

Don Norseth



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

HUBERT C. LAMBERT
STATE ENGINEER

TELEPHONE
328-5671

January 9, 1973

Mr. Ivan Mellor, Secretary
Gunnison-Fayette Canal Company
Gunnison, Utah 84634

Gentlemen:

We have received your letter of December 16, 1972, and have given it careful consideration. We would like to have your officers meet with the State Engineer, the Commissioner, and the members of the Lower San Pitch River Committee to discuss this problem. The meeting will be held at the Sanpete County Courthouse, Manti, Utah, at 11:00 a.m., January 16, 1973.

Prompt attendance of all interested parties will be appreciated.

Yours very truly,

Stanley Green
Area Engineer

SG:pd

Enc: letter

cc: John McIntosh
Niel Nielson
Raymond Jensen
Gayle Hansen
Donald K. Barton
Clyde R. Olsen
Erwin Roberts
Don Norseth
Hubert Lambert

*San Pitch River
at Old field Canal*

Ben Kjar

Gunnison-Fayette Canal Co.
Gunnison, Utah 84634
December 16, 1972



Division of Water Rights
c/o Donald C. Norseth
442 State Capitol
Salt Lake City, Utah 84114

Dear Sir:

In answer to your letter of December 5th regarding our account no. 6 for \$424.00 for the Lower San Pitch River we submit the following facts:

When this system was organized in 1969, it was our understanding that to receive the money to operate on for the first year, all owners of water rights would be assessed on an acreage basis. We agreed to this. We paid \$325.50 for 1969, \$401.40 for 1970, \$424.33 for 1971, and now four years later we are still being assessed on the same basis. We did receive some water in 1969 and 1970, but to carry this same basis of assessment year after year is unfair to our company. It is obvious that most users on San Pitch would be paying for regulations and records for their full water rights whereas Gunnison-Fayette would pay a full assessment for no water, or at best, for a small percentage of their water right. This was the situation in 1972.

The following concerns the record of water used by Gunnison-Fayette Canal Company as it appears in the annual report of Mr. John A. McIntosh. He is charging our company with all the water that comes down San Pitch below the Gunnison-Irrigation Company diversion. Our company is only entitled to 40 C.F.S. from March 1st to October 1st. (Page 199 Cox Decree) And any water above this belongs to the Sevier River. So if Mr. McIntosh delivered 140 C.F.S. into our canal, as his records show, from February 16 to 19, 1972, then he is giving us $3\frac{1}{2}$ times our decreed water right at a time of the year when we do not have a water right.

His record of our water isn't worth the time it takes to read it. Yet someday, someone might need an accurate record for an important reason i.e. Central Utah water distribution for the Sevier River.

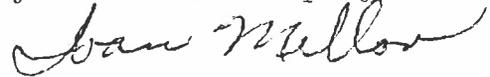
We have pointed out to Mr. McIntosh and Hubert Lambert many times that our water should be measured at the confluence of our canal and the San Pitch River approximately $1\frac{1}{2}$ miles west of Gunnison (2nd paragraph page 230, Cox Decree), yet he persists in measuring our water $1\frac{1}{2}$ miles east of Gunnison.

We also understood that after the first year of keeping records and getting acquainted with the system, the River Commissioner would be given the authority to regulate water, and this is not being done.

So, until the record books are rectified showing a more honest picture of water used by our company and the other promises made by the State Engineer are carried out, there will be no more money forch coming from this company.

Sincerely,

Ivan Mellor, Secretary
Gunnison-Fayette Canal Company

A handwritten signature in cursive script that reads "Ivan Mellor". The signature is written in dark ink and is positioned to the right of the typed name and title.