

*Dr.*  
*Answer this*  
*letter by*  
*for 3 days*

Boulder, Utah

May 30, 1940



Mr. T. H. Humpherys  
State Engineer  
Salt Lake City, Utah

Dear Sir:

Some time ago I agreed with the Board of the local Irrigation Company, of which I am a Board member, to act as Water Commissioner on the Boulder Creek and on the Deer Creek System, during 1940. A majority of the Board felt that enough authority is vested in the Company, relative to the matters of distribution, so that if I acted under their direction, ~~that~~ a personal bond and appointment from your office should not be necessary. I have been willing to act under this arrangement, in matters of measurements of water and in checking the wiers and dividers for accuracy and such acts where determination of rights were not involved. A matter as to rights has arisen which has been considered by the board and instructions have been given me to carry into effect. From the investigations which I have made, I do not believe that the facts <sup>fully</sup> justify the action, and so as a measure of protection for myself from possible personal incrimination, I have persuaded the Board members to make ~~the~~ such changes in the distribution as they may deem necessary.

May I ask for your advice as to how much authority I may assume, and if I should be able to vindicate myself on the grounds that I acted under the instructions of the Water Company should I be willing to carry out their instructions?

Also it is my opinion that a commissioner appointed from your office should act independently from the control of the water-users <sup>incorporated</sup> or otherwise, would this not be correct?

*Dist. to person other than Co could not be enforced*

*mess + dis*  
*no to com*  
*legality*

And that for one to assume to be a water commissioner without an appointment from your office would be presumptuous and not <sup>3-</sup> founded in the fact.

In matters of distribution, may the local Company have the right of distribution, with dissatisfied individuals having the right <sup>recourse</sup> to the courts, or should your office have a more direct <sup>4-</sup> control of the distribution?

There will likely be some temporary changes in points of diversion here this year. It would seem that the company takes the liberty of having jurisdiction over this. It would seem from (L. 9, c. 111, p. 150, Utah water law) that a commissioner would have a responsibility in seeing that this <sup>yes</sup> law was complied with. Perhaps it might be well that you <sup>forms</sup> send us a few forms for this purpose if you deem it necessary.

In order that there might <sup>be</sup> water for the town gardens there may be an agreement where the company severally and jointly rent a small stream to the community for this purpose or it may be obtained from individuals.

Any advice or suggestion that you may give me will be very much appreciated.

Yours very truly,

Franklin C. Hansen

