

# Fifth District Court of Utah

J. H. KELLER  
REPORTER  
NEPHI, UTAH

COUNTIES OF JUAB, MILLARD, BEAVER, IRON, WASHINGTON

WILL L. HOYT, JUDGE  
NEPHI, UTAH

PATRICK H. FENTON  
DISTRICT ATTORNEY  
CEDAR CITY, UTAH

1 June 1960

Mr. Wayne D. Griddle,  
State Engineer of Utah,  
State Capitol,  
Salt Lake City, Utah,

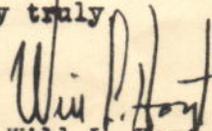
Dear Mr. Griddle: RE: General Determination - Escalante Valley

I have in mind the making of the following order with respect to limitations on use of water from the underground water basin or basins of the Beryl-Enterprise and Kilford Valley areas:

1. That during the year 1960 the use of water from the underground basin involved herein shall be limited to four acre feet of water per acre of lands awarded a water right under the Proposed Determination herein.
2. That in case of extraordinary hardship to any individual water user caused by the aforesaid limitation, the State Engineer may permit the use of not to exceed one acre foot per acre additional provided the user makes written application therefor and executes an agreement in form to be approved by the State Engineer binding him and his successors in interest to decrease the withdrawal otherwise allowable under his water right during each of the three following years by an amount equal to one-third of the excess used in the year 1960.
3. That the State Engineer and the water commissioner appointed by him are charged with the duty of enforcing obedience to this order by shutting off wells and/or by instituting contempt proceedings against persons violating this order.

I propose to write a Memorandum Decision or findings of fact in connection with this order, but this will take another day or so. In the meantime I have thought it desirable to submit to you the above, which represents my present thinking upon the subject. If you see fit to make any comment upon the order please phone me. I will be interested in knowing of your opinion as to whether the limit of "additional" water should be one acre foot or one-and-one-half acre feet.

Very truly

  
Will L. Hoyt, Judge.

