



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

HUBERT C. LAMBERT
STATE ENGINEER

July 11, 1966

Rulon C. Shaw
3707 North 900 West
Ogden, Utah

Dear Mr. Shaw:

We have been notified by Mr. Charles Rhodes that there is a misunderstanding between him and you regarding the water rights on streams near Liberty. Mr. Rhodes is concerned that his natural flow rights are or may be interfered with, and that he will suffer considerable loss because of that interference. In an effort to clarify the situation I visited the area with Mr. Floyd Barnett, Ogden River Commissioner, and Mr. Rhodes on June 24, 1966, and discussed the various rights at that time.

Mr. Rhodes has the following pertinent rights on record with this office:

(1) Right 254, Ogden River Decree, 1874 priority, 0.33 c.f.s. high, 0.13 c.f.s. low for the irrigation season diverted from Cole Creek for 10 acres of land in Section 7, T7N, R1E, SLB&M.

(2) Claim to Diligence Rights No. 949 for all of the water (1.0 c.f.s.) one-half of the time from April 1 to September 30 diverted from Little Canyon for supplementary irrigation of 60 acres in Section 7, T7N, R1E, SLB&M.

(3) Claim to Diligence Rights No. 1464 for all of the water (3/4 c.f.s.) one-third of the time (two days of each six days) from April 1 to October 1 diverted from an Unnamed Stream and spring area running into Cole Creek ditch which crosses the small canyon. The water is stored in an overnight storage pond and is used to supplement the water under Right 254 to irrigate 20 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, T7N, R1E, SLB&M.

(4) Approved Application No. 29178 for 0.015 c.f.s. from April 1 to November 1 for stockwatering, diverted from a developed spring in Section 18, T7N, R1E, SLB&M.

The following related rights are in the name of James E. Shaw:

(1) Right 293, Ogden River Decree, 1882 priority, 5.70 c.f.s. high, 1.43 c.f.s. low for the irrigation season diverted from Cole Creek for 114.1 acres of land in Sections 1, 12, T7N, R1W, Section 7, T7N, R1E, SLB&M.



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(2) Claim to Diligence Rights No. 127 for 0.02 c.f.s. from January 1 to December 31, diverted from Little Canyon for domestic and stockwatering in Section 12, T7N, R1W, SLB&M. Half of this claim has been assigned to Ben Lemond Stake, L.D.S. Church.

Another right, No. 126, for 0.03 c.f.s. for stockwatering was filed by James E. Shaw and has been assigned to the Ben Lemond Stake. This is for that quantity consumed by cattle directly from the stream.

It appears to this office that Mr. Rhodes has the smaller but prior right on Cole Creek (sometimes called Cold Creek) and that he has the only recorded right on the small canyon which supplements his Cole Creek right. He only claims one third of that flow since this corresponds to his use period from Cole Creek.

The claim on Little Canyon is also prior to the other claims for stockwatering although he claims the flow for half of the time and for the irrigation season only. There has been no action on the part of Ben Lemond Stake to change their rights to their present uses.

It is my understanding that you have been contacted by Mr. Barnett in an attempt to clarify the rights of yours and of Mr. Rhodes, but that no real discussions have taken place. It would be to your advantage to discuss this with him in an attempt to resolve the differences. If necessary, a representative of this office can also be present. In the interim time, it is expected that the rights of all persons be recognized and honored. Since our water supplies are likely to be critical during this season, maximum use of water can be achieved only through mutual understanding and cooperation.

If we can be of any assistance, please contact this office.

Yours very truly,

Stanley Green
Area Engineer

SG/dcc

cc J. Floyd Barnett
Charles Rhodes
Don C. Norseth