

July 6, 1940



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

RE: John M. Pace

Dear Mr. Humpherys;

This will acknowledge receipt of your letter June 28th. relative to a visit from John M. Pace to your office. Also copy of Office Memo.

Mr. Pace did pay me his 1939 assesment on the night of the Water user's meeting. I told him however that I would send it in when I had more to send in. On June 12th. while at Gordon Creek, he asked me about it, and I told him that I had not as yst sent it in but that I would do so right away. Accordingly on June 14th. I mailed it to you and received a receipt from you office dated June 15th.

The trouble you speak about is on the division of the water in Gordon Creek, between the users on Lower Gordon Creek and K.L. Storrs and others on Upper Gordon Creek. The morse decree gave certain rights, which, through transter of land is now owned by the present users, none or whom are the original owners to which the water was decreed.

From about 1900 or earlier to about 1927, according to the Shey people to whom part of the water was decreed, they used all of the water of Gordon Creek passing their diversion. And not until W.R. Wayman attempted to regulate it division was there any interfearence, at this point. I understand that he made about three trips up to Cola City to make this division. I have mad five trips since I have been commissioner, and each time my actaon was protested, by Storrs. According to the peoplè on lower Gordon Creek, Pace, Prettyman and others, there has been regulations made prior to Wayman's. However I have not been able to find out who. I believe that Storrs has the right to the use of this water by virtue of its use. I have told them however that the only way this can be settled is through court action, to overcome the Morse Decree, and until then the Decree will have to stand. The users on upper Gordon Creek are not paying for distribution, and neither are thors on lower Gordon Creek paying for me to go above and get water for them. I usually get from $\frac{1}{4}$ c.f.s. to 1 c.f.s. each time I go up, and in some cases I doubt the amount of good to the lower users justifies the action.

On June 11th. I placed a recorder at the weir on Lower Gordon Creek to check the amount that reached there. The day before about 7:30 P.M. I turned down to the lower users

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Mr. T.H. Humpherys
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about 1 c.f.s. By 8:00 o'clock the next morning the water was there, and I had not yet installed the recorder. There was approximately 1 c.f.s. in lower Gordon Creek before this water was added, and with this it raised to 1.60 c.f.s. Each day the water would fluctuate about $\frac{1}{2}$ c.f.s. and gradually got less each day. The first day, June 11th. the Max. was 1.60 and the Min. 1.04 c.f.s. and on June 14th the max. was 1.34 and the min. 0.69 c.f.s. By turning down this amount of water, the lower users were to use it until June 14th. and then it was to be given back to Storrs for a few days, the time depending upon the flow of water. Accordingly on the evening of June 14th at 7:30 P.M. I went to Gordon Cr. at the Storrs ranch and turned the water back to Storrs, thus giving the lower users four days. The water running to the lower users measured .75 c.f.s. by weir, and the effect reached the lower users weir at 5:00 A.M. the next morning. The noticeable thing was that the minimum that day was 0.57 c.f.s. and the maximum was 0.89 c.f.s. while on June 18th. the max. was 1.11 and the min. .69 showing that, considering the daily drop when the water was turned to the lower users, very little of the water was reaching them. With exception of the 15th. the the maximums and minimums plot in a straight line for the week. In fact near the end of the week the line actually rises.

My opinion is that any water released to the lower users after June 1st. is wasted. And until then the users below have not asked for a division.

I am inclosing the record. After you have examined it and made such notes as you may like to have, I would like to have it back, since I expect this to go to court.

Yours very truly,

Ralph P. Anderson

