

July 1, 1939

Mr. Louis Stoll  
Burntfork, Wyoming

Dear Sir:

REL: BURNTFORK DISTRIBUTION

This will acknowledge receipt of your letter of June 21, 1939 wherein you advise that the Interstate Irrigation Company canal heads in Utah and irrigates land in Wyoming. You state that the owners of this canal have storage rights in Island Lake reservoir; and in releasing water from the reservoir, the Company goes to the point of diversion of their canal and diverts from the creek a quantity of water similar to that released from the reservoir. They do not take a reduction for carrying losses of stored water down the natural channel nor do they stop by diverting only the stored water, but return to their canal direct-flow water belonging to the prior appropriators below. You also advise that D. C. Jensen is diverting water from the east branch of Burntfork creek into the west fork where it is used to irrigate Sec. 16, and Mr. Jensen advises that he has been given a special permit for this water by the State of Utah.

In reply may I advise with reference to the Interstate Irrigation Company by referring you to Sec. 100-5-4, Revised Statutes of Utah, 1933 and subsequent amendments thereto, which provide in part that every owner or manager of a reservoir located across or along the bed of a natural stream shall construct and maintain a flume or measuring device both above and below his reservoir. He should also maintain on his canal near its point of diversion such a flume or measuring device. If and when this be done, a party in charge of distribution could very easily determine the quantity of water which the owner of stored water should divert from the main stream after allowing for seepage and evaporation losses between the reservoir and the point of diversion.

For a number of years there have been similar complaints made with reference to this Company. Before the State of Utah will furnish the Company with a certificate of water right covering the pending Applications to appropriate water in this office, there will have been constructed weirs below the reservoir and at the point of diversion from the stream and also above the reservoir if necessary. With reference to Mr. D. C. Jensen's statement as to water right for the irrigation of Sec. 16, may I advise that he has not been granted a right to the use of water from Burntfork creek. In 1920 Mr. Jensen filed with this office Application No. 8710 to appropriate 15 sec. ft. of water from said creek for the irrigation of 300 acres of land located in Sec. 16, T. 3 N., R. 17 E., SLB&M. This Application was approved June 17, 1921 and applicant was allowed to and including July 1, 1925 within which to submit Proof. Said Proof was not submitted and the Application lapsed on the last above given date and, therefore, has no standing in this office.

Yours very truly,

T. H. Humpherys,  
STATE ENGINEER.

2/mct  
Interstate Irrigation CO; Manila

D. C.