOSE AND EXTENT OF USE

Irrigation: 18904.82 acres. Sole supply of 199.03 acres.
Stockwatering (number and kind):
Domestic: Families and/or Persons.
Municipal (name):
Mining: Mining District in the Mine.
Ores mined:
Power: Plant name: Type: Capacity:
Other (describe):

12. PLACE OF USE

Legal description of place of use by 40 acre tract(s): Delivery through Wellington Canal

13. STORAGE

Reservoir Name: Scofield Reservoir Storage Period: from Jan. 1 to Dec. 31
Capacity: 73,600 ac-ft. Inundated Area: 2000 acres.
Height of dam: 125 feet.
Legal description of inundated area by 40 tract(s):
Pts. of Sec. 33, T11S, R7E; Secs. 3,4,8-10,15-18,20,21,28,29, T12S, R7E, SLB&M

***** THE FOLLOWING CHANGES ARE PROPOSED *****

14. QUANTITY OF WATER: cfs and/or 25.0 ac-ft.
15. SOURCE: Underground Water Wells (5) (Existing)
Balance of the water will be abandoned: or will be used as heretofore:
16. COUNTY: Carbon 1) N. 70 ft. & E. 2360 ft. from W 1/4 Cor. Sec. 4;
17. POINT(S) OF DIVERSION: 2) S. 1810 ft. & E. 900 ft. from W 1/4 Cor. Sec. 4;
3) N. 1650 ft. & E. 1190 ft. from W 1/4 Cor. Sec. 4;
4) N. 765 ft. & E. 2280 ft. from W 1/4 Cor. Sec. 4;
5) S. 1520 ft. & E. 200 ft. from N 1/4 Cor. Sec. 5; all T12S, R7E, SLB&M
Description of Diverting Works: 1) 6" casing, 150' deep; 2-5) 6"-12" casings, 150'-300' deep
*COMMON DESCRIPTION: 2 1/2 miles NW of Scofield Dam Scofield Reservoir Quad

18. POINT(S) OF REDIVERSION

The water will be rediverted from at a point:
Description of Diverting Works:

19. POINT(S) OF RETURN

The amount of water to be consumed is cfs or 25.0 ac-ft.
The amount of water to be returned is cfs or ac-ft.
The water will be returned to the natural stream/source at a point(s):

20. NATURE AND PERIOD OF USE

Irrigation: From April 1 to October 31
Stockwatering: From April 1 to October 31
Domestic: From January 1 to December 31
Municipal: From to
Mining: From to
Power: From to
Other: From to

21. PURPOSE AND EXTENT OF USE

Irrigation: 6.113 acres. Sole supply of acres.
Stockwatering (number and kind): 25 ELU
Domestic: 25 Families and/or Persons.
Municipal (name):
Mining: Mining District at the Mine.
Ores mined:
Power: Plant name: Type: Capacity:
Other (describe):

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): Pts. of S1/2NW1/4, SW1/4 Sec. 4; S1/2NE1/4, SE1/4 Sec. 5; N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4 Sec. 8; SW1/4NW1/4 Sec. 9; all T12S, R7E, SLB&M.
Lots in Unit III 72-92 inclusive, and Lots 16-19 Unit I.
Aspen Cove at Scofield Subdivision

23. STORAGE

Reservoir Name: Storage Period: from to
Capacity: ac-ft. Inundated Area: acres.
Height of dam: feet.
Legal description of inundated area by 40 tract(s):

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of same size if necessary):
The water use duty was calculated at 0.25 AF/yr/lot (0.25 AF/yr x 25 lots = 6.25 AF/yr);
Livestock use of 25 ELU for 214 days/yr (25 ELU = 0.028 AF/yr x 0.586/yr = 0.41 AF/yr);
and Irrigation of 6.113 acs. at a duty of 3.0 AF/ac/yr (6.113 acs x 3.0 AF/ac/yr = 18.34 AF/yr). This application is for 25 lots, figured at one share, or one acre-foot of water per lot.

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

x Kyle B. Boyer
Price River Water User's Association

x Mark L. Nelson
Aspen Cove At Scofield Homeowner's Association

NON-TRANSFERABLE

ORIG. DEL. CO. WELLINGTON CANAL

REPLACEMENT WATER FOR EXCHANGE APP. NO.

INCORPORATED UNDER THE LAWS OF

State of Utah

7198

Shares 25.00

PRICE RIVER WATER USERS ASSOCIATION
(A NON-PROFIT MUTUAL IRRIGATION CORPORATION)

PRICE, UTAH

This Certifies that

TWENTY FIVE & 00/100

(25.00)

AT SCOTFIELD
ASPEN COWBOY OWNERS ASSOCIATION

is the owner of
Shares of the Capital Stock of

PRICE RIVER WATER USERS ASSOCIATION

Transferred only on the books of the Corporation by the holder
of this share and by Attorney-in-fact named in this Certificate
to be read and construed in accordance with the By-Laws of the Corporation
and the Articles of Incorporation of the Corporation.

In Witness Whereof

the Board of Directors of the Corporation has caused this Certificate to be
signed by its duly authorized officers and the Seal of the Corporation
hereunto to be hereunto set on this 20th day of APRIL A.D. 1999

Ann B. Stearns
Secretary

Erly B. Swann
President

SHARES

NON-PAR

TEACH

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

RECEIVED

DEC 20 1999

IN THE MATTER OF CHANGE APPLICATION)
)
NUMBER 91-5027 (a23664))

MEMORANDUM DECISION WATER RIGHTS
PRICE

Change Application Number 91-5027 (a23664), in the name of Price River Water User's Association and Aspen Cove At Scofield Homeowner's Association, was filed on August 18, 1999, to change the point of diversion, place, nature and period of use of 25.0 acre-feet of water. Heretofore, the water has been diverted from the Price River at a point located North 810 feet and West 990 feet from the SE Corner of Section 10, T12S, R7E, SLB&M, and used for the irrigation of 18904.82 acres from April 1 to October 31.

Hereafter, it is proposed to divert 25.0 acre-feet of water from five existing underground water wells located at the following points: (1) North 70 feet and East 2360 feet, a 6-inch well, 150 feet deep; (2) South 1810 feet and East 900 feet, a 6-inch well, 150 feet to 300 feet deep; (3) North 1650 feet and East 1190 feet, a 6-inch well, 150 feet to 300 feet deep; (4) North 765 feet and East 2280 feet from the W¼ Corner of Section 4, a 6-inch well, 150 feet to 300 feet deep; (5) South 1520 feet and East 200 feet, a 6-inch well, 150 feet to 300 feet deep; all from the N¼ Corner of Section 5, T12S, R7E, SLB&M. The water is to be used for the irrigation of 6.11 acres from April 1 to October 31, the stockwatering of 25 cattle or equivalent from April 1 to October 31, and the domestic purposes of 25 families on Lots 16-19 inclusive in Unit I, and all of the lots in Unit III all located within the S½NW¼, SW¼ Section 4; S½NE¼, SE¼ Section 5; N½NE¼, SE¼NE¼, NE¼SE¼ Section 8; SW¼NW¼ Section 9, T12S, R7E, SLB&M.

The application was advertised in The Sun Advocate on September 16, 1999, and September 23, 1999, and was not protested.

It is, therefore, **ORDERED** and Change Application Number 91-5027 (a23664) is hereby **APPROVED** subject to prior rights and in accordance with the current appropriation policy for the Colorado River Drainage, adopted March 7, 1990, and according to the following conditions:

- 1) No more water may be diverted during the use period than is represented by the stock in the Price River Water User's Association, or the equivalent that is approved by the Association in times of shortage.
- 2) Installation of totalizing water meters at the expense of the applicants will be required before any water is diverted. The water meters shall be available to the Price River Commissioner for examination at all reasonable times.


MEMORANDUM DECISION
CHANGE APPLICATION NUMBER
91-5027 (a23664)
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- 3) The water being changed shall be regulated by the Price River Commissioner at the expense of the applicant.
- 4) Continued ownership of the stock certificate, which represents the underlying right for this change application, shall be required in order to maintain this change.
- 5) No change of points of diversion or places of use of that water covered by this change application shall be made without first obtaining the approval of the State Engineer.

This water right must be totally developed and placed to beneficial use on or before the noted proof due date, which is at least five years from the date of the approval. Extensions of time on this application beyond this time period will only be considered under unusual conditions.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, 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 Decision. 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 Decision, 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 17th day of December, 1999.


Robert L. Morgan, P.E., State Engineer

RLM:MPP:et

Mailed a copy of the foregoing Memorandum Decision this 17th day of December, 1999, to:

MEMORANDUM DECISION
CHANGE APPLICATION NUMBER
91-5027 (a23664)
PAGE 3-

Price River Water User's Association
Attn: Lyle Bryner, Chairman
6495 South Central Miller Creek Road
Price, UT 84501

Aspen Cove At Scofield Homeowner's Association
862 North 1140 West
Mapleton, UT 84664

Robert Davis
P.O. Box 108
Price, UT 84501

BY: *Eileen Tooke*
Eileen Tooke, Secretary



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER JERRY D. OLDS
Executive Director State Engineer/Division Director

RECEIVED

MAY - 2 2005

WATER RIGHTS
PRICE

ORDER OF THE STATE ENGINEER

On Extension of Time Request

For Permanent Change Application Number 91-5027 (a23664)

Permanent Change Application Number 91-5027 (a23664) in the names of Price River Water User's Association, and Aspen Cove At Scofield Homeowner's Association was filed on August 18, 1999, and approved on December 17, 1999, to divert 25.00 acre-feet of water from point(s) located: (1) Well - North 70 feet and East 2360 feet from the W $\frac{1}{4}$ Corner of Section 4, T12S, R7E, SLB&M (existing 6-inch, 150 feet deep); (2) Well - South 1810 feet and East 900 feet from the W $\frac{1}{4}$ Corner of Section 4, T12S, R7E, SLB&M (6-inch, 150-300 feet deep); (3) Well - North 1650 feet and East 1190 feet from the W $\frac{1}{4}$ Corner of Section 4, T12S, R7E, SLB&M (6-inch, 150-300 feet deep); (4) Well - North 765 feet and East 2280 feet from the W $\frac{1}{4}$ Corner of Section 4, T12S, R7E, SLB&M (6-inch, 150-300 feet deep); (5) Well - South 1520 feet and East 200 feet from the N $\frac{1}{4}$ Corner of Section 5, T12S, R7E, SLB&M (6-inch, 150-300 feet deep). The water is to be used for the irrigation of 6.113 acres from April 1 to October 31, the indoor domestic requirements of 25 families, and the stockwatering requirements of 25 head of livestock (in cattle or horses or equivalent species) from April 1 to October 31. Proof was last due on February 28, 2005.

The applicants have filed for an extension of time within which to file proof with the State Engineer stating that two wells with a distribution system to 109 lots have been developed. An additional 49 lots are proposed, and additional time to file proof is requested to facilitate the undertaking of one proof process for the entire development. The applicants are requesting an additional ten years in which to file proof.

Information contained in the file indicates that, to date, there has been significant development completed under this Permanent Change Application. Approximately five years have passed since the application was approved. However, the applicants' affidavit in support of the application may justify reasonable cause for delay.

The applicants are placed on notice that extension requests must comply with the provisions of Section 73-3-12 of the Utah Code. The State Engineer may grant extensions of time only "on proper showing of diligence or reasonable cause for delay." The applicants must satisfy Section 73-3-12 by providing detailed efforts of due diligence or reasonable cause for delay, or the extension request may be denied.

The applicant is cautioned that holding a change application does not protect the underlying right from challenge as forfeited through nonuse if beneficial use is not occurring for a period of five years or more. Water should be used at either the historic or the proposed location, or filing of a nonuse application should be considered.

ORDER OF THE STATE ENGINEER

Extension of Time to Submit Proof

91-5027 (a23664)

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It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Permanent Change Application Number 91-5027 (a23664) to and including **December 31, 2008**, but with the condition that further requests for extension of time will be critically reviewed. Unless substantial progress is made in the form of actual physical development to place the water to full beneficial use within the time hereby granted, the State Engineer will likely deny the next request for extension of time.

This extension is granted in accordance with the law which states: "The construction of the works and the application of water to beneficial use shall be diligently prosecuted to completion within the time fixed by the State Engineer. Extensions of time...may be granted by the State Engineer on proper showing of diligence or reasonable cause for delay. In considering an application to extend the time in which to place the water to beneficial use under an approved application, the State Engineer shall deny the extension and declare the application lapsed, unless the applicant affirmatively shows that the applicant has exercised or is exercising reasonable and due diligence in working toward completion of the appropriation."

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.

Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-637-1303.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 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 28th day of April, 2005.



Jerry D. Olds, P.E., State Engineer

BY: Kent L. Jones P.E., Assistant State Engineer

Mailed a copy of the foregoing Order this 28th day of April, 2005 to:

ORDER OF THE STATE ENGINEER

Extension of Time to Submit Proof

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Price River Water User's Association

90 North 100 East #1

Price UT 84501-2402

Aspen Cove At Scofield Homeowner's Association

862 North 1140 West

Mapleton UT 84664

BY:



Dana Dredge, Extension Secretary



State Online Services

Agency List

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GO

UTAH DIVISION OF WATER RIGHTS

C H E N T R Y

CHANGE MASTER

Change Number: 223664

save modifications

C H E N T R Y Screens

Is this Right in ACTIVE LITIGATION?: No

STATUS: Approved

Base Wrrnum: 91-5027

Certificate Number: Amendatory?: No

Right Evidenced By: 91-2 Price River Water User's Association

Stock Certificate No. 7198

*** HERETOFORE ***

Flow: CFS: 0.00000 AND/OR Acre Feet: 25.00000

Direct Source: Price River Price River

County: Carbon

*** HEREAFTER ***

THIS APPLICATION WILL CHANGE --

Point of Div: Changed Place of Use: Changed

Nature of Use: Changed Reservoir Storage: Same as Heretofore

Flow: CFS: 0.00000 AND/OR Acre Feet: 25.00000

Direct Source: (5) Underground Water Wells (Existing) (5) Underground Water Wells (Existing)

County: Carbon Common Description: 2.5 miles NW of Scofield Dam

Filing Date: Aug 18, 1999 **Priority Date:** Aug 18, 1999 **Taken By:** MP

Approved for Adv: Aug 31, 1999 **Newspaper:** 36-Sun Advocate
Pub Began: Sep 16, 1999 **Hearing Held:**
Protest End: Oct 13, 1999 **DD**
Proof of Pub: Oct 06, 1999

Desig for A/R/D: Nov 09 1999 **Action:** Approved **Region Eng:** MP
Approp Engineer: KLJ **Memo Dec:** Yes
Approved/Rejected: Dec 17, 1999 **Action:** Approved **Proof Due:** Dec 31, 2008
Extension Filed: **Elec/Proof:** **CertWUC Issued:**
Field Checked: **Rough Draft:** **Reconsidering:**
LAP, WD, EXP, etc.: **Request for Reconsideration:**
Provisional Well: **Well Renovation Approved:**

Related Distribution System Number:

Draft Decision Notes: (There are 0 Notes.)

Date Verified: Aug 18 1999 By: MJK Date Last Modified: Jan 14, 2005 1:42 pm BY: MKILLIAN