

May 3, 1946

Birt Gardner, Secretary,
Mount Carmel Irrigation Co.
Mount Carmel, Utah

Dear Sir:

Re: DISTRIBUTION, EAST FORK
VIRGIN RIVER

This acknowledges receipt of your letter dated April 26, wherein you make inquiry relative to the appointment of a Water Commissioner for the East Fork of Virgin River.

Under the law, the State Engineer should call a meeting of the water users affected by the so-called "Burton Decree" to which you refer. If the notice is properly sent out to all the water users and if a majority of said users can agree upon the appointment of a Water Commissioner, the State Engineer will appoint him, if he is qualified. If, on the other hand, as a result of holding such meeting, a majority of water users do not agree upon a Water Commissioner, and minutes pertaining thereto contain this fact, the State Engineer can make a choice for them. It is not the policy of this office to handle the accounts in collecting the water assessments, etc.

It is suggested, therefore, that if you desire a Water Commissioner, that you so advise this office, giving if possible, the names of all the decreed owners on the stream under the decree, at which time notice will be sent to them of the time, place, and purpose of the meeting. After such meeting is held, minutes of it should be submitted to this office promptly. The minutes should contain a recommendation for a Water Commissioner and set forth his qualifications. It should be understood at the meeting that the water users shall handle the expense of collecting the assessments for the purpose of paying the salary and expense of a Water Commissioner. It might be well at the meeting for the water users to agree upon how the expense should be borne.

A prompt reply relative to this matter will expedite sending of notices to water users.

Yours very truly,

Ed. H. Watson
STATE ENGINEER.

FWC/nty