



Fuller

**THE STATE OF UTAH
OFFICE OF STATE ENGINEER**

**WAYNE D. CRIDDLE
STATE ENGINEER**

~~SALT LAKE CITY~~

Logan, Utah
May 29, 1962

*Don't -
Please reply
WDC*

Mr. Wayne D. Criddle
State Engineer
403 State Capitol Bldg.
Salt Lake City, Utah

Make File - Davis & Fuller

Dear Mr. Criddle:

RE: Water Right of Oliver C. Davis, NE $\frac{1}{4}$
Sec. 23 T12N R3W SLB&M, Garland, Utah

Box Elder County.

In regards to your letter dated May 14, 1962, a field examination concerning the above mentioned water right was conducted Saturday May 19, 1962, by myself in the presence of Mr. Davis and Mr. Fuller.

From my examination of this problem, I found that during the interval when Mr. Davis was not using his water from the drain it flowed east approximately 500 ft. in a ditch to where it entered the beginning of a natural channel, and from this point it continued in the natural channel to its confluence with the Bear River. Physical evidence definitely shows this is the course all water has taken since the drain and canal were first put to use.

There is a considerable amount of canal water going down the same ditch that Mr. Davis puts his drain water in. Mr. Fuller's attorney advised him that Mr. Davis must take care of the excess canal water along with his drain water. The excess canal water comes from people who do not want their full turn and instead of having the water master shut the water off, they just turn it down the ditch. Almost all of the water that Mr. Fuller is objecting to is from the canal, in fact Mr. Davis's drain was plugged off the day I was there. I believe the claim of Mr. Davis to the drain should be examined to see if he also claims the waste water flowing in the ditch and if the claim does not mention such waste water, Mr. Fuller has no call to require Mr. Davis to take care of all the water. The Canal Co. should regulate its distribution of water so that this large stream would not run to waste into the Bear River.

*WDC
Davis never has
claimed or used
all the water*

Mr. Davis's claim is located approximately N. 50 ft. W. 1920 ft. from the SE cor. Sec. 14 T12N R3W SLB&M.

If you have any further questions concerning this matter, I will be in Salt Lake on either the 7 or 8th day of June and I will discuss it with you. It is quite difficult to describe the situation fully in a letter.

Sincerely,

Earl M. Staker
Earl M. Staker
P.O. Box 398
Logan, Utah

EMS/kg

c.c. Don Stewart

