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BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF THE BEAVER)
RIVER DISTRIBUTION -)
Re: Second South Field)
Irrigation Company -)
William R. Yardley,)
Beaver City, Utah)

SUPPLEMENTAL MEMORANDUM DECISION

In response to a petition dated December 2, 1963, by Sam Cline, Attorney for William R. Yardley, the State Engineer is supplementing the Memorandum Decision issued by him on November 18, 1963, to include decisions on two other points covered in the hearing on this problem. The State Engineer is of the opinion that since the testimony at the hearing covered these two matters it would be proper and expeditious to decide all issues which were presented to him,

Relative to the question of the names of the various sloughs it is the decision of the State Engineer that the South Slough referred to in the testimony be known as Greenwood Slough and the North Slough as Jackson Slough. Spring Branch is formed by the confluence of Greenwood and Jackson Sloughs. This decision on nomenclature is a decision of location and does not purport to interpret the use of the name Greenwood Slough by any document or decree.

As to the distribution of water it is the State Engineer's decision that the point of diversion presently used by William R. Yardley is not at the canal bank of the Second South Field Irrigation Company canal but is at the point where his ditch leaves Greenwood Slough to take water on his land. This is not the location of the point of diversion described in the Beaver River Decree but is the one used historically by him. The State Engineer reiterates his November 18, 1963, decision that there must be a modification of the decree or a filing of a change

application to move the point of diversion from that described in the decree to that used historically. After one of these procedures has been followed the measurement of water under the William R. Yardley right is to be made at the point of diversion. If enough water rises in Greenwood Slough below the crossing of the slough by the Second South Field Irrigation Company's ditch to satisfy the right, then Mr. Yardley has no call for water through the Second South Field canal. If there is not sufficient water rising below the canal crossing, Mr. Yardley has the right to call water through the canal to make up the difference provided the slough above the canal will supply the water. At no time can water diverted directly from Beaver River be called through the canal.

This decision does not in any way modify the decision heretofore issued by the State Engineer on this matter.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from date hereof.

Dated this 2nd day of January, 1964.


Wayne D. Criddle
STATE ENGINEER

HCL/le

CC: Mr. Sam Cline
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Milford, Utah

Mr. Joseph Novak
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