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JUL 6 1977

RECEIVED

July 5, 1977

PHONE 322-2516
AREA CODE 801

Mr. Dee C. Hansen
Utah State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114

RE: Sandwash Irrigation Company

Dear Mr. Hansen:

Some time ago I discussed with you some problems that are taking place on Sandwash Creek in Duchesne County, below the Big Sandwash Reservoir. As you will remember, my clients, the Sandwash Irrigation Company, divert water from Sandwash Creek approximately three miles below the Big Sandwash Dam. They have the earliest decreed right on the Creek. There are several other individuals who divert water between the Reservoir and my client's headgate.

In years past, and continuing up to the present time, these people who divert water upstream from my clients have diverted water at improper times and in improper amounts to the detriment of the Sandwash Irrigation Company. The individuals involved to the best of my knowledge are Grover Mitchell, Mardee Mitchell, Oscar Nelson, and Allan White, although there may be others involved. These individuals are stockholders in the Dry Gulch Irrigation Company and are of course entitled to receive whatever water their shares entitle them to. However, these people continually and illegally divert water to which they are not entitled.

The diversion works utilized by these individuals are not presently lockable and in most cases do not even allow for proper measurement of the water being diverted. In our efforts to solve this constant problem, we have asked for the help of the Dry Gulch Irrigation Company in policing their own stockholders. At one time they promised that they would require these people to install lockable headgates, but this has not been done, nor does it appear that it will ever be done.

The only recourse which appears to be left is to request that your office take action to force these individuals to install

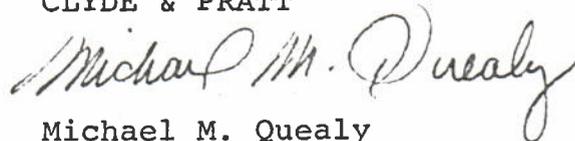
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locking headgates, and to cease their illegal diversion of water. As you know, the State Engineer has the authority to require the installation of locking headgates under U.C.A. § 73-5-4.

We would also request that you extend the jurisdiction of the Duchesne River Commissioner to include Sandwash Creek in order to insure that all headgates are locked at all times when any individual on the Creek is not legally entitled to divert water.

Very truly yours,

CLYDE & PRATT



Michael M. Quealy

MMQ:pb

cc: Clair Winterton
George Mangan
Joe Novak