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Office of the State Engineer  
Capitol Building  
Salt Lake City, Utah

Re: Distribution of Nine Mile Creek

Gentlemen:

Preston Nutter Corporation brought suit against the other users of water from Nine Mile Creek, and this suit resulted in the entry of a decree by the District Court of Duchesne County. Included in the decree was a provision for administration of the stream by the State Engineer and a further provision for installation of headgates and measuring devices. Since this decree, the State Engineer has incorporated Nine Mile into a General Adjudication in that area.

Last year we made requests for the State Engineer to take over stream administration and to require the installation of headgates and measuring devices. The State Engineer's office investigated the matter and directed all of the parties to install measuring devices. However, because of the excess work caused by last year's drought, your office was not able to take over stream administration. The parties employed Mr. John Bene from Price to measure the stream and to generally administer it, and from that time forward the parties got along reasonably well.

I am advised, however, that the State Engineer's order regarding headgates and measuring devices has still not been complied with, and the stream can not be administered unless these controls are installed by the various users. We again write to request the State Engineer to enforce its order that headgates and measuring devices be installed. We also request the State Engineer to appoint a commissioner to administer the stream.

Very truly yours,

CLYDE & MECHAM

By *[Signature]*

EWC:ML