

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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May 24, 1979

Raymond Murray, Chairman
Deep Creek Distribution System
254 N. 100 E.
Vernal UT 84078

Dear Sir:

At the annual water user's meeting March 6, 1979 there was considerable discussion on the distribution of the waters of Deep Creek; in particular, on Case Order 3444. At the meeting, we agreed to confer with the Attorney General as to his opinion if the order was still in effect. In addition, we reviewed the other decrees pertaining to Deep Creek.

A review of Case Order 3444 discloses that the litigation was between Ollie W. Justice, Deep Creek Irrigation Co. as Plaintiffs, vs. Mosby Irrigation Co., Edward Jones, Dave Jenkins, Floyd Warburton, Defendants. It appears that until altered, the Case No. 3444 is in force and effect. However, it cannot bind any water users on the Deep Creek System other than those mentioned above.

Therefore, the water at the confluence which was subject of our discussion, was decreed to Ollie W. Justice, and Deep Creek Irrigation Company as against Mosby Irrigation Company. But, it does not give priority ahead of other users on down Deep Creek who have earlier rights. In specific, we are referring to Civil No. 3067, Elmer Hubber and Roy Hubber, Plaintiffs, vs. Deep Creek Irrigation Company, Ollie W. Justice, or Land Cook, Darvel Cook, and Ben Cook Defendants; Mosby Irrigation Company, Intervenor, in which 4.61 cfs of water must be at plaintiff's point of diversion before others may divert water.

In summation, we will instruct the Commissioner as follows:

1. Case No. 3444 is in force and effect.
2. Mosby Irrigation Company has the right to use the Deep Creek Channel for transporting of their water minus a reasonable conveyance loss.
3. That the water measured at the confluence goes to the Deep Creek water users in accordance with their priority and not designated to any particular right.
4. That the rights on Deep Creek be satisfied in accordance with their priority.

We have attached a copy of Case No. 3444 and Civil No. 3067 and the restraining order 3067 for your information and files. In addition, we are attaching a letter dated Sept. 5, 1972 to Robert Justice containing much of the same information as presented above.

I trust this provides the information that everybody wants and will straighten out the problem. If you have any questions concerning this matter, contact Bob Guy, Area Engineer, PO Box 879, Vernal UT, or this office.

Sincerely,



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Directing Engineer

DCN:if

Enc.

cc: Lans Luck, Pres.
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La Point UT

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Arthur V. May, Hydrologic Engineer
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