

COAL CREEK DISTRIBUTION.
CEDAR CITY, UTAH.

August 2, 1940.

Coal Creek Dist.

State Engineers Office.
Salt Lake City, Utah.

Re; George H. Wood rights.

Att. Mr. Jerman, -

After your recent visit here I got in touch with George H. Wood and discussed with him the basis of the right by which he used the water now being diverted by him from the headwaters of Coal Creek and used to irrigate about three acres of land in Cedar Canyon about thirteen miles south-east of Cedar City. Mr. Wood told me that many years ago, the date he did not remember, an action had been brought against him by the Water Users of Coal Creek enjoining him from the use of water on the above land which had been settled out of court by arbitration. Before giving you Woods story I will tell you what I found from the District Court records in Parowan.

On March 25th. 1903 an action was filed in the District Court by Cedar City, representing the Water Users of Coal Creek, against George H. Wood, enjoining him from the use of water on the above land in Cedar Canyon. A demurrer was filed by Wood and overruled by the Court. Wood then answered the complaint and Cedar City denied all matters set out in the answer. The Court set the case for trial in September 1904. This is all the record. No mention is made whether or not a trial was had nor what disposition was made of the case.

Here is Mr. Woods story; "Just before the trial they came to me and asked if I would compromise, I said I would. Then they asked me who I would have on the committee to arbitrate the case, it didn't matter to me just so they were fair. They suggested Henry W. Lunt and Uriah T. Jones who suited me alright, Then they asked if I would have any objection to T. J. Jones acting also as he was more familiar with the case. I said that was alright. They looked my place all over went up and down the Creek and then said they thought I should be entitled to ~~three~~ water enough for three and one-quarter acres of land. An agreement was drawn up to that effect which I signed and which I suppose the others signed."

I have not been successful in locating the the above agreement.

2, George H. Wood rights.

I asked Mr. Wood why he did not have this right included in the Decree. He answered me that he had mentioned it to their Attorney at the time and was advised that the right was alright as it was and not to bother it.

In the event I am asked by the Water Users to return this stream into the Creek by its natural channel what will be my course of procedure ?

Reference to reservoir near the above/~~ne~~ mentioned property.

Mr. Wood has built a reservoir about three hundred feet above this irrigated plot. The purpose ~~not~~ is for a private fish pond. The reservoir is in a V shape. The dam is constructed across a natural ravine two-hundred feet wide and backs up three hundred feet. At the dam it is eighteen feet deep and follows the gradual even raise of the ravine. About twenty gallons per minute flows into the reservoir and it looks like that much flows out.

In the event the Water Users ask me to have the waters in this reservoir released to their use what will be my procedure.

Yours very truly

J. T. Leigh
J, T, Leigh.

