

12/3/59

Mr. Arthur H. Nielson
Attorney at Law
Newhouse Building
Salt Lake City, Utah

Re: Pot Creek

Dear Mr. Nielson:

I have your letter of November 10, 1959, and will be pleased to discuss with you the proposed order as to Zelph Calder's right on Pot Creek. However, since receipt of your letter, two other matters involving Mr. Calder's use of water from Pot Creek have been brought to my attention and ought also to be discussed.

First, we have received from William Allen a specific request that the present Calder diversion from Beeler Creek into the Matt Warner reservoir be permanently closed. As his present application does not cover such a diversion, the State Engineer's office must comply with Mr. Allen's request.

Second, a further hearing with respect to a request for an extension on Zelph Calder's other application on Pot Creek has recently been held, and the State Engineer's office is of the opinion that this request must be denied.

As I have stated to you before, I believe this second application can only have validity to firm up the right on the Matt Warner Reservoir and I have persuaded the State Engineer's office to withhold any action until I have had an opportunity to discuss these matters with you. I presume that you may want to discuss these matters with your client and I will appreciate hearing from you thereafter.

Very truly yours,

ROBERT B. PORTER
Deputy Attorney General