

BY THE GOVERNOR OF THE
STATE OF UTAH
RESTORATION BY PROCLAMATION OF PART OF THE BERRY AREA OF THE ESCALANTE DESERT

WHEREAS, by proclamation dated April 10, 1946, Herbert R. Maw, Governor of the State of Utah, temporarily suspended the right of the public to appropriate the surplus or unappropriated waters from sources within the following described area:

That area bounded on the south and southwest by the water parting between the Great Basin and the Colorado River Drainage which said water parting follows the irregular crest of the mountains north of Pine Valley, Santa Clara Valley and Beaver Dam Valley; bounded on the west by a saddle in the neighborhood of the Town of Modena and the water parting of the extension of the Wah Wah Mountains; bounded on the east by the water parting between Cedar City Valley and the Escalante Desert, which crosses the Beaver River at the Minersville Dam, and bounded on the north by the township line between Township 30 South and Township 31 South, provided however that there is excluded from this withdrawal order isolated water holes and springs which do not contribute materially to or form a part of the water sources described herein and, provided further, that water for domestic purposes and for stock watering purposes is excluded from this withdrawal order.

WHEREAS, the State Engineer of the State of Utah has recommended that the right of the public to appropriate the surplus and unappropriated water from all sources within a portion of the area described above be restored.

NOW THEREFORE, I, J. Bracken Lee, Governor of the State of Utah, pursuant to and by virtue of the authority in me vested by Section 73-6-2 Utah Code Annotated, 1953, and upon the recommendation of the State Engineer,

AFFIDAVIT OF PUBLICATION

142702

STATE OF UTAH }
County of Iron } ss.

I, *Margaret Rollo*

, being first duly sworn, depose and say that I am the manager of the Iron County Record, a weekly newspaper of general circulation published every Thursday at Cedar City, Utah; that the notice attached hereto and which is a part of Proof No. *768* was published in said newspaper for *3* issues, the first publication having been made on the *12th* day of *February* 19*53* and the last publication on the *26th* day of *February* 19*53* that said notice was published in the regular and entire issue of each paper during the period and times of publication and that the same was published in the newspaper proper, and not in a supplement.

Subscribed and sworn to before me this *7th* day of *February* 19*53* at *Cedar City*, Utah.

My Commission expires *February 1956* day of *February* 19*56*.

do hereby restore to the public the right to appropriate the surplus and unappropriated water of all sources within the following described area to-wit:

Beginning at the Northeast Corner of Township 31 South, Range 13 West, Salt Lake Base and Meridian, which is on the township line between Township 30 South and Township 31 South, running thence west along said township line to the water parting of the extension of the Wah Wah Mountains, thence southwesterly along the water parting of the extension of the Wah Wah Mountains to Township 33 South, thence east along the township line between Township 32 South and Township 33 South, to the water parting between Cedar City Valley and Escalante Desert, thence northeasterly along the water parting between Cedar City Valley and Escalante Desert, which crosses the Beaver River at Minersville Dam, to the township line between Township 30 South and Town-

ship 31 South, thence west along said township line between Township 30 South and Township 31 South to the place of beginning.

This proclamation shall not become effective until notice thereof has been published at least once a week for three successive weeks in a newspaper of general circulation within the boundaries of the river system or water source within which the waters to be restored are situated, provided, that after the first publication of notice aforesaid, applications may be deposited with the State Engineer and at the time such proclamation becomes effective the State 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 the order of priority according to such determination.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah.

BY THE GOVERNOR,
J. Bracken Lee
Governor of Utah.

Lamont F. Toronto,
Secretary of State,
(Published in the Iron County Record, Cedar City, Utah, from Feb. 12 to Feb. 26, 1953).