

May 23, 1962

Mr. Zelph S. Calder  
251 S. 3d West  
Vernal, Utah

Dear Mr. Calder:

Reference is made to your letter of May 14, 1962 regarding the rights in Matt Warner Reservoir and its operation. Following are our comments:

- 1 - Our records show proof was submitted. However, no certificate was issued and your right was included within the adjudication under what has become somewhat common procedure in our adjudicated areas.
- 2 - Our Adjudication Department did surveying work and confirmed the capacity of the Matt Warner Reservoir to be 2945 acre-feet below the spillway crest as shown on your proof submitted in 1959. This then becomes your right as shown in the adjudication book.
- 3 - If and when the court overrules our action on Application 14982, or until you obtain an approved application for fish culture, you have no right for such use.
- 4 - This office can grant you no permission for the use of sand bags on your spillway and the facts available to us would indicate that additional storage would be without any right.

Very truly yours,

WDC/esa

Wayne D. Criddle

bc: Dallin Jensen

251 S. 3 West St.  
Vernal, Utah  
May 14, 1962

Hon. Wayne D. Criddle  
Utah State Engineer  
State Capitol Building  
Salt Lake City, Utah

Dear Sir:

Responding to your letter of May 4, 1962 with regard to the sand bagging of my spillway on the Matt Warner Reservoir and the planting of fish, I did not give you the full particulars.

My plans and specifications call for the spillway to be at 108 elevation. At the time of constructing said reservoir I built the dam higher than the specifications and left the spillway lower at elevation 107.5, with the thought in mind that I would increase the storage of said reservoir 1,000 acre feet under my pending application No. 14992 (Cow Hollow). This application calls for a holdover storage and fish culture use in my Matt Warner Reservoir. You saw fit to deny this application, which I appealed to the courts and which is now pending. Under the provisions of Section 73-2-14, U.C.A. 1953, I believe this appeal "operates to stay all further proceedings pending the decision of the district court."

The present spillway should be raised six inches to accomodate the storage you have already approved. In the past when my reservoir filled I have sand bagged the spillway to get my full storage capacity. I don't think this would encroach upon the freeboard for safety purposes as I believe you will find the dam about two feet higher than is necessary for the desired freeboard, or six feet above the spillway.

With respect to fish culture, I have harvested fish for twenty years, except for the past two years, under application above referred to. I believe this matter is now under jurisdiction of the courts.

I trust that you will reconsider your letter of May 4 and permit me to put six inches of sand bags on my spillway to give me my storage of 2945 acre feet. The U.S.G.S. Water Resources inform me that there are and have been for the past four weeks about 150 second feet of water running to waste into Green River.

Sincerely yours,

*Zelph S. Calder*  
Zelph S. Calder

ZSC:tc

