

July 22, 1971

Mr. John McIntosh
96 East Second North
Manti, Utah 84642

Re: Cox Decree, Page 167, Paragraph E,
Storage and Irrigation

Dear Mr. McIntosh:

In accordance with your request to Mr. Joe Melling for instructions on the water stored in the Nine-Mile Reservoir, a review of the Cox Decree shows the following:

1. They are entitled to 3530 ac.-ft. of storage.
2. The priority of the right is 1896.
3. The period of use is June 1 to October 15; the period of storage is October 15 to June 1.
4. This water is to be diverted as the supplemental supply to irrigate lands under the Gunnison irrigation system in accordance with the limitations of the Cox Decree, Page 166, Paragraph A.

The right to divert and store this water, of course, is subject to any limitations or court decrees. However, the right to release this water and use it would be contingent on the policies of the irrigation company and is not subject to the priority of diversions from the San Pitch River which must be taken in accordance with natural flow and the limitations of prevalent decrees. In essence, a reservoir company has the right to store and release its water as its needs dictate.

It is our suggestion that you meet with the Gunnison Reservoir Company and give them all of the technical aid you are able to for the installation of a measuring device to measure the releases of the Nine-Mile Reservoir. If you need assistance or have further questions regarding this matter, contact Joe Melling, the area engineer for your area.

Yours truly,

Hubert C. Lambert
State Engineer

DCN/mmt

cc: Gunnison Irrigation Company

cc: Gunnison-Fayette Canal Company