

1                   **WATER ADMINISTRATION AND MANAGEMENT POLICY**  
2                                   **FOR**  
3                                   **ARGYLE CREEK (90 Area)**  
4                                   **IN**  
5                                   **CARBON AND DUCHESNE COUNTIES**  
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7   History:  
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9           The earliest water rights on Argyle Creek were adjudicated with a priority date of  
10 1885 for stockwatering purposes. Judge Johnson decreed the earliest irrigation water  
11 rights, with priority dates of 1887 through 1900. Subsequent applications to appropriate  
12 water for irrigation purposes were filed in 1955, 1960, and 1980. A subsequent decree  
13 was issued July 14, 1960. These water rights generally utilize the total flow of the creek  
14 except during the spring runoff of most years or periodic summer storm events. During  
15 the majority of the irrigation season there is sufficient water to fill the estimated diversion  
16 and depletion requirements of all surface water rights but the most junior decreed water  
17 rights.  
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19   Recreational Development:  
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21           The first water right filed for domestic water use for a recreational cabin in Argyle  
22 Canyon is dated August 9, 1974 (such applications are hereafter referred to as “cabin  
23 applications”). Subsequent applications are still being filed. As of November 1995, there  
24 have been twenty-three applications approved and twenty-two have placed the water to  
25 use and filed proof of beneficial use or elected to file a water user’s claim. The State  
26 Engineer, for 7 of those applications, has issued a *Certificate of Beneficial Use*, while the  
27 remaining 16 have signed water user’s claims. Proof has been submitted on the lone  
28 approved water right; it has yet to be certificated. These twenty-three rights have the  
29 potential of annually diverting up to a maximum of 11.96 acre-feet of water.  
30

31           There have been eleven water right applications, one of which is a change  
32 application on a perfected right, filed since January 28, 2000, all of which have been  
33 protested by the downstream water users and are currently being held in unapproved  
34 status. These applications propose to potentially divert up to a maximum of an additional  
35 4.10 acre-feet of water.  
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37   Information Meeting:  
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39           All of the landowners in Argyle Canyon were invited to an informational meeting  
40 to discuss the concerns of the Division of Water Rights and the water users in the  
41 drainage. The meeting was held in Price on November 18, 2003. Division staff provided  
42 background information to the attendees, and then opened the meeting for comments. The  
43 lower users indicated that the cabin applications are interfering with their prior rights, and  
44 no further applications should be approved. A majority of the upper users felt they should  
45 be allowed to appropriate water for their cabin uses because their uses are so small and  
46 the water is returned to the hydrologic system through drain fields; thus, no interference

47 would occur. Others indicated they haul water to their lots, which imports new water into  
48 the drainage. Written comments were received from 17 property owners following the  
49 meeting; these comments are available for review on the Division of Water Rights  
50 website (<http://www.waterrights.utah.gov/meetinfo/m111803/comments/comments.htm>).

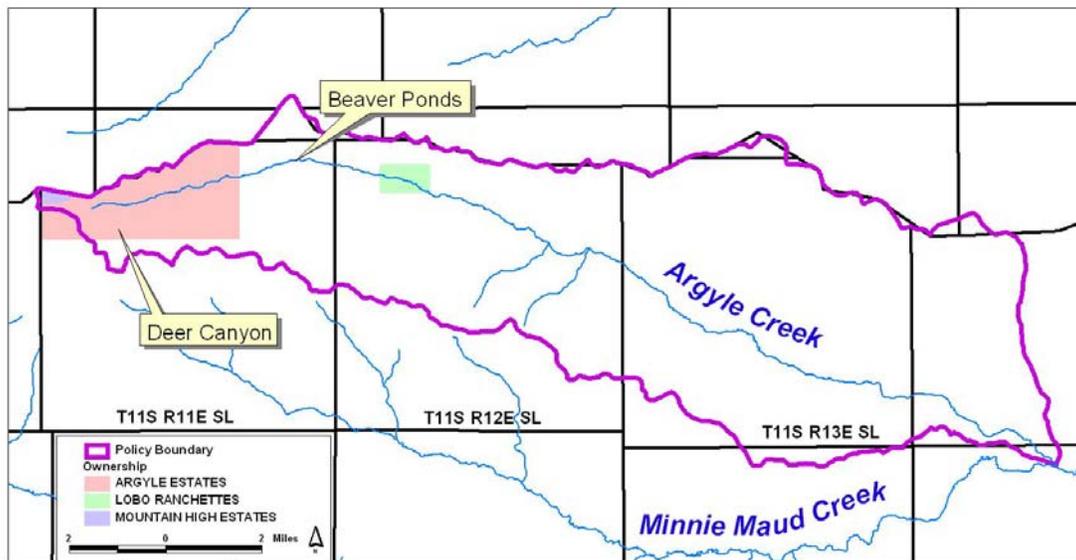
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52 Investigation:

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54 During the summer of 2004, the Price Regional office staff conducted field  
55 examinations of the canyon several times to observe where water was flowing in the  
56 creek. In May and June, water was present in Argyle Creek from the top to the first  
57 irrigation diversion. In the months of September and October, above Deer Canyon, the  
58 creek was basically dry except for isolated springs and seeps. However, from Deer  
59 Canyon down to the beaver ponds (SE¼NW¼ Section 1, T11S, R11E, SLB&M) water  
60 was flowing in the creek. In the area of the beaver ponds, the creek was dry. However,  
61 within a few hundred feet downstream, the creek began flowing continually to the first  
62 irrigation diversion. Based on these observations, it is obvious that there are losing and  
63 gaining reaches on Argyle Creek.

## Argyle Canyon Policy



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65 On August 8, 2005, the Price Regional office staff made an additional field  
66 examination to observe water flows. At that time, water appeared to be flowing through  
67 the entire length of the canyon.

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69 It should be noted that 2004 was the fifth year of below average water supply  
70 conditions, although September and October were quite wet. Precipitation in 2005  
71 represented a return to more normal conditions.  
72

73 Published studies of indoor domestic use suggest actual depletion from such use  
74 ranges between 3-20% of diversion. Given the remote location of the recreational  
75 properties, the potential for use exists primarily during the summer months. There are  
76 likely some ground water flows that do not directly contribute to surface stream flows. It  
77 is anticipated withdrawals of ground water will tend to create a regional change in  
78 discharge from the aquifer that will be spread throughout the year. Return flow from  
79 recreational uses will likely contribute more directly to surface flows and will likely  
80 occur at times more directly related to the period of use. As a result, it is anticipated the  
81 inside domestic use of a cabin will have the potential to slightly reduce ground-water  
82 discharge flows during the entire year and slightly augment flows during the summer  
83 months. This use of water potentially will serve to augment downstream water supplies  
84 during the irrigation season.  
85

86 Therefore, additional allocations of water for only in-house domestic purposes  
87 will not adversely affect the flow of the creek and senior downstream water rights.  
88

89 Policy:  
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91 The State Engineer, after reviewing the information from the meeting, written  
92 comments, and the data and information gathered by staff, is of the opinion that  
93 applications to appropriate water in Argyle Canyon can be approved if certain conditions  
94 are imposed to protect senior downstream water rights.  
95

- 96 1) The proposed use shall be limited to the part-time inside domestic use of one  
97 family, the maximum total annual withdrawal not to exceed 0.25 acre-feet per  
98 year.  
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- 100 2) The State Engineer will consider only one application to appropriate water per lot;  
101 said lot having been platted prior to the adoption of this policy. Lots platted after  
102 the adoption of this policy will need to acquire an existing water right and file a  
103 change application thereon.  
104
- 105 3) The source of all new applications to appropriate must be either:
  - 106 a. A well with a minimum 30 foot surface seal and meeting the following  
107 criteria:
    - 108 i. The well must be developed in bedrock.
    - 109 ii. If bedrock is encountered within 20 feet of the surface, the seal  
110 does not need to extend beyond the 30-foot minimum.
    - 111 iii. If bedrock is not encountered within 30 feet of the surface, the seal  
112 must extend through a clay layer with a minimum thickness of 20  
113 feet or a minimum of 10 feet into bedrock in order to isolate it  
114 from flows directly contributing to Argyle Creek.

- 115                   iv. A buffer zone of 100 feet on either side of Argyle Creek, and  
116                   tributary creeks with perennial flow, is established to mitigate  
117                   against withdrawal of surface waters from the creek. Wells cannot  
118                   be located closer than 100 feet from the center of Argyle Creek or  
119                   tributary creeks with perennial flow.  
120                   v. A buffer zone with a radius of 250 feet is established around  
121                   springs with a perennial surface flow connection to Argyle Creek,  
122                   and tributary creeks with perennial flow, to mitigate against  
123                   withdrawal from ground-water flows directly contributing to  
124                   Argyle Creek. Wells cannot be located closer than 250 feet from  
125                   springs with a perennial surface flow connection to Argyle Creek  
126                   or tributary creeks with perennial flow.  
127                   b. An isolated spring not immediately adjacent (within 250 feet from the  
128                   center) to Argyle Creek, and which does not have a direct perennial  
129                   surface flow connection to Argyle Creek or tributary creeks with perennial  
130                   flow.  
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132                   4) Applications to appropriate water approved under this policy are assumed to have  
133                   an immediate need for water. Approvals will allow a five (5) year period for  
134                   development and proof of beneficial use. Requests for extension of time, which  
135                   fail to demonstrate significant progress toward perfection, will be denied.  
136  
137                   5) Return flow from indoor domestic use must return to the hydrologic system  
138                   through the use of a drain field system or the equivalent.  
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140                   6) Applications to appropriate water which do not meet the above criteria must be  
141                   supplied through the acquisition, segregation, and changing of a valid, existing  
142                   water right within Argyle Canyon. Such change applications will be evaluated on  
143                   their individual merits.  
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145                   7) All diversion works must be equipped with a meter. Records of water use must be  
146                   kept and shall be available to the State Engineer for review upon request.  
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148   Effective date:

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150   The effective date of this policy is xxx nn, 2007.