



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Kathleen Clarke  
Executive Director

Robert L. Morgan  
State Engineer

Southwestern Region  
585 North Main Street, Suite 1  
PO Box 506  
Cedar City, Utah 84721-0506  
435-586-4231  
435-586-2789 (Fax)

April 23, 2002

North Creek Irrigation Company  
Attn: Rodney Green  
P.O. Box 773  
Beaver UT 84713

Dear Sirs:

Our office has received several inquiries regarding the distribution of water on North Creek for the water rights owned by the North Creek Irrigation Company and the West Side Irrigation Company. The distribution of water in the Beaver River Valley is based on the 1931 Beaver River Decree.

Award 75a from the 1931 Beaver River Decree states the following:

*Award 75a, North Creek Irrigation Company*

*Priority 1870. Acreage 3189. Irrigation. 100.0 c.f.s. Said water to be diverted from North Creek during the period from March 1<sup>st</sup> to October 31<sup>st</sup>, inclusive of each year, in the manner and proportion as follows:*

*One half of said amount to be diverted from March 1<sup>st</sup> to midnight on June 24<sup>th</sup>; from midnight June 24<sup>th</sup> to midnight July 6<sup>th</sup> only 2 c.f.s. shall be diverted from said creek for culinary, domestic and stockwatering purposes; from midnight July 6<sup>th</sup> and including October 31<sup>st</sup>; this claimant shall be entitled to divert all water flowing in North Creek up to 100 c.f.s.*

This would indicate the following:

- That from March 1<sup>st</sup> to midnight on June 24<sup>th</sup> of each year, the company can divert up to 50.00 c.f.s. from North Creek for irrigation and other uses.
- Then from midnight on June 24<sup>th</sup> to midnight on July 6<sup>th</sup> of each year, the company is only entitled to divert 2.00 c.f.s. from North Creek for the uses described.
- Then from midnight on July 6<sup>th</sup> to and including October 31<sup>st</sup>, the company is entitled to divert up to 100.00 c.f.s. from North Creek for irrigation and other uses.

Award 76a from the 1931 Beaver River Decree states the following:

*Award 76a, West Side Irrigation Company*

*Priority 1870. Acreage 1300. Irrigation. 100.0 c.f.s. Said water to be diverted from North Creek during the period from March 1<sup>st</sup> to Midnight July 6<sup>th</sup> of each year in the manner and proportion as follows:*

*One half of said amount to be diverted from March 1<sup>st</sup> to midnight on June 24<sup>th</sup>; from midnight June 24<sup>th</sup> to midnight July 6<sup>th</sup> this claimant shall be entitled to divert all of said water from North Creek up to 100 c.f.s.; after midnight July 6<sup>th</sup> of each year to March 1<sup>st</sup> of the year following this claimant shall not be entitled to divert any water from North Creek.*

This would indicate the following:

- That from March 1<sup>st</sup> to midnight on June 24<sup>th</sup> of each year, the company can divert up to 50.00 c.f.s. from North Creek.
- Then from midnight on June 24<sup>th</sup> to midnight on July 6<sup>th</sup> of each year, the company is entitled up to 100.00 c.f.s. from North Creek.
- Then at midnight on July 6<sup>th</sup> the company is not entitled to any of the water from North Creek until March 1<sup>st</sup> of the next year.

As a point of clarification, Awards 75a and 76a are both diverted from North Creek and share the same 1870 priority date, and from March 1<sup>st</sup> to June 24<sup>th</sup> share the flow up to 100.00 c.f.s. In years when the flow of North Creek exceeds 100.00 c.f.s., these two companies are only entitled to 50.00 c.f.s. each during this period from March 1<sup>st</sup> to June 24<sup>th</sup>. In years when the flow of North Creek does not exceed 100.00 c.f.s., these two companies are only entitled to 50% of the flow during this period.

One of the other questions that has been raised concerns a 5.0 c.f.s. award from the decree for year round stockwatering and culinary use from North Creek. Award 75e addresses the stockwatering and culinary use for North Creek Irrigation Company.

*Award 75e North Creek Irrigation Company*

*Priority 1870. Stockwatering, domestic, and culinary. 5.0 c.f.s. From November 1 of each year to March 1 of the year following through the Company's system of*

Page 3

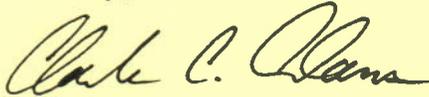
April 23, 2002 Letter

*ditches, as set out in aforesaid paragraph a.*

This award is very clear that the 5.0 c.f.s. for "stockwatering, domestic, and culinary" is limited from November 1<sup>st</sup> to March 1<sup>st</sup>, only during the non-irrigation season.

Please review this information and if you have any questions or require any further information please feel free to contact our office.

Sincerely,



Clark C. Adams  
Water Rights Specialist  
Southwestern Regional Office

cc: Clark Smith  
P.O. Box 787  
Beaver UT 84713

Ronnie Roberts  
P.O. Box 605  
Beaver UT 84713