

Ralph P. Anderson

CIVIL ENGINEER
PRICE, UTAH

Aug. 24, 1940

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

RE: Petition by Irvin Gerber

Dear Mr. Humpherys;

In studying my answer to your letter of the 17th. instant, I find that I failed to make a complete answer. I gave you the rights, and quantities being used by each of the cities etc., but failed to state the difficulty and my method of handling the situation.

The water as you know is extremely low and the primary users feel that they are being mistreated when there isn't all the water they want, and are being cut down, and yet the various utilities are not being cut. The difficulty is that they do not understand, or do ~~want~~ ^{they} understand the rights of these parties. I have tried to explain to them that in the case of the cities, the rights they have purchased are exactly the same now as when owned by the original user. That is there has been nothing acquired, by the cities, more than the original user had, nor has there been anything lost, through their purchases, of water rights. In the spring when there is sufficient water to so do all ditches are filled to capacity. This has been determined by me, to be approximately a double right, or 200%. In the case of the cities, if they were able to use this amount of water they certainly would be entitled to the same use the farmer had from whom the water was purchased. This however is not the case. The amount used by the cities and other concerns, is much more uniform, with the peak demand during the mid summer months, when the high water is gone.

I am going to analyze Price City and they are all more or less alike. Price City owns, beyond dispute, 7.85 c.f.s. During the spring this would, if used for irrigation, be approximately 15 c.f.s., yet their maximum demand has been about 3 c.f.s., the other 12 c.f.s. being used by the farmers. This water sold to the cities at sums as high as \$6000 per second foot. I have sold primary water for one farmer to another, for as little as \$2000 per second foot, and it carried all the high water rights, yet when the water, in this case gets below 40% efficient, the primary user is in for cutting them right off at the "pockets" and make them pay for every thing above this amount, while at the same they deny, and even feel insulted if you tell them they used 12 second feet of the cities water in the spring.

T. H. Humpherys
State Engineer:

My opinion is, and in fact it is my proposal of a solution, that when these cities and utilities, own as much water as they do and only use such a small proportion of the total amount of such water owned that, they should be allowed to use, within reasonable limits the amount required to supply the demands. Water is not being wasted by any of them, and in my opinion they are not using beyond their rights. I am mindfull also of the fact the the right to use water is based entirely upon beneficial use, and even though a person may own 10 second feet and use only one, in time he will loose the other 9 second feet. But in these cases when the water gets low, all their rights are required to hold their water up. I think the farmers are unfair in their demands in this case.

There are some things however that should be born in mind by all of these cities and utilities. Up to now I have allways had cooperation from these interests, and have measured their water at will. In the case of Price city it has been necessary to get the city water master, to go with me since the weir boxes are kept locked, and I have not had, nor have I asked for a key. However, upon receipt of a demand from George Milner, a copy of which is enclosed, I asked the city water master to accompany me upon this trip, and he refused, stating that he had orders from the city council not to allow anyone not even me to measure the water any more. He referred me to the city attorney, Mr Frank Hansen. I contacted Mr Hansen and he told me that I had no right at all measuring the cities water, for the purpos of regulating it or otherwise, and refused to allow me to measure, or even accompany the city water master to the weir boxes. I took exception to this and demanded, as water commissioner, a right to continue to measure their water when I felt inclined to do so. This of course was not granted. He refused to do anything until after City Council meeting monday night. I know approximately at all times what their use has been, but I should have a key to these weir boxes, so that I ^{can} perform my duty without the inconvenience of having to hunt up the city water master and having to accomodate my plans to suit his as I have done in the past. Will you please set these people right, as well as me if I am wrong, on this matter? I am under bond and it seems to me there is nothing for them to fear from me. Personally I believe this has all come about because of the attitude the farmers have taken, and Price city is going to show them what they can do and what they cannot do.

Hoping this may through further light upon the subject
I am,

Yours very truly,



Ralph P. Anderson
Water Commissioner

A handwritten signature in blue ink that reads "Ralph P. Anderson".