

January 22, 1932.

Mr. Bert Peters,
Boulder, Utah.

Dear Sir:

RE: BOULDER DIST.

I have your letter of January 19 with reference to certain water rights.

As to the water which you say you diverted some 17 or 18 years ago I can answer definitely that unless it is covered by an application in this office you own no right. The Supreme Court has upheld the act of the Legislature which provides that since 1903 the right to the use of unappropriated water can only be acquired by application to the State Engineer.

As to the water in question belonging to Mr. King, Mr. Wilson or anyone else no definite answer can be given without knowing what the decree calls for, also subsequent filings and what the flow of Deer Creek amounts to. In other words there are certain decreed rights which call for water when available at the several points of diversion; there are also application rights which must be satisfied if there is water in excess of that required by the decree; anything over and above this would be considered unappropriated water and, as such, subject to filing.

If you make a filing now your priority is subsequent to all the rights above noted and subject to them. I am not clear from your letter what kind of a filing you wish to make but would say that an application for one-half second foot for culinary and domestic purposes could hardly be allowed as being very excessive. I am enclosing an application blank

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to appropriate water for irrigating purposes and it is proper for you, under explanatory, to make statement that sufficient water for domestic and culinary purposes is also asked for.

Yours very truly,

State Engineer.

GMB/E
Encl.