



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 35-13271 (A80951)

Application to Appropriate Water Number 35-13271 (A80951) in the name of Gary Nielsen was filed on June 26, 2017, to appropriate 1.00 acre-foot (af) of water from a well located South 399 feet and West 137 feet from the E $\frac{1}{4}$ Corner of Section 12, T6N, R3W, SLB&M (6-inch well, 0-30 feet deep). The water is to be used for the irrigation of 0.25 acre from April 1 to October 31. The water is to be used in all or portion(s) of Section 12, T6N, R3W, SLB&M.

Notice of the application was published in the Standard Examiner on July 27 and August 3, 2017. No protests were received.

An anonymous letter of concern was received by the State Engineer stating that the source of water will likely be too saline for irrigation and that better sources of water exist to accomplish the desired irrigation.

The groundwater management plan for the area¹ states that applications to appropriate water such as the one represented herein will still be considered based on the individual merits of the application. While concern has been expressed that the proposed uses may not be feasible, the State Engineer's opinion is that the applicant should be afforded the opportunity to attempt the proposed project. However, the applicant is cautioned that extensions of time will only be considered under unusual circumstances. Furthermore, change applications proposing to move the point of diversion a large distance will be critically reviewed.

It is the opinion of the State Engineer that there is unappropriated water that can be developed under this application and that this application can be approved without impairing existing water rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the application.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 35-13271 (A80951) is hereby **APPROVED** subject to prior rights and with the conditions:

1. This application must be totally developed and placed to beneficial use on or before the noted proof due date, which is at least five years from the date of approval. Extensions of time will only be considered under unusual circumstances.

¹ See the State Engineer's *Groundwater Management Plan for the Weber Delta Sub-Area of the East Shore Area*, Effective October 31, 1995, Part III(3)(c).

2. This approval is limited to an annual diversion not to exceed 1.0 acre-feet per year for the irrigation of 0.25 acres.
3. Section 73-5-4 of the Utah Code provides that “. . . a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) Each location where water is diverted from a source; and (b) any other location required by the state engineer.”
4. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **December 31, 2022**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this Application to Appropriate Water.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water

right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, 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.

Dated this 28th day of December, 2017.



Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 28th day of December, 2017 to:

Gary Nielsen
455 North 5900 West
Ogden UT 84404

BY: 

Doralee Cannon, Applications/Records Secretary

FILING FOR WATER IN THE STATE OF UTAH

Receipt by: _____

Fee Rec. _____

Receipt # _____

APPLICATION TO APPROPRIATE WATER

ID # 906

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements to Title 73, Chapter 3 of the Utah Code Annotated (1953, as amended).

WATER RIGHT NO _____ - _____

APPLICATION NUMBER: A _____

PRIORITY OF RIGHT: _____

FILING DATE: _____

1. OWNERSHIP INFORMATION:

A. NAME: GARY NIELSEN
ADDRESS: 455 N 5900 W
OGDEN UT 84404

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 1.0 acre-feet

B. SOURCE: underground

C. POINT OF DIVERSION:

(1) S 399 feet w 137 feet from E4 corner, Section 12, T 6N, R 3W, SLBM
WELL DIAMETER: 6 inches WELL DEPTH: 30 - 30 feet

D. COMMON DESCRIPTION: 500 N 5900 w Ogden

3. WATER USE INFORMATION:

IRRIGATION: from Apr 01 to Oct 31. SOLE SUPPLY: 0.25 acre

PLACE OF USE: (which includes all or part of the following legal subdivisions)

PARCEL ID: 10-034-0007

	NW Quarter	NE Quarter	SW Quarter	SE Quarter
BS TOWN RANG SC	NW-NE-SW-SE	NW-NE-SW-SE	NW-NE-SW-SE	NW-NE-SW-SE

SL 6N 3W 12 | | | X |

4. EXPLANATORY:

WATER US FOR WATERING LAWN AND LANDSCAPING FOR 1/4 MAX.

5. SIGNATURE OF APPLICANT(S):

The applicant(s) hereby acknowledge(s) that he/she/they are citizen(s) of the United States of America or intend(s) to become such a citizen(s). The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant(s).

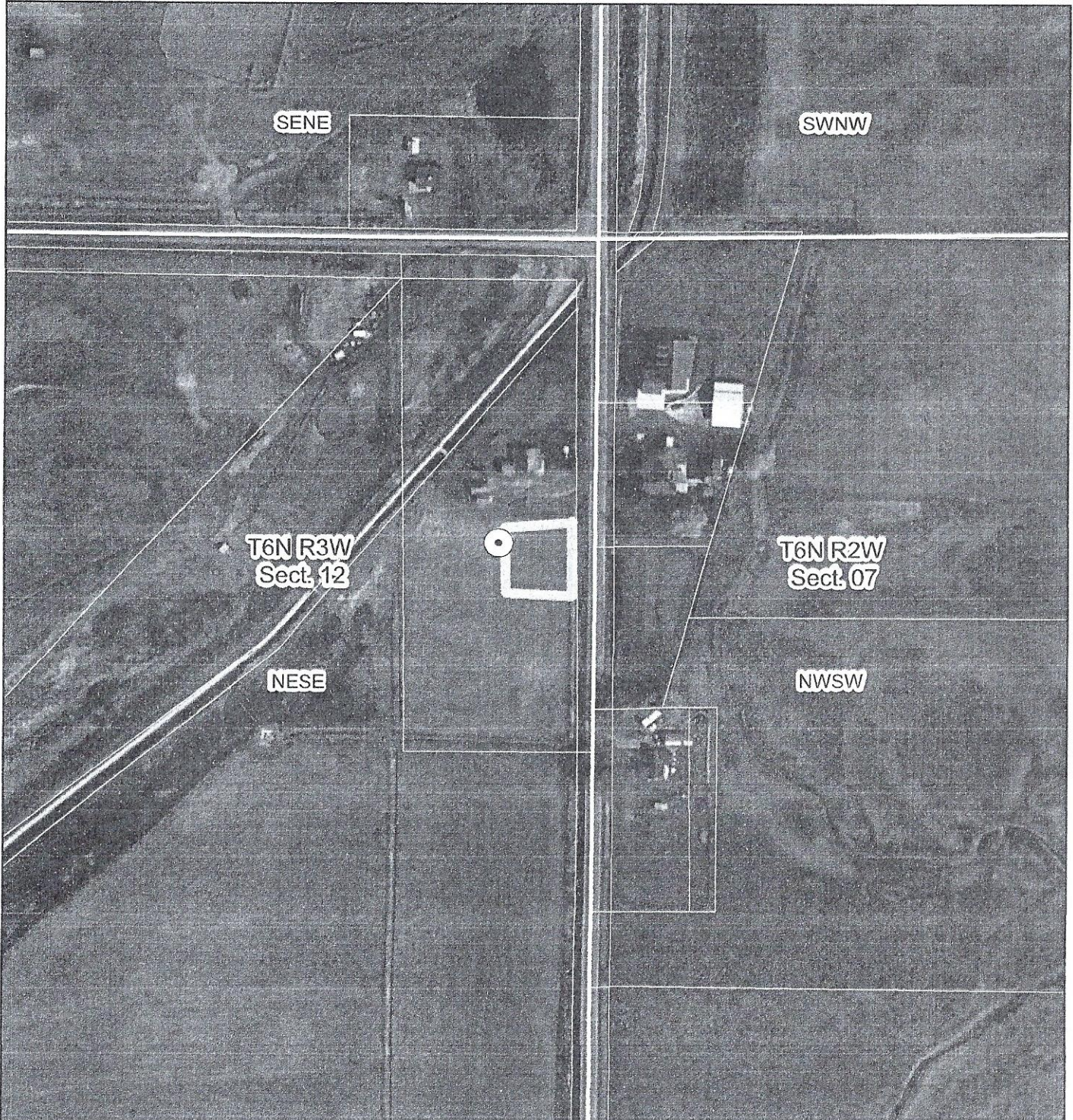


GARY NIELSEN



- Point of diversion
- Place of Use
- Section
- Forty
- Selected Parcel

APPLICATION POINTS OF DIVERSION AND PLACE OF USE



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Point of Diversion: S 399 feet W 137 feet from E4 corner, Section 12, T 6N, R 3W, SLBM



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KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 35-13270 (A80946)

Application to Appropriate Water Number 35-13270 (A80946) in the name of Gary Nielsen was filed on June 26, 2017, to appropriate 1.00 acre-foot (af) of water from a well located South 593 feet and West 117 feet from the E $\frac{1}{4}$ Corner of Section 12, T6N, R3W, SLB&M (6-inch well, 0-30 feet deep). The water is to be used for the irrigation of 0.25 acre from April 1 to October 31. The water is to be used in all or portion(s) of Section 12, T6N, R3W, SLB&M.

Notice of the application was published in the Standard Examiner on July 27 and August 3, 2017. No protests were received.

An anonymous letter of concern was received by the State Engineer stating that the source of water will likely be too saline for irrigation and that better sources of water exist to accomplish the desired irrigation.

The groundwater management plan for the area¹ states that applications to appropriate water such as the one represented herein will still be considered based on the individual merits of the application. While concern has been expressed that the proposed uses may not be feasible, the State Engineer's opinion is that the applicant should be afforded the opportunity to attempt the proposed project. However, the applicant is cautioned that extensions of time will only be considered under unusual circumstances. Furthermore, change applications proposing to move the point of diversion a large distance will be critically reviewed.

It is the opinion of the State Engineer that there is unappropriated water that can be developed under this application and filing this type of application is indicative of an immediate need for water. Therefore, the applicant is put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the application.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 35-13270 (A80946) is hereby **APPROVED** subject to prior rights and with the following conditions:

1. This application must be totally developed and placed to beneficial use on or before the noted proof due date, which is at least five years from the date of approval. Extensions of time will only be considered under unusual circumstances.

¹ See the State Engineer's *Groundwater Management Plan for the Weber Delta Sub-Area of the East Shore Area*, Effective October 31, 1995, Part III(3)(c).

2. This approval is limited to an annual diversion not to exceed 1.0 acre-foot per year for the irrigation of 0.25 acres.
3. Section 73-5-4 of the Utah Code provides that “. . . a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) Each location where water is diverted from a source; and (b) any other location required by the state engineer.”
4. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before December 31, 2022, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this Application to Appropriate Water.

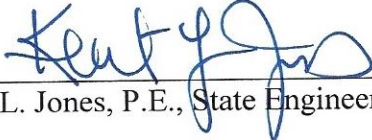
It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water

right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

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Dated this 28th day of December, 2017.



Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 28th day of December, 2017 to:

Gary Nielsen
455 North 5900 West
Ogden UT 84404

BY: 

Doralee Cannon, Applications/Records Secretary

FILING FOR WATER IN THE STATE OF UTAH

Receipt by: _____

Fee Rec. _____

Receipt # _____

APPLICATION TO APPROPRIATE WATER

ID # 907

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements to Title 73, Chapter 3 of the Utah Code Annotated (1953, as amended).

WATER RIGHT NO _____ - _____

APPLICATION NUMBER: A _____

PRIORITY OF RIGHT: _____

FILING DATE: _____

1. OWNERSHIP INFORMATION:

A. NAME: GARY NIELSEN
ADDRESS: 455 N 5900 W
OGDEN UT 84404

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 1.0 acre-feet

B. SOURCE: Underground

C. POINT OF DIVERSION:

(1) S 593 feet W 117 feet from E4 corner, Section 12, T 6N, R 3W, SLBM
WELL DIAMETER: 6 inches WELL DEPTH: 30 - 30 feet

D. COMMON DESCRIPTION: 501 N 5900 W

3. WATER USE INFORMATION:

IRRIGATION: from Apr 01 to Oct 31. SOLE SUPPLY: 0.25 acre

PLACE OF USE: (which includes all or part of the following legal subdivisions)

PARCEL ID: 10-034-0007

	NW Quarter	NE Quarter	SW Quarter	SE Quarter
BS TOWN RANG SC	NW-NE-SW-SE	NW-NE-SW-SE	NW-NE-SW-SE	NW-NE-SW-SE
SL 6N 3W 12				X

4. EXPLANATORY:

WATER IS FOR WATERING LAWN AND LANDSCAPING 1/4 ACRE MAXIMUM

5. SIGNATURE OF APPLICANT(S):

The applicant(s) hereby acknowledge(s) that he/she/they are citizen(s) of the United States of America or intend(s) to become such a citizen(s). The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant(s).



GARY NIELSEN

