IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF IRON, STATE OF UTAH

R. E. CALDWELL, State Engineer of Utah,	)	
Plaintiff	:	
-vs-	:	PETITION FOR ORDER TO SHOW CAUSE
FRANK ARMSTRONG, LORONZO ADAMS, et al.	:	
Defendants	:	

: : : : : :

The petition of Ed. H. Watson respectfully shows to the court:

1. That he is the duly appointed, qualified and acting State Engineer of the State of Utah.

2. That on December 6, 1924, the above entitled court made and entered an interlocutory decree in this cause adjudicating all of the rights to the use of the water of Coal Creek pursuant to provisions of Chapter 67, Laws of Utah, 1919; that thereafter on April 6, 1936, this court made and entered an order amending the said interlocutory decree in certain particulars and decreeing that said decree, as amended, was final.

3. That for several years last past, upon request of the water users, the State Engineer has appointed a water commissioner to distribute the water of Coal Creek and tributaries in accordance with the said decree of general adjudication, and one J. T. Leigh was appointed and is acting as water commissioner on Coal Creek for the irrigation season of 1942.

4. That one Le Roy. Wood owns and operates a ranch in Coal Creek Canyon approximately ten miles southeast of Cedar City, and your petitioner is informed and believes that he has operated said ranch for many years; that although the said Le Roy. Wood's predecessor in interest, George H. Wood was served with summons in the above cause, he failed to appear and the final decree does not include any water right for the said ~~Le Roy~~ George H. Wood or LeRoy Wood for the irrigation of said ranch, and Le Roy. Wood by reason thereof has no right or interest in the water of said Coal Creek for the irrigation of or use upon his said ranch; that the said J. T. Leigh has distributed the water

of Coal Creek in accordance with the said decree, and has on numerous occasions, the last of which was on or about the _____day of June, 1942, refused to divert or permit the diversion of water from the said Coal Creek to the said Le Roy. Wood ranch. Nevertheless, the said Le Roy. Wood has wrongfully and without right and in violation of the orders of said water commissioner, diverted water from said Coal Creek to his said ranch and has stated that he will continue to so divert water regardless of the orders or directions of the said water commissioner or your petitioner.

WHEREFORE, your petitioner prays that an order requiring the said Le Roy. Wood to appear at a time certain and to show cause, if any he has, why he should not be permanently enjoined and restrained from diverting water from Coal Creek for use upon or in connection with his said ranch in Coal Creek Canyon, and why he should not be punished for contempt of court for willfully violating the said decree of this court.

Grover A. Giles
Attorney General

E J Skeen
Special Asst. to Attorney General

STATE OF UTAH)
: SS.
COUNTY OF SALT LAKE)

Ed. H. Watson
~~FRED W. COTTRELL~~, being first duly sworn, deposes and says that he is the ~~Chief Deputy State Engineer and makes this petition for and in behalf of the~~ State Engineer; that he has read the said petition, knows the contents thereof and that it is true to the best of his knowledge, information and belief.

Ed. H. Watson

Subscribed and sworn to before me this 13th day of July, 1942.

E J Skeen
Notary Public