July 14, 1938

Mr. Reuben J. Shay
City Attorney
Cedar City, Utah

Dear Sir: REL: COAL CREEK DISTRIBUTION

This will acknowledge receipt of your letter of July 9, 1938, setting forth that there is a dispute between the Cedar City officials and the users of irrigation water from Coal creek as to whether or not the culinary water of 1 sec. ft. which has been decreed to Cedar City should stand shrinkage in the same manner as other water from the creek with the same priority or class.

Upon receipt of your letter, I examined carefully the decree of the Fifth Judicial District Court in the case, R. E. Caldwell v. Frank Armstrong et al., which adjudicates the water rights in the Coal Creek system, and find the 1 sec. ft. of water you refer to is designated in said decree as being in Class 1, and likewise, in said decree, there are rights owned by various irrigation companies to divert water under the same class.

Since under the decree this domestic water has been put in the same class as the primary water, and there being no proviso which exempts said water from being prorated with the other water in said Class 1, I am of the opinion that this culinary water of 1 sec. ft. should stand shrinkage in the same manner as the other water designated in the decree as Class 1.

Yours very truly,

T. H. Humpherys
STATE ENGINEER

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