

TIBBALS AND STATEN

LAW OFFICES

SUITE 400 CHANCELLOR BUILDING

220 SOUTH SECOND EAST

SALT LAKE CITY, UTAH 84111

(801) 531-7575

RECEIVED

JUN 12 1976

WATER RIGHTS

ALLEN H. TIBBALS
EARL P. STATEN
CRAIG G. ADAMSON
BILL THOMAS PETERS

June 11, 1976

Mr. Dee C. Hansen
State Engineer
Department of Natural Resources
Division of Water Rights
442 State Capitol Building
Salt Lake City, Utah 84114

Attention: Mr. Donald Norseth, Distribution Engineer

Gentlemen:

Recently, I was contacted by Mr. Wayne Wiseman and Mr. James Eyre, President and Secretary respectively of the Rocky Ford Irrigation Company. It appears that by reason of the acute water shortage in this area, this irrigating season, these gentlemen have been motivated to make an inquiry and investigation regarding the implementation and enforcement of the order of the State Engineer entered in 1972 which required metering of the wells and group domestic wells utilized either for irrigation or domestic purposes on underground resources in the Beaver-Milford area.

I specifically draw your attention to the provisions of the order and decision entered by the Honorable Hubert C. Lambert, State Engineer, June 9, 1972, a copy of which is enclosed for your information. You will observe that in the fourth paragraph of this memorandum decision, Mr. Lambert states "it is the opinion of the State Engineer that the applicant can be allowed the right to make this change of nature of use and that the application can be approved without impairing or adversely affecting the rights of the protestant. The State Engineer is concerned over the usage of water in the Beaver Valley and must take steps to control withdrawal from the ground water sources. The administrative policy now states that the flows of all irrigation wells, group domestic wells and industrial or commercial wells must be measured with totalizing meters and become a part of the Beaver Valley Distribution system".

Mr. Wiseman and Mr. Eyre report to me that they do not find a single meter being utilized in the Beaver area. Obviously they could be in error as to some of the more remote wells, for I do not believe that they were able to inspect some of the wells that are being used in the canyon areas to the east of Beaver Valley where there has been a substantial residential canyon development.

This matter is of great concern to my clients and I have been requested to bring this matter to your attention and ask the State Engineer to review his

Mr. Dee C. Hansen
June 11, 1976
Page 2

order and its enforcement. We would greatly appreciate hearing from you in connection with this matter at your earliest convenience.

Respectfully submitted,



ALLEN H. TIBBALS,
Attorney for Rocky Ford Irrigation Co.

AHT:gs
cc: Mr. Wiseman
Mr. Eyre