



THE STATE OF UTAH  
OFFICE OF STATE ENGINEER

T. H. HUMPHERYS  
STATE ENGINEER

SALT LAKE CITY

May 9, 1938

REL: STATE ROAD DRAIN DISTRIBUTION - BOX ELDER COUNTY

Memorandum for Office Study only, by REID JERMAN

During the forenoon of May 4, 1938, accompanied by Mr. Sorensen of Ogden, and Mr. Reynolds V. Reeder, of Brigham, I made a detailed examination of the premises, including the area of land north of Brigham City which has been affected by the drainage resulting from the construction of the State Highway undershot.

In the afternoon of the same day, as previously arranged, Mr. P. H. Sorensen and I met with the water users interested in the use of water from this drain near the undershot north of Brigham City. There ~~was~~<sup>were</sup> present at the meeting the following: J. C. Reeder, Melvin J. Peterson, Mrs. E. S. Burt, M. B. Olsen, N. L. Reeder, Levi S. Andersen, Geo. L. Reeder, C. M. Christensen, Reynolds V. Reeder, Jos. R. Reeder, William J. Kotter, Maurice L. Reeder, Leland Forsgren and B. C. Call, all of Brigham.

The meeting was called at the request of a number of users who had filed with the State Engineer a petition asking that said State Engineer appoint a watermaster to divide the waters from the State Road drain ditch, as provided by Section 100-5-9, Revised Statutes of Utah 1933, as subsequently amended.

The meeting was opened by Mr. Reynolds V. Reeder, explaining in detail how the water users had attempted to get together and divide the waters from the State Road drain and how some of the users had refused to take the water from the end of the drain ditch, since they felt that by so doing would jeopardize their right and prevent them from making a proper settlement with the State Road with reference to the operation and maintenance of said ditch.

After Mr. Reeder's explanation, I read to those present the section of the law, - 100-5-9, under which they were petitioning for a watermaster to distribute the waters of the ditch, and pointed out that under said section all this watermaster could do would be to make a just distribution of the water from the ditch to the parties entitled to the use thereof in accordance with rights established by existing decrees or otherwise, and to determine the loss by seepage and evaporation of any water carried in the ditch. I then read and explained in detail Section 100-5-1, Revised Statutes of Utah 1933, as subsequently amended, and explained that since there were a number of parties involved that may be interested in the water from the drain, who did not receive water from the drain ditch, I was of the opinion, after having previously gone over the ground, that the wishes of the water users could have been better met had the petition prayed that a Water Commissioner be appointed to distribute the water of the drain.

After the explanation of the law, it soon developed that it was the opinion of those present that by asking the State Engineer to take over the distribution

water is finding its way. These parties claim it is impossible for them to cut or harvest their hay because it is inundated by water from the drain.

While the parties interested in the use of this water for irrigation claim that it is being taken from their lands and the State Road Commission should provide means of putting it back, those assembled stated that if the State Road would do two things, it could be relieved of any further obligation with reference to draining or subbing land adjacent to their drain: (1) By lining the drain ditch leading from the end of their tile drain northeasterly to a point where said ditch intercepts with Blackburn lane, and (2) by constructing a pipe system from the drain beginning at a point about half way through the Reeder property just west of the O.S.L. railroad and continuing this drain north until it intercepts the ground surface, and thence by open ditch northeast to Wilson lane. This I understand will necessitate a maximum cut of about nine feet beginning at the present State highway to zero and about 60 rods north thereof. This section could be piped and covered back without interference or necessity of purchasing the right-of-way. From the point 60 rods north of the present highway, it will require an open ditch northeasterly to the Wilson lane. Such a ditch would make available for irrigation the  $1\frac{1}{2}$  sec. ft. of water which is now flowing west from the present drain and causing some trouble, as above noted.

2/N

CC: Mr. H. S. Kerr  
State Road Commission  
Building