

May 7. 1937

Stewart
8 miles up
Wiley
Country Club
Course water
Div. Valley

Mr. Columbus R. Hall,
Greenville, Utah.

Dear Sir:

REK: APPLICATIONS NOS. 6939 AND 9062

GENERAL

This will acknowledge receipt of your letter of April 27 in which you advise that the town of Hanksville diverted the waters of Boul creek from its natural channel, thereby cutting your water off from the point where it was formerly diverted and that the said town has builded a tight dam above your point of diversion and thus provided no means for you to convey your water, as it was originally done. You ask what you can do about the matter.

This is a legal question if your statement be in full accord with the facts and the town of Hanksville refuses to provide a means of diverting your water, as formerly. However I imagine that the town would be reasonable if the matter were presented to them in the right way. I would advise you, therefore, to take the matter up with them. Section 100-1-16 of the Revised Statutes of Utah, 1933, reading as follows, would seem to be the point with respect to your case and should be called to the attention of the town board of Hanksville:

Section 100-1-16.

"Whenever any person has a right of way for any canal or other water course it shall be unlawful for any obstruction by fence, or otherwise, along or across such canal or water course, without providing gates sufficient for the passage of the owner of such canal or water course. Any person violating the provisions of this section is guilty of a misdemeanor."

In further reply to your letter let me advise that the full facts with respect to your Application No. 6939 and 9062 are given in the enclosed memorandum, and sent at your request.

Yours very truly,

T. H. Humpherys
STATE ENGINEER

1/5
Encl.

C