



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

442 STATE CAPITOL  
SALT LAKE CITY, UTAH 84114  
September 7, 1972

HUBERT C. LAMBERT  
STATE ENGINEER

TELEPHONE  
328-5671

As you are aware, on June 18, 1962, the District Court fixed the duty of water in the Escalante Valley at four acre-feet per acre until further amended by the Court. The Court also charged the State Engineer with the responsibility of enforcing this order; paragraphs one and three of this order provide:

"1. That during the year 1962 and until further amended by order of the Court, the use of water from the underground water basin involved herein shall be limited to four acre-feet per acre of land awarded a water right under said Proposed Determination."

"3. That the State Engineer and the Water Commissioners are charged with the duty of enforcing this order by shutting off of wells or by institution of contempt proceedings against persons violating this order."

During the summer of 1970, it appeared that a number of users would exceed their four acre-feet limitation by the end of the irrigation season. Consequently, a meeting was held on August 20, 1970, with the water users in the area, at which time the State Engineer announced his policy for 1970 and 1971. Under this policy any user exceeding four acre-feet per acre of land is required to cover his use in excess of four acre-feet with a temporary change application or cease any further pumping, pursuant to the prior order of the Court.

The report of the Water Commissioner received Friday, August 25, 1972, by the State Engineer indicates that you have exceeded four acre-feet per acre pumpage from your well and have not filed a temporary change application to cover this excess use.

Therefore, you are hereby ordered to close your well and to cease pumping unless a proper temporary change application has been filed with the Water Commissioner, Mr. Lee Strong, who is in charge of administering this directive.

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You are further advised that Section 73-1-14, Utah Code Annotated 1953, states:

"Any person, who in any way unlawfully interferes with, injures, destroys or removes any dam, head gate, weir, casing, valve, cap, or other appliance for the diversion, apportionment, measurement, or regulation of water, or who interferes with any person authorized to apportion water while in the discharge of his duties, is guilty of a misdemeanor, and is also liable in damages to any person injured by such unlawful act."

If you have any questions concerning this matter or the procedure outlined above, please contact me at once.

Yours truly,

John Bene  
Deputy State Engineer

DCN/mmt

Registered Mail

Copies sent to:

~~Mr. Eosh Parkinson~~ *wuc 1681*  
~~Beaver, Utah 84713~~

Lee Strong  
P.O. Box 165  
Beaver, Utah 84713  
(sent 10 signed closing tags)

Mr. Nelson Stott *wuc 851*  
Milford, Utah 84751

Ms. Elva Powell *wuc 304*  
c/o William Powell  
Beaver, Utah 84713

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