

ARGYLE CREEK WATER COMMISSIONER'S REPORT  
John Bene - Court Appointed Water Commissioner

June 10, 1963:

Water rights under Jacob Johnson decree:

Wimmer (Lower Place)	1.28 cfs
Mills	0.74 cfs
Clive Sprouse	0.51 cfs
Pressett	0.40 cfs
Preston Nutter Corp.	1.40 cfs
	<u>4.33 cfs</u>

Wimmer lower place has a 9" Parshall flume measuring device. Wimmer lower place has a 24" screw type control gate at the diversion out of Argyle Creek.

Mills' place has a 9" Parshall flume on each one of his diversions. Mills' place has two screw type control gates on diversions out of Argyle Creek.

Preston Nutter Corp. has a 9" Parshall flume on each one of the diversions out of Nine Mile Creek. They have screw type control gates on each diversion.

Clive Sprouse place did not have a measuring device installed on June 10, 1963. They did not have control device of any kind on the diversion from Nine Mile. (Man at the ranch reported that Mr. Brock was in Salt Lake City on June 8th and he would pick up a measuring device and have it installed upon his return to the ranch on June 11th. Mr. Brock is operating the ranch.

Pressett place has a 9" Parshall flume installed but no control device on the diversion.

Jack Wimmer has a 9" Parshall flume installed on the upper place or the old Gibney Place. No control gate from the diversion out of Argyle Creek. This place has no diversion point named or defined in the Jacob Johnson Decree.

Old Housekeeper place, operated by Seever, was not diverting any water out of Argyle Creek. This place does not have any diversion work or measuring devices.

The following readings were taken the afternoon of June 10, 1963:

Jack Wimmer (Upper place on Argyle Creek 9" Parshall Flume)	0.45 cfs.
Henry Mills (south side diversion, 9" Parshall Flume)	2.50 cfs.
Henry Mills (north side diversion, 9" Parshall Flume)	2.65 cfs.
Umbert Pressett (9" Parshall Flume)	1.20 cfs.
Neve Wimmer (9" Parshall Flume)	2.85 cfs.
Clive Sprouse (Breck) (Measured with 12" cipolletti weir)	0.45 cfs.
Preston Nutter Corp. (South Side, 9" Parshall Flume)	0.52 cfs.
Preston Nutter Corp. (North Side, 9" Parshall Flume)	0.75 cfs.

After all diversions were checked, the Water Commissioner made a return trip upstream and made the following adjustments so that Clive Sprouse and Preston Nutter Corp. would receive their decreed water:

Henry Mills diversion adjusted to read (South Diversion)	2.00 cfs.
Henry Mills diversion adjusted to read (North Diversion)	2.10 cfs.
Umbert Pressett diversion adjusted to read	0.80 cfs.
Neve Wimmer diversion adjusted to read	2.30 cfs.

The gage readings show that the Preston Nutter Corp. and the Clive Sprouse place have not been getting their decreed water under the Jacob Johnson decree, and they are not permitted to receive their prorata share of the unappropriated water during the high water runoff.

It is the opinion of the Water Commissioner that until the adjudication of water is completed on this stream that the unappropriated water be prorated among the recognized and legal diversions, and that when the water falls below the total water rights named in the Jacob Johnson Decree, that the users agree to a system of turns so that the water can be beneficially used.

cc: Preston Nutter Corp. - Nine Mile  
Neve Wimmer - Nine Mile  
Clive Sprouse - Vernal, Utah  
Umbert Pressett - Nine Mile  
Henry Mills - Price, Utah  
E. J. Skeen - 522 Newhouse Bldg. - Salt Lake City, Utah  
Reed Reynolds-Ed Clyde - 351 So. State - Salt Lake City, Utah  
Office of the State Engineer - Salt Lake City, Utah  
Judge Nelson - Fourth District Court - Provo, Utah

*John Deane*  
6/11/63