

June 1, 1956

Mr. L. C. Bishop  
State Engineer of Wyoming  
Capitol Building  
Cheyenne, Wyoming

Dear Mr. Bishop:

RE: BURNT FORK DISTRIBUTION

This has reference to the 1956 distribution of water on Burnt Fork Creek.

Last year the two states agreed on a distribution schedule on Burnt Fork and the payment of the expenses of a water commissioner, 70% by Wyoming and 30% by Utah.

Last year we did not call a water users' meeting to provide for the appointment of a water commissioner and the payment of his expenses, as provided by law.

This year it was decided to call a water users' meeting for the purpose, among other things, of appointment of a water commissioner and the payment of his expenses in accordance with Section 73-5-1, Utah Code Annotated 1953. In accordance with notice mailed to the known water users in the area a meeting was held in the Court House at Manila, Utah on April 20, 1956. Those attending the meeting included the following:

David P. Miller  
Earl Gamble ✓  
Melroy Luke ✓  
Bob Gamble ✓  
Gene Gamble ✓  
Birnell Olson ✓  
Bud B. Triplett  
Frank Wadsworth ✓  
Louis Stall ✓  
Alton Beck ✓  
I. R. Beck ✓  
Beatrice & Myrtle Beck  
Claude Sadler ✓  
Reed Hanks, St. ✓

Joe Hickey  
Harry D. Buckley  
Velma Bullock O'Neil  
Frank Gregory  
Claude S. Bullock  
Pearl L. Bullock  
Beatrice Beck ✓  
C. W. Youngbry  
Bert Wilde for Reid Wilde ✓  
Olive Killian ✓  
Larry R. Bullock  
Roy O. Bullock  
Don Clyde By J.W. Clyde  
Lyle Anderson

Harry Katzmeyer ✓  
Wm. McGinnis, Sr. ✓  
Ivy T. Wodsworth  
Edgar D. Donohod  
Heber Bennion, Jr.  
Keith Smith ✓  
Dee E. Donohoo  
Emil C. Gradert  
Earl Lloyd  
Hubert Lambert  
Joseph M. Tracy  
Don Norseth  
Heber Bennion

The meeting was called to order by the Utah State Engineer. A large majority of the water users on Burnt Fork being present, the State Engineer explained that this year, if a water commissioner were appointed on Burnt Fork, it would be necessary, in compliance with Utah Law, for the water users in Utah to pay the cost and expense of distribution for Utah's share. After considerable discussion, a majority of the water users in Utah on Burnt Fork voted against the appointment of a water commissioner and assessing them for the cost of distribution. A like action on the

June 1, 1956

combined group both from Utah and Wyoming was taken with the same result.

After further discussion, the State Engineer of Utah proposed that he would furnish the State Engineer of Wyoming a tentative Distribution Schedule for his consideration and, if satisfactory, the State Engineer of Utah would furnish an engineer from his office and along with Mr. Emil G. Gradert, Superintendent Water District No. 4, Wyoming, they would measure the water and fix the distribution in accordance with such schedule; all to cooperate and comply voluntarily on the basis of the schedule.

With one or possibly two exceptions this proposal was accepted by those present.

In accordance with the above arrangement there is given below a tentative tabulation for 1956 distribution based upon the latest acreage figures determined by survey in the Burnt Fork area with a flow calculated at 1.0 second-foot for 50 acres for Utah diverted rights with tentative priorities set by agreement, but not binding, as to the final adjudication. Priority and flow for Wyoming taken from Wyoming Adjudication Book.

BURNT FORK DISTRIBUTION (TENTATIVE)  
1956

<u>State Diversion</u>	<u>Name of Ditch</u>	<u>Priority</u>	<u>Flow Sec.Ft.</u>
Wyoming	---	Prior to 1885	4.70
Utah	Hanson	1884	.29
"	Gamble	1885	12.38
Wyoming	---	1888 - 1892	7.05
Utah	Highline	1892	1.45
"	Wyman	1895	4.14
"	Baldy Springs	1899	14.00
Wyoming	---	1899 - 1901	4.13
Utah	Ike	1901	12.70
"	Muskrat Springs	1901	1.73
Wyoming	---	1901 - 1908	6.89
Utah	Highline	1908	2.31
Wyoming	---	1908 - 1912	7.23
Utah	Ike	1912	4.50
Wyoming	---	1912 - 1916	5.99
Utah	Gillis	1916	.91
Wyoming	---	1916 - 1921	1.41
Utah	Gamble	1921	2.82
"	Interstate Res. & Canal Co.	1926	32.37

Mr. L. C. Bishop

-3-

June 1, 1956

The Ike Spring flow which should be measured should be deducted from the Ike Canal rights (1901); the Indian Springs flow which should be measured should be deducted from the Highline Canal right; and Baldy Springs which should be measured should be deducted from the Baldy Spring Ditch. Maskrat Spring should be measured to determine overflow to Burnt Fork if any. Any other springs in the area are small and should not be considered in the distribution for the summer of 1956.

Under this arrangement there will be no expense to water users this year for distribution, as far as Utah is concerned. During the summer a second check can be made by our two engineers and any adjustments can be made at that time.

If the above plan is acceptable to you my engineer will be available to go to Burnt Fork at the convenience of Mr. Gradert preferably the week of June 3 or 10th. Mr. Gradert should call this office for a definite appointment.

For your information the Department of Justice has filed an action to remove the adjudication of the Green River in Summit, Daggett and Uintah Counties from the Utah District Court to the U. S. Court. Judge Christensen of the U. S. Court has heard the case and should render a decision soon.

Best personal regards.

Yours truly,

Joseph M. Tracy  
STATE ENGINEER

JMT/eca

cc: Governor J. Bracken Lee  
State Capitol  
Salt Lake City, Utah

cc: George D. Clyde  
Utah Water & Power Board  
State Capitol  
Salt Lake City, Utah

cc: Don Norseth, Engineer  
State Engineer's Office  
State Capitol  
Salt Lake City, Utah

cc: Emil C. Gradert  
Supt. Water Division No. 4  
Fort Bridger, Wyoming