

May 24, 1927.

Mr. Wallace Wayman,  
Price, Utah.

RE: PRICE RIVER DISTRIBUTION:

Dear Wallace:

Further reference is made to my letter to you of May 12 relative to the distribution of water between Eleganti and Demarco.

Since returning to the office I have had called to my attention the fact that there was an appeal taken to the Supreme Court from the District Court decision which we had before us in Price, as set forth in the Utah Reporter No. 61 which may be well for you to read. As I interpret the Supreme Court's decision, it upheld the District Court in its findings relative to the division of water. However, it did set forth that application No. 5390 to appropriate water from two springs in Carbon County, the point of diversion of which is S.71°30'E.3560 ft. from the NW Cor. Sec. 23, T. 13 S., R. 9 E. belonged to Eleganti and not as set forth from the records in this office, owned by the Spring Canyon Coal Co. It appears that the Spring Canyon Coal Co. received from Eleganti an assignment assigning them all right, title and interest to this application. However, it was brought out in the hearing before the Supreme Court that said assignment or transfer of water right was made without consideration and therefore held the transfer null and void. Then the whole thing dissolves itself down to the fact that Eleganti is entitled to the waters as set forth in the District Court decision plus the water right that was initiated by virtue of the above referred to application No. 5390 for which certificate of water right No. 741 was issued by this office and the same should be in file in the County Recorder's Office in Carbon County. However, if the water appropriated by virtue of said application is part of the waters of Crystal Spring then there is nothing gained by the application right. However, if this point of diversion as above described includes springs other than the Crystal Spring then, no doubt, Eleganti should be given this water.

I would appreciate very much if you will go over this matter again and inform me just what waters were included in the application which was supposed to have been diverted from two springs from the above named point of diversion as set forth in said application No. 5390.

Yours very truly,

State Engineer.

By  
Principal Asst.

RJ/GG

*Supreme Court Decision  
6/17/27 - 475*