

MEMORANDUM

July 22, 1978

Yesterday I conferred with Raymond Fick and Wilma Ames. It is apparent that Mrs. Ames has done a lot of investigative work. She apparently has obtained from the state engineer's office a list of the acre feet of water usage on which the assessment roll is based. She states that it almost uniformly shows between four and five hundred ^{d one feet of water} ~~ths~~ of annual usage. The water right in question is found on page 8 of the Cox Decree under the heading, "South Fork of Sevier River, Piute County, Third Class Rights." Mr. Fick claims under the right designated as belonging to "Mrs. Thomas Dobson." There appear to be two rights involved, i.e., 1.39 c.f.s. and .50 c.f.s. The decree provides that each class of rights shall have precedence over the other and that the rights within each class shall be administered pro rata. However, Mrs. Ames advises me that they have diverted the water which they claim they are entitled each and every year without regard to whether or not the other two classes of water were satisfied and without regard to the fact that the decreed provision indicates that Mr. Fick is only entitled to a part of the decreed rights referred to.

Page 29 of "Bacon's Bible" indicates that Whittaker Bros. and Mrs. Thomas Dobson were entitled to 2.08 c.f.s., 1.39 c.f.s from May 1 to October 15 to irrigate 83.2 acres of land belonging, 34.5 to Mrs. Dobson and 48.7 to J.C. and Arthur Whittaker and further provided that the water was to be pro rata for periods of time in the proportion that their respective acreage bears to the whole acreage. There is also awarded to the parties, .50 c.f.s. for stock watering of 80 head of horses and cattle. No mention is made of how such stock watering was to be divided and I am assuming that the intention was one-half to each. The water right is represented by Claim no. 94--diversion no. 107 found on plat~~e~~ no. 197 of the maps prepared by Engineer Bacon.

In the "Cox Decrees Proposed Findings", page 27, Circleville Irrigation Company, et al, are given 30 c.f.s of third class water and Whittaker Brothers and Mrs. Thomas Dobson are given .50 c.f.s.

with a period of use from April 1 to November 15. Attached to this memorandum is an objection to such proposed findings for the reason that 2.08 c.f.s. and the 1.39 c.f.s. from April 1 to October 15 was omitted. The person objecting was Mrs. Hazel W. Cannon and she alleged that she and Mrs. Dobson were entitled to use the water on a pro rata basis and that they had done so for more than 40 years. Also attached is an order of the court showing that Mrs. Cannon's attorney stipulated with the Circleville Irrigation Company that Mrs. Cannon was entitled to 1.39 c.f.s. from April 1 to November 1 of each year on a pro rata basis with Mrs. Dobson and provided that such amount be deducted from the 30 c.f.s. awarded to the Circleville Irrigation Company. Mrs. Dobson was not a party to the stipulation, although the effect of the stipulation seems to delete the claimed 2.08 c.f.s. The order is reflected in the printed copy of the "Cox Decree", i.e., the 1.39 was subtracted from the rights of the Circleville Irrigation Company and 1.39 was awarded to Mrs. Cannon and Mrs. Dobson.

Also attached are copies of pages 19 and 20 from the 1949 Sevier River Annual Report. The pages are copies of an agreement that was never signed, instructing the Sevier River Water Commissioner to deliver .25 c.f.s. of water to the Dobson right and .62 of the Cannon right. There is a statement signed by Lerue Ogden that he had divided the water and the state engineer had levied the assessment according to the division set out in the agreement from August 9, 1935 to January 10, 1950. As previously indicated, Mrs. Ames states that Mr. Ogden's allegation that the assessment had been levied by the state engineer did not reflect any such division, but that such assessment records indicate a much greater quantity of water had been used.

It may be that the Cannon property is being irrigated with water rights claimed under the Circleville Irrigation Company. At least Mrs. Ames states that it is not being irrigated with any part of the 1.39 c.f.s. and has not been so irrigated since the entry of the decree.

Scott Smith, who is the Sevier River gate man as well as an officer of the Circleville Irrigation Company has told Mr. Fick

that .25 is all of the water that he is entitled to and that if he makes a claim for more, he will receive nothing. ^x It seems to me that Mr. Fick is entitled to his pro rata share of the 1.39 and .25 of the stock watering right. Possibly using the assessment roll records in the state engineer's office, a claim to all of the 1.39 might be made on the basis that the continued use of the full amount since the entry of the decree indicated that this was the interpretation placed on the decree by the parties.

I recommended that Roger Walker investigate the matter and that a report be made to me so that I could advise Mr. Fick of my opinion as to what rights to the use of water he did have. It is recommended that Roger contact Mrs. Ames and obtain copies of all documents that she has obtained and that he then talk with Scott Smith. It also appears that copies of the water users claims should be obtained from the court records at Fillmore and that the Cox Decree files be checked to see if any other documents of value are available.

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH

IN AND FOR THE COUNTY OF MILLARD

RICELANDS IRRIGATION COMPANY,
a corporation,

Plaintiff,

vs.

WESTVIEW IRRIGATION COMPANY, a
corporation, et al,

Defendants.

ORDER

This matter coming on regularly for hearing on the 4th day of February, A. D. 1936, in the Court Room of the Court House at Fillmore, Millard County, Utah, upon the objections of Hazel W. Cannon, successor in interest of Whittaker Brothers (J. C. Whittaker and Arthur Whittaker) to the Proposed Findings of the Court dated January 11, 1936; J. Vernon Erickson, attorney, appearing as attorney for the objector, and it appearing that due and legal notice of the filing of said objections having been duly served on all parties interested in said suit; and it appearing by the evidence introduced that the said objector, Hazel W. Cannon is the successor in interest of Whittaker Brothers in and to certain water rights described in said objections; and it being stipulated in open court by and between J. Vernon Erickson, attorney for the objector, and Gilbert P. Beebe, Attorney for the Circleville Irrigation Company and consisting of Circleville, Utah, that the objector is entitled to the use of 1.39 c.f.s. from April 1 to Nov. 1 of each year to be pro-rated with Mrs. Thomas Hobson for periods of time in proportion as their respective acreage bears to the whole acreage, and that said 1.39 c.f.s. shall be deducted from the 30.00 c.f.s. awarded to the Circleville Irrigation Company, Loss Creek Irrigation Company, J. C. Whittaker, Arthur Whittaker, M. Parker, J. C. Norton and State of Utah in said Findings on page 27 thereof, under the heading of Class Rights of the South Fork of Sevier River, Piute County; and there being no objections to said Stipulation;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Proposed Findings of the Court in the above entitled matter, dated January 11, 1936, be and they are hereby amended in the following particulars, to-wit:

I.
That said Findings on page 27 thereof, under the heading entitled

ERICKSON & ERICKSON
ATTORNEYS
RICHFIELD, UTAH

SOUTH FORK OF SEQUIA RIVER, PIUTE COUNTY
TO READ AS FOLLOWS:

IS AMENDED

CLACKVILLE IRRIGATION COMPANY

28.61

CAMERON
~~CLACKVILLE~~
+
DOBSON

1.39

APRIL 1st TO NOV 15th

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR THE COUNTY OF MILLARD

RICHLANDS IRRIGATION COMPANY,
a corporation, et al.,

Plaintiffs,

vs.

WESTVIEW IRRIGATION COMPANY, a
corporation, et. al.,

Defendants.

:
: OBJECTIONS TO PROPOSED FINDINGS
: OF THE COURT.

Case No. 843.

F
Richlands

Comes now Hazel Cannon, successor in interest of Whittaker Brothers (J. C. Whittaker and Arthur Whittaker) and hereby objects to the proposed finding of the court with respect to the South Fork of Sevier River, Piute County, Third-Class rights as set forth on page 27 of the proposed findings, which fails to include 2.08 c.f.s. and 1.39 c.f.s. from May 1 to Oct. 15 of each year, as fixed by the proposed determination of the State Engineer, Claim No. 78, and respectfully presents to the court the following facts in connection therewith upon which the said objector bases and claims her rights herein:

I.
The objector herein is the owner of and in possession of 48.7 acres of land embraced in Sec. 4, T. 31 S., R. 4 W. S.L.M.

II.
That this objector's immediate predecessors in interest are, J. C. Whittaker and Arthur Whittaker, and that this objector succeeded to their respective interests and therefore is a real party in interest to the proposed findings made by the Court, of the rights of the use of water of the Sevier River and its contributors.

III.
The lands hereinabove described are sterile and unproductive without artificial irrigation, but with artificial irrigation, the said lands are productive and produce large and valuable crops.

IV.
That for more than 40 years, this objector and her predecessors in interest have applied upon said lands sufficient water from the South Fork

ERICKSON & ERICKSON
ATTORNEYS
RICHFIELD, UTAH

of the Sevier River to irrigate said lands,

V.

That by the proposed determination of the State Engineer, Whittaker Brothers and Mrs. Thomas Dobson were entitled under subdivision (a) to 2.08 c.f.s. and 1.39 c.f.s. from May 1 to Oct 15 of each year, for the irrigation of 83.2 acres of land to be prorated to the owners of the right to use thereof for periods of time in proportion as their respective acreage bears to the whole acreage.

VI.

That this objector is entitled to the use of 2.08 c.f.s and 1.39 c.f.s. from ~~MAY~~ APR. 1 to Oct 15 of each year to irrigate the land herein described, prorated as above set forth with the rights of Mrs. Thomas Dobson, and that all of said land, with economical use, has required and will require said amount of water, and has had used upon it said amount of water, each and every year for more than 40 years last past and has been used continuously since 1880, the date of priority of such right.

VII.

That on pages 27 and 28 of the proposed findings of the court, the rights of certain individuals to the said South Fork of Sevier River, Piute County, are set forth and determined, but the rights of the said Whittaker Brothers or Hazel Cannon, as successor to said Whittaker Brothers, and Mrs. Thomas Dobson to the 2.08 c.f.s. and 1.39 c.f.s. from ~~MAY~~ APR. 1 to Oct. 15 of each year, were not included therein.

VIII.

That the proposed findings would deprive the objector herein of used and established rights to the said 2.08 c.f.s. and 1.39 c.f.s. from ~~MAY~~ APR. 1 to Oct. 15 of each year.

WHEREFORE, this objector prays that her objections may be considered in this matter, and that evidence be presented in support of the rights of this objector, and that a decree may be entered by this court, adopting the proposed determination of the State Engineer with respect to the 2.08 c.f.s and 1.39 c.f.s. *same except that the period of use begin APR. 1 instead of MAY 1.* and that Hazel Cannon, your objector herein be decreed said water in accordance

ERICKSON & ERICKSON
ATTORNEYS
RICHFIELD, UTAH

with the proposed determination by the State Engineer, and that Hazel Cannon^{W.} is the owner and entitled to the use of said water as successor in interest to Whittaker Brothers.

J. Vernon Erickson
Attorney for Objector.

STATE OF UTAH)
) : ss.
COUNTY OF SEVIER)

^{W.}HAZEL CANNON, being first duly sworn deposes and says: that she is the objector named in the foregoing objections; that she has read and knows the contents of the same and that the same is true of her own knowledge, except as to matters upon information and belief and as to those matters, she believes it to be true.

Hazel W. Cannon

Subscribed and sworn to before me this 28th day of January, A. D. 1936.

Sarah Baker
Notary Public.

Residence, Richfield, Utah.
Com. Expires April 18, 1937.

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., Wes 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

Not Signed

NAME: CANNON DOBSON DITCH
 ADDRESS:

(1st Master)

Upper Sevier

RIVER DISTRIBUTION SYSTEM

Acc't No: Name: Percent:
 13-A Cannon Livestock Co. 71%
 13-B Thomas Dobson Est. 29%

18 A, year acft \$

Assessed

78	350	18.92
77	350	18.85
76	350	18.67
75	350	17.82
74	350	17.25
73	350	21.22
78	160	7.10
77	160	8.66
76	160	8.53
75		4.98
74		5.17
73		6.27

Split according to agreement 18B 8-9-35

NOTE: "FOR DETAILED EXPLANATION OF YEARLY ASSESSMENT, SEE COVER SHEET FOR YEAR IN QUESTION."

YEAR	ASSESSMENT		PREVIOUS DELINQUENCY		SUB-TOTAL DUE		TOTAL ASSESSMENT	OFFICIAL RECEIPT NO
	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES		
1966								
1967								
1968								
1969								
1970								
1971								
1972								
1973								
1974								
1975								

NO.

NAME

NAME: CANNON LIVESTOCK CO.

(13-A)

ADDRESS: C/O Gerald W. Cannon
 Circleville, Utah

84723

(of Master)

Upper Sevier
 RIVER DISTRIBUTION SYSTEM

NOTE: "FOR DETAILED EXPLANATION OF YEARLY ASSESSMENT, SEE COVER SHEET FOR YEAR IN QUESTION."

YEAR	ASSESSMENT		PREVIOUS DELINQUENCY		SUB-TOTAL DUE		TOTAL ASSESSMENT	OFFICIAL RECEIPT NO.
	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES		
1966	12.59		-0-				12.59	0127
1967	11.72		-0-				10 to due \$1.17 11.72	036
1968	14.90		-0-				10 to due \$1.49 14.90	0045
1969	13.31		1.49				10 to due \$1.33 14.80	022
1970	40.26		-0-				40.26	
1970	18.21		-0-				18.21	0373
1971	18.76		-0-				10 to due \$1.58 18.76	0563
1972	10.63		-0-				10.63	0633
1973	21.22		-0-				10 to due \$2.12 21.22	088
1974	17.25		-0-				17.25	0954

NO.

NAME FICK, Raymond A. & Wilma G.

R/SYSTEM

FICK, Raymond A. & Wilma G.

NAME: ~~DOBSON, Thomen, Estate~~

(No. 18-B)

ADDRESS: ~~610 Arland D. Dobson~~

Upper Sevier
RIVER DISTRIBUTION SYSTEM

~~145 Baxter Ave.~~

~~North Sacramento, 15, California~~

~~2167 Ferron Ave.~~

~~Sacramento, California 95832~~

25875

(29% of Master)

~~6127th Street Ave Apt A~~

~~Okage water estate 95832~~

45642

XXXXXXXXXXXX 290 West 8th South
Richfield, Utah 84701

NOTE: "FOR DETAILED EXPLANATION OF YEARLY ASSESSMENT, SEE COVER SHEET FOR YEAR IN QUESTION."

YEAR	ASSESSMENT		PREVIOUS DELINQUENCY		SUB-TOTAL DUE		TOTAL ASSESSMENT	OFFICIAL RECEIPT
	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES	RIVER SYSTEM	OTHER DUES		
1966	5.04		- 0 -				5.04	0148
1967	4.69		- 0 -				4.69	0240
1968	6.39		- 0 -				6.39	0460
1969	5.77		- 0 -				5.77	0115
1970	10.69		- 0 -				10.69	
1971	4.82		- 0 -				4.82	0366
1971	4.97		- 0 -				4.97	0499
1972	4.93		- 0 -				4.93	0650
1973	6.37		- 0 -				6.37	0582
1974	5.17		- 0 -				5.17	1005

NO.

2 Ditch and used to irrigate 50.0 acres of land located in Secs. 7 and 18 of the aforesaid Township and Range.

PINE, WILD CAT, AND CHERRY CREEKS—Trib. to South Fork.

76. CROSBY, ROWELL ESTATE, % Mabel Crosby, A3mx, Panguitch, Utah
 (a) July 10, 1911 251.9
 App. No. 4104 3.50 c.f.s.
 Cert. No. 1138
 Claim No. 92
 Diversion No. 106 $\frac{3}{4}$
- Said water to be diverted from Pine Creek, Wild Cat Creek, or Cherry Creek— at any or all of the following described points, viz.:
 (1) From Pine Creek at a point N. 26° 30' E. 5205 feet from the NW cor. of Sec. 3, T. 31 S., R. 5 W.
 (2) From Wild Cat Creek at a point N 43° 17' E. 2410 feet from the NW cor. of said Sec. 31.
 (3) From Cherry Creek at a point S. 29° 04' E. 994 feet from the NW cor. of said Sec. 3, into the Crosby canal and used to irrigate 251.9 acres of land embraced in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 15, and the E $\frac{1}{2}$ of Sec. 16 of the aforesaid Township and Range.

SOUTH FORK, SEVIER RIVER

77. PARKER BROS., % Eb. Parker, Circleville, Utah
 (a) 1880 74.4 1.86 c.f.s. } From May 1 to Oct. 15.
 1.24 c.f.s.
- Claim No. 93
 Diversion No. 107 $\frac{1}{2}$
 Plat No. 107
- (b) 1880 Domestic 0.50 c.f.s. From Oct. 15 to May 1.
 Said water to be diverted from the South Fork of the Sevier River at a point 1650 feet W. and 800 feet N. of the SE cor. of Sec. 4, T. 31 S., R. 4 W., into the Parker Ditch and used to irrigate 74.4 acres of land embraced in Sec. 3 of the aforesaid Township and Range.

78. WHITTAKER BROS. & DOBSON, MRS. THOMAS, Circleville, Utah.
 (a) 1880 83.2 2.08 c.f.s. } From May 1 to Oct. 15.
 1.39 c.f.s.
- Claim No. 94
 Diversion No. 107
 Plat No. 107
- Said water to be diverted from the South Fork of the Sevier River as described in paragraph "a" and used for domestic purposes of 10 persons and for stockwatering purposes of 100 head of stock.
- Said water to be diverted from the South Fork of the Sevier River at a point 900 feet N. and 2400 feet W. of the SE cor. of Sec. 4, T. 31 S., R. 4 W., into the Dobson & Whittaker Ditch and used to irrigate 83.2 acres of land owned and described as follows:

Dobson, Mrs. Thomas.....	34.5 Ac.	20.9 acres Sec. 4, T. 31 S., R. 4 W.
Whittaker, J. C. & Arthur.....	48.7 Ac.	13.6 acres Sec. 3, T. 31 S., R. 4 W.
		48.7 acres Sec. 4, T. 31 S., R. 4 W.
Total	83.2 Ac.	83.2 acres.

Said water to be prorated to the owners of the right to use thereof for periods of time in proportion as their respective acreage bears to the whole acreage.

(b) 1880 Stockwater 0.50 c.f.s.
 From Oct. 15 to May 1.
 Said water to be diverted from the South Fork of the Sevier River as described in paragraph "a" and used for stockwatering purposes of 80 head of horses and cattle at the places of the claimants as described in paragraph "a".

c.f.s.

Whenever the waters available for distribution in said river, flowing in said Section A, are insufficient to supply all the waters of each class therein, then each class shall have precedence in their order as herein set out, and the rights of each party in each said class shall be diminished pro rata.

class and dimi

So

SOUTH FORK OF SEVIER RIVER, PIUTE COUNTY
SECTION B
PRIMARY RIGHTS

Circleville Irrigation Company, Loss Creek Irrigation Company, J. C. Whittaker, Arthur Whittaker, M. Parker, George B. Horton and State of Utah: To be diverted out of the South Fork of the Sevier River, with period of use from April 1st to November 15th.

91.25

of Se 15th

moth use:

Wil Perio

And to the same parties: To be diverted out of the South Fork of the Sevier River, with period of use from November 15th to April 1st.

30.00

For Nov

SOUTH FORK OF SEVIER RIVER, PIUTE COUNTY
SECOND-CLASS RIGHTS

Circleville Irrigation Company, Loss Creek Irrigation Company, J. C. Whittaker, Arthur Whittaker, M. Parker, George B. Horton and State of Utah: To be diverted out of the South Fork of the Sevier River, with period of use from April 1st to November 15th.

32.50

Sevi 15th

South Perio

Fork embe

SOUTH FORK OF SEVIER RIVER, PIUTE COUNTY
THIRD CLASS RIGHTS

Circleville Irrigation Company, Loss Creek Irrigation Company, J. C. Whittaker, Arthur Whittaker, M. Parker, George B. Horton and State of Utah:

28.61

South to N

from 15th

To Hazel W. Cannon and Mrs. Thomas Dobson, to be prorated on their acreage

1.39

Nov

And to Whittaker Brothers and Mrs. Thomas Dobson: To be diverted out of the South Fork of Sevier River, with period of use from April 1st to November 15th.

.50

from March

DRAINAGE OR WASTE WATER

R. A. Allen, Jr., M. D. Allen and Nephi Christensen: Out of drainage or waste water from Kingston Canal, through arrangements made between Circleville Irrigation Company and the above mentioned users. This is not a right to the use of any of the waters of Sevier River by direct appropriation or diversion.

5.05

divert use:

Fork Nov

Whenever the waters available for distribution in said river, flowing in said Section B, are insufficient to supply all the waters of each class therein, then each said

South 15th

Kingston Canal
to be diverted
to the
State of Utah

c.f.s.

CLASS
PRIORITY

distribution in said
insufficient to supply
each class shall
be set out, and the
shall be diminished

class shall have precedence in their order as herein set out,
and the rights of each party in each said class shall be
diminished pro rata.

PIUTE COUNTY

SECTION C.
SOUTH FORK OF SEVIER RIVER, GARFIELD COUNTY
PRIMARY RIGHTS

Creek Irrigation
aker, M. Parker,
be diverted out
h period of use

Ira W. Hatch: To be diverted out of the South Fork
of Sevier River. Period of use: March 15th to November
15th.

3.67

diverted out of the
period of use from

91.25

Hatch Town Corporation: To be diverted from Mam-
moth Creek and South Fork of Sevier River. Period of
use: March 15th to November 15th.

11.12

PIUTE COUNTY
ITS

Creek Irrigation
aker, M. Parker,
be diverted out
h period of use

30.00

George H. Wilson, George H. Wilson, Jr., and Eli
Wilson: To be diverted out of South Fork of Sevier River.
Period of use: March 15th to November 15th.

3.71

Mrs. Blanche Showalter: To be diverted out of South
Fork of Sevier River. Period of use: March 15th to
November 15th.

1.45

A. J. Riggs: To be diverted out of South Fork of
Sevier River. Period of use: March 15th to November
15th.

.82

PIUTE COUNTY

Creek Irrigation
aker, M. Parker,
be diverted out
h period of use

32.50

J. H. Barton and S. O. Henrie: To be diverted from
South Fork of Sevier River into Barton & Henrie Ditch.
Period of use: March 15th to November 15th.

2.47

Long Canal Company: To be diverted from South
Fork of Sevier River. Period of use: March 15th to Nov-
ember 15th.

27.21

East Bench Irrigation Company: To be diverted from
South Fork of Sevier River: Period of use: March 15th
to November 15th.

8.65

East Panguitch Irrigation Company: To be diverted
from South Fork of Sevier River. Period of use: March
15th to November 15th.

23.74

James H. Yardley: Period of use: March 15th to
November 15th.

1.24

Panguitch Land & Irrigation Company: To be diverted
from South Fork of the Sevier River. Period of Use:
March 15th to November 15th.

2.02

WATER

Christensen:
ngston Canal,
ville Irrigation
This is not a
Sevier River by

1.39

.50

Barton, LaFevre, Tebbs Ditch Company, Inc.: To be
diverted from South Fork of the Sevier River. Period of
use: March 15th to November 15th.

10.65

McEwan Ditch Company: To be diverted from South
Fork of the Sevier River. Period of use: March 15th to
November 15th.

16.10

distribution in
insufficient to
then each said

5.05

Bear Creek Irrigation Company: To be diverted from
South Fork of the Sevier River. Period of use: March
15th to November 15th.

5.00

Bullion & Beaver Crk
Instructions