



May 28, 1982

Mr. Steve Wilkinson
McKinnon
Wyoming 82938

RE: Burnt Fork-Birch Creek
and Beaver Creek

Dear Mr. Wilkinson:

We have inquiries as to the double ditch right and the Hoop Lake-Island Lake problems.

As per our discussion by phone May 26, our policy on the two items is as follows:

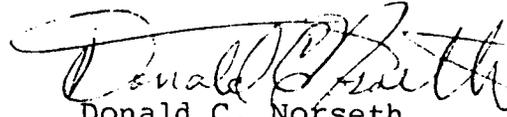
1. Double Ditch Right.
 - A. Wyoming has a statute covering a double ditch right, but Utah has not. In some cases, it is covered by court decree or utilized through custom and past practices.
 - B. We do not allow double ditch rights until all rights, including storage, have been satisfied according to priority. If all rights are satisfied, we can then allow use of high water, but in no case may we cut valid rights to allow other rights surplus water.
2. Hoop Lake-Island Lake storage.
 - A. Priority of rights would prevail in this problem with the later priority cut first.
 - B. Accessibility to Island Lake is a problem and Earl Hanks has agreed to monitor Island Lake and take photographs during 1982. After he has given us the results, we will then be able to determine the magnitude of the problem.

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- C. Our policy on this matter is that if the natural flow rights are satisfied, then Hoop Lake should be allowed to store the same as Island Lake. If no water is available for storage, then both Hoop Lake and Island Lake must be shut off.

If you have problems with these matters, give me a call. I will arrange to meet with you soon.

Yours very truly,



Donald C. Norseth
Directing Engineer

DCN/pmh

cc: Mr. Ed Skeen, Attorney
Mr. Earl Hanks
Mr. Robert F. Guy, Area Engineer