



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY, UTAH

JOSEPH M. TRACY
STATE ENGINEER

May 12, 1953

MINUTES OF HEARING HELD MAY 12, 1953, at 2:00 p.m. - State Engineer's office.

RE: ESCALANTE DESERT RESTORATION PROCLAMATION, IRON COUNTY

Sec. 73-6-2, Utah Code Annotated, 1953, states in part:

"***** after the first publication of notice aforesaid applications may be deposited with the state engineer and at the time such proclamation becomes effective the engineer shall hold public hearings, giving all applicants notice, to determine which applications so filed during the period of publication of such notice are most conducive to the public good, and shall file such applications in order of priority according to such determination."

Between February 12 and February 26, 1953, there were deposited in the State Engineer's office a total of 17 applications, all proposing to divert water from the ground within the restored area. By letter dated April 29, 1953, each of these applicants was given notice that a hearing would be held in the State Engineer's office, State Capitol, on May 12, 1953, at 2:00 p.m., to fix the priority of the applications deposited.

The hearing was called to order by Mr. Joseph M. Tracy, State Engineer. Mr. John A. Ward also represented the State Engineer's office. The only applicant appearing at this hearing was Mr. Oscar E. Frahske, who deposited the first four applications. He also represented his wife, Alma Frahske, who filed the fifth application. Mr. Frahske stated that he wanted the priority of his applications in the same order as they appeared on the list.

Inasmuch as none of the other applicants appeared and because the State Engineer has no reason to change the relative priority of these 17 applications, these applications have now been filed with a priority of the same relative order as they were deposited in the State Engineer's office.

The publication was completed on February 26, 1953, and on February 27, at 9:00 a.m., another group of applications was received by the State Engineer's office. Inasmuch as this aforesaid group was received the very next day after publication, and the very minute the State Engineer's office was opened, which was 9:00 a.m., it became necessary to assign the priority of the 17 applications that were received during the period of publication ahead of February 27 at 9:00 a.m., therefore, the priority of the first application received during the publication has been established as February 26, 1953 at 9:00 a.m. The rest of this group of 17 have been given priorities of the same date, but at 10-minute intervals. In other words, the priorities have been set as follows: