

IN THE MATTER OF APPLICATION)
28352 FILED TO CHANGE THE POINT)
OF DIVERSION AND PLACE OF USE)
OF A PORTION OF WATER HERETOFORE)
APPROPRIATED UNDER THE KINGS)
CANYON CREEK, GREGORY CANYON)
CREEK AND ASH CANYON CREEK)
CIVIL DECREE)

R U L I N G

GENERAL:

Application 28352 was filed on May 29, 1974 in the name of Arvin E. and Wanda L. Boerlin as joint tenants to change the point of diversion and place of use of 4.0 acre-feet annually of water heretofore appropriated under the above described decree.

The proposed point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T.15N., R.19E. and the water is to be used for the irrigation of planted areas around a single family residence and for fire protection on 3.1 acres within the same subdivision as the point of diversion.

A protest of the granting of Application 28352 was filed on July 3, 1974 by Mr. D. A. Andersen. The grounds of the protest state "an obstruction has been placed in the channel -- no method of measurement have been constructed". Protestant further prays that the application be granted subject to the grounds of the protest.

A field investigation in the matter of 28352 was conducted by personnel of the Division of Water Resources on September 19, 1974.

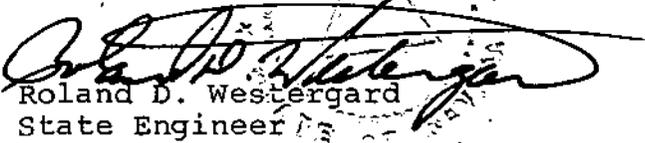
RULING:

The protest to the granting of Application 28352 is hereby upheld and a permit will be granted under this application subject to the following conditions:

1. Issue subject to all existing rights on the source with the understanding that the diversion will be regulated according to William H. Long's period of use under the present accepted rotation schedule on the stream system and further that the diversion will be subject to any changes in that rotation schedule.

2. That the works of diversion will not impede or restrict the flow of the channel in any manner.
3. That totalizing meters be installed on the diversion works with monthly reports submitted to the Division of Water Resources on actual amounts of diversion.
4. That the total annual amount of water diverted shall not exceed 4.0 acre-feet.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/PGM/lk

Dated this 13th day
of December 1974.