

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION )

) MEMORANDUM DECISION

NUMBERS 56056 (63-2422), 56057 )  
(68-2330), 56058 (66-273), 56061 )  
(65-2160), 56103 (61-804), 56071 )  
(65-2161), 56072 (65-2162), 56098 )  
(63-2149), 56099 (65-2159), 56101 )  
(65-2158), 56082 (61-805), 56134 )  
(63-2421), 56184 (61-807), 56185 )  
(61-808), 56186 (61-809), 56187 )  
(61-810), 56188 (61-811), 56189 )  
(63-2425), 56163 (66-275), 56164 )  
(61-812), 56165 (61-813), 56254 )  
(65-2164), 56255 (65-2163), 56256 )  
(63-2428)

On March 24, 1981 the Governor of Utah, Scott M. Matheson, restored the waters of the Sevier River and its tributaries to appropriation for non-consumptive purposes. The restoration order was published on April 2, 9, and 16, 1981, in the papers of general circulation within the boundaries of the river system.

Twenty applications were filed with the State Engineer during the publication period, and four were filed immediately after that period. All were for hydroelectric power generation except one for fish culture.

On May 27, 1981, the State Engineer held a public meeting at Salt Lake City, Utah, to consider the applications and determine the order of priority in accordance with Section 73-6-2 Utah Code Annotated 1953. All applicants were notified of that hearing, and most were represented. The State Engineer explained that since applications were non-consumptive and on many different sources and locations, it appeared that conflicts between appropriators should be minimal. The applicants proposed several criteria to be considered in determining priority, including ownership and control of existing facilities, best utilization of resource and preference for power for agricultural and municipal uses. Opposition to speculative applications was expressed. The State Engineer indicated that the purpose of the meeting was to determine priorities, and the applications would be advertised and were subject to protest as provided by law. Subsequently, they would be considered on their own merits. The City of Fairview and Sanpete Water Conservancy District have filed on the same stream, but they have informed the State Engineer that they are negotiating for a cooperative agreement to develop the resource.

After considering all of the testimony, the State Engineer ruled that the applications would be assigned priority as of the time and date of filing except for Application No. 56072 (65-2162),