May 12, 1936

Mr. W.A. Wilson
Sec'y. & Treasurer
Boulder Irrigation &
Water Development Co.
49 Clayborne Avenue
Salt Lake City, Utah

Dear Sir: REL: ~~DEER CREEK ADJUDICATION~~ Boulder Dist

I have your letter of April 30, in which you ask for my interpretation of the right to the use of water from the Deer creek system by Chris Moosman, as decreed in the Deer Creek Decree, wherein the water is made supplemental to water from Boulder creek.

It would appear that Mr. Moosman's right from Deer creek is to be used if and when his right from Boulder creek is insufficient to irrigate the 15.2 acres of land described in the Deer Creek Decree. The amount of water from Boulder creek, appurtenant to this 15.2 acres, would be determined by the amount that was appurtenant at the time the State Engineer's Proposed Determination and the District Court's Decree was made and entered. That is, Mr. Moosman has used certain water from Boulder creek upon the referred to 15.2 acres of land and this water remains appurtenant to said land until such time as it is removed by a Change Application. When this Boulder creek right is deficient, it is supplemented from Deer creek. If Mr. Moosman takes his Boulder water from the 15.2 acres referred to, for use on other lands, he would not be permitted to go to Deer creek and take a

one hundred per cent supply of said acreage. If a case should arise where he would or could transfer his Boulder water from the 15.2 acres to other lands, he would then only have a partial right for his land; this part of the right coming from Deer creek. In other words, it would not be correct and I am sure the Courts would not uphold Mr. Moosman if he attempted to transfer his Boulder water from the 15.2 acres and then go to Deer creek to make up his supply for this in reality would be initiating a new right from Deer creek.

Yours very truly,

T. H. Humpherys
STATE ENGINEER

2:7