

De-vee  
C-19

AGREEMENT

At 7:30 P. M. August 9, 1935 a meeting was held in the office of Mr. Crane, Agricultural School Teacher at Circleville, Utah.

The purpose of the meeting was to make an agreement between the interested parties which would show the ownership of the 91.25 second feet of water which is stipulated as belonging to the users in Circleville in those certain Stipulations entered into Feb. 20, 1931 in the case of RICHLANDS IRRIGATION CO. et al -vs- WEST VIEW IRRIGATION et al in which said stipulations the above mentioned water was not sub-divided between the users in Circleville.

Those present at the meeting were Tom Smith, W. E. Betensen, Arthur Whittaker & Loring Whittaker of the Board of Directors of the Circleville Irrigation Co., Was Reynolds, John Bulkley and James L. Whittaker of the Board of Directors of the Loss Creek Irrigation Company, Eb. Parker representing the interests of Maxmillian Parker, Dug Cannon, representing the interests of Hazel W. Cannon, Nolan Dobson, George B. Horton and J. Lerue Ogden, Sevier River Water Commissioner.

At this meeting a general discussion of the water rights of the Valley was had. J. Lerue Ogden led a discussion of the Mc Carty Decree, the Morse Decree, the State Engineers determination and the Stipulations of Feb. 20, 1935 of the RICHLANDS IRRIGATION COMPANY -vs- THE WEST VIEW IRRIGATION COMPANY et al as they affected the water rights of the Circle Valley district. Also, a former agreement made about 1909 when Lewis W. Jones was Sevier River Water Commissioner was brought to light and much discussion was indulged in across the table.

And it was finally unanimously agreed as follows:

That until someone or more of the interested parties decided to take some action the rights to the use of water by these parties are as shown below and that the Sevier River Water Commissioner is hereby instructed and empowered to divide the these waters as shown below, and that the water assessments made by the State Engineer in the usual manner shall be computed on the basis of the following:

Max Parker 1.00 c.f.s. to July 1st of each year and 0.75 c.f.s. after July 1st: 1.00 c.f.s.

Heirs of Thomas Dobson - - - - - 0.25 c.f.s.

Hazel W. Cannon, successors to J. C. & Arthur Whittaker - - - 0.62 c.f.s.

The above three rights not to prorate with other users as the Sevier River stream decreases.

Circleville Irrigation Company 2850/3600 of the balance - - - 70.76 c.f.s.

Loss Creek Irrigation Company 390/3600 of the balance - - - 9.68 c.f.s.

State Land Board, succeeding E. A. Thompson 288/3600 of the balance 7.15 c.f.s.

George B. Horton, Succeeding M. M. Steele 72/3600 of the balance 1.79 c.f.s.

Total - - - - - 91.25 c.f.s.

That the additional water stipulated as belonging to these users as secondary and winter flow rights be divided in the same basis or manner as the above rights are divided.

That this agreement is only temporary in its nature and that it will not be prejudicial in its nature either for or against any of these water users at any time when a discussion of the right to the use of the above waters is being held and that it cannot be used as a basis for the ownership of these waters whenever a determination of these rights shall be further agreed upon.

We the undersigned hereby certify that the above statement represents our understanding of the agreement entered into at Circleville, Utah, on August 9, 1935.

J. Lerue Ogden

Sevier River Water Commissioner

A copy of this agreement was served upon Wes. Reynolds, President of Loss Creek Irrigation Company, Tom Smith, President of Circleville Irrigation Company, W. E. Betensen, Board Member of Circleville Irrigation Company, Eb. Parker, Hazel Cannon successor to J. C. and Arthur Whittaker, George B. Horton and others who admitted to me that it represented the agreement made at the meeting described in the agreement, but who represented that they did not care to sign it at that time.

J. Lerue Ogden

Sevier River Water Commissioner.

January 10, 1950

The Sevier River Water Commissioner and his agents, gatemen appointed by him, have divided the water and the State Engineer has levied the assessment, according to the division as set out in the agreement just quoted above from the date of said agreement, viz- August 9, 1935, to the present time.

Signed: J. Lerue Ogden  
Commissioner

Upper Service (S.A. & B.)

Fick & Cannon  
(Cannon Livestock Co. Det. Ch.)

	TOTAL ACRE FEET	A CANNON ACRE FEET	B FICK ACRE FEET	%
1950	no record found			
1951	420	300	120	29%
1952	540	383.4	156.6	29%
1953	450	no division record found		
1954	590	\$ 9.52	\$ 3.88	32%
1955	740	no division record found		
		Name chgd to Cannon Det. Ch.		
1956	700	500	200	29%
1957	540	380	160	31%
1958	510	362	148	30%
1959	390	275	115	31%
1960	400	285	115	30%
1961	390	275	115	31%
1962	420	250	100	doesn't compute
1963	310	220	90	30%
1964	310	220	90	30%
1965	—	\$ 14.24	\$ 5.82	27%
1966	350	250	100	28%
1967	350	250	100	28%
1968	400	280	120	30%
1969	—	\$ 18.21	\$ 4.52	24%
1970	570	450	120	21%
1971	410	280	130	32%
1972	530	400	120	23%
1973	520	400	120	23%
1974	550	430	120	23%
1975	470	350	120	26%
1976	510	350	160	31%