



— BUREAU OF —  
RECLAMATION

# **Sanpete Contract Termination and Quitclaim Deed, Draft Environmental Assessment**

**PRO-EA-19-007**

**Upper Colorado Basin – Interior Region 7  
Provo Area Office  
Provo, Utah**



## **Mission Statements**

The Department of the Interior conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

# **Sanpete Contract Termination and Quitclaim Deed Draft Environmental Assessment**

**PRO-EA-19-007**

**Upper Colorado Basin – Interior Region 7  
Provo Area Office  
Provo, Utah**

Cover photo courtesy: <https://watered.utah.gov/watereducation/water-in-utah/>

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*Cooperating agencies:* Sanpete Water Conservancy District  
Central Utah Water Conservancy District

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# Chapter 1 Introduction

## 1.1 Background

This Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Council on Environmental Quality's regulations implementing NEPA at 40 CFR 1500-1508 that went into effect September 14, 2020, to examine the potential environmental impacts of terminating the Sanpete Water Conservancy District (District) water contract and issuing a quitclaim deed for the water right applications (Proposed Action) in Sanpete County, Utah. If the Proposed Action is approved, Reclamation would terminate UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, GOOSEBERRY PROJECT CONTRACT No. 6-07-01-00006, CONTRACT RELATING TO ASSIGNMENT OF WATER RIGHTS (hereafter "1975 Assignment Contract") and withdraw their interest in the water right applications by issuing a quitclaim deed, leaving the District as the sole assignee.

Since the early 1900s, Sanpete County residents have planned for a trans-basin diversion to bring water into the San Pitch River drainage. In 1935 Reclamation approved the Ephraim and Spring City divisions of the Sanpete Project but deemed the Gooseberry Division too costly and complicated to complete at that time. In 1943 while actively working towards the construction of the Gooseberry Project, the United States decided that due to its poor condition, Scofield Dam needed to be rebuilt prior to building the Gooseberry Dam.

In 1943 the Tripartite Agreement was signed between Reclamation, the Carbon Water Conservancy District (CWCD), and the Price River Water Conservation District (PRWCD) to secure the water rights sufficient to construct Scofield Reservoir, and outlined the rights of Reclamation and PRWCD "after construction of the Gooseberry Plan." The contract states that PRWCD has the right to the full active capacity of Scofield Reservoir and has an obligation to satisfy the existing prior rights from the reservoir if they cannot be satisfied by other available sources.

In 1944 the Scofield Repayment Contract was executed between Reclamation and the CWCD, wherein the CWCD agreed that Scofield would be operated in accordance with the Gooseberry Plan in the Tripartite Agreement.

In 1956 the Gooseberry Project was recommended as a Colorado River Storage Project Act project; however, it was still not constructed.

In 1975, the U.S. entered into the 1975 Assignment Contract with the District to allow the District to perfect and maintain various water rights in good standing for the Gooseberry Project and Scofield Project. It was anticipated that the Federally owned water right application numbers A14025, A14026, A14477 would be assigned to the District in order to be perfected and maintained according to the State of Utah water law. In Article 5 of the 1975 Assignment Contract, a reversionary clause was included to identify that if/when the water rights were perfected, they would

revert back to the ownership of the U.S. to be used in the Federally owned Gooseberry Project. Also included in the reversionary clause was the stipulation that the water rights could be re-assigned back to the U.S. at any time.

In 1984 an agreement was brokered by the State Engineer and signed by the District, the CWCD, and the Price River Water Users Association (PRWUA) to remove CWCD/PRWUA opposition to the water right approval process for applications A14025, A14026, and A14477, and to drop a federal lawsuit against the United States. In exchange for the specific removal of points of opposition, the State Engineer would approve Water Right Application 14683 to allow the PRWUA the use of the additional 35,000 acre-feet of storage capacity in Scofield Reservoir.

As part of the Gooseberry planning process, the District applied for a 404 permit from the U.S. Army Corps of Engineers (Corps) to authorize the construction of a dam and reservoir in Carbon County, which required an Environmental Impact Statement (EIS). This NEPA document was funded by the District and completed by Reclamation in 2012. The Corps reviewed the EIS as a cooperating agency along with the U.S. Forest Service. Reclamation signed the Record of Decision on January 3, 2013. However, the Corps did not sign the ROD. Over 3 years later, to the surprise of the District, the Corps informed the District in a letter dated May 27, 2016 that the Corps considered the Final Environmental Impact Statement prepared by Reclamation to be inadequate under NEPA and Section 404(b)(1) guidelines and therefore would require a supplemental EIS that further analyzed the purpose and need, range of alternatives, and section 404(b)(1) factors. After having fully funded a complete EIS, the District could not afford to fund additional NEPA analysis that the Corps requested for the supplemental EIS. Therefore, the District decided to no longer pursue the Gooseberry Project.

However, the District dropping the pursuance of the Gooseberry Project did not negate the 1975 Assignment Contract. With the Gooseberry Project out of consideration, the U.S. no longer has a need for the water identified in the water rights and is willing to comply with the District's request to remove the uncertainty brought on by the reversionary clause in Article 5 of the 1975 Assignment Contract, and ensure the District would remain the sole assignee on the applications. The District is still bound by the terms and conditions of the 1984 Agreement.

This EA analyzes the potential impacts of the Proposed Action in comparison with the No Action Alternative. As required by the NEPA implementing regulations, if significant impacts to the human environment are identified, an Environmental Impact Statement will be prepared. If no significant impacts are identified, Reclamation will issue a Finding of No Significant Impact.

## **1.2 Statement of Purpose and Need**

The purpose of the Proposed Action is to comply with both Section 14 of the Reclamation Project Act of 1939 (43 U.S.C. § 389) and Reclamation Directive & Standard LND 08-02, which states in part that "Reclamation will dispose of or relinquish lands or *land interests* no longer needed for Reclamation purposes." (emphasis added). Although the Gooseberry Project has not been deauthorized by Congress, LND 08-02 also states that "Reclamation will retain only those lands [or land interests] required for present and identifiable future project or program purposes."

The need for the Proposed Action is to accommodate the District's desire to make use of the water potentially available to the District for future non-Federal projects.

There are no known present or identifiable future Federal projects or programs associated with the Gooseberry Project, although Reclamation also acknowledges that implementing the Proposed Action would not preclude Reclamation from introducing programs, constructing future projects, or otherwise furthering the purposes of the Gooseberry Project in the future without the water rights or water right applications considered in this EA.

### **1.3 Federal Decision**

The federal decision to be made is whether to implement the Proposed Action, which consists of terminating the 1975 Assignment Contract and quitclaiming any interests it may hold in water rights 91-130, 91-131, and 91-132 or the respective water right applications, A14025, A14026, and A14477.

## **Chapter 2 Alternatives**

This chapter describes the features of the No Action and Proposed Action Alternatives and includes a description of each alternative considered. It presents the alternatives in comparative form, defining the differences between each alternative.

### **2.1 No Action**

Under the No Action, Reclamation would not terminate the 1975 Assignment Contract, nor would it issue a quitclaim deed for any interests it may hold in water rights 91-130, 91-131, and 91-132 or the respective water right applications, A14025, A14026, and A14477, resulting in uncertainty regarding the role of the U.S. in the development of any future projects tied to these water rights and/or water right applications.

### **2.2 Proposed Action**

The Proposed Action is the preferred alternative. The Proposed Action consists of Reclamation terminating the 1975 Assignment Contract and quitclaiming any interests it may hold in water rights 91-130, 91-131, and 91-132 or the respective water right applications, A14025, A14026, and A14477. This is an administrative action wherein the U.S. would remove the possibility of reversion of the perfected water right to the U.S.

The District filed a change application on water right 91-132 with the state engineer on July 5, 2018 in order to potentially store water in Gunnison Reservoir, Sanpete County, Utah. However, it would be speculative to further consider the potential storage in Gunnison Reservoir in this EA because there is no agreement between the District and Gunnison Irrigation Company (owner and operator

of Gunnison Reservoir) to store the water in the reservoir, funding has not been acquired, and the change application has not been approved.

## Chapter 3 Affected Environment and Environmental Consequences

This chapter describes the environment that could be affected by the Proposed Action. Because the District has not identified specific projects that would make use of the water right, there would be no foreseeable effects to any resources by implementing the Proposed Action, with the potential exception of water rights. Therefore, only impacts to water rights are considered in this chapter.

### 3.1 Water Rights

The affected environment (baseline conditions) for water rights includes water rights in Table 1 (also shown in Figure 1), as well as other water rights within the District’s service area.

Table 1 List of water rights associated with the Proposed Action

Water Right Number	Application Number	Priority Date	Quantity of Water	Points of Diversion
91-130	A14025	1977	30 cfs	Cabin Hollow Creek, Brooks Creek (rediverted at Gooseberry Creek)
91-131	A14026	1977	17,000 acre-feet	Gooseberry Creek
91-132	A14477	1977	130 cfs	Gooseberry Creek

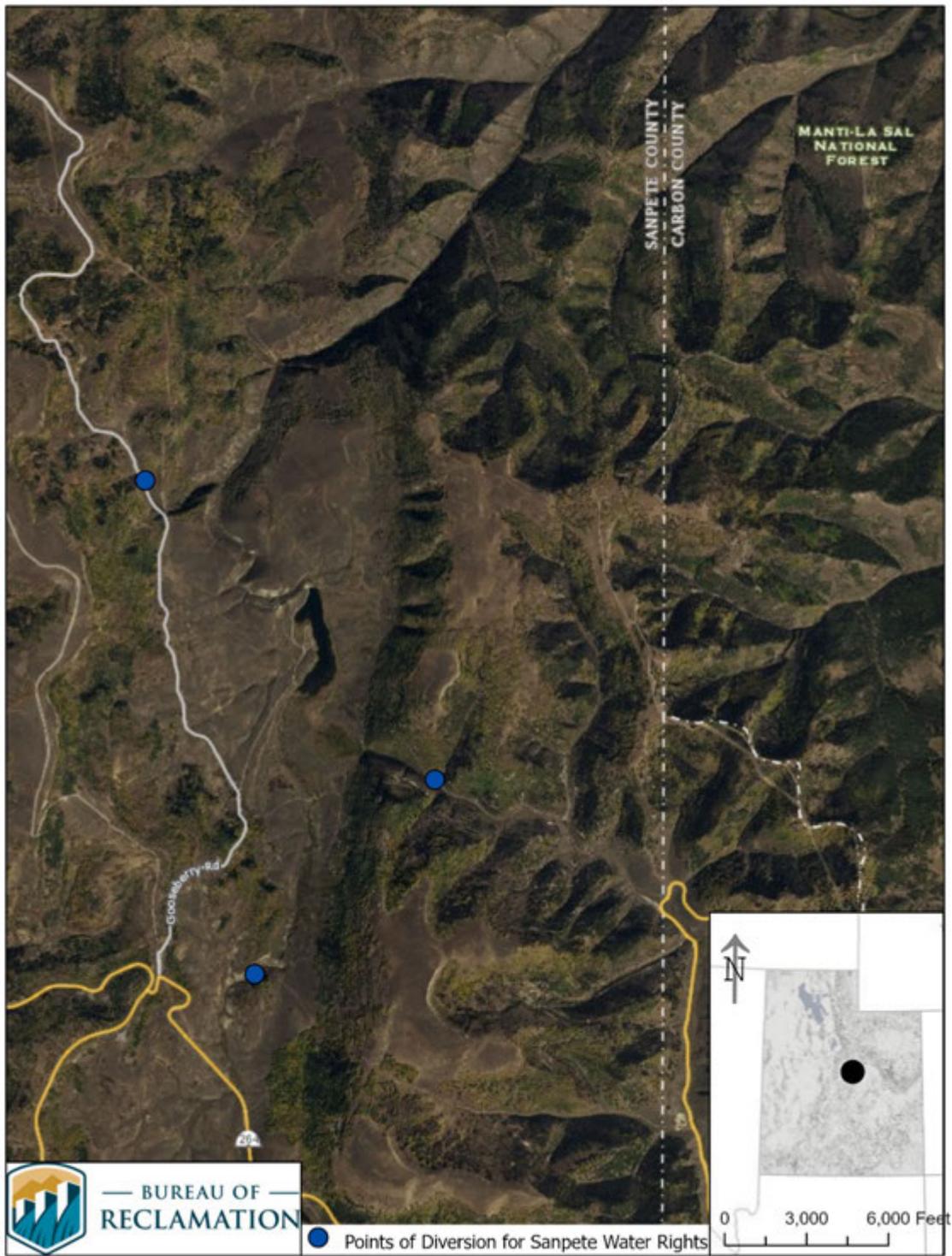


Figure 1 Map of water rights associated with the Proposed Action

### **3.1.1 Impacts to Water Rights**

Two impacts, one permanent, the other temporary and weather/climate dependent, were identified in this analysis. Both are subject to the Utah state engineer approving change applications for the water rights to be used for non-Federal projects. Issuing the quitclaim deed for any interests Reclamation holds in the water rights or water right applications would be a permanent effect of the Proposed Action and beneficial to the District because it could make use of the water right for non-Federal projects without any potential for Reclamation interests to encumber the use of the water rights. These beneficial effects would be local to the District's service area.

The temporary and weather/climate dependent effect would be based on dryness of each water year. Water rights junior to the District's water right could potentially be affected in dry water years when some junior water rights could not be fully satisfied due to curtailment. This effect of curtailing junior water rights cannot necessarily be quantified, but the effect would likely be localized and small, if it ever occurred, due to the rather junior priority date of the water rights compared to existing water rights within the District's service area. Water rights senior to the water right application would not be affected.

To summarize, the effects of the Proposed Action on water rights would be localized and small, if they ever occurred. Therefore, the impacts on water rights would not be significant.

## **Chapter 4 Environmental Commitments**

There would be no environmental commitments required for the Proposed Action.

## **Chapter 5 Public Involvement**

A 14-day comment period, which ends on March 17, 2021, is being conducted on this Draft EA. Comments must be submitted via hard copy, either email or standard mail, to Reclamation at one of the addresses below.

Email (preferred): [jbaxter@usbr.gov](mailto:jbaxter@usbr.gov)

Standard mail: U.S. Bureau of Reclamation

Re: Sanpete Draft Environmental Assessment

302 East Lakeview Parkway

Provo, Utah 84606

Questions or requests for hard copies of this Draft EA can be directed to Mr. Jared Baxter at [jbaxter@usbr.gov](mailto:jbaxter@usbr.gov) or (801) 379-1081.

## Chapter 6 Preparers

The following is a list of preparers from Reclamation who participated in the development of the EA.

### Reclamation Preparers

Name	Title	Contribution
Jared Baxter	NEPA Specialist	NEPA Coordinator
Rick Baxter	Manager, Water, Environmental, and Lands Division	Project Oversight
Peter Crookston	Chief, Environmental Group	NEPA Oversight
Jeff Hearty	Contracts and Repayment Specialist	Contracts
John Mann	Civil Engineer, Water Rights	Water Rights
Darrick Whipple	Chief, Water Resources Group	Water Rights, Contracts
Brittany White	Fish and Wildlife Biologist	Document Preparation

## Chapter 7 Acronyms and Abbreviations

Acronym/Abbreviation	Meaning/Description
1975 Assignment Contract	UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, GOOSEBERRY PROJECT CONTRACT No. 6-07-01-00006, CONTRACT RELATING TO ASSIGNMENT OF WATER RIGHTS
CFR	Code of Federal Regulations
cfs	Cubic Feet Per Second
Corps	U.S. Army Corps of Engineers
CWCD	Carbon Water Conservancy District
District	Sanpete Water Conservancy District
EA	Environmental Assessment
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act
PRWUA	Price River Water Users Association
Reclamation	U.S. Bureau of Reclamation

## **Chapter 8 References**

There are no references for this EA.

## **Chapter 9 Appendices**

## **Appendix A 1975 Assignment Contract**

6-07-01-00006

CONFORMED COPY

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
GOOSEBERRY PROJECT

CONTRACT RELATING TO ASSIGNMENT OF WATER RIGHTS

This contract, made this 22nd day of July,  
1975, in pursuance of the Act of June 17, 1902 (32 Stat. 388),  
and Acts Amendatory thereof and Supplementary thereto, particularly  
the Act of April 11, 1956 (70 Stat. 105), between the UNITED STATES  
OF AMERICA, hereinafter referred to as the United States, acting  
through the Secretary of the Interior, hereinafter referred to as  
the Secretary, and represented by the Regional Director, Upper  
Colorado Region, Bureau of Reclamation, hereinafter referred to as  
the Contracting Officer, and the SANPETE WATER CONSERVANCY DISTRICT,  
organized and existing under the laws of the State of Utah, with its  
principal place of business at Moroni, Sanpete County, Utah, herein-  
after referred to as the District.

WITNESSETH, That:

Whereas, the United States has agreed to investigate  
and plan the Gooseberry Project pursuant to the Colorado River Storage  
Project Act of 1956, and the United States in investigating and  
planning the Gooseberry Project has acquired certain water rights in  
Fish Creek (Price River), Gooseberry Creek, and Cabin Hollow Creek  
pursuant to Applications Nos. 9594, 14025, 14026, 14477, and 14683; and

WHEREAS, the United States acting through First Assistant Secretary of the Interior, Michael D. Strauss on behalf of the Bureau of Reclamation, entered into an agreement with the Carbon Water Conservancy District and the Price River Water Conservation District (now the Price River Water Users Association), Contract No. Ilr-1406, dated October 11, 1943, better known as the Tripartite Contract, whereby the parties agreed to be bound in the Development of Scofield Reservoir under the Scofield Project, and such reservoir was built pursuant to that agreement, and whereby the parties also agreed to emphasize and press for the development of the Gooseberry Project; and

WHEREAS, the District desires to obtain control of these water rights in order to file certain applications and requests for project planning;

NOW, THEREFORE, in consideration of the mutual and dependent stipulations and covenants herein contained, it is agreed by and between the parties hereto as follows:

1. The United States will:

- a. Assign to the District its interest in Application Nos. 14025 (91-130), 14026 (91-131), and 14477 (91-132).
- b. Hold Application No. 14683 (91-135) in the name of the United States, and at the appropriate time seek approval and file proof of appropriation for that application for the portion of the capacity of Scofield Reservoir which is not now covered by adequate water rights.
- c. Hold Application No. 9594 (91-88) in the name of the United States until such time as appropriate water rights

for the Gooseberry Project have been perfected,  
at which time this application will be withdrawn.

2. The District will in good faith and expeditiously seek approval by the State Engineer of Applications Nos. 14025 (91-130), 14026 (91-131), and 14477 (91-132); and at the appropriate time file suitable change applications so the water rights will correspond to the selected Gooseberry Project plan.
3. The assignment of the water right applications is made for the purpose of perfecting and maintaining these rights in good standing for the Gooseberry Project and for the Scofield Project. The water made available under these rights will be used exclusively on the Gooseberry Project and the Scofield Project for project purposes in accordance with the Tripartite Agreement among the United States, Carbon Water Conservancy District, and the Price River Water Conservation District (now the Price River Water Users Association).
4. The District agrees to maintain these water rights in good standing to the extent afforded under law and agrees to the conditions cited in articles 1, 2, and 3 above.
5. The District agrees that these rights are assigned, to-wit, so long as they are expeditiously and in good faith pursued before the necessary administrative and judicial bodies in order to establish their validity. In addition, the District,

upon the request of the United States at any time, will re-assign its interest to the United States without cost. If the United States does not at any earlier date request such reassignment, at such time as the water rights are certified, such certification shall be made in the name of the United States and the water rights will automatically revert to the United States.

6. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given when mailed, postage prepaid, or delivered to the Regional Director, Upper Colorado Region, Bureau of Reclamation, P.O. Box 11568, 125 South State Street, Salt Lake City, Utah 84111, on behalf of the United States, and to the Chairman, Secretary-Treasurer, or Attorney on behalf of the District at Moroni, Utah 84646.

The designation of the addressee or address may be changed by notice given in the same manner as provided in this article for other notices.

7. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any part or interest therein shall be valid until approved by the Contracting Officer.
8. The District warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon agreement or understanding for a commission, percentage,

brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the District for the purpose of securing business. For breach or violation of this warranty the United States shall have the right to annul this contract without liability.

9. (a) No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom. This restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefits.

(b) No official of the District shall receive any benefit that may arise by reason of this contract other than as a landowner within the project and in the same manner as other landowners within the project.

IN WITNESS WHEREOF, the parties have hereto signed their names and the day and year first above written.

THE UNITED STATES OF AMERICA

By /S/ David L. Crandall  
Regional Director  
Upper Colorado Region  
Bureau of Reclamation  
Acting under authority  
delegated by the Secretary  
of the Interior

SANPETE WATER CONSERVANCY DISTRICT

By /S/ Ray D. Christensen

(SEAL)  
ATTEST:

Kathleen H. Kjar  
Secretary

**Appendix B Water Rights and Applications**

# Water Right Details for 91-130

Utah Division of Water Rights

12/14/2020 12:55 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 91-130

Application/Claim: A14025

Certificate:

## Changes:

a9237 (Filed: 01/10/1977) Approved

## Owners:

Name: Sanpete Water Conservancy District  
Address: c/o Kenneth Bench, Chairman  
P.O. Box 385  
Fairview, UT 84629 Interest: 100%

Remarks:

## General:

Type of Right: Application To Appropriate Source of Info.: Application to Appropriate Status: Approved  
Quantity of Water: 30 CFS

Source: Cabin Hollow Creek, Brooks Creek  
County: Sanpete  
Common Description: 10 miles NE of Fairview  
Proposed Det. Book: 91-6 Map: 27d Pub. Date:

Land Owned by Appl.: County Tax Id#:

Distribution System:

## Dates:

Filing:

Filed: 01/16/1941  
Priority: 01/16/1941 Decree/Class:

Advertising:

Publication Began: Publication End: Newspaper:  
Protest End Date: Protested: Not Protested Hearing Held:

Approval:

State Eng. Action: Approved Action Date: 01/07/1985  
Recon. Req. Date: Recon. Req Action:

Certification:

Proof Due Date: 01/31/2029 Extension Filed Date:  
Election or Proof: Election/Proof Date:  
Certificate Date: Lapsed, Etc. Date: Lapsed Letter

Wells:

Prov. Well Date: Well Renov. Date:

**Points of Diversion:**

Points of Diversion - Surface:

Stream Alteration Required:

(1) 0 ft. W 2500 ft. from NE corner, Sec 01 T 13S R 5E SLBM Diverting Works: feeder canal Elevation:	Source: Cabin Hollow Creek UTM: 472996.596, 4397575.107
(2) S 300 ft. E 2700 ft. from NW corner, Sec 17 T 13S R 6E SLBM Diverting Works: 12 foot high earth dam Elevation:	Source: Brooks Creek UTM: 476229.378, 4394242.521

Points of Rediversion:

(1) N 625 ft. E 1200 ft. from W4 corner, Sec 19 T 13S R 6E SLBM Diverting Works: Narrows Dam Elevation:	Source: Gooseberry Creek UTM: 474219.233, 4392064.643
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**Proposed Water Uses:**

Proposed Water Uses - Group Number: 614045

Water Rights Appurtenant to the following use(s):

91-130(APP), 91-131(APP), 91-132(APP),

Water Use Types:

**Irrigation-Beneficial Use Amount:** Unevaluated Group Total: 30000      **Period of Use:** 04/01 to 10/31  
**Comments:** The legal subdivisions of the land to be irrigated are as follows: Parts of T13S,R2E; T13S, R3E; T13S, R4E; T13S,R5E; T14S, R2E; T14S, R3E; T14S, R4E; T14S, R5E; T15S, R2E; T15S, R3E; T15S, R4E; T15S, R5E; T16S, R2E; T16S, R3E; T16S, R4E; All SL Base and Meridian.

**Other:** Municipal and Industrial uses.      **Period of Use:** 01/01 to 12/31  
**Acre Feet Contributed by this Right for this Use:** Unevaluated

Place Of Use:	North West				South West				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	
ALL T 13S R 2E SLBM									
ALL T 13S R 3E SLBM									
ALL T 13S R 5E SLBM									
ALL T 14S R 2E SLBM									
ALL T 14S R 4E SLBM									
ALL T 14S R 5E SLBM									
ALL T 15S R 3E SLBM									
ALL T 15S R 4E SLBM									
ALL T 16S R 2E SLBM									
ALL T 16S R 3E SLBM									
ALL T 16S R 4E SLBM									
<b>Group Acreage Total :</b>									

**Use Totals:**

Irrigation sole-supply total: Unevaluated acres      for a group total of: 30000 acres  
 Other sole-supply total: Unevaluated acft

**Other Comments:**

Change application protested by: Price River Water Improvement Dist., Utah Power & Light Co., Franklin Real Estate Company, U.S. Department of Agriculture, Carbon Water Conservancy District, Carbon Canal Company, Price River Water User's Association, Price City, etal, Sanpete Water Conservancy District

2) This application is approved by memorandum decision and is subject to the following conditions:

1. The first year that water is stored in the Narrows Reservoir, such water needed to fill the inactive storage capacity shall be charged against the 5400 acre-feet that can be diverted transmountain that year.
2. The total active storage capacity of the Narrows Reservoir shall not exceed 14,500 acre-feet.
3. No diversion of water shall be made from Cabin Hollow Creek.
4. The applicant shall maintain a minimum flow of 1.00 second feet of water year-round in Gooseberry Creek immediately downstream of the Narrows Dam. If the flow of Gooseberry Creek at a point near the Gooseberry Campground (which point shall be specified by the State Engineer) is less than 1.50 second feet, the applicant shall be required to provide an additional flow of up to 0.25 second feet to help maintain a flow of 1.50 second feet in Gooseberry Creek near the campground.
5. The applicant shall construct the outlet works of the Narrows Dam that discharge into Gooseberry Creek so that water can be diverted from various elevations in the reservoir. The applicant shall coordinate the releases of water into Gooseberry Creek with the Division of Wildlife Resources to optimize the water temperature of such releases.
6. The applicant shall install and maintain the necessary measuring devices to administer the distribution of water under these applications. The location and type of such devices shall be approved by the State Engineer.
7. The applicant shall submit duplicate plans and specifications for the Narrow Dam to the State Engineer and receive approval of the plans prior to construction.

**Reservoirs:**

Reservoir/Storage Name: Gooseberry Reservoir      Dam Number:  
 Capacity: 17000 acre-feet      Area Inundated: 800 acres  
 Dam Height: 125 feet      From: 01/01 to 12/31 inclusive

Area	North West Quarter				South West Quarter											
	NW	NE	SW	SE					NW	NE	SW	SE				
Sec 24 T 13S R 5E SLBM	X	X	X	X					X	X	X	X				
Sec 25 T 13S R 5E SLBM	X	X	X	X					X	X	X	X				
Sec 19 T 13S R 6E SLBM	X	X	X	X					X	X	X	X				
Sec 30 T 13S R 6E SLBM	X	X	X	X					X	X	X	X				
Sec 31 T 13S R 6E SLBM	X	X	X	X					X	X	X	X				

**Extensions**

Filed: 12/28/1998	Proof Due: 01/31/2004	
Advertising:		
Publication Began: 01/13/1999	Publication End: 01/06/1999	Newspaper: Pyramid
Protested: Protested	Hearing Held:	Protest End Date: 02/09/1999
Approval:		
SE Action: Approved	Action Date: 03/11/1999	Memo Decision: No
Filed: 01/23/2004	Proof Due: 01/31/2009	
Advertising:		
Publication Began: 02/12/2004	Publication End: 02/19/2004	Newspaper: Pyramid
Protested: Protested	Hearing Held:	Protest End Date: 03/10/2004
Approval:		
SE Action: Approved	Action Date: 12/09/2005	Memo Decision: Yes
Filed: 01/21/2009	Proof Due: 01/31/2019	
Advertising:		
Publication Began: 02/19/2009	Publication End: 02/26/2009	Newspaper: Sun Advocate
Protested: Protested	Hearing Held:	Protest End Date: 03/18/2009
Approval:		
SE Action: Approved	Action Date: 05/25/2010	Memo Decision: No
Filed: 01/23/2019	Proof Due: 01/31/2029	
Advertising:		
Publication Began: 02/20/2019	Publication End: 02/27/2019	Newspaper: ETV News
Protested: Protested and	Hearing Held: 05/15/2019	Protest End Date: 03/19/2019
Approval:		
SE Action: Approved	Action Date: 07/31/2019	Memo Decision: Yes

**Protestants:****Extension (Proof) Protestants:**

Received: 03/08/2004	Type: Extension (Proof) dated 01/23/2004
Name: Carbon Canal Company	
Address: c/o Nick Sampinos, Secretary-Treasurer	
PO Box 779	
Price, UT 84501	
Comments:	
Received: 03/08/2004	Type: Extension (Proof) dated 01/23/2004
Name: Price City	
Address: c/o Nick Sampinos, Attorney	
190 North Carbon Avenue	
Price, UT 84501	
Comments:	
Received: 03/08/2004	Type: Extension (Proof) dated 01/23/2004
Name: Price-Wellington Control Board	
Address: c/o Nick Sampinos, Attorney	
190 North Carbon Avenue	
Price, UT 84501	
Comments:	

**Extension (Proof) Protestants:**

Received: 03/05/2019

Type: Extension (Proof) dated 01/23/2019

Name: Nick Schou

Address: c/o Utah Rivers Council  
1055 E. 2100 S. Ste. 201  
Salt Lake City, Utah 84106

Comments:

Received: 03/19/2009 (Late)

Type: Extension (Proof) dated 01/21/2009

Name: United States Dept. of Agriculture/Forest Service

Address: c/o Mesia Nyman  
PO Box 310  
Ferron, UT 84523

Comments:

Received: 03/10/2004

Type: Extension (Proof) dated 01/23/2004

Name: USA Forest Service

Address: c/o Jeanne A. Evenden  
324 25th Street  
Ogden, UT 84401

Comments:

# Application to Appropriate Water for Irrigation Purposes

## STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the Rules and Regulations on the back hereof and all the notes in the body of it.

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for irrigation purposes, Application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

Note.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

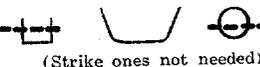
1. <sup>Sample (Water) Conservancy District</sup> The name of the applicant is United States of America, Department of the Interior, Bureau of Reclamation
2. The post-office address of the applicant is 339 Federal Building, Salt Lake City, Utah
3. The quantity of water to be appropriated is 30 second-feet or          acre-feet  
(See note on following page)
4. The water is to be used each year from April 1 to October 31 incl.,  
(Month) (Day) (Month) (Day)  
and stored each year (if stored) from January 1 to December 31 incl.  
(Month) (Day) (Month) (Day)
5. The drainage area to which the direct source of supply belongs is Green River  
(Leave blank)
6. The direct source of supply is Cabin Hollow Creek  
(Name of stream or other source)  
which is tributary to Fish Creek, tributary to Price River

Note.—Where water is to be diverted from a well or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a drain, so indicate in the first space, giving its name, if named, and in the remaining spaces, designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

7. The point of diversion from stream, ~~spring, spring area, drain, well (flowing or pump), tunnel,~~  
(Strike words not needed)  
~~or~~ is in Sanpete county, situated at a point\*  
W. 2500 ft. from the NE Cor. of Sec. 1, T. 13 S., R. 5 E., SLB&M

\*Note.—The point of diversion must be located definitely by course and distance or by rectangular distances, with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object. (Also see note at top of following page.)

No Application will be received in which the point of diversion is not described definitely. Any change made in this description after Application is received and before approved will bring down the priority of Application to the date when the amendment is made of record in the State Engineer's office.

8. The diverting and carrying works will consist of a low earth dam and an unlined canal  
from point of diversion to the proposed Mammoth reservoir.
9. The cross section of the diverting channel will be   
(Strike ones not needed)
10. The diverting works and diverting channel will be constructed of earth, ~~wood, iron, concrete.~~  
(Strike words not needed)
11. The length of the diverting channel, exclusive of laterals, will be approx. 8000 feet
12. The top width of the diverting channel will be (if a ditch) 7.0 feet
13. The bottom width of the diverting channel will be (if a ditch) 3.0 feet
14. The depth of water in the diverting channel will be (if a ditch) 1.3 feet
15. The width of the diverting channel will be (if a flume) - feet
16. The depth of water in the diverting channel will be (if a flume) - feet
17. The diameter of the diverting channel will be (if a pipe) - inches
18. The grade of the diverting channel will be 4.0 feet per thousand
19. The legal subdivisions of the land to be irrigated are as follows: Parts of T. 13 S., R. 2 E.,  
T. 13 S., R. 3 E.; T. 13 S., R. 4 E.; T. 13 S., R. 5 E.; T. 14 S., R. 2 E.; T. 14 S., R. 3  
T. 14 S., R. 4 E.; T. 14 S., R. 5 E.; T. 15 S., R. 2 E.; T. 15 S., R. 3 E.; T. 15 S., R. 4  
T. 15 S., R. 5 E.; T. 16 S., R. 2 E.; T. 16 S., R. 3 E.; T. 16 S., R. 4 E.; all SLB&M.

NOTE—if only parts of legal subdivisions are to be irrigated the words "part of" should precede each description. Any change made in the description of land area after application is received will bring down the priority of application to the date when amended application is received.

Total area to be irrigated is 30,000 acres

20. The character of the soil in the above described tract of land is clay loam, sandy loam, gravelly loam
21. The character of the subsoil in the above described tract of land is gravelly

## EXPLANATORY

Note.—The second space provided in Paragraph 3 on page 1 must not be used except when storage is contemplated; in such case Paragraph 4 (first line) should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres.

If the Reservoir is Located on the Channel of the Source from which the water is to be appropriated, it should be so stated in the space below, and—

1. The location of the center of the impounding dam should be described in Paragraph 7.
2. The point where the released storage will be rediverted from the natural stream should be described in the space below in accordance with the note under Paragraph 7.

When Water is Not Stored in the Natural Channel of the Source from which it is to be appropriated, it should be so stated in the space below, and—

1. The point of diversion from the supplying source should be described in Paragraph 7.
2. The center of the impounding dam and the point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 7.

In all cases Paragraphs 8 to 18, inclusive, should describe the entire diverting works, exclusive of natural channels and laterals, even if already constructed in whole or in part.

If Application is Made for the Water of a Number of Springs, or other sources collected at a common point, said point should be described as the point of diversion in Paragraph 7 and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 7. The quantity of water sought from each source should be indicated below, the total equaling the quantity specified in Paragraph 3. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to a point as outlined by the note under Paragraph 7.

*The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:*

The proposed diversion is a part of the proposed Gooseberry project. Water diverted from Cabin Hollow Creek will be stored and/or regulated along with other waters of Gooseberry Creek and Huntington Creek in the proposed Mammoth reservoir. This proposed reservoir will have a capacity of about 17,000 ac. ft. and will be created by an earthfill dam on Gooseberry Creek, the center of which will be located 1470 ft. E. and 1220 ft. N. of the SW Cor. of Sec. 6, T. 13 S., R. 6 E., SLB&M. Such stored or regulated waters will be released from the reservoir through a tunnel to Cottonwood Creek, a tributary of the San Pitch River. Released water will be rediverted in part from Cottonwood Creek into a new highline canal to be built from Cottonwood Creek south to Spring City. The balance of the released water will be allowed to flow in the natural channels of Cottonwood Creek and the San Pitch River until diverted into the canals operated by those subscribing to this project.

Mammoth Dam, when built, will be 104 feet high. Mammoth Reservoir will, when developed, inundate parts of the South half of Sec. 6, part of Sec. 7 and part of Sec. 18, all in T. 13 S., R. 6 E., SLB&M. At full stage Mammoth reservoir will inundate 530 acres.

The land to be irrigated has other water rights. However, not more than an average of 3 ac. ft. per acre will be used each year for each acre of land from all rights combined.

UNITED STATES OF AMERICA

By E. W. Smith  
Engineer - Bureau of Reclamation

Signature of Applicant\*

\*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH,

County of \_\_\_\_\_

} SS.

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires \_\_\_\_\_

(SEAL)

Notary Public.

# Water Right Details for 91-131

Utah Division of Water Rights

12/14/2020 12:56 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 91-131

Application/Claim: A14026

Certificate:

## Changes:

a9236 (Filed: 01/10/1977) Approved

## Owners:

Name: Sanpete Water Conservancy District  
Address: c/o Kenneth Bench, Chairman  
P.O. Box 385  
Fairview UT 84629 Interest: 100%

Remarks:

## General:

Type of Right: Application To Appropriate Source of Info.: Application to Appropriate Status: Approved  
Quantity of Water: 17000 ACFT

Source: Gooseberry Creek  
County: Sanpete  
Common Description: 10 miles NE of Fairview  
Proposed Det. Book: 91- Map: 27d Pub. Date:

Land Owned by Appl.: County Tax Id#:

Distribution System:

## Dates:

Filing:

Filed: 01/16/1941  
Priority: 01/16/1941 Decree/Class:

Advertising:

Publication Began: 04/19/1979 Publication End: Newspaper:  
Protest End Date: Protested: Not Protested Hearing Held:

Approval:

State Eng. Action: Approved Action Date: 01/07/1985  
Recon. Req. Date: Recon. Req Action:

Certification:

Proof Due Date: 01/31/2029 Extension Filed Date:  
Election or Proof: Election/Proof Date:  
Certificate Date: Lapsed, Etc. Date: Lapsed Letter

Wells:

Prov. Well Date: Well Renov. Date:

**Points of Diversion:**

Points of Diversion - Surface:  
 Stream Alteration Required:  
 (1) N 625 ft. E 1200 ft. from W4 corner, Sec 19 T 13S R 6E SLBM  
 Diverting Works: Narrows Dam Source: Gooseberry Creek  
 Elevation: UTM: 474219.233, 4392064.643

**Proposed Water Uses:**

Proposed Water Uses - Group Number: 614045

Water Rights Appurtenant to the following use(s):  
 91-130(APP), 91-131(APP), 91-132(APP),

Water Use Types:

**Irrigation**-Beneficial Use Amount: Unevaluated Group Total: 30000 Period of Use: 04/01 to 10/31  
 Comments: The legal subdivisions of the land to be irrigated are as follows: Parts of T13S,R2E; T13S, R3E; T13S, R4E; T13S,R5E; T14S, R2E; T14S, R3E; T14S, R4E; T14S, R5E; T15S, R2E; T15S, R3E; T15S, R4E; T15S, R5E; T16S, R2E; T16S, R3E; T16S, R4E; All SL Base and Meridian.

**Other:** Municipal and Industrial uses. Period of Use: 01/01 to 12/31  
 Acre Feet Contributed by this Right for this Use: Unevaluated

Place Of Use:	North West				South West				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	
ALL T 13S R 2E SLBM									
ALL T 13S R 3E SLBM									
ALL T 13S R 5E SLBM									
ALL T 14S R 2E SLBM									
ALL T 14S R 4E SLBM									
ALL T 14S R 5E SLBM									
ALL T 15S R 3E SLBM									
ALL T 15S R 4E SLBM									
ALL T 16S R 2E SLBM									
ALL T 16S R 3E SLBM									
ALL T 16S R 4E SLBM									
Group Acreage Total :									

**Use Totals:**

Irrigation sole-supply total: Unevaluated acres for a group total of: 30000 acres  
 Other sole-supply total: Unevaluated acft

**Other Comments:**

Change application protested by:Carbon Water Conservancy District, Price River Water Improvement District, Carbon Canal Company, Price River Water User's Association, Price City, et al, U.S. Department of Agriculture, Utah Power and Light Company, Franklin Real Estate Company.  
 2)This application is approved by memorandum decision and is subject to the



**Extensions**

Filed: 01/23/2004 Proof Due: 01/31/2009  
 Advertising:  
 Publication Began: 02/12/2004 Publication End: 02/19/2004 Newspaper: Pyramid  
 Protested: Protested and Hearing Held: Protest End Date: 03/10/2004  
 Approval:  
 SE Action: Approved Action Date: 12/09/2005 Memo Decision: Yes

Filed: 01/21/2009 Proof Due: 01/31/2019  
 Advertising:  
 Publication Began: 02/19/2009 Publication End: 02/26/2009 Newspaper: Sun Advocate  
 Protested: Not Protested Hearing Held: Protest End Date: 03/18/2009  
 Approval:  
 SE Action: Approved Action Date: 05/25/2010 Memo Decision: No

Filed: 01/24/2019 Proof Due: 01/31/2029  
 Advertising:  
 Publication Began: 02/20/2019 Publication End: 02/27/2019 Newspaper: ETV News  
 Protested: Protested and Hearing Held: 05/15/2019 Protest End Date: 03/19/2019  
 Approval:  
 SE Action: Approved Action Date: 07/31/2019 Memo Decision: Yes

**Protestants:****Extension (Proof) Protestants:**

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Carbon Canal Company  
 Address: c/o Nick Sampinos, Seretary-Treasurer  
 Po Box 779  
 Price, UT 84501

Comments:

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Price City  
 Address: c/o Nick Sampinos, Attorney  
 190 North Carbon Avenue  
 Price, UT 84501

Comments:

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Price-Wellington Control Board  
 Address: c/o Nick Sampinos, Attorney  
 190 North Carbon Avenue  
 Price, UT 84501

Comments:

Received: 03/18/2019 Type: Extension (Proof) dated 01/24/2019  
 Name: Stowell Mututal Water & Canal Company  
 Address: c/o Tanya Henrie  
 2191 West 4500 North  
 Helper UT 84526

Comments:

# Application to Appropriate Water for Irrigation Purposes

## STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the Rules and Regulations on the back hereof and all the notes in the body of it.

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for irrigation purposes, Application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

Note.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

- The name of the applicant is Sanpete Water Conservancy District ~~United States of America, Department of the Interior, Bureau of Reclamation~~
- The post-office address of the applicant is 339 Federal Building, Salt Lake City, Utah
- The quantity of water to be appropriated is second-feet or 17,000 acre-feet  
(See note on following page)
- The water is to be used each year from April 1 to October 31 incl.,  
(Month) (Day) (Month) (Day)  
and stored each year (if stored) from January 1 to December 31 incl.  
(Month) (Day) (Month) (Day)
- The drainage area to which the direct source of supply belongs is Green River  
(Leave blank)
- The direct source of supply is Gooseberry Creek  
(Name of stream or other source)  
which is tributary to Fish Creek, tributary to Price River

Note.—Where water is to be diverted from a well or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a drain, so indicate in the first space, giving its name, if named, and in the remaining spaces, designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

- The point of diversion from stream, ~~spring, spring area, drain, well (flowing or pump), tunnel,~~  
(Strike words not needed)  
~~or~~ is in Sanpete county, situated at a point\*  
Center of proposed Mammoth impounding dam on Gooseberry Creek will be 1470 ft. E. and 1220 ft. N. of the SW Cor. Sec. 6, T. 13 S., R. 6 E., SLB&M.

\*Note.—The point of diversion must be located definitely by course and distance or by rectangular distances, with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object. (Also see note at top of following page.)

No Application will be received in which the point of diversion is not described definitely. Any change made in this description after Application is received and before approved will bring down the priority of Application to the date when the amendment is made of record in the State Engineer's office.

- The diverting and carrying works will consist of An earthfill dam 104 ft. high with a crest length of 520 ft.; diversion from the reservoir will be made through a tunnel, horseshoe shaped, with an inside diameter of 5.5 ft.
  - The cross section of the diverting channel will be  (Horseshoe)  
(Strike ones not needed)
  - The diverting works and diverting channel will be constructed of earth, ~~wood, iron, concrete.~~  
(Strike words not needed)
  - The length of the diverting ~~channel~~ tunnel, exclusive of laterals, will be approx. 12,300 feet
  - The top width of the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  - The bottom width of the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  - The depth of water in the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  - The width of the diverting channel will be (if a flume) \_\_\_\_\_ feet
  - The depth of water in the diverting channel will be (if a flume) \_\_\_\_\_ feet
  - The diameter of the diverting ~~channel~~ tunnel will be (if a pipe) 66 inches
  - The grade of the diverting channel will be \_\_\_\_\_ feet per thousand
  - The legal subdivisions of the land to be irrigated are as follows: Parts of T. 13 S., R. 2 E.; T. 13 S., R. 3 E.; T. 13 S., R. 4 E.; T. 13 S., R. 5 E.; T. 14 S., R. 2 E.; T. 14 S., R. 3 E.; T. 14 S., R. 4 E.; T. 14 S., R. 5 E.; T. 15 S., R. 2 E.; T. 15 S., R. 3 E.; T. 15 S., R. 4 E.; T. 15 S., R. 5 E.; T. 16 S., R. 2 E.; T. 16 S., R. 3 E.; T. 16 S., R. 4 E.; all SLB&M.
- NOTE—If only parts of legal subdivisions are to be irrigated the words "part of" should precede each description. Any change made in the description of land area after application is received will bring down the priority of application to the date when amended application is received.
- Total area to be irrigated is 30,000 acres
- The character of the soil in the above described tract of land is clay loam, sandy loam, gravelly loam.
  - The character of the subsoil in the above described tract of land is gravelly.

EXPLANATORY

Note.—The second space provided in Paragraph 3 on page 1 must not be used except when storage is contemplated; in such case Paragraph 4 (first line) should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres.

If the Reservoir is Located on the Channel of the Source from which the water is to be appropriated, it should be so stated in the space below, and—

- 1. The location of the center of the impounding dam should be described in Paragraph 7.
2. The point where the released storage will be rediverted from the natural stream should be described in the space below in accordance with the note under Paragraph 7.

When Water is Not Stored in the Natural Channel of the Source from which it is to be appropriated, it should be so stated in the space below, and—

- 1. The point of diversion from the supplying source should be described in Paragraph 7.
2. The center of the impounding dam and the point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 7.

In all cases Paragraphs 8 to 18, inclusive, should describe the entire diverting works, exclusive of natural channels and laterals, even if already constructed in whole or in part.

If Application is Made for the Water of a Number of Springs, or other sources collected at a common point, said point should be described as the point of diversion in Paragraph 7 and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 7. The quantity of water sought from each source should be indicated below, the total equalling the quantity specified in Paragraph 3. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to a point as outlined by the note under Paragraph 7.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

It is intended by this development to store and regulate in the Mammoth reservoir site the waters of Gooseberry Creek with such stored or regulated waters being released from the reservoir through a tunnel to Cottonwood Creek, a tributary of the San Pitch River. Released water will be rediverted in part from Cottonwood Creek into a new highline canal to be built from Cottonwood Creek south to Spring City. The balance of the released water will be allowed to flow in the natural channels of Cottonwood Creek and the San Pitch River until diverted into the canals operated by those subscribing to this project. It is also proposed that the Mammoth reservoir will be supplied in part by waters diverted from the head waters of Huntington Creek and by waters conveyed through a feeder canal from Cabin Hollow Creek, a tributary of Gooseberry Creek. However, waters stored from these sources are covered by other applications and it is the purpose of this application to appropriate only 17,000 ac. ft. of water which naturally reaches the channel of Gooseberry Creek above the proposed impounding dam.

Mammoth Reservoir will, when developed, inundate parts of the South Half of Section 6, part of Section 7, and part of Section 18, all in Township 13 South, Range 6 East, S1B&M. At full stage, Mammoth Reservoir will inundate 530 acres.

The land to be irrigated has other water rights. However, not more than an average of 3 ac. ft. per acre will be used each year for each acre of land from all rights combined.

UNITED STATES OF AMERICA
BY [Signature]
Engineer - Bureau of Reclamation
Signature of Applicant\*

\*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH,
County of ... } SS.

On the ... day of ..., 19..., personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires ...
(SEAL) Notary Public.

# Water Right Details for 91-132

Utah Division of Water Rights

12/14/2020 12:56 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 91-132

Application/Claim: A14477

Certificate:

## Changes:

a9238 (Filed: 01/10/1977) Approved  
a43850 (Filed: 07/05/2018) Unapproved

## Owners:

Name: Sanpete Water Conservancy District  
Address: c/o Kenneth Bench, Chairman  
P.O. Box 385  
Fairview UT 84629 Interest: 100%  
Remarks:

## General:

Type of Right: Application To Appropriate Source of Info.: Application to Appropriate Status: Approved  
Quantity of Water: 130 CFS  
Source: Gooseberry Creek  
County: Sanpete  
Common Description: 10 miles NE of Fairview  
Proposed Det. Book: 91- Map: Pub. Date:  
Land Owned by Appl.: County Tax Id#:  
Distribution System:

## Dates:

Filing:  
Filed: 09/06/1941  
Priority: 09/06/1941 Decree/Class:  
Advertising:  
Publication Began: Publication End: Newspaper:  
Protest End Date: Protested: Not Protested Hearing Held:  
Approval:  
State Eng. Action: Approved Action Date: 01/07/1985  
Recon. Req. Date: Recon. Req Action:  
Certification:  
Proof Due Date: 01/31/2029 Extension Filed Date:  
Election or Proof: Election/Proof Date:  
Certificate Date: Lapsed, Etc. Date: Lapsed Letter  
Wells:  
Prov. Well Date: Well Renov. Date:

**Points of Diversion:**

Points of Diversion - Surface:

Stream Alteration Required:

(1) N 625 ft. E 1200 ft. from W4 corner, Sec 19 T 13S R 6E SLBM

Diverting Works: Narrows Dam

Source: Gooseberry Creek

Elevation:

UTM: 474219.233, 4392064.643

**Proposed Water Uses:**

Proposed Water Uses - Group Number: 614045

Water Rights Appurtenant to the following use(s):

91-130(APP), 91-131(APP), 91-132(APP),

Water Use Types:

**Irrigation**-Beneficial Use Amount: Unevaluated Group Total: 30000

Period of Use: 04/01 to 10/31

Comments: The legal subdivisions of the land to be irrigated are as follows: Parts of T13S,R2E; T13S, R3E; T13S, R4E; T13S,R5E; T14S, R2E; T14S, R3E; T14S, R4E; T14S, R5E; T15S, R2E; T15S, R3E; T15S, R4E; T15S, R5E; T16S, R2E; T16S, R3E; T16S, R4E; All SL Base and Meridian.

**Other:** Municipal and Industrial uses.

Period of Use: 01/01 to 12/31

Acre Feet Contributed by this Right for this Use: Unevaluated

Place Of Use:	North West				South West				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	
ALL T 13S R 2E SLBM									
ALL T 13S R 3E SLBM									
ALL T 13S R 5E SLBM									
ALL T 14S R 2E SLBM									
ALL T 14S R 4E SLBM									
ALL T 14S R 5E SLBM									
ALL T 15S R 3E SLBM									
ALL T 15S R 4E SLBM									
ALL T 16S R 2E SLBM									
ALL T 16S R 3E SLBM									
ALL T 16S R 4E SLBM									
Group Acreage Total :									

**Use Totals:**

Irrigation sole-supply total: Unevaluated acres

for a group total of: 30000 acres

Other sole-supply total: Unevaluated acft

**Other Comments:**

The following protested this application Carbon Water Conservancy District, Price River Water Improvement District, Carbon Canal Company, Price River Water Users Association, Price City, et al, U.S. Department of Agriculture, Utah Power & Light Company, Franklin Real Estate Company

2)This application is approved by memorandum decision and is subject to the



**Extensions**

Filed: 01/23/2004 Proof Due: 01/31/2009  
 Advertising:  
 Publication Began: 02/12/2004 Publication End: 02/19/2004 Newspaper: Pyramid  
 Protested: Protested Hearing Held: Protest End Date: 03/10/2004  
 Approval:  
 SE Action: Approved Action Date: 12/09/2005 Memo Decision: Yes

Filed: 01/21/2009 Proof Due: 01/31/2019  
 Advertising:  
 Publication Began: 02/19/2009 Publication End: 02/26/2009 Newspaper: Sun Advocate  
 Protested: Protested Hearing Held: Protest End Date: 03/18/2009  
 Approval:  
 SE Action: Approved Action Date: 05/25/2010 Memo Decision: No

Filed: 01/23/2019 Proof Due: 01/31/2029  
 Advertising:  
 Publication Began: 02/20/2019 Publication End: 02/27/2019 Newspaper: ETV News  
 Protested: Protested and Hearing Held: 05/15/2019 Protest End Date: 03/19/2019  
 Approval:  
 SE Action: Approved Action Date: 07/31/2019 Memo Decision: Yes

**Protestants:****Extension (Proof) Protestants:**

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Carbon Canal Company  
 Address: c/o Nick Sampinos, Seretary-Treasurer  
 PO Box 779  
 Price, UT 84501

Comments:

Received: 03/19/2019 Type: Extension (Proof) dated 01/23/2019  
 Name: Carbon Canal Company  
 Address: c/o Jonathan R. Schutz  
 175 S Main St. Suite #1330  
 Salt Lake City, UT 84111

Comments:

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Price City  
 Address: c/o Nick Sampinos, Attorney  
 190 North Carbon Avenue  
 Price, UT 84501

Comments:

Received: 03/08/2004 Type: Extension (Proof) dated 01/23/2004  
 Name: Price-Wellington Control Board  
 Address: c/o Nick Sampinos, Attorney  
 190 North Carbon Avenue  
 Price, UT 84501

Comments:

# Application to Appropriate Water for Irrigation Purposes

## STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the Rules and Regulations on the back hereof and all the notes in the body of it.

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for irrigation purposes, Application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

Note.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

1. The name of the applicant is Bureau of Reclamation  
~~United States of America, Department of the Interior,~~
2. The post-office address of the applicant is Sanpete Water Conservancy District, Merion, Utah 84046  
~~339 Federal Building, Salt Lake City, Utah~~
3. The quantity of water to be appropriated is 130 second-feet or \_\_\_\_\_ acre-feet
4. The water is to be used each year from (See explanatory) April 1 to October 31 incl.,  
(Month) (Day) (Month) (Day)  
and stored each year (if stored) from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(Month) (Day) (Month) (Day)
5. The drainage area to which the direct source of supply belongs is Green River  
(Leave blank)
6. The direct source of supply is Gooseberry Creek  
which is tributary to Fish Creek, tributary to Price River  
(Name of stream or other source)

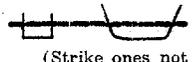
Note.—Where water is to be diverted from a well or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a drain, so indicate in the first space, giving its name, if named, and in the remaining spaces, designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

7. The point of diversion from stream, ~~spring, spring area, drain, well (flowing or pump), tunnel,~~ or \_\_\_\_\_ is in Sanpete county, situated at a point\*  
Center of proposed Mammoth impounding dam on Gooseberry Creek, 1470 feet East and 1220 feet North of the Southwest Corner Section 6, Township 13 South, Range 6 East, Salt Lake Base and Meridian.

\*Note.—The point of diversion must be located definitely by course and distance or by rectangular distances, with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object. (Also see note at top of following page.)

No Application will be received in which the point of diversion is not described definitely. Any change made in this description after Application is received and before approved will bring down the priority of Application to the date when the amendment is made of record in the State Engineer's office.

8. The diverting and carrying works will consist of an earthfill dam 104 feet high, with a crest length of 520 feet; diversion from the reservoir will be made through a tunnel, horseshoe-shaped, with an inside diameter of 5.5 feet.

9. The cross section of the diverting channel will be  (Horseshoe)  
(Strike ones not needed)
  10. The diverting works and diverting channel will be constructed of earth, ~~wood, stone,~~ concrete.  
(Strike words not needed)
  11. The length of the diverting ~~channel~~ <sup>tunnel</sup>, exclusive of laterals, will be 12,300 feet
  12. The top width of the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  13. The bottom width of the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  14. The depth of water in the diverting channel will be (if a ditch) \_\_\_\_\_ feet
  15. The width of the diverting channel will be (if a flume) \_\_\_\_\_ feet
  16. The depth of water in the diverting channel will be (if a flume) \_\_\_\_\_ feet
  17. The diameter of the diverting ~~channel~~ <sup>tunnel</sup> will be (if a pipe) 66 inches
  18. The grade of the diverting channel will be \_\_\_\_\_ feet per thousand
  19. The legal subdivisions of the land to be irrigated are as follows: Parts of T. 13 S., R. 2 E.; T. 13 S., R. 3 E.; T. 13 S., R. 4 E.; T. 13 S., R. 5 E.; T. 14 S., R. 2 E.; T. 14 S., R. 3 E.; T. 14 S., R. 4 E.; T. 14 S., R. 5 E.; T. 15 S., R. 2 E.; T. 15 S., R. 3 E.; T. 15 S., R. 4 E.; T. 15 S., R. 5 E.; T. 16 S., R. 2 E.; T. 16 S., R. 3 E.; T. 16 S., R. 4 E.; all SLB&M.
- NOTE—If only parts of legal subdivisions are to be irrigated the words "part of" should precede each description. Any change made in the description of land area after application is received will bring down the priority of application to the date when amended application is received.
- Total area to be irrigated is 30,000 acres
20. The character of the soil in the above described tract of land is clay loam, sandy loam, and gravelly loam.
  21. The character of the subsoil in the above described tract of land is gravelly.

EXPLANATORY

Note.—The second space provided in Paragraph 3 on page 1 must not be used except when storage is contemplated; in such case Paragraph 4 (first line) should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres.

If the Reservoir is Located on the Channel of the Source from which the water is to be appropriated, it should be so stated in the space below, and—

- 1. The location of the center of the impounding dam should be described in Paragraph 7.
2. The point where the released storage will be rediverted from the natural stream should be described in the space below in accordance with the note under Paragraph 7.

When Water is Not Stored in the Natural Channel of the Source from which it is to be appropriated, it should be so stated in the space below, and—

- 1. The point of diversion from the supplying source should be described in Paragraph 7.
2. The center of the impounding dam and the point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 7.

In all cases Paragraphs 8 to 18, inclusive, should describe the entire diverting works, exclusive of natural channels and laterals, even if already constructed in whole or in part.

If Application is Made for the Water of a Number of Springs, or other sources collected at a common point, said point should be described as the point of diversion in Paragraph 7 and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 7. The quantity of water sought from each source should be indicated below, the total equaling the quantity specified in Paragraph 3. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to a point as outlined by the note under Paragraph 7.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

It is intended by this development to divert, by means of the proposed Mammoth Dam to be constructed on Gooseberry Creek, 130 second feet of water, allowing the water to flow through the Mammoth Reservoir, thence into the proposed Mammoth Tunnel which leads from Gooseberry Creek to Cottonwood Creek, a tributary of the San Pitch River. Such released water will be rediverted in part from Cottonwood Creek into a proposed highline canal to be built from Cottonwood Creek south to Spring City. The balance of the released water will be allowed to flow in the natural channels of Cottonwood Creek and San Pitch River until diverted into the canals operated by those subscribing to this project. There will at all times be released from the proposed Mammoth Reservoir water stored therein under other applications, and the stored water will be commingled with the direct flow covered by this filling and applied to the lands as indicated above. Mammoth Reservoir will when developed inundate parts of the South Half of Section 6, part of Section 7, and part of Section 18, all in Township 13 South, Range 6 East, Salt Lake Base and Meridian. At full stage Mammoth Reservoir will inundate 530 acres. The land to be irrigated has other water rights. However, not more than an average of 3 acre feet of water will be used each year for each acre of land irrigated from all rights combined. 130 second feet of water will be used for irrigation from April 1 to October 31, inclusive, of each year, and 15 second feet of water will be used during the balance of the year for incidental, domestic, and stock watering purposes.

UNITED STATES OF AMERICA

By Ebnielsen Engineer
Signature of Applicant\*

\*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH,

County of } SS.

On the ... day of ..., 19..., personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires

(SEAL)

Notary Public.

**Appendix C Draft Quitclaim Deed**

**Must be recorded in Utah County**

**Please return recorded copy to:  
Bureau of Reclamation  
Attn: Water Rights Coordinator  
302 East 1860 South  
Provo, Utah 84606**

**WATER RIGHT  
QUIT CLAIM DEED**

The UNITED STATES OF AMERICA, acting pursuant to the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto, particularly, Section 14 of the act of August 4, 1939 (43 U.S.C. § 389), Grantor, hereby conveys and quitclaims to the Sanpete Water Conservancy District, a political subdivision of the State of Utah located in Sanpete County, Utah, Grantee, for consideration already received, all of Grantor’s right, title, and interest in and to Water Right No. 91-130 and the corresponding Application No. 14025, Water Right No. 91-131 and the corresponding Application No. 14026, and Water Right No. 91-132 and the corresponding Application No. 14477, which are all described in Contract. No. 6-07-01-00006, located in Sanpete County, Utah.

WITNESS the hand of said Grantor this \_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

UNITED STATES OF AMERICA

APPROVED FOR LEGAL SUFFICIENCY:

\_\_\_\_\_  
Office of the Regional Solicitor

\_\_\_\_\_  
Regional Director  
Upper Colorado Basin – Interior Region 7  
Bureau of Reclamation  
Department of the Interior

ACKNOWLEDGMENT

State of Utah    )  
                          ) ss.  
County of Utah)

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, known to me to be the \_\_\_\_\_ Regional Director of the Bureau of Reclamation, Upper Colorado Region, United States Department of the Interior, the signer of the above WATER RIGHT QUITCLAIM DEED , who duly acknowledged to me that he executed the same on behalf of the United States of America pursuant to authority delegated to him.

(NOTARY SEAL)

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Notary Public in and for the  
State of  
Residing at  
My commission expires: