Boulder, Utah
June 23, 1936

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

Dear Sir:

At the present time we are faced with several problems with regard to the distribution of waters in Boulder Creek and Deer Creek System, for me to explain them with clearness and brevity in a letter would be difficult. It would be very much appreciated if you or one of your assistants could make a trip over here this summer. You could get the best idea of the situation by coming before July 1, as it is probable that rains at that time might occur and make it appear that we have an over abundance of water.

One recent problem has arisen in the Deer Creek system. For 4.65 c.f.s. primary, 1.25 c.f.s. approx. ~~sppplementary~~, and 6 c.f.s. secondary water rights there is around 3.27 c.f.s. water available for distribution.

I stopped Mr. Moosman from using water from Deer Creek, he has supplemental right to irrigate 15.2 acres, on the fact that he has his 1.5 c.f.s. of Boulder Creek water coming on to his land. My opinion was that should his Boulder water fall below 1.5 c.f.s. he might have the right to come on to the Deer Creek for an additional amount. However from the interpretation placed on your letter of recent Date to Mr. W.A.

Wilson the water board of the Irrigation Company held the opinion that so long as he had any water from Boulder Creek it must first be applied to the 15.2 acres before he could come into Deer Creek for a supplemental right. This would mean that so long as approx. .25 c.f.s. was available from Boulder Creek he should not use of Deer Creek. My reasoning would have been that say his 1.50 c.f.s. should water 90 acres then supposing that he had enough Boulder water to irrigate 90 - 15 less 75 acres then he might look to Deer Creek for an additional amount. This would be a hypothetical situation because the Boulder Creek is less subject to fall below normal than is Deer Creek.

This is not the main issue. Mr. Moosman claims that at the time the Lloyd Garrison determination was made that he did not understand the meaning of the term supplemental but figured that it meant that he should get water for his 15.2 acres in addition to his 1.5 c.f.s. from Boulder Creek and so did not make protest. Another opinion is that he knew that he would be unable to gain a primary right but hoped to get a claim by asking for a supplemental right.

Remnants of an old flume gave evidence that years ago Boulder water had been used on the land in question.

Mr. Moosman states that he built a flume which washed out. Amasa Lyman Sr. advised him to enlarge Deer Creek ditch as water was passing by ~~over~~ on other side of the ridge. he followed this advise and has used water from Deer Creek with out interference from since before 1900, and so claims a primary right by use.

Your letter of May 14, mentions rights by "use" or "diligence" which in this case I should hold as over ruled by the Garrison Decree until otherwise modified. Will you please advise.

Yours truly

Franklin C. Hansen

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