State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

On Extension of Time Request
For Application to Appropriate Water Number 95-5346 (A75595a)

Application to Appropriate Water Number 95-5346 (A75595a), in the name of USA National Park Service, was filed on October 20, 2004, to appropriate 0.008 cubic foot per second (cfs) or 0.64 acre-foot (af) of water from a well to be located South 400 feet and East 3310 feet from the NW Corner of Section 29, T30S, R7E, SLB&M (existing 6-inch well, 100 feet deep). The water is to be used for the irrigation of 1.00 acre (sole supply of 0.213 acre) from April 1 to October 31. The application was approved on April 22, 2005, and proof of beneficial use was last due on April 30, 2015.

The applicant has filed a request for an extension of time within which to file proof with the State Engineer stating that proof has been submitted on the original right for indoor use. Additional time is needed to develop this segregated portion of the right.

The above numbered application lapsed on April 30, 2015, because neither proof nor an extension request was received in our office. The application was reinstated June 25, 2015, because an extension request was received in our office. The priority date of the application is now **June 25, 2015**.

It has been more than ten years since the Application to Appropriate Water was approved, and at least nine years since the well was drilled. Approvals are issued with the understanding that the applicant has the means to pursue the proposed project in a timely manner. However, the applicant's affidavit in support of the Application to Appropriate Water may justify reasonable cause for delay.

The applicant is placed on notice that extension requests must comply with the provisions of Section 73-3-12 of the Utah Code which provides that the applicant is to construct works if necessary, apply water to beneficial use, and file proof with the State Engineer OR file a request for an extension of time with the State Engineer on or before the date set for filing proof. The State Engineer is to extend the date set for submitting proof if the applicant shows reasonable and due diligence in completing the appropriation or reasonable cause for delay in completing the appropriation. If the State Engineer finds unreasonable delay or lack of reasonable and due diligence in completing the appropriation, the State Engineer may deny the extension of time; or grant the request in part or upon conditions, including a reduction of the priority of all or part of the application.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Application to Appropriate Water Number 95-5346 (A75595a), to and including **April 30, 2019, the end of the 14-year period**, but with the understanding that this extension is granted only for the purpose of submitting proof and is likely the last extension of time.

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.

Your contact with this office, should you need it, is with the Sevier River/Southern Regional Office. The telephone number is 435-896-4429.

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 1st day of September 2015.

Kent L. Jones, P.E., State Engineer
BY: John R. Mann, P.E., Assistant State Engineer

Mailed a copy of the foregoing Order this 1st day of September, 2015 to:

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

BY: _____
Sonia R. Nava, Applications/Records Secretary

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

July 2, 2015

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

RE: Application Number: 95-5346

Dear Applicant(s): PROOF DUE: April 30, 2015

The above-numbered application lapsed on April 30, 2015, because neither Proof, nor an Extension Request was received in our office prior to the Proof Due date.

The application was reinstated July 2, 2015, because an Extension Request was received in our office. The priority date of the application is now July 2, 2015.

Sincerely,

Kent L. Jones, P.E.
State Engineer

KLJ:Rj

NOTICE OF LAPSING AND REINSTATEMENT

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

June 18, 2015

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins CO 80525

RE: 95-5346, a segregated portion of 95-5078

Dear Applicant:

As requested, a portion of your ownership interest (0.64 acre-foot) in Water Right Number 95-5078 has been segregated and assigned the new Water Right Number 95-5346.

Please find enclosed a copy of the Statement of a Water Right Segregation for your records.

Also, your corresponding interest in application number A75595 has been segregated and assigned the new application number A75595a.

In all future correspondence from our office, these identifying numbers will be used. You should also use these numbers in any of your future correspondence or conveyances.

If you have any questions please feel free to contact this office.

Sincerely,

Dion J. Gardner

Dion J.Gardner
Engineering Technician

pc: Savage Surveying, Inc.
Attn: Jeffery T. Albrecht
1925 South Industrial Park Road
Richfield UT 84701

enc: Statement of a Water Right Segregation

Southern Region, Richfield Office, 130 N Main Street, P.O. Box 664, Richfield, UT 84701-0664
telephone (435) 896-4429 • facsimile (435) 893-8114 • *www.waterrights.utah.gov*

UTAH DNR WATER RIGHTS

STATEMENT OF A WATER RIGHT SEGREGATION

STATE OF UTAH

For the purpose of informing the State Engineer of the segregation of a portion of a perfected or water right application consistent with section 73-3-27, this statement is hereby made, based upon the following showing of facts.

(This document was created on: June 18, 2015 by DGARDNER.)

WATER RIGHT #: 95-5346 APPLICATION #: A75595a Priority Date: October 20, 2004

SEGREGATED FROM: 95-5078 (A75595a) on June 18, 2015
Parent Water Right Type: Application To Appropriate
Parent Water Right Status: Lapsed

****

1. **OWNERSHIP INFORMATION:**

   A. **NAME:** USA National Park Service
   ADDRESS: 1201 Oakridge Drive, Suite 250
   Fort Collins, CO 80525

2. **SOURCE INFORMATION:**

   A. **QUANTITY OF WATER:** 0.008 cfs OR 0.64 acre-feet

   B. **SOURCE:** Underground Water Well **COUNTY:** Wayne

   C. **COMMON DESCRIPTION:** 15 miles SE of Torrey

   D. **POINT OF DIVERSION -- UNDERGROUND:**
   (1) S 400 E 3,310 from the NW corner, Section 29, T 30S, R 7E, SLBM
   WELL DIAMETER: 6 inches WELL DEPTH: 100 feet

3. **WATER USE INFORMATION:**

   Water Rights Appurtenant to the following use(s):
   95-5078,5346

   IRRIGATION: from Apr 1 to Oct 31. SOLE SUPPLY: 0.2130 acres of the Group Total of 1.0000

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

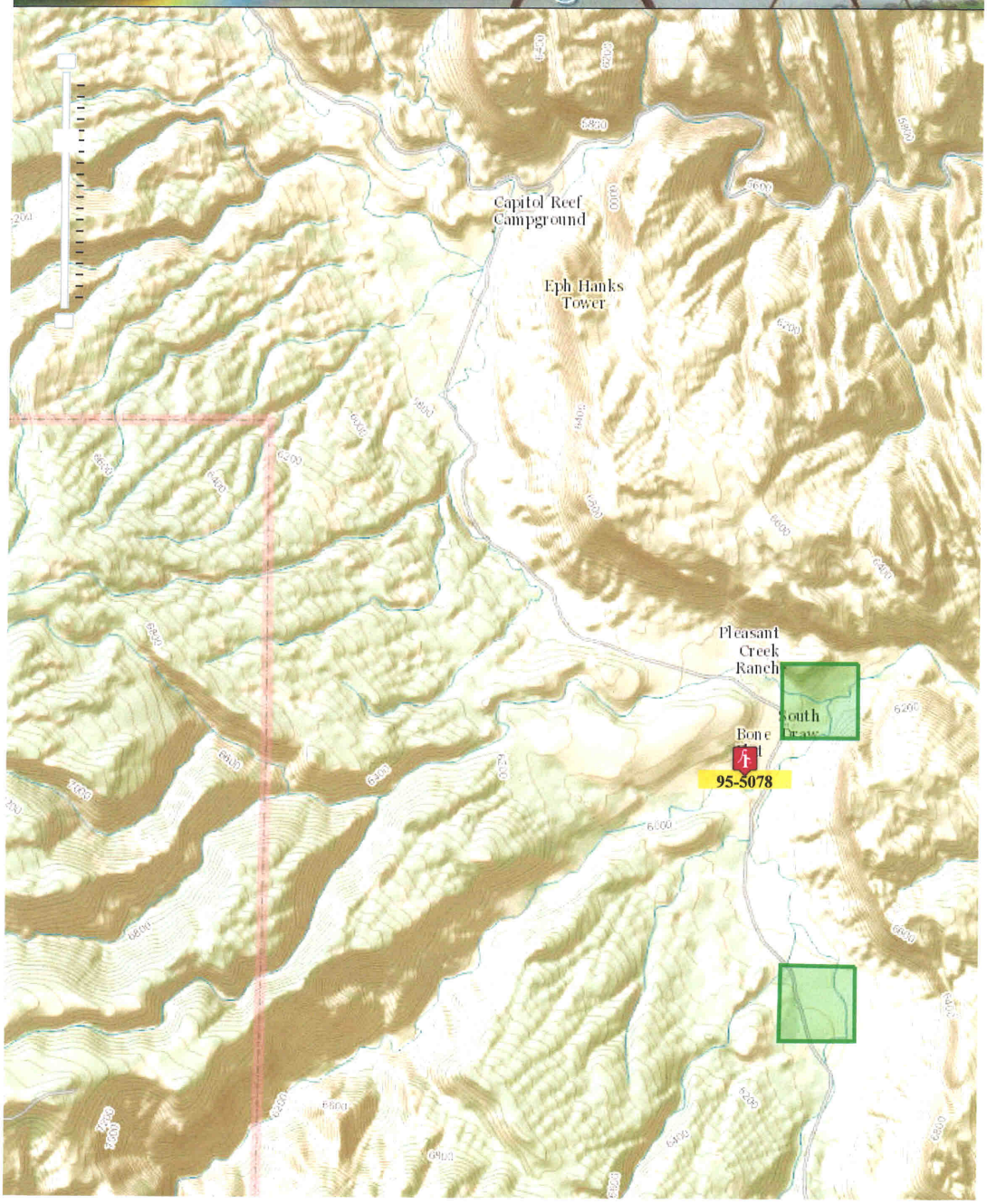
				Northwest Quarter				Northeast Quarter				Southwest Quarter				Southeast Quarter				Section
BS	TOWN	RANG	SC	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
SL	30S	7E	20																X	0.0000
SL	30S	7E	29																1.0000	1.0000
																			Group Total:	1.0000

LIMITATION(S) -- Water Right 95 - 5346 is limited to:
the sole irrigation requirements of 0.2130 acres,
an annual diversion for irrigation of 0.6390 acre-feet.

06-18-2015: Map of Water Right Location 95-5078 for amended application# 95-5078, 5346

Utah.gov Services Agencies

Utah Division of Water Rights



6

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

MAY 15, 2015

LAPSED

USA NATIONAL PARK SERVICE
1201 OAKRIDGE DRIVE, SUITE 250
FORT COLLINS, CO 80525

FINAL NOTICE OF LAPSING
RE: Application No. 95-5078 (A75595)
PERMANENTLY LAPSED DATE: APRIL 30, 2015

Dear Applicant:

The above-numbered application LAPSED because neither proof of beneficial use nor an extension of time request was received on or before APRIL 30, 2015.

Under Utah Laws, even if an application has lapsed because proof was not submitted or an election was not filed (in areas under an adjudication order of the court), or an extension of time was not requested with the proper showing of diligence, **that application might still be reinstated within sixty days after this notice of lapsing.**

REQUEST FOR REINSTATEMENT CANNOT BE RECEIVED LATER THAN SIXTY DAYS FROM THE DATE HEREOF. IF YOUR APPLICATION IS REINSTATED, ITS PRIORITY DATE WILL BE CHANGED TO THE DATE ON WHICH REQUEST FOR REINSTATEMENT IS FILED.

IF YOUR APPLICATION IS NOT REINSTATED WITHIN SIXTY DAYS FROM THE DATE HEREOF, UNDER THE LAW, THE ABOVE-NUMBERED APPLICATION WILL BE PERMANENTLY LAPSED AND YOU WILL HAVE LOST THE RIGHT INITIATED BY THIS APPLICATION. THIS IS THE ONLY NOTICE OF PERMANENT LAPSING YOU WILL BE SENT UNDER THIS APPLICATION.

IF YOU USE THIS WATER WITHOUT PROPER AUTHORITY, YOU ARE PERFORMING AN ILLEGAL ACT THAT MUST BE DISCONTINUED UNTIL PROPER PROCEDURES HAVE BEEN FOLLOWED.

IF YOU HAVE QUESTIONS OR IF WE CAN ASSIST YOU FURTHER, WE WILL BE HAPPY TO DO SO. YOUR CONTACT WITH THIS OFFICE, IF NECESSARY, IS WITH OUR REGIONAL OFFICE IN RICHFIELD. THE TELEPHONE NUMBER IS (435)896-4429.

Yours truly,

Kent L. Jones, P.E.
State Engineer

P E R M A N E N T L Y L A P S I N G N O T I C E

966 632 7994
359802 (#

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

GARY R. HERBERT
Governor
GREG BELL
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

On Extension of Time Request
For Water Right Application Number 95-5078 (A75595)
April 1, 2010

Water Right Application Number 95-5078 (A75595) was filed on October 20, 2004, and approved on April 22, 2005. Proof of Beneficial use was last due on April 30, 2010.

The applicant has filed for an extension of time within which to file proof requesting additional time to complete the project. The request for extension of time has been considered and it is the opinion of the State Engineer that the applicant has satisfied Section 73-3-12 of the Utah Code, by providing adequate documentation of due diligence or reasonable cause for delay.

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Water Right Application Number 95-5078 (A75595) to and including **April 30, 2015**, but with the condition that any future request for extension of time will be critically reviewed. Unless substantial progress is shown in the form of physical development within the time hereby granted or reasonable cause for delay is demonstrated, the State Engineer will likely deny any further request for extension of time.

The applicant is placed on notice that extension requests must continue to comply with the provisions of Section 73-3-12 of the Utah Code. This extension is granted in accordance with the law which states: "The construction of the works and the application of water to beneficial use shall be diligently prosecuted to completion within the time fixed by the State Engineer Extensions of time. . . may be granted by the State Engineer on proper showing of diligence or reasonable cause of delay. . .. In considering an application to extend the time in which to place water to beneficial use under an approved application, the State Engineer shall deny such extension and declare the application lapsed, unless the applicant affirmatively shows that the applicant has exercised or is exercising reasonable and due diligence in working toward completion of the appropriation."

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

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.

It is earnestly recommended that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

Your contact with this office, should you need it, is with our Regional Office in Richfield. The telephone number is (435)896-4429.

This Decision is subject to the provisions of 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 Decision. 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 Decision, 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 **1st** day of **April, 2010.**

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

Mailed a copy of the foregoing Memorandum Decision this **1st** day of **April, 2010**, to:

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Before Fourteen Years

REQUEST FOR EXTENSION OF TIME TO FILE PROOF OF BENEFICIAL USE

STATE OF UTAH

WATER RIGHT NO. **95-5078 (A75595)** APPLICANT: **USA National Park Service**
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Provide all information requested below:

Construction completed to date: WATER WELL HAS BEEN COMPLETED, BUT DOES NOT MEET WATER DRINKING STANDARDS

Work completed since last extension: N/A

Reasons why the project has not been completed: DECISION HAS BEEN MADE TO DEVELOP A NEW WELL THAT WILL MEET STATE STANDARDS

Estimated time for completion of project: DECEMBER 31 2012

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for EXTENSION OF TIME to file proof of beneficial use. I assert that to the best of my knowledge all information provided herein is true and complete. By signing this form, I assert that I am the applicant or I have been granted authority on behalf of the applicant.

APPLICANT ~~or REPRESENTATIVE~~ (signature) Date 3/19/2010 Telephone Number (Optional) 435-425-3791 x145

DAVID J. WORTHINGTON
APPLICANT or REPRESENTATIVE (print)

CHIEF, RESOURCE MANAGEMENT & SCIENCE
REPRESENTATIVE'S TITLE

RECEIVED
MAR 23 2010
WATER RIGHTS
SALT LAKE

FOR OFFICE USE ONLY

$50 FEE RECD. #1056 BY Sonia RECEIPT NO. 10-00984 COMPUTER

PROOF DUE DATE: **April 30, 2010** 14 YEAR PERIOD ENDS: **April 22, 2019**

REMARKS:

RETURN TO: DIVISION OF WATER RIGHTS*1594 West North Temple, Suite 220, SALT LAKE CITY, UT 84114*(801)538-7240.

Extension Request

DIVISION OF WATER RIGHTS
OCT . 2004
RICHFIELD AREA

SCANNED

DIVISION OF WATER RIGHTS
OCT 20 2004
RICHFIELD AREA

Rec. by KF
Fee Rec. 75.00
Receipt # 04-04597
Microfilmed
Roll #

FILING FOR WATER IN THE STATE OF UTAH

ck # 2800-012784

APPLICATION TO APPROPRIATE WATER

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. 95 - 5078 *APPLICATION NO. A 75595

1. *PRIORITY OF RIGHT: 10/20/04 *FILING DATE: 10/20/04
2. OWNER INFORMATION
   Name(s): USA NATIONAL PARK SERVICE *Interest: 100 %
   Address: 1201 OAKRIDGE DRIVE, SUITE 250
   City: FORT COLLINS State: COLORADO Zip Code: 80525
   Is the land owned by the applicant? Yes_ No_ (If "No", please explain in EXPLANATORY section.)
3. QUANTITY OF WATER: .05 cfs cfs and/or ac-ft.
4. SOURCE: UNDERGROUND WATER WELL *DRAINAGE:
   which is tributary to
   which is tributary to
   POINT(S) OF DIVERSION: COUNTY: WAYNE
   Well located in S. 400 feet E. 3310 feet from NW corner
   Section 29, T.30 S., R. 7 E., SLBM.
   Description of Diverting Works: 6 inch diameter well casing, 100 feet deep
   *COMMON DESCRIPTION:

RECEIVED
APR 08 2005
WATER RIGHTS
SALT LAKE

5. POINT(S) OF REDIVERSION N/A
   The water will be rediverted from at a point:
   Description of Diverting Works:
6. POINT(S) OF RETURN N/A
   The amount of water consumed will be cfs or ac-ft.
   The amount of water returned will be cfs or ac-ft.
   The water will be returned to the natural stream/source at a point(s):
7. STORAGE N/A
   Reservoir Name: Storage Period: from to
   Capacity: ac-ft. Inundated Area: acres.
   Height of dam: feet
   Legal description of inundated area by 40 acre tract(s):

* These items are to be completed by the Division of Water Rights

SCANNED

[redacted] *Appropriate* [redacted]

95-5078 (A75595)

SCANNED

8. List any other water rights which will supplement this application N/A

9. **NATURE AND PERIOD OF USE**

Irrigation:	From April 1	to October 31
Stockwatering:	From	to
Domestic:	From January 1	to December 31
Municipal:	From	to
Mining:	From	to
Power:	From	to
Other:	From	to

10. **PURPOSE AND EXTENT OF USE**

Irrigation: 1.0 acres. Sole supply of 1.0 acres.

Stockwatering (number and kind):

Domestic: 1 Families and/or 40 Persons.

Municipal (name):

Mining: Mining District in the Mine.

Ores mined:

Power: Plant name: Type: Capacity:

Other (describe):

11. **PLACE OF USE**

Legal description of place of use by 40 acre tract(s):

SE SE SECTION 20, T. 30 S., R. 7 E., SLBM

12. **EXPLANATORY**

The following is set forth to define more clearly the full purpose of this application. (Use additional pages of the same size if necessary):

The well will be the source of irrigation and domestic water for the Utah Valley State College Outdoor Education Facility.

****

The applicant(s) hereby acknowledges that he/she/they are a citizen(s) of the United States of America or intends 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, at the time of filing, rests with the applicant(s).

U.S.A. National Park Service
Signature of Applicant(s)*

*If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its authorized agent, or in the name of the partnership by one of the partners.

Charles W. Pettee
Authorized Agent (please print)

Authorized Agent (signature)

SCANNED

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

October 21, 2005

USA NATIONAL PARK SERVICE
C/O CHIEF WATER RIGHTS
1201 OAK RIDGE DRIVE
FORT COLLINS, CO 80525

Dear Applicant(s): RE: Water Right Number 95-544 ()

Enclosed is the Certificate of Beneficial Use issued by the State Engineer as the final step in completing the appropriation relating to the above-numbered water right. If you do not agree with any item of the water right awarded to you by the Certificate, you have rights of recourse as listed in the following paragraph.

If proof of appropriation or permanent change of water was submitted on or after January 1, 1988, this Certificate is subject to the provisions of Rule R655-6-17 (formerly Rule R625-6-17) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for the filing of 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 letter. 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 letter, or if a Request for Reconsideration has been filed, within 30 days after 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.

Under the law this Certificate must be recorded in the office of the County Recorder in the county where the water is diverted, within thirty (30) days from the receipt hereof. You should attend to this matter at once.

If you have questions or if we can assist you, we will be happy to do so. Your contact with this office, should you need it, is with the Richfield Regional Office. The telephone number is 435-896-4429.

Sincerely,

Jerry D. Olds

Jerry D. Olds, P. E.
State Engineer

JDO:whs

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

CERTIFICATE OF BENEFICIAL USE

STATE OF UTAH

WATER RIGHT No: 95 - 544
****

1. WATER RIGHT AND OWNERSHIP INFORMATION:

   A. NAME: USA National Park Service
   ADDRESS: c/o Chief Water Rights
   1201 Oak Ridge Drive
   Fort Collins, CO 80525

   B. RIGHT EVIDENCED BY:
   95-544 (Decree)

   C. PRIORITY DATE: July 15, 1935 PRIORITY OF CHANGE a19741: February 15, 1996

2. SOURCE INFORMATION:

   A. QUANTITY OF WATER: 0.0557 cfs OR 15.0 acre-feet

   B. DIRECT SOURCE: Fremont River and Underground Water Well

   C. POINT OF DIVERSION -- SURFACE:
   (1) N 406 feet E 504 feet from the SW corner, Section 14, T 29S, R 6E, SLBM

   D. POINT OF DIVERSION -- UNDERGROUND:
   (1) S 1,748 feet W 2,439 feet from the NE corner, Section 22, T 29S, R 6E, SLBM
   WELL DIAMETER: 6 inches WELL DEPTH: 78 feet

   E. COUNTY: Wayne

3. WATER USE INFORMATION:

   MUNICIPAL: from Jan 1 to Dec 31. Capitol Reef National Park.
----

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

BASE	TOWN	RANG	SEC	NORTH-WEST¼ NW	NE	SW	SE	***	NORTH-EAST¼ NW	NE	SW	SE	***	SOUTH-WEST¼ NW	NE	SW	SE	***	SOUTH-EAST¼ NW	NE	SW	SE
SL	29S	6E	14	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
			15	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
			22	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
			23	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X

5. EXPLANATORY:

6. SIGNATURE OF STATE ENGINEER & ACKNOWLEDGMENT OF NOTARY PUBLIC:

The right evidenced by this certificate is restricted to the change described herein, and the certificate in no way establishes nor validates the water right claimed by the applicant, and the change is to in no way enlarge the original right or rights. This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste of water. The works used in this change are to be operated and maintained in such a manner and condition as will prevent waste of water.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this

21st day of OCTOBER, 20 05.

In the event ownership of the right evidenced by this certificate is transferred, it is the responsibility of the new owner to update the State Engineer's records by submittal of the appropriate report of conveyance

DIVISION OF WATER RIGHTS STATE OF UTAH INDUSTRY 1847

Jerry D. Olds
JERRY D. OLDS, P.E.
State Engineer

STATE OF UTAH)
) SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this

21st day of OCTOBER, 20 05 by JERRY D. OLDS, State Engineer of Utah.

WILLIAM H. SMART
NOTARY PUBLIC • STATE of UTAH
1594 WEST NORTH TEMPLE
SALT LAKE CITY, UTAH 84114
COMM. EXP. 1-10-06

William H. Smart
Notary Public

Naser Engineering
460 West 400 South
Richfield, Utah 84701
(801) 896-6022

Feb. 4, 2004

Mr. Jim Hart
USA National Park Service
1201 Oak Ridge Drive
Fort Collin, CO 80525

RE: "Proof of Diversion and Use of Water, 95-544 (a19741)

Dear Mr. Hart,

Enclosed is the original "Proof of Diversion and Use of Water" along with a copy for your file. Please have the "Certificate of Applicant" signed and the signature notarized. If you will then return the "Proof", along with your payment to me, I will forward it to the Division of Water Rights office.

Thanks again for allowing me to complete your "Proof"

Sincerely,

Don L Naser

Don L Naser, P.E.

DIVISION OF WATER RIGHTS

JAN 31 2005

RICHFIELD AREA

PROOF OF BENEFICIAL USE OF WATER
STATE OF UTAH

Proof is hereby submitted to the State Engineer that water has been placed to beneficial use (Section 73-3-16, Utah Code).

1. **TYPE OF RIGHT** (Mark applicable box and fill in blanks.)
   - ☐ New Appropriation: Water Right#_____ Application#_____
   - ☒ Change of Right: Water Right# 95-544 Change# a19741
   - ☐ Resumption of Use by Water Right#_____ (being completed at the same time as the change. Only one form is needed for both.)

2. **OWNER DATA** (Same as on application or provide title update.)
   Name USA National Park Service, Chief Water Rights Branch Telephone: 970-225-3538
   Street or Box No. 1201 Oak Ridge Drive
   City Fort Colins State CO Zip Code 80525

3. **QUANTITY OF WATER** 0.0557 cfs and/or _____ acre-feet.

4. **SOURCE OF WATER** 1) Underground 2) Surface
   County Wayne

5. **POINT(S) OF DIVERSION** (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)
   Location: 1) South 1,748' & West 2,439' from the NE Cor. of Sec. 22, T29S, R6E, SLB & M
   2) North 406' & East 504' from the SW Cor. of Sec. 14, T29S, R6E
   Address (if applicable)_____
   Description of Diversion and Carrying Works:_____

6. **POINT(S) OF REDIVERSION** (If applicable, same format as diversions.)
   Location:_____
   Description of Works: 6" dia pumped well - 76' deep

RECEIVED
FEB 0 2 2005
WATER RIGHTS
SALT LAKE

7. **POINT(S) OF RETURN** (If applicable, same format as diversions.)
   Location of Return to Natural Stream/Source:_____
   Amount of Consumed Water:_____ cfs and/or _____ acre-feet
   Amount of Returned Water:_____ cfs and/or _____ acre-feet

8. **STORAGE** (If applicable, describe reservoir, lake, etc.)
   Facility Name (if any):_____ Capacity:_____ acre-feet
   Storage Period: from_____ to_____
   Dam Height:_____ Inundated Area:_____ acres
   Legal Description of Storage Area (by competent survey):_____

Please sign & Return this copy

9. **SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED H**

Proof

10. NATURE, EXTENT AND PERIOD OF USE (Enter Beginning and Ending Dates; if uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation: from:_____ to:_____
Total Acres_____ Acres under this right:_____

Stockwatering: from:_____ to:_____
Number and Kind of Stock:_____

Domestic: from:_____ to:_____
Number of Families:_____ and/or Number of Persons: _____

Municipal: from: Jan. 1 to: Dec. 31
Name of City, District, etc.: Capitol Reef National Park

Mining: from:_____ to:_____
Mine Name:_____ Mining District:_____

Power: from:_____ to:_____
Type:_____ Plant Name:_____ Capacity:_____

Other: from:_____ to:_____
Description:_____

11. PLACE OF USE (By competent survey. Since water rights can be appurtenant to the place of use, be specific and exact in describing the location of each use for the water right owner. Written descriptions and any maps should coincide. The legal description of the property where the water is used should accompany the proof (land deed, tax notice, county plat, etc.). Maps must show the configuration of the place of use and the acreage of irrigated land.

Sec. 14, Sec. 15, Sec. 22, & Sec. 23 all in T29S, R6E SLB &M

MAPS AND DRAWINGS (Must comply with rules and standards established by the State Engineer.)
These documents shall be based on competent land surveys, signed and stamped by the licensed engineer/surveyor, and submitted on standard drafting medium (if paper, at least 50% cotton) that is durable and reproducible with all information legible and in **black permanent drafting ink or other media of equivalent durability and opacity.** Standard mapping conventions must be used (north arrow, scale in both written and graphic form, legend describing any symbols, etc.). Lines must be distinct. Shading or hatching may show irrigated acreage, but the boundary of the irrigated area must be delineated. All property surveys must tie to the section-township-range survey for the area of use, and the basis of bearing for the bearings must be shown. Any public roads or other access information near the surveyed property should be shown. The most convenient map sizes are 8 1/2" x 11" or 8 1/2" x 14", particularly for irrigated acreages of 5 acres or less. Maps of small parcels should be drawn to the largest scale practical and at the least 1"=300'. There must be at least a 1 1/4" margin at the top and a 1/2" margin on the sides and bottom. The title block should appear on the lower right-hand side of the page (the short side being the bottom). If a larger map is needed, the dimensions should be 24" x 36" with the title block in the lower right-hand corner (the long side being the bottom). The title block must include the water right number, application number, survey date, the applicant(s)' name, professional engineer/surveyor's name, professional license number, and section, township, and range of the described parcel(s). Maps must not be folded.

Proof for Water Right Number 95-544 (a19741)

12. **WATER MEASUREMENT** (Provide sufficient details to enable the State Engineer to compute the quantity of water measured in each case, including current meter notes, rating table, field observation notes, etc. Measurements must be made by engineer/surveyor or his/her authorized representative and may be made by vessel, weir, meter, rated flume, reservoir capacity table or other standard method. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation and period(s) during which flow is available. The maximum diverted flow and/or acre-footage cannot exceed that approved in the application. If larger amounts are measured, control devices should be described.

Date(s) Water Measured: _____

Name of Measurement Taker: _____

Method of Measurement: Meter

Flow rate information provided by "Drinking Water Source Protection Plan" , Capitol Reef National Park, Fremont River Gorge Well
By David Harry & LaMont Chappell

Flow = 80 gpm = 0.178 cfs

13. **EXPLANATORY** (Additional space for above items and to define use of water such as crop rotation plans, facility plans and capacities, operation schedules, lot numbers, mining claim numbers, sewage systems, etc. Use additional 8 1/2" x 11" pages if needed.)

CAUTION: File proof only if all desired development is done. Otherwise, seriously consider requesting an extension of time. The water right will be limited to the accepted proof.

CERTIFICATE OF APPLICANT

(Don't sign until proof is accepted as sufficient by the State Engineer.)

STATE OF UTAH) ss

COUNTY OF _____)

Charles W. Pettee, Chief Water Rights Branch being first duly sworn, certify that I/we filed Water Right No. 95-544 (a19741), employed Don L Naser to complete proof, hereby accept and submit this proof and certify that all items contained herein are true to the best of my/our knowledge and belief.

Applicant

Applicant

Subscribed and sworn to before me this 4th day of August, 2005

My commission expires _____ (Seal)

Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/31/2006

Notary Public

FLORA B. ROMERO NOTARY PUBLIC STATE OF COLORADO

CERTIFICATE OF PROOF ENGINEER/LAND SURVEYOR

(Sign only after State Engineer's review.)

STATE OF UTAH) ss

COUNTY OF SEVIER)

Don L Naser being first duly sworn, certify that I was employed to prepare proof for Water Right No. 95-544, that the proof fully describes the method and extent of beneficial use of water, and that all items herein are true to the best of my knowledge.

Printed Name	Signature	License No.
Don L Naser		152222

Address	Telephone Number
460 West 400 South, Richfield, Utah 84701	435-896-6022

Subscribed and Sworn to before me this _____ day of _____, 19_____

My commission expires _____.

_____
Notary Public

(Notary Seal)

(Engineer/Surveyor's Seal)

STATE ENGINEER'S ENDORSEMENTS

Date proof originally filed 1-31-05.

Date signed/amended proof filed _____.

Maps and/or drawings filed herewith or Hanger _____, Page(s) _____.

This written proof and the maps, profiles, and/or drawings pertaining thereto are found to comply with the requirements of state statutes and State Engineer's rules and are hereby approved.

_____, 19_____

_____
State Engineer

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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

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

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 95-5078 (A75595)

Application to Appropriate Water Number 95-5078 (A75595) in the name of USA National Park Service was filed on October 20, 2004, to appropriate 0.05 cfs of water from a well to be located South 400 feet and East 3310 feet from the NW Corner of Section 29, T30S, R7E, SLB&M. The water is to be used for the irrigation of 1.00 acre from April 1 to October 31, the indoor domestic requirements of one family, and for commercial purposes (an outdoor educational facility serving 40 persons/day. The water is to be used in all or portion(s) of Section 20, T30S, R7E, SLB&M.

Notice of the application was published in The Wayne County Insider on November 18 and November 25, 2004. No protests were received.

Subsequent to the filing of the application, the applicant submitted information detailing the domestic and commercial purposes. It appears that the use of water at the educational facility includes 25 overnight users for 160 days, 15 day users for 160 days plus a caretaker and family for 365 days out of the year. Given this information, the State Engineer believes the combined domestic and commercial purposes will require an annual diversion of 1.0 acre-foot of water.[1] The State Engineer has assigned the 95- area an irrigation duty value of 3.0 acre-feet/acre; therefore, annual diversion of water for irrigation of 1.00 acre shall be limited to 3.0 acre-feet. Total annual diversion of water under this application shall be limited to 4.0 acre-feet.

It is the opinion of the State Engineer that there is unappropriated water that can be developed by the applicant under this application. Based on the recent appropriation policy adopted by the State Engineer, applications requesting this quantity of flow can be approved in perpetuity. The applicant is put on notice that diligence must be shown in pursuing the development of this water right which can be demonstrated by placing the water to beneficial use as outlined in the application.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 95-5078 (A75595) is hereby **APPROVED** subject to all prior rights and according to the conditions of the current appropriation policy for the Colorado River Drainage, adopted March 7, 1990. This water right 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 on this application beyond this time period will only be considered under unusual conditions. Total diversion of water under this application shall not exceed 4.0 acre-feet annually for the indoor domestic purposes of one family, irrigation of 1.00 acre and an outdoor educational facility serving 40

[1] Calculated from: Administrative Rules for Public Drinking Water Systems, Part II, R309-200 through R309-211, Table 203-4.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

persons/day for 160 days per year. The applicant is responsible for obtaining any other permits which may be necessary for the development of the proposed project.

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 **April 30, 2010**, 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 placed to its full intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location and uses of the 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.

Section 73-5-4 of the Utah Code provides that "every person using water in this state shall construct or install and maintain...controlling works...and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used..." In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

Failure on your part to comply with the requirements of the applicable statutes may result in forfeiture 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.

Your contact with this office, should you need it, is with the Sevier River/Southern Regional Office. The telephone number is 435-896-4429.

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.

Dated this 22nd day of April, 2005.

for Jerry D. Olds, P.E., State Engineer

Mailed a copy of the foregoing Order this 22nd day of April, 2005 to:

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Utah Division of Drinking Water
PO Box 144830
Salt Lake City, UT 84114-4830

BY: Kelly K. Horne
Kelly K. Horne, Appropriation Secretary

APPLICANT CARD for WATER RIGHT: 95-5078

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: April 30, 2010

OWNER/APPLICANT NAME: USA National Park Service

MAILING ADDRESS: 1201 Oakridge Drive, Suite 250, Fort Collins, CO 80525.

PHONE NUMBER:

WELL LOCATION: S 400' E 3310' from NW Cor. S29, T30S, R7E, SLB&M.

WELL UTM COORDINATES: Northing: 4225651 Easting: 484079

WELL ACTIVITY: NEW (✓) REPAIR ( ) REPLACE ( ) ABANDON ( )
CLEAN ( ) DEEPEN ( )

WELL COMPLETION DATE:

NAME OF DRILLING COMPANY/LICENSEE:

Owner/Applicant Signature Date

***COMPLETE, SIGN AND RETURN THIS PORTION UPON FINAL WELL COMPLETION - DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.

STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416
Fax No. 801-538-7467

COMMENTS:

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. **CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.**

DRILLER (START) CARD for WATER RIGHT: 95-5078

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: April 30, 2010

OWNER/APPLICANT NAME: USA National Park Service

MAILING ADDRESS: 1201 Oakridge Drive, Suite 250, Fort Collins, CO 80525.

PHONE NUMBER:

WELL LOCATION: S 400' E 3310' from NW Cor, S29, T30S, R7E, SLB&M.

WELL UTM COORDINATES: Northing: 4225651 Easting: 484079

WELL ACTIVITY: NEW (✓) REPAIR ( ) REPLACE ( ) ABANDON ( )
CLEAN ( ) DEEPEN ( )

For surface seals in unconsolidated formations (clay, silt, sand, and gravel), will you be using a temporary conductor casing or other formation stabilizer (e.g., drilling mud) in the surface seal interval to maintain the required annular space?

YES or NO (Circle one).

Answering 'NO' suggests that you will be placing the surface seal in an open and unstabilized annular space, which may require onsite inspection of seal placement by the State Engineer's Office.

PROPOSED START DATE: _____

PROJECTED COMPLETION DATE: _____

LICENSE #: _____ LICENSEE/COMPANY: _____

_____ _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416
Fax No. 801-538-7467

COMMENTS: _____

USA NATIONAL PARK SERVICE
1201 OAKRIDGE DRIVE SUITE 250
FORT COLLINS CO 80525

- - - - - - - - - - - - - - -

TALKED WITH DON 7/5/05
- is OK he is sending Form(s)
For Chuck's Signature.
He will also send copy of
INVOICE,

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

ROBERT L. MORGAN
Executive Director
JERRY D. OLDS
State Engineer/Division Director

June 23, 2005

Don L. Naser
460 W 400 S
Richfield, UT 84701

RE: 95-544 (a19741)

Dear Mr. Naser:

Your "Proof of Change of Water" has been reviewed by our office.

No amendments or corrections are necessary; therefore, complete "Certificate of Applicant" and the "Certificate of Proof Engineer" by the proper parties and have the signatures acknowledged before a notary public.

You are allowed to and including July 23, 2005, within which to complete this proof and return it to this office.

Yours truly,

Kirk Forbush, P.E.
Regional Engineer

Enclosure: Proof of Change

Pc: USA National Park Service
1201 Oak Ridge Drive
Fort Colins, CO 80525

Southern Region, Richfield Office, 130 N Main Street, P.O. Box 563, Richfield, UT 84701-0563
telephone (435) 896-4429 • facsimile (435) 893-8114 • *www.waterrights.utah.gov*

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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

February 15, 2005

USA NATIONAL PARK SERVICE
CHIEF WATER RIGHTS BRANCH
1201 OAK RIDGE DRIVE
FORT COLLINS, CO 80525

Application Number 95-544 (a19741)

Dear Applicant (s):

Your proof for the above numbered application was received from your engineer, Don L. Naser, on January 31, 2005. It will be checked in the field by a representative of this office as part of routine processing. It will be reviewed and returned to your engineer for any necessary corrections and signatures.

The primary responsibility for its form and its accuracy lies with your engineer; however, you will receive copies of the letter of review and any other correspondence related to your proofs.

Proofs are normally reviewed as groups from the various areas; therefore, they may be in our possession for several months before being checked and reviewed. During this time, no further action is required on the part of you or your engineer unless notified by this office.

Sincerely,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

JDO:kkh

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

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10-20-2004: Filing for Water in the State of Utah, application to appropriate water

DIVISION OF WATER RIGHTS
OCT 20 2004
RICHFIELD AREA

FILING FOR WATER IN THE STATE OF UTAH

Rec. by _____
Fee Rec. _____
Receipt # _____
Microfilmed _____
Roll # _____

APPLICATION TO APPROPRIATE WATER

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 NO. A** _____

1. ***PRIORITY OF RIGHT:** _____ ***FILING DATE:** _____
2. **OWNER INFORMATION**
   Name(s): USA NATIONAL PARK SERVICE *Interest: 100 %
   Address: 1201 OAKRIDGE DRIVE, SUITE 250
   City: FORT COLLINS State: COLORADO Zip Code: 80525
   Is the land owned by the applicant? Yes_ No_ (If "No", please explain in EXPLANATORY section.)
3. **QUANTITY OF WATER:** .05 cfs ___ cfs and/or _____ ___ ac–ft.
4. **SOURCE:** UNDERGROUND WATER WELL ***DRAINAGE:** _____
   which is tributary to_
   which is tributary to_
   POINT(S) OF DIVERSION: **COUNTY:** WAYNE
   Well located in S. 400 feet E. 3310 feet from NW corner Section 29, T.30 S., R. 7 E., SLBM.
   Description of Diverting Works: 6 inch diameter well casing, 100 feet deep
   ***COMMON DESCRIPTION:** _____
5. **POINT(S) OF REDIVERSION** N/A
   The water will be rediverted from_ _____ at a point:
   Description of Diverting Works:_
6. **POINT(S) OF RETURN** N/A
   The amount of water consumed will be _____ cfs or _____ ___ ac–ft.
   The amount of water returned will be _____ cfs or _____ ___ ac–ft.
   The water will be returned to the natural stream/source at a point(s):
7. **STORAGE** N/A
   Reservoir Name: _____ Storage Period: from _____ to _____
   Capacity: _____ ac–ft. Inundated Area: _____ acres.
   Height of dam: _____ feet
   Legal description of inundated area by 40 acre tract(s):

*** These items are to be completed by the Division of Water Rights**

[redacted] *Appropriate* [redacted]

8. List any other water rights which will supplement this application N/A

9. **NATURE AND PERIOD OF USE**

Irrigation:	From April 1	to October 31
Stockwatering:	From	to
Domestic:	From January 1	to December 31
Municipal:	From	to
Mining:	From	to
Power:	From	to
Other:	From	to

10. **PURPOSE AND EXTENT OF USE**

Irrigation: 1.0 acres. Sole supply of 1.0 acres.

Stockwatering (number and kind):

Domestic: 1 Families and/or 40 Persons.

Municipal (name):

Mining: Mining District in the Mine.

Ores mined:

Power: Plant name: Type: Capacity:

Other (describe):

11. **PLACE OF USE**

Legal description of place of use by 40 acre tract(s):

SE SE SECTION 20, T. 30 S., R. 7 E., SLBM

12. **EXPLANATORY**

The following is set forth to define more clearly the full purpose of this application. (Use additional pages of the same size if necessary):

The well will be the source of irrigation and domestic water for the Utah Valley State College Outdoor Education Facility.

****

The applicant(s) hereby acknowledges that he/she/they are a citizen(s) of the United States of America or intends 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, at the time of filing, rests with the applicant(s).

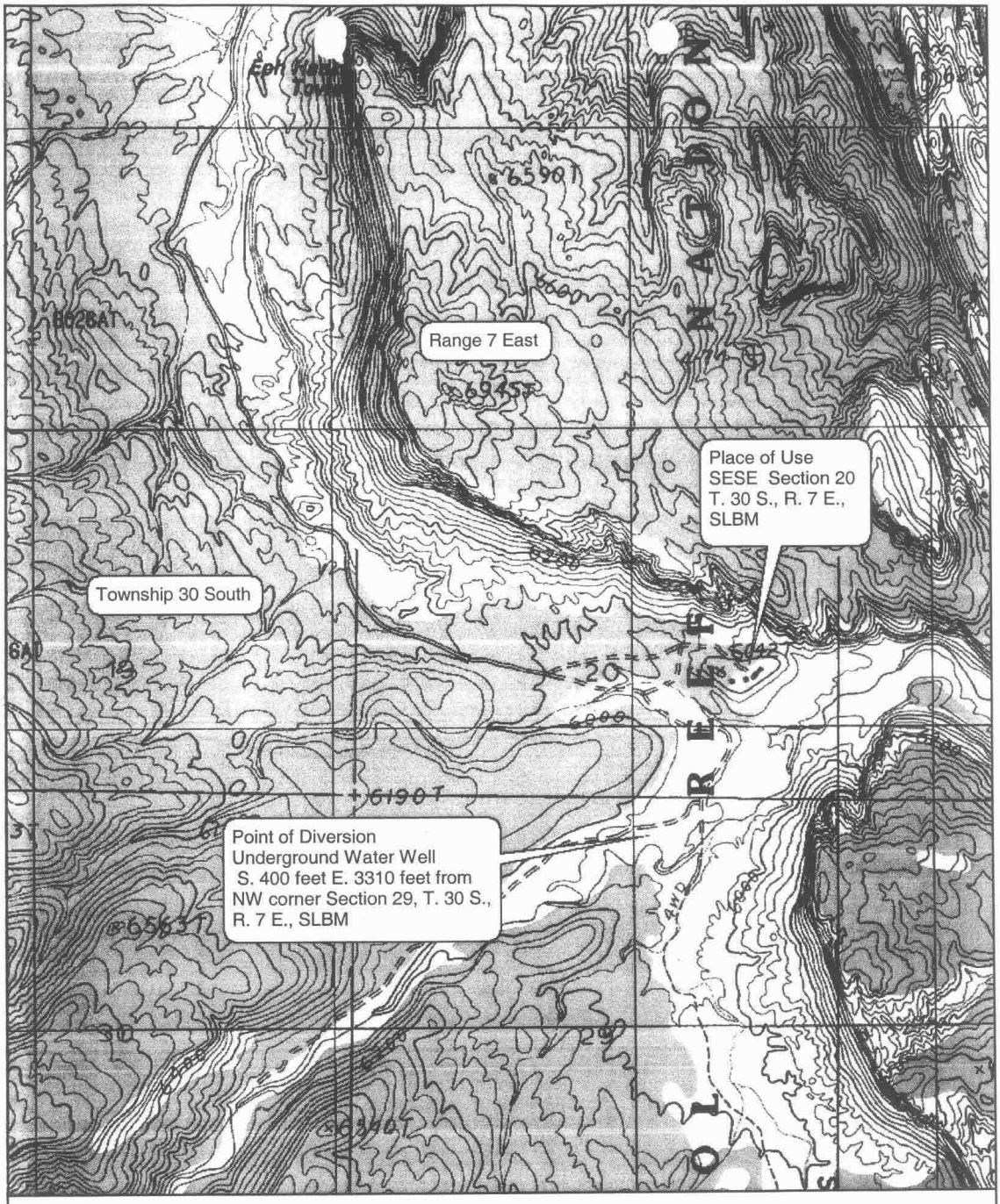
U.S.A. National Park Service
Signature of Applicant(s)*

*If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its authorized agent, or in the name of the partnership by one of the partners.

Charles W. Pettee
Authorized Agent (please print)

Authorized Agent (signature)

10-20-2004: Filing for Water in the State of Utah, application to appropriate water, cont



Name: GOLDEN THRONE
Date: 10/25/2004
Scale: 1 inch equals 1333 feet

Location: 038° 11' 14.84" N 111° 11' 15.83" W
Caption: USA National Park Service
Application to Appropriate Water
Capitol Reef National Park

Copyright (C) 1998, Maptech, Inc.

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

March 29, 2005

L54/ (2380)
CARE/Water Rights

Mr. Kirk Forbush, P.E.
State of Utah
Department of Natural Resources
Division of Water Rights
Southern Region, Richfield Office
130 N Main Street, P.O. Box 563
Richfield, Utah 84701-0563

Re: 95-5078

Dear Kirk:

In response to your letter of March 11, 2005 requesting additional information in order to quantify application number 95-5078 we provide the following information.

	Number of users	Number of days per year	Period of use
1.	Caretaker and family	365 days	Jan 1-Dec 31
2.	25 overnight users	160 days	Jan 1-Dec 31
3.	15 day users	160 days	Jan 1-Dec 31

Please contact Jim Harte (970) 225-3538 if you require additional information.

Thanks,

Charles W. Pettee
Chief, Water Rights Branch

03-11-2005: Letter to NPS from Kirk Forbush regarding 95-5078

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

RECEIVED
MAR 1? 2005

March 11,2005

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

RE: 95-5078

Dear Sir:

This letter is in response to the above referenced application to appropriate. The beneficial uses described by this application include an outdoor educational facility for 40 persons per day. In order to quantify this application to see if it fits within the limitations of new appropriations we need to know how many days each year or the period of use that this particular use will require water.

Please return this information to this office and we can then process your application. If you have any questions please feel welcome to contact this office.

Sincerely,

Kirk Forbush, P.E.

Southern Region, Richfield Office, 130 N Main Street, P.O. Box 563, Richfield, UT 84701-0563
telephone (435) 896-4429 • facsimile (435) 893-8114 • *www.waterrights.utah.gov*

10-22-2004: Letter to NPS from Regional Engineer regarding Application to Appropriate

OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

October 22, 2004

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

RE: APPLICATION TO APPROPRIATE

Dear Sir:

I am returning your Application to Appropriate and Check Number 2800 – 012784 herewith because additional information is needed before the application can be processed.

See the Items below:

Submit a map which shows the proposed place of use and point of diversion along with the signed Applicant's Map Verification Statement.

Item Number 9. – NATURE AND PERIOD OF USE
Indicate Domestic Use here and the period of use applying for

Item Number 10. – PURPOSE AND EXTENT OF USE
Indicate Number of stock and kind
Indicate how many families or persons

Call or write this office if you need assistance or further information.

Sincerely,

Kirk Forbush, P.E.
Regional Engineer

/cr
enclosure: app & ck

Southern Region, Richfield Office, 130 N Main Street, P.O. Box 563, Richfield, UT 84701-0563
telephone (435) 896-4429 • facsimile (435) 893-8114 • *www.waterrights.utah.gov*

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APPLICANT'S MAP VERIFICATION STATEMENT

"I/we,_____, hereby acknowledge that this map (or, the map attached to this application), consisting of _____ pages numbered _____ to _____ was prepared in support of Application _____. I/we hereby accept and submit this map as a true representation of th[illegible]n thereon to the best of my/our knowledge and belief."

SIGN HERE

_____

Signature

8. List any other water rights which will supplement this application N/A

9. **NATURE AND PERIOD OF USE**

Irrigation:	From April 1	to October 31
Stockwatering:	From ~~January 1~~	to December 31
Domestic:	From January 1	to December 31
Municipal:	From	to
Mining:	From	to
Power:	From	to
Other:	From	to

10. **PURPOSE AND EXTENT OF USE**

Irrigation: 1.0 acres. Sole supply of 1.0 acres.
Stockwatering (number and kind):
Domestic: 1 Families and/or 40 Persons.
Municipal (name):
Mining: Mining District in the Mine.
Ores mined:
Power: Plant name: Type: Capacity:
Other (describe):

11. **PLACE OF USE**

Legal description of place of use by 40 acre tract(s):
SE SE SECTION 20, T. 30 S., R. 7 E., SLBM

12. **EXPLANATORY**

The following is set forth to define more clearly the full purpose of this application. (Use additional pages of the same size if necessary):
The well will be the source of irrigation and domestic water for the Utah Valley State College Outdoor Education Facility.

****

The applicant(s) hereby acknowledges that he/she/they are a citizen(s) of the United States of America or intends 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, at the time of filing, rests with the applicant(s).

USA National Park Service
Signature of Applicant(s)*

*If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its authorized agent, or in the name of the partnership by one of the partners.

Charles W. Pettee
Authorized Agent (please print)

Authorized Agent (signature)

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

OLENE S. WALKER
Governor
GAYLE F. MCKEACHNIE
Lieutenant Governor

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

>>>>>>>>OFFICIAL RECEIPT<<<<<<<<

RECEIPT No. 04-04597 DATE: October 27, 2004

RECEIVED FROM:

USA NATIONAL PARK SERVICE
1201 OAKRIDGE DRIVE, SUITE 250
FORT COLLINS, CO 80525

NATURE OF SERVICE:		FEE:
Application to Appropriate	95-5078(A75595)	75.00
	TOTAL:	$75.00

METHOD OF PAYMENT: Check 2800-012784

RECEIVED BY: CROBERTS

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

Utah!
Where ideas connect™

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

May 17, 2001

IN REPLY REFER TO:
L54 (2380)
CARE/Water Rights

State of Utah
Natural Resources
Division of Water Rights
Southern Area Office
P.O. Box 563
Richfield, UT 84701-0563

To Division of Water Rights, State of Utah:

In October of 2000, the National Park Service (NPS) provided written notice that we wanted to drill a test well at Capitol Reef National Park. In response, your office issued a Provisional Permit (Permit No.00-95-007-P). This permit expires May 3, 2001. NPS is just completing an environmental review process that must precede the work and will not be able to complete drilling of the well prior to the expiration date. NPS is therefore submitting a request for issuance of a new provisional permit for this test well. The information regarding the well is the same as provided in 2000, and is as follows:

> Capitol Reef National Park would like to drill a test well within the park, at a location that is approximately 400 feet south and 3310 feet east of the northwest corner of Section 29, Township 30 South, Range 7 East , Salt Lake Benchmark and Meridian. If the test well is successful, the park's intention would be to transfer part or all of the water right described in Water User's Claim No. 95-5 to this new location. The well would be used for culinary purposes.

Thank you for your cooperation in this matter. If you have any questions, please contact Jeff Albright of my staff at (970) 225-3528.

Sincerely,

Charles Pettee
Chief, Water Rights Branch

cc: CARE - Clark

11-06-2000: Letter to NPS from Regional Engineer regarding Provisonal Well: 00-95-007-P

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Robert L. Morgan
State Engineer

Southern Area
130 North Main Street
PO Box 563
Richfield, Utah 84701-0563
435-896-4429

RECEIVED
NOV 2 7 2000
CAPITOL REEF NATIONAL PARK

NATIONAL PARK SERVICE
CAPITOL REEF NATIONAL PARK
1201 OAK RIDGE DRIVE SUITE 250
FORT COLLINS, CO 80525-5596

November 6, 2000

Dear Applicant:

RE: PROVISIONAL WELL: 00-95-007-P

Reference is made to your request to drill provisional wells at the following location(s):

[illegible] ft. [illegible] 1310 ft. from the NW corner Section 29, Township 30S, Range [illegible], SLBM

The purpose of the provisional well(s) is to determine the quality and availability of an adequate water supply to be covered by the above noted application filed with the Division of Water Rights.

This letter grants you permission to proceed with the construction of the well with the understanding that this letter DOES NOT GRANT ANY PERMISSION OR APPROVAL TO PROCEED WITH THE DIVERSION OR USE OF THE WATER FOR ANY PURPOSE WHATSOEVER.

The well driller must have a current license with the State Engineer (if the well is to be deeper than 30 feet), and the well must be constructed in accordance with the State of Utah Administrative Rules for Water Well Drillers.

Following completion and testing, the well casing either must be sealed with a tamper-resistant, water-tight cap or permanently abandoned by the licensed driller (if deeper than 30 feet) before the drill rig is removed from the site.

Water may not be diverted from the provisional well and used for any beneficial purpose until proper authorization (approval) is granted by the State Engineer.

Please note that your permission to proceed with the drilling of a provisional well(s) expires May 3, 2001.

Sincerely,

Kirk Forbush

Kirk Forbush, P.E.
Regional Engineer

RECEIVED
CAPITOL REEF NATIONAL PARK

	init.	DATE
SUPT	AH	11/27
Admin Off		
Res Mgmt		
CH VP		
CH Interp		
Fac Mgmt		
B & U		
R & T		
Archeo		
FILES		

10-30-2000: Letter to DWR State of Utah from Charles Pettee regarding test well at CARE, provisonal permit no. 97-95-004-P

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

October 30, 2000

IN REPLY REFER TO:
L54 (2380)
CARE/Water Rights

State of Utah
Natural Resources
Division of Water Rights
Southern Area Office
P.O. Box 563
Richfield, UT 84701-0563

To Division of Water Rights, State of Utah:

In February of 1997, the National Park Service (NPS) provided written notice that we wanted to drill a test well at Capitol Reef National Park. In response, your office issued a Provisional Permit (Permit No. 97-95-004-P). Due to funding constraints NPS was unable to complete the work at that time. We are now prepared to do the work and are therefore resubmitting notice to your office. The information regarding the test well is the same as provided in 1997, and is as follows:

> Capitol Reef National Park would like to drill a test well within the park, at a location that is approximately 400 feet south and 3310 feet east of the northwest corner of Section 29, Township 30 South, Range 7 East, Salt Lake Benchmark and Meridian. If the test well is successful, the park's intention would be to transfer part or all of the water right described in Water User's Claim No. 95-5 to this new location. The well would be used for culinary purposes.

Thank you for your cooperation on this matter. If you have any questions, please contact Jeff Albright of my staff at (970) 225-3528.

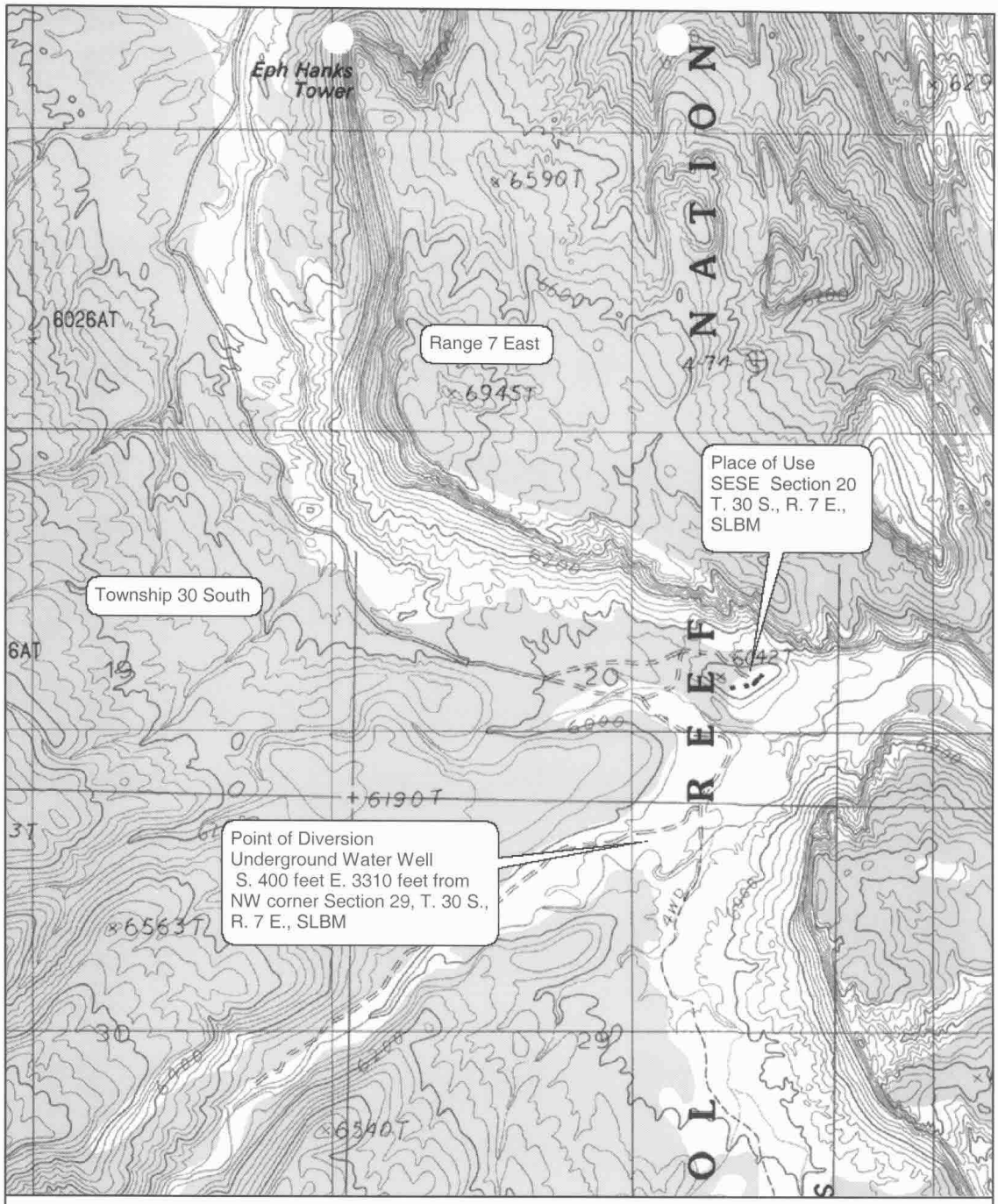
Sincerely,

Charles Pettee
Chief, Water Rights Branch

cc: CARE - Clark

Supporting Hydro Data

10-25-2004: Map of CARE

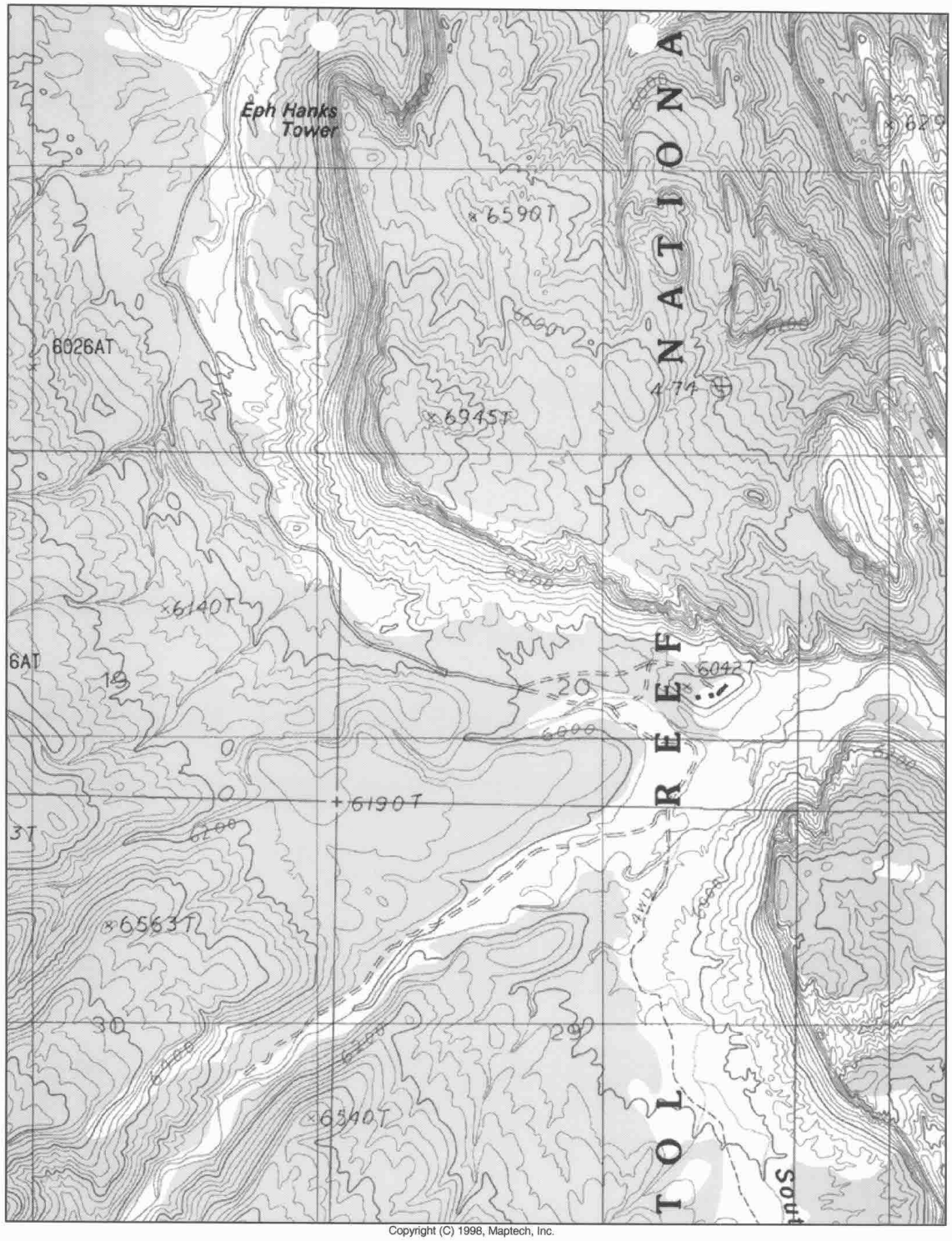


Name: GOLDEN THRONE
Date: 10/25/2004
Scale: 1 inch equals 1333 feet

Location: 038° 11' 14.84" N 111° 11' 15.83" W
Caption: USA National Park Service
Application to Appropriate Water
Capitol Reef National Park

Copyright (C) 1998, Maptech, Inc.

10-25-2004: Map of CARE



Copyright (C) 1998, Maptech, Inc.

Other Supporting Information

NASER ENGINEERING

460 WEST 400 SOUTH
RICHFIELD, UTAH 84701

Bill To:

USA National Park Service
Chief Water Rights
1201 Oak Ridge Drive
Fort Colins, Colorado 80525

Invoice #: 00002209
Date: 2/2/2005

Description	Amount
Preparation of "Proof of Beneficial Use of Water" 95-544 (a19741)	$150.00

Total	$150.00
Amount	$0.00
Balance Due:	$150.00

Terms: Net 10

DIVISION OF WATER RIGHTS
JAN 31 2005
RICHFIELD AREA

PROOF OF BENEFICIAL USE OF WATER
STATE OF UTAH

Proof is hereby submitted to the State Engineer that water has been placed to beneficial use (Section 73-3-16, Utah Code).

1. **TYPE OF RIGHT** (Mark applicable box and fill in blanks.)
   - ☐ New Appropriation: Water Right#_____ Application#_____
   - ☒ Change of Right: Water Right# 95-544 Change# a19741
   - ☐ Resumption of Use by Water Right#_____ (being completed at the same time as the change. Only one form is needed for both.)

2. **OWNER DATA** (Same as on application or provide title update.)
   Name USA National Park Service, Chief Water Rights Branch Telephone: 970-225-3538
   Street or Box No. 1201 Oak Ridge Drive
   City Fort Colins State CO Zip Code 80525

3. **QUANTITY OF WATER** 0.0557 cfs and/or _____ acre-feet.

4. **SOURCE OF WATER** 1) Underground 2) Surface
   County Wayne

5. **POINT(S) OF DIVERSION** (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)
   Location: 1) South 1,748' & West 2,439' from the NE Cor. of Sec. 22, T29S, R6E, SLB & M
   2) North 406' & East 504' from the SW Cor. of Sec. 14, T29S, R6E
   Address (if applicable)_____
   Description of Diversion and Carrying Works:_____

6. **POINT(S) OF REDIVERSION** (If applicable, same format as diversions.)
   Location:_____
   Description of Works: 6" dia pumped well - 76' deep

RECEIVED
FEB 0 2 2006
WATER RIGHTS
SALT LAKE

7. **POINT(S) OF RETURN** (If applicable, same format as diversions.)
   Location of Return to Natural Stream/Source:_____
   Amount of Consumed Water:_____ cfs and/or _____ acre-feet
   Amount of Returned Water:_____ cfs and/or _____ acre-feet

8. **STORAGE** (If applicable, describe reservoir, lake, etc.)
   Facility Name (if any):_____ Capacity:_____ acre-feet
   Storage Period: from_____ to_____
   Dam Height:_____ Inundated Area:_____ acres
   Legal Description of Storage Area (by competent survey):_____

9. **SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED HEREIN:**_____

10. NATURE, EXTENT AND PERIOD OF USE (Enter Beginning and Ending Dates; if uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation: from:_____ to:_____
Total Acres_____ Acres under this right:_____

Stockwatering: from:_____ to:_____
Number and Kind of Stock:_____

Domestic: from:_____ to:_____
Number of Families:_____ and/or Number of Persons: _____

Municipal: from: Jan. 1 to: Dec. 31
Name of City, District, etc.: Capitol Reef National Park

Mining: from:_____ to:_____
Mine Name:_____ Mining District:_____

Power: from:_____ to:_____
Type:_____ Plant Name:_____ Capacity:_____

Other: from:_____ to:_____
Description:_____

11. PLACE OF USE (By competent survey. Since water rights can be appurtenant to the place of use, be specific and exact in describing the location of each use for the water right owner. Written descriptions and any maps should coincide. The legal description of the property where the water is used should accompany the proof (land deed, tax notice, county plat, etc.). Maps must show the configuration of the place of use and the acreage of irrigated land.

Sec. 14, Sec. 15, Sec. 22, & Sec. 23 all in T29S, R6E SLB & M

MAPS AND DRAWINGS (Must comply with rules and standards established by the State Engineer.)
These documents shall be based on competent land surveys, signed and stamped by the licensed engineer/surveyor, and submitted on standard drafting medium (if paper, at least 50% cotton) that is durable and reproducible with all information legible and in **black permanent drafting ink or other media of equivalent durability and opacity.** Standard mapping conventions must be used (north arrow, scale in both written and graphic form, legend describing any symbols, etc.). Lines must be distinct. Shading or hatching may show irrigated acreage, but the boundary of the irrigated area must be delineated. All property surveys must tie to the section-township-range survey for the area of use, and the basis of bearing for the bearings must be shown. Any public roads or other access information near the surveyed property should be shown. The most convenient map sizes are 8 1/2" x 11" or 8 1/2" x 14", particularly for irrigated acreages of 5 acres or less. Maps of small parcels should be drawn to the largest scale practical and at the least 1"=300'. There must be at least a 1 1/4" margin at the top and a 1/2" margin on the sides and bottom. The title block should appear on the lower right-hand side of the page (the short side being the bottom). If a larger map is needed, the dimensions should be 24" x 36" with the title block in the lower right-hand corner (the long side being the bottom). The title block must include the water right number, application number, survey date, the applicant(s)' name, professional engineer/surveyor's name, professional license number, and section, township, and range of the described parcel(s). Maps must not be folded.

Proof for Water Right Number 95-544 (a19741)

12. **WATER MEASUREMENT** (Provide sufficient details to enable the State Engineer to compute the quantity of water measured in each case, including current meter notes, rating table, field observation notes, etc. Measurements must be made by engineer/surveyor or his/her authorized representative and may be made by vessel, weir, meter, rated flume, reservoir capacity table or other standard method. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation and period(s) during which flow is available. The maximum diverted flow and/or acre-footage cannot exceed that approved in the application. If larger amounts are measured, control devices should be described.

Date(s) Water Measured: _____

Name of Measurement Taker: _____

Method of Measurement: Meter

Flow rate information provided by "Drinking Water Source Protection Plan" , Capitol Reef National Park, Fremont River Gorge Well By David Harry & LaMont Chappell

Flow = 80 gpm = 0.178 cfs

13. **EXPLANATORY** (Additional space for above items and to define use of water such as crop rotation plans, facility plans and capacities, operation schedules, lot numbers, mining claim numbers, sewage systems, etc. Use additional 8 1/2" x 11" pages if needed.)

CAUTION: File proof only if all desired development is done. Otherwise, seriously consider requesting an extension of time. The water right will be limited to the accepted proof.

CERTIFICATE OF APPLICANT

(Don't sign until proof is accepted as sufficient by the State Engineer.)

STATE OF UTAH) ss

COUNTY OF _____)

_____ being first duly sworn, certify that I/we filed Water Right No. 95-544 (a19741), employed Don L Naser to complete proof, hereby accept and submit this proof and certify that all items contained herein are true to the best of my/our knowledge and belief.

_____ Applicant _____ Applicant

Subscribed and sworn to before me this _____ day of _____, 19 _____

My commission expires _____. _____ Notary Public

(Notary Seal)

CERTIFICATE OF PROOF ENGINEER/LAND SURVEYOR

(Sign only after State Engineer's review.)

STATE OF UTAH) ss

COUNTY OF SEVIER)

Don L Naser being first duly sworn, certify that I was employed to prepare proof for Water Right No. 95-544, that the proof fully describes the method and extent of beneficial use of water, and that all items herein are true to the best of my knowledge.

Printed Name	Signature	License No.
Don L Naser		152222

Address	Telephone Number
460 West 400 South, Richfield, Utah 84701	435-896-6022

Subscribed and Sworn to before me this _____ day of _____, 19_____

My commission expires _____.

_____
Notary Public

(Notary Seal)

(Engineer/Surveyor's Seal)

STATE ENGINEER'S ENDORSEMENTS

Date proof originally filed 1-31-05.

Date signed/amended proof filed _____.

Maps and/or drawings filed herewith or Hanger _____, Page(s) _____.

This written proof and the maps, profiles, and/or drawings pertaining thereto are found to comply with the requirements of state statutes and State Engineer's rules and are hereby approved.

_____, 19_____

_____
State Engineer

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

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 95-5078 (A75595)

Application to Appropriate Water Number 95-5078 (A75595) in the name of USA National Park Service was filed on October 20, 2004, to appropriate 0.05 cfs of water from a well to be located South 400 feet and East 3310 feet from the NW Corner of Section 29, T30S, R7E, SLB&M. The water is to be used for the irrigation of 1.00 acre from April 1 to October 31, the indoor domestic requirements of one family, and for commercial purposes (an outdoor educational facility serving 40 persons/day. The water is to be used in all or portion(s) of Section 20, T30S, R7E, SLB&M.

Notice of the application was published in The Wayne County Insider on November 18 and November 25, 2004. No protests were received.

Subsequent to the filing of the application, the applicant submitted information detailing the domestic and commercial purposes. It appears that the use of water at the educational facility includes 25 overnight users for 160 days, 15 day users for 160 days plus a caretaker and family for 365 days out of the year. Given this information, the State Engineer believes the combined domestic and commercial purposes will require an annual diversion of 1.0 acre-foot of water.[1] The State Engineer has assigned the 95- area an irrigation duty value of 3.0 acre-feet/acre; therefore, annual diversion of water for irrigation of 1.00 acre shall be limited to 3.0 acre-feet. Total annual diversion of water under this application shall be limited to 4.0 acre-feet.

It is the opinion of the State Engineer that there is unappropriated water that can be developed by the applicant under this application. Based on the recent appropriation policy adopted by the State Engineer, applications requesting this quantity of flow can be approved in perpetuity. The applicant is put on notice that diligence must be shown in pursuing the development of this water right which can be demonstrated by placing the water to beneficial use as outlined in the application.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 95-5078 (A75595) is hereby **APPROVED** subject to all prior rights and according to the conditions of the current appropriation policy for the Colorado River Drainage, adopted March 7, 1990. This water right 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 on this application beyond this time period will only be considered under unusual conditions. Total diversion of water under this application shall not exceed 4.0 acre-feet annually for the indoor domestic purposes of one family, irrigation of 1.00 acre and an outdoor educational facility serving 40

[1] Calculated from: Administrative Rules for Public Drinking Water Systems, Part II, R309-200 through R309-211, Table 203-4.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

persons/day for 160 days per year. The applicant is responsible for obtaining any other permits which may be necessary for the development of the proposed project.

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 **April 30, 2010**, 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 placed to its full intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location and uses of the 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.

Section 73-5-4 of the Utah Code provides that "every person using water in this state shall construct or install and maintain...controlling works...and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used..." In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

Failure on your part to comply with the requirements of the applicable statutes may result in forfeiture 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.

Your contact with this office, should you need it, is with the Sevier River/Southern Regional Office. The telephone number is 435-896-4429.

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.

Dated this 22nd day of April, 2005.

for Jerry D. Olds, P.E., State Engineer

Mailed a copy of the foregoing Order this 22nd day of April, 2005 to:

USA National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Utah Division of Drinking Water
PO Box 144830
Salt Lake City, UT 84114-4830

BY: Kelly K. Horne
Kelly K. Horne, Appropriation Secretary

APPLICANT CARD for WATER RIGHT: 95-5078

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: April 30, 2010

OWNER/APPLICANT NAME: USA National Park Service

MAILING ADDRESS: 1201 Oakridge Drive, Suite 250, Fort Collins, CO 80525.

PHONE NUMBER:

WELL LOCATION: S 400' E 3310' from NW Cor, S29, T30S, R7E, SLB&M.

WELL UTM COORDINATES: Northing: 4225651 Easting: 484079

WELL ACTIVITY: NEW (✓) REPAIR ( ) REPLACE ( ) ABANDON ( )
CLEAN ( ) DEEPEN ( )

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

_____ _____

Owner/Applicant Signature Date

***COMPLETE, SIGN AND RETURN THIS PORTION UPON FINAL WELL COMPLETION - DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.

STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416
Fax No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. **CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.**

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 880 SALT LAKE CITY, UT

POSTAGE WILL BE PAID BY ADDRESSEE

UTAH DIV OF WATER RIGHTS - 146300
PO BOX 31431
SALT LAKE CITY UT 84131-9988

Please fold on top and bottom lines with reply mail address showing, tape, and mail.

DRILLER (START) CARD for WATER RIGHT: 95-5078

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: April 30, 2010

OWNER/APPLICANT NAME: USA National Park Service

MAILING ADDRESS: 1201 Oakridge Drive, Suite 250, Fort Collins, CO 80525.

PHONE NUMBER:

WELL LOCATION: S 400' E 3310' from NW Cor. S29, T30S, R7E, SLB&M.

WELL UTM COORDINATES: Northing: 4225651 Easting: 484079

WELL ACTIVITY: NEW (✓) REPAIR ( ) REPLACE ( ) ABANDON ( )
CLEAN ( ) DEEPEN ( )

For surface seals in unconsolidated formations (clay, silt, sand, and gravel), will you be using a temporary conductor casing or other formation stabilizer (e.g., drilling mud) in the surface seal interval to maintain the required annular space?

YES or NO (Circle one).

Answering 'NO' suggests that you will be placing the surface seal in an open and unstabilized annular space, which may require onsite inspection of seal placement by the State Engineer's Office.

PROPOSED START DATE: _____

PROJECTED COMPLETION DATE: _____

LICENSE #: _____ LICENSEE/COMPANY: _____

_____ _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416
Fax No. 801-538-7467

COMMENTS: _____

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 880 SALT LAKE CITY, UT

POSTAGE WILL BE PAID BY ADDRESSEE

UTAH DIV OF WATER RIGHTS - 146300
PO BOX 31431
SALT LAKE CITY UT 84131-9988

Please fold on top and bottom lines with reply mail address showing, tape, and mail.

USA NATIONAL PARK SERVICE
1201 OAKRIDGE DRIVE SUITE 250
FORT COLLINS CO 80525

- - - - - - - - - - - - - - -

Docket Information

Number of Documents in Docket 56

Documents Dated from 10/30/2000 to 9/1/2015

Docket Compiled: 6/8/2016