

Filed July 9, 1959
J.C.E.

424

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR DAGGETT COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS
TO THE USE OF WATER, BOTH
SURFACE AND UNDERGROUND,
WITHIN THE DRAINAGE AREA OF
THE GREEN RIVER ABOVE THE
CONFLUENCE OF, BUT INCLUDING
POT CREEK, IN DAGGETT, SUBMIT
AND UINTAH COUNTIES, UTAH.

ORDER

No. 1830



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The Court having heretofore on the 20th day of March, 1955, entered its Interlocutory Judgment and Decree in the above-entitled matter in which the Court reserved jurisdiction to determine at a future date the protest and objections filed by Zolph S. Calder to the Proposed Determination of Water Rights submitted by the Utah State Engineer insofar as such determination and protest relate to the claims of Robert, Neldon and Oral Shiner; and the Court having heretofore on the 31st day of October, 1958 and again on the 21st day of February, 1959, heard the evidence in respect to the said claims of said Robert, Neldon and Oral Shiner and the protest thereto; and the matter having been submitted to the Court, and it appearing to the Court that claimants Shiner and their predecessors in interest did not prior to 1905 make any attempted appropriation of the waters of Pot Creek and therefore have no right to be adjudged entitled to any right to the use of waters from said Pot Creek as proposed by the State Engineer; and the Court being fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED that the Proposed Determination of Water Rights submitted by the State Engineer as to Pot Creek be, and the same is hereby further modified by deleting therefrom the claim of Robert, Neldon and Oral Shiner for the use of 0.75 cfs of the water from Pot Creek during the period of May 1 to October 31, or any other period, in each calendar year; and the said Robert, Neldon and

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Oral Shiner are hereby determined to have no right to divert the waters from Pot Creek or its tributaries for any purpose whatsoever.

Dated this 8th day of July, 1959.

BY THE COURT:

[Signature]
JUDGE

Served the foregoing Order upon the claimants, Shiner, by mailing a copy thereof to their attorney, Hugh Colton, at his business address in Vernal, Utah, this 6 day of July, 1959.

[Signature]

I Inez C. Erich, Clerk in and for Daggett County, State of Utah Certify that the foregoing Order is a true and correct copy of the original filed in this office.

Witness my hand and official seal this 5th day of Sept. 1959

[Signature]
County, clerk

Entry No. 2742 Recorded at request of Zelph Calder Fee Paid 2.00
Date Sept. 21, 1959 of 11243 Lola Anderson Utah County Records
By Bob Hatch Deputy Book A-66 Page 128

STATE OF UTAH
COUNTY OF UTAH } SS.
Lola Anderson County Recorder in and for Uintah
County, State of Utah do hereby certify that the above and
foregoing is a full, true and correct copy of the original.
Order

which is of record in this office in Book A-66 page 124

WITNESS WHEREOF, I hereunto set my hand and
seal this 2nd day of Mar. 19 60

[Signature] Recorder
Deputy