



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

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

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

AUG 7 2008

**ORDER OF THE STATE ENGINEER**  
**For Application to Appropriate Water Number 49-1567 (A69269)**

Application to Appropriate Water Number 49-1567 (A69269) in the name of Alameda Corporation, was filed on September 1, 1995, to appropriate 0.01 cubic feet per second (cfs) of water from a surface source located North 700 feet and West 2200 feet from the SE Corner of Section 35, T15S, R23E, SLB&M (unnamed spring 004). The water is to be used for the indoor domestic requirement of three equivalent domestic units, and the stockwatering requirement of - 1 head of livestock (in cattle or horses or equivalent species) from January 1 to December 31. The water is to be used in all or portion(s) of T14S, R23E, SLB&M; T14S, R24E, SLB&M; T15S, R23E, SLB&M; T15S, R24E, SLB&M; T15S, R25E, SLB&M; T15HS, R24E, SLB&M; T15HS, R25E, SLB&M; and T16S, R24E, SLB&M.

Notice of the application was published in the Vernal Express on September 27 and October 4, 1995 and protests were received from State of Utah Division of Wildlife Resources, State of Utah Trust Lands Admin., and Burt DeLambert. A hearing was held on April 7, 2004.

This application is part of a large project including many separate applications. A letter from the State Engineer was sent to the applicant dated May 21, 2007. The letter stated:

*The applications were made as a part of a general plan to provide water for livestock in a large extended area. The place of use for all of the applications is listed as the same 228 sections of land. It appears that no plan [has] actually been made for each specific source, or application to appropriate water. As filed, it is questionable whether the projects contemplated under these applications can be considered feasible.*

*The applications were made for the domestic use of fifteen people and stockwatering of 4000 animal units. It appears the US Bureau of Land Management has filed Water Users Claims for the stockwatering of 1000 animal units in each of the grazing allotments and the State Institutional Trust Lands Administration has filed for stockwatering use for differing numbers of animal units. It appears that all of the water rights are for the same cattle. A quantification of a sole supply must be made for each of the applications. The total sole supply for all the water rights involved should not exceed the maximum number of stock that may graze in the area. Also, the sole supply for the domestic use must be established. It appears that most, if not all, of the applications, even those where the points of diversion are located on the applicant's land, would involve some development on land owned by others. Questions left unanswered include: where will the troughs and pipelines be located, and whose land will they*

*be installed, and are there rights of way or other agreements in place for the developments?*

*For each application to appropriate water, the following information is required:*

- A detailed plan showing where the troughs and pipelines will be located, and the ownership of the land involved.*
- The sole supply for the domestic and stockwatering uses must be quantified.*
- Rights of way, agreements or ownership transfers for applications involving developments that impact land not owned by the applicant.*
- The applicant is given until November 16, 2007 to provide the information.*

*If the required information is not received by this office by November 16, 2007, for each application to appropriate water, the State Engineer must conclude that the applicant either has no further interest in the application, or that the application is not feasible, and the application will be rejected.*

Immediately prior to the November 16, 2007, deadline, the applicant's representative explained that the scope of the project had changed and that they would be developing small stockwatering systems in the immediate vicinity of each source and they were working on getting the required information but inclement weather hampered the effort to gather the information. It is now August 2008 and the requested information, has not been provided by the applicant.

It is the opinion of the State Engineer that as filed, the application is not physically or economically feasible and should be rejected.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 49-1567 (A69269) is hereby **REJECTED**.

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.

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Dated this 7 day of August, 2008.

SJ SA Boyd Clayton For  
Jerry D. Olds, P.E., State Engineer

Mailed a copy of the foregoing Order this 7 day of August, 2008 to:

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Vernal, UT 84078

Alameda Corporation  
PO Box 22608  
Houston, TX 77046

Pruitt Gushee, A Professional Corporation  
48 West Market Street, Suite 300  
Salt Lake City, UT 84101

State of Utah Division of Wildlife Resources  
1594 West North Temple, Suite 2110  
Salt Lake City, UT 84114-6301

State of Utah Trust Lands Admin.  
c/o Kevin Carter, Deputy Director  
355 W. North Temple, 3 Triad Ctr., Suite 400  
Salt Lake City, UT 84180-1204

Burt DeLambert  
P.O. Box 607  
Vernal, UT 84078

BY: Kelly K. Home  
Kelly K. Home, Applications/Records Secretary