

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

T. H. HUMPHERYS
STATE ENGINEER

SALT LAKE CITY

June 21, 1934

RE: BOULDER DIST.

Memorandum for Office Study only, by J. W. F.

In answer to a letter written her by this office on June 2, Mrs. Annie C. Hansen, Boulder, Utah, called at the office today to explain the nature of her rights in Boulder Creek.

The waters of this stream were decreed by the Judge W. M. McCarty decree in 1901. The decree divides the waters among the users at that time, giving each a certain per cent of the flow. The following paragraph is also included in the decree:

"The court further finds from the evidence that a second-foot of water will irrigate from 25 to 40 acres of the lands owned by the plaintiffs and that a second-foot will irrigate from 40 to 60 acres of land of the character owned and irrigated by defendants. And in normal seasons there are 24 second feet of water in Boulder Creek and 16 of it is furnished by East Fork."

In recent years Mrs. Hansen has obtained a right to 2.46 sec. ft. of water from Boulder Creek by virtue of App. No. 10338, Cert. No. 2149-a. It is her contention that the above decree divides the water on the basis of 24 sec. ft. and when there is more than this amount in the stream she is entitled to water under her application. Joint owners with her in the canal have decreed rights which entitle them to 7.5 sec. ft. on the basis of the decree covering only 24 sec. ft. of the flow of the stream. She is willing to allow them a continuous flow of 7.5 sec. ft. but claims that when and only when there is more than this amount in the canal does she try to divert water under her filing. The other users contend that the decree covers the entire creek, regardless of the flow, and that she cannot possibly divert water under her application. It is this point that caused her weir to be chopped out as reported by her letter of May 16.

Mrs. Hansen requested a ruling from the State Engineer, giving his interpretation of the point in dispute. She was advised that the matter would be investigated and that she would be written to on the subject in the near future.

See letter to E. H. Coombs dated June 28, 1933

Mrs. Hansen's other rights in the stream, which are not involved in the dispute, consist of part of the water decreed to Victor E. Bean. The divider in the canal is 96" wide and under normal flow the gage height is 18". Of this width she gets 17" and has done so without contest for a number of years.