

M E M O R A N D U M

DATE: July 26, 1972

TO: Hubert C. Lambert

FROM: Dallin W. Jensen

As I told you last week, I reviewed with Sam by telephone the problem which he discusses in the attached letter. It appears to me that this matter is becoming a little more serious each year. In order to avoid further complications, I would suggest that you give some thought to the following course of action.

This is an area where it would be very desirable to have a crop survey implemented for at least one year. You would then be able to meet with the users and advise them that your prior hydrographic surveys show the acreage limitations on the various individual rights. If they have enlarged this acreage, you would then be able to point out the amount of the enlargement and advise them that the enlargement was done without filing a proper Change Application. This would then put the user in a position of either filing the appropriate Change or running the risk of your taking further action to shut down the illegal use. If you determine that this latter course is necessary, I am sure your position with the Court would be greatly enhanced if a recent crop survey was available.

If such a program were to be implemented, you could outline the steps to be taken and present the matter to the water users at their annual meeting this winter, indicating that the crop survey would be made next summer. They would then be advised of your program and could make any suggestions they feel might be desirable. But the important thing is that they would then be on notice that you are taking affirmative and definitive action to resolve this matter. It would also give you an opportunity to put this into your budget for the 1973 legislature, since funding such a survey appears to be a problem.

In any event, after you have had an opportunity to consider this matter, I think it would be helpful if you and I discuss it with Harold and Don before responding to Sam's letter.

cc: Harold
cc: Don

CLINE, JACKSON & JACKSON

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July 22 1972.

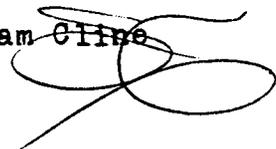
Mr. Dallin W. Jensen
Asst Attorney General
S.L.C.

Dear Dallin:

As a follow up on our telephone conversation of yesterday afternoon concerning the water situation around Enterprise I am following your suggestion and directing a letter to the State Engineer setting forth the situation and requesting that he take proper steps to enforce the rule on filing change applications for enlarged irrigating acreages and perhaps holding a meeting as a preliminary thereto. I enclose herewith copy of my letter to Hubert.

Yours,

Sam Cline



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July 22, 1972.

Mr. Hubert Lambert,
State Engineer -
Capitol Building,
Salt Lake City, Utah.

Dear Mr. Lambert:

Several individuals residing in the vicinity of the Enterprise underground water basin in Southern Utah, have consulted with me concerning a problem that appears to be getting very serious.

It appears that a number of individuals owning water rights in the underground basin and irrigating some large acreages, have installed and been using sprinkling systems, and in so doing are irrigating acreages in addition to those acreages called for in the original water filings. However, I am informed that in no known case has the water user filed a change application to include the additional and enlarged acreage - and in such manner of enlarged and extended uses have not afforded other and adjoining water users the right or privilege of presenting protests thereto.

This practice of bringing additional acreages into cultivation without filing change applications, and thus avoiding possible protests, and/or submitting the matter to the state engineer, has been growing until it now presents a very serious problem.

I am also informed that the water commissioner in that underground water basin has no specific record the amount of enlargement, and in one or two instances there are no meters installed to determine the quantity of water actually being withdrawn and used.

It is respectfully urged that steps be taken to bring this situation under control; and perhaps a meeting should be called by you to be held in that vicinity, and the water users, on both sides of this situation, be given an opportunity to present their views - and thus bring this situation into proper perspective.

I would, therefore, suggest that this situation be reviewed and appropriate steps taken to correct this existing situation, and that this be done without undue delay.

Thanking you for your consideration of the above situation and the taking of whatever steps you feel required to review the same, I am,

Very truly yours,

Sam Cline