



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

WAYNE D. CRIDDLE
STATE ENGINEER

June 29, 1959

Mr. Harvey Thomas
Price River Water Commissioner
Price, Utah

Dear Mr. Thomas:

RE: PRICE RIVER DISTRIBUTION

Reference is made to the hearing held in Price, Utah, on Thursday, June 18, 1959, and pursuant thereto we have arrived at certain conclusions that are embodied in the following instructions given you for the distribution of water from the Price River:

1. No party may store water in Scofield Reservoir except under proper application to do so approved by this office. It is conceivable that there could be storage during some years under temporary change applications, but absent the filing and approval of such an application you cannot permit it.

2. As to the supplemental decree that attempts to double the water right under certain conditions, we do not believe it to be as broad as has been maintained. We would recognize that a decree that awards 1.0 second-foot of water to each sixty acres as set up in the decree represents a reasonable beneficial use of water. Without specific proof that the lands in question require more water, we must direct that you limit diversions accordingly.

3. We would assume that the Carbon Canal Company traces their water right back to the Carbon Water Company and they cannot accept the benefits of such a succession in interest and deny the obligations.

4. As to the temporary order and the problem as to whether it is still effective after the lapse of these many years, we believe that what we have already said in this letter renders any answer to that question immaterial.

What we have set forth in this letter represents the best answer we can make to some rather difficult questions. In order, therefore, to render this answer effective and final, we desire to advise all of the parties that we consider this to be a decision of the State Engineer that will be final and binding unless an appeal is taken within the time and in the manner as set out in Section 73-3-14, Utah Code Annotated, 1953.

Yours truly,

Wayne D. Criddle
Wayne D. Criddle
STATE ENGINEER

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cc/ Water Users of Price River