

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF BEAVER
RIVER DISTRIBUTION

MEMORANDUM DECISION

In order to resolve a distribution problem on the Second South Field Canal and Greenwood Slough a hearing was held at Beaver on Friday, October 25, 1963. The problem involved the distribution of water to William Yardley through a wooden headgate below the canal bank of the Second South Field canal. William Yardley was represented by Sam Cline and the Second South Field Irrigation Company was represented by Joseph Novak. From the hearing three problems developed.

1. The location of the point of diversion from which water was diverted to the property of William Yardley.
2. The name or names of the various sloughs involved in the distribution of this water.
3. The location of measurement for the waters delivered to William Yardley relative to the crossing of the slough by the Second South Field Irrigation Company canal.

From the evidence produced at the hearing it is the decision of the State Engineer that the point of diversion described in the Beaver River Decree is not located at any place on the slough on which the wooden headgate is installed. For this reason the water commissioner is not to deliver any water to William Yardley from any point on the slough involved until and if a change application is filed and approved or, in lieu of this action, a modification of the Beaver River Decree is accomplished. It appears to the State Engineer that the decision on the other two points should wait until the above procedure is accomplished.

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 18th day of November, 1963.


Wayne D. Criddle
STATE ENGINEER

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