

P. O. Box 16  
Escalante, Utah 84726  
12 May, 1970

Gerald Stoker, Area Engineer  
Department of Natural Resources  
Division of Water Rights  
622 North Main  
Cedar City, Utah



Dear Mr. Stoker:

Today I received copies of letters which were sent to four of the users in my area by State Engineer Mr. Lambert. I have some comments and observations in reference to three of these letters as follows:

McKay Bailey was instructed to improve his turnout to Alvey Wash and I am sure he will do so. The faulty turnout has not yet been a problem of itself as there has been no need of use of it.

Vay Barney was notified of requirements for the resumption of water use. I learned that the lease holder of this land had prepared to use water, probably a requirement of the lease. I observed on 11 May that ditch improvements had been made to a point of diversion in the wash, but there was no water in the ditch and I do not believe there is sufficient fall from the observed diversion point to obtain flow in the ditch under normal conditions in the wash. There is some evidence that the original diversion was farther up the wash. I would like to go over this ground with you at the earliest opportunity.

Thurman Spencer was directed to install a meter device by 1 June or cease diverting water. It should be noted that Mr. Spencer is not diverting water. His pumping equipment and meter for the proposed sump diversion have recently arrived and he is preparing to install them, but he was advised by you in a letter of 29 April that he would first be required to file with your office a permanent change application on point and method of diversion. You will recall our telephone discussion of this on 7 May when we determined that his sump diversion was an experiment to determine whether he could obtain allotted flow in this manner. Per your instruction that he could proceed without a change application if I had not received other word from you by 11 May, I have advised him to go ahead.

The following information may be of value for your records. Leo Wilson ceased diversion in his upper ditch between 28 April and 1 May, and has not resumed. This factor and some rainfall helped the failing supply for Mr. Bailey and Mr. Steed for a few days, but their available water has again fallen off with flows today of 0.74 and 0.71 cfs consecutively. There is a definite conflict of priority here, however imminent court proceedings and the lack of measuring devices for Leo Wilson would seem to preclude action at this time.

I would like to have a clarification on the matter of enforcement of total acre feet. Mr. Thurman Spencer has been advised by your office that the proposed limit will be enforced. He states that he has designed his pump system and planned his water use accordingly. A preliminary estimate for the other users however indicates that they may get into some difficulty before the season is over, even with a small extension on total acre feet. If there is any possibility that any of these users may be hurt because they do not understand at this time what policy will be, I strongly feel we should advise them at the earliest opportunity.

Finally, will you please advise me whether my presence will be required at the forthcoming court hearing, and if so the times dates and places involved.

Thank you for your assistance and answers to my many questions.

Sincerely,

*William Hathaway*  
William Hathaway  
Water Commissioner