

August 31, 1965

Pat

Mr. David R. Rasmussen
Dry Fork Star Route
Vernal, Utah

Dear Dave:

We received the enclosed letter and deed from Mr. Calder and need to know what your actions in this matter have been. Will you go over this letter and let us know what release of water ^{you have made} and whether you have diverted any into Mr. Calder's ditch.

Your prompt reply will be appreciated.

Yours very truly,

Donald C. Norseth
DISTRIBUTION ENGINEER

DCN/wh
Enclosure

CC: Mr. Zelph Calder
251 South 3rd West
Vernal, Utah



251 S. 3rd West
Vernal, Utah
August 30, 1965

Utah State Engineer
State Capitol Building
Salt Lake City, Utah

Attention: ^{Distribution} District Engineer Donald E. Norseth

Dear Sir:

Re: Pot Creek Distribution

On about August 24, when I was using my reservoir water to the full capacity of my ditches, unbeknown to me, Commissioner David Rasmussen released to Max Rasmussen on his order an additional five second feet of water to be used ^{on my} on the land adjacent to the reservoir.

This was only an excuse to give Max Rasmussen a semblance of protection from the State Engineer so that he could use my ditch system and water, ~~which had been released to me for my irrigation~~, on his land in Section 17, T. 1 S., R. 24 E., SLM.

I had forbidden such use through Mr. Rasmussen's attorney, Hugh W. Colton.

I am enclosing a certified copy of a deed showing that Max Rasmussen has authority to use the Matt Warner Reservoir water only on the land adjacent to the reservoir. (*Hacking lands*)

As the State Engineer has taken control of my reservoir water, I think the proper way is for him to bring an injunction against Mr. Max Rasmussen to enjoin the unlawful use of my ditch system and the unlawful use of my water.

I have made no conveyance to Mr. Max Rasmussen or his predecessors nor has there been given any consideration for water to be used on the land in Section 17. Mr. Colton knows this.

May I solicit the help of your good office in this matter?

Respectfully yours,

Zelph S. Calder
Zelph S. Calder

ZSC:tc

Encl.

Indenture, made this 6th day of August, A.D., 1938, between Joseph P. Hacking of Vernal, Utah, Grantor, and Zelph S. Calder of Salt Lake City, Utah, Grantee,

Whereas, Joseph P. Hacking is the owner in fee simple of:

The Northeast quarter of Section 2, Township 1 South, Range 23 East, Salt Lake Meridian, Uintah County, State of Utah,

Upon part of said described land Zelph S. Calder desires and intends to build a reservoir by placing a dam at the old Matt Warner Site, located on the above described property.

Now This Indenture Witnesseth As Follows: In Consideration of \$1.00, receipt of which is acknowledged paid by the said Zelph S. Calder to the said Joseph P. Hacking, and other valuable consideration herein set out, the said Joseph P. Hacking hereby grants unto the said Zelph S. Calder and his assigns the right of easement to impound water upon the lands of the said Grantor as above described, together with all rights appendant and appurtenant thereto which are necessary to construct, use and keep in repair said reservoir.

It is further mutually agreed by the parties that the Grantee, Zelph S. Calder, will give unto the Grantor, Joseph P. Hacking, an interest in the water in said reservoir for the purpose only of irrigation adjacent lands belonging to the said Grantor, not to exceed one-seventh of the water impounded in said reservoir, which in no case shall be more than 400 acre feet and the Grantee agrees to keep ample water in said reservoir for stock-watering purposes.

It is further mutually agreed by the parties that the Grantor will have access to the use of said reservoir for stock-watering purposes, and that said Grantor will have the right, together with his immediate family, to personally use said reservoir for fishing, hunting and pleasuring purposes; that the Grantee, Zelph S. Calder, reserves all other fishing, hunting and pleasuring purposes and the right to the use of the land necessary for the purposes hereinabove set out.

Joseph P. Hacking.
Grantor

Zelph S. Calder.
Grantee.

Handwritten note or signature

[Faint, mostly illegible typed text, possibly a letter or report]

[Faint text at the bottom left corner]

On the 6th day of August, A.D., 1938, personally appeared before me Joseph P. Hacking, Grantor, the signer of the above instrument who duly acknowledged to me that he executed the same.

My Commission Expires: (seal) Wallace Calder, Notary Public, Feb. 15, 1942. Residing at Vernal, Utah.

COUNTY OF UINTAH.
STATE OF UTAH.SS

On the 1st day of October, A.D., 1938, personally appeared before me Zelph B. Calder, Grantee, the signer of the above instrument, who duly acknowledged to me that he executed the same.

My Commission Expires: (seal) Elizabeth Leggat, Notary Public, Nov. 13, 1939 Salt Lake City, Utah.

Filed for record at 12 Noon December 15, A.D., 1938 acting Recorder. *J. W. Cassell*

STATE OF UTAH
COUNTY OF UINTAH } SS.

Lola Anderson County Recorder in and for Uintah County, State of Utah do hereby certify that the above and foregoing is a full, true and correct copy of the original.

Deed of Easement
which is of record in this office in Book 31 Page 586

IN WITNESS WHEREOF, I hereunto set my hand and seal this 30th of Aug. 19 65.

Lola Anderson Recorder
Deputy