

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

DEE C. HANSEN  
STATE ENGINEER

JOHN BENE  
DEPUTY

442 STATE CAPITOL  
SALT LAKE CITY, UTAH 84114  
(801) 533-6071

DIRECTING ENGINEERS  
HAROLD D. DONALDSON  
DONALD C. NORSETH  
STANLEY GREEN

November 26, 1976

Lee Strong  
P. O. Box 165  
Beaver, Utah 84713

Lee: Re: Beaver River

I received the enclosed letter from Allen Tibbals, counsel for Rocky Ford Irrigation Company. A copy is enclosed for your information.

Will you send me any data you might have on the problem such as:

1. Measuring devices that are needed.
2. Water allocation to each ditch.
3. Anything else that is pertinent.

Send this data as soon as possible so that I can respond promptly.

Yours truly,

Donald C. Norseth

DCN/mmt

Enc.

cc: Gerald Stoker

TIBBALS AND STATEN

LAW OFFICES

SUITE 400 CHANCELLOR BUILDING

220 SOUTH SECOND EAST

SALT LAKE CITY, UTAH 84111

(801) 531-7575

RECEIVED

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RECEIVED

ALLEN H. TIBBALS  
EARL P. STATEN  
CRAIG G. ADAMSON  
BILL THOMAS PETERS  
MICHAEL Z. HAYES

November 15, 1976

Mr. Donald Norseth  
Office of the State Engineer  
State Capitol Building  
Salt Lake City, Utah 84114

Re: Rocky Ford Irrigation Company - Beaver River

Dear Don:

On Tuesday, November 9th, Mr. Wayne Wiseman, President of the Board of Rocky Ford Irrigation Company and some of the Board members came to Salt Lake in connection with our efforts to implement the repairs which are required at the Rocky Ford Dam. Unfortunately, we are still handicapped by the fact that Mr. Rollins has not provided us any form of plan to-date. He promised to have them available at the end of August, he promised again to have them in September and to-date we have still not received these plans. The Board wished to discuss this matter with you as we are greatly concerned about our storage rights and their impairment by the failure to be able to complete the repairs before the storage season next year. For what reason, Rollins has totally failed to provide us the necessary design to make the repairs required, I do not know but Mr. Wiseman like myself has been unable to get any response whatever from Mr. Rollins. I have written Rollins and I enclose a copy for your information.

The second matter that I wish to take up with you and which Mr. Wiseman and the other Board members were very desirous of discussing with you is that for some reason Mr. Strong who has for some years been the water master in the Beaver-Minersville area is not enforcing the terms of the Beaver River decree and the respective distribution agreements that have been perfected thereunder over a period of years past. This year the Rocky Ford Irrigation Company has not received the water which it should be receiving under that decree. It was agreed as a result of a meeting held several years ago that the water available in the Beaver River after the irrigation season, would be diverted so that it would be allowed to flow down the stream so that it would come into the reservoir, this has not been done. There have been repeated decisions authorizing wells and the changes in point of diversion of rights in the Beaver River with the understanding that the output from the well would be properly measured as well as the diversion at the

Mr. Donald Norseth  
November 15, 1976  
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Beaver River so that the water right was not increased. Absolutely no effort has been made to enforce these decrees or decisions of the State Engineer. I am now in receipt of a new one in which Cartwright has been permitted to take 5 acre feet from a well and the remainder of his right from the point of diversion. As has been customary in the past, the Engineer employs language in the decision which indicates that measuring devices will be required and that there will be policing of this use to see that the right is not enlarged but the Engineer has taken no such steps. We feel that while it is our desire to cooperate in every way, and we dislike to create any problems or trouble, that unless the State Engineer takes an aggressive stand and sees to it that the abuse which we know is going on in the Beaver Valley whereby people are taking excessive amounts of water from wells and from their old points of diversion, is properly policed and handled, we shall have to request Court intervention on this matter.

Earlier this year, I drew this matter to your attention and asked that an investigation be made. You assured me that the matter would have the attention of the State Engineer's office, but my clients advise me that throughout this very dry year, there has been no improvement in the situation. Measuring devices have not been installed and the proper steps have not been taken to correct the apportionment of the waters of the Beaver River. We would be most appreciative of your review of this situation with Mr. Hansen and the implementation of the necessary steps to see to it that this situation is corrected. If there is any manner in which Rocky Ford Irrigation Company can cooperate in facilitating this matter, please do not hesitate to let me know.

Very truly yours,

  
ALLEN H. TIBBALS

AHT:gs  
Enc.

TIBBALS AND STATEN

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November 15, 1976

CERTIFIED  
RETURN RECEIPT REQUESTED

Mr. Ralph L. Rollins  
Rollins, Brown & Gunnell  
P. O. Box 711  
Provo, Utah 84601

Dear Mr. Rollins:

The Board of Directors of Rocky Ford Irrigation Company has instructed me to advise you that the storage rights of the company and the Rocky Ford Dam are seriously impaired by virtue of your failure to complete the plans for the renovation of the spillway and the diversion gates as you agreed to do. It appears that the State Engineer intends to invoke a rigid restriction on the storage rights. This will result in substantial damage to the Rocky Ford Company and its shareholders.

Please advise me by return mail the status of your plans. If you are not in a position to deliver them immediately in proper form so that we can ascertain what repairs are to be made to this reservoir and obtain bids to perform the work, the Board is of the opinion we will have to hold you strictly accountable for its losses. I shall expect to receive some response to this communication at once.

Very truly yours,

  
ALLEN H. TIBBALS

AHT:gs

cc: Mr. Wiseman  
Mr. Norseth