



THE STATE OF UTAH  
OFFICE OF STATE ENGINEER  
SALT LAKE CITY

ED. H. WATSON  
STATE ENGINEER

Sept. 15, 1942

RE: COAL CREEK DECREE

Memorandum for Office Study Only, by L. C. MONSON

On September 10, 1942 the writer contacted Mr. Gronway Parry and together called on Mr. Woods at the Woods Toggery relative to the complaint of Mr. Woods that the Coal/Creek Decree did not include the Woods rights to water from a tributary to Coal Creek in Coal Creek Canyon. They were told that it was purely a question whether or not the water users on Coal Creek whose rights are covered by the Decree see fit to permit use of water at the Woods ranch. Mr. Woods asked the writer to examine the conditions at the Woods ranch and on the morning of September 11, I accompanied Mr. Woods to the ranch where I found about six acres of truck garden under cultivation. They were diverting about .25 sec. ft. of water. I suggested to Mr. Woods to try and come to an agreement with the Coal Creek users but Mr. Woods is under the impression that the Coal Creek Decree does not apply to the tributaries, he stated that they were so informed by the State Engineer in 1924 and also by their attorney at that time.

Mr. Woods stated he would try and follow the advise of this office and try to come to some agreement with the Coal Creek users but would like to meet the representatives of this office when the Wilson hearing takes place in about 10 days or 2 weeks.

LCM/mv/pcr

L.C.M.

6/17/43

Mr. Roice B. Nelson, Chairman, Coal Creek Water Users' Committee, called by telephone and stated that the owners of the Wood ranch were still using water from Coal Creek Canyon and requested that the water commissioner be instructed to distribute the water from Coal Creek only to the users provided in the decree.

In letter dated August 13, 1942, Mr. Frank B. Wood was instructed as follows:

"Dear Mr. Wood:

re: Coal Creek Distribution

I have your letter regarding the water rights for the George H. Wood ranch which is located about 12 miles East of Cedar City in which you request that a hearing be held on this water right next time an engineer from this office is in Cedar City or locality.

Several weeks ago, upon the complaint of certain primary users on Coal Creek, I had an investigation<sup>made</sup> of the water rights in question. Apparently, although some water has been used on the George H. Wood ranch for many years, it was not included in the Coal Creek decree. Under the plain provisions of the statute, any rights not included in the decree are forever barred. Mr. Skeen reported to me that all of these facts were pointed out to the group interested in this question at a meeting held at the court house in Parowan a few weeks ago. He said that a number

(Over) -

of the representatives of irrigation companies on Coal Creek had expressed a willingness to negotiate a settlement which would give the Wood ranch some kind of a water right. He explained that there are many legal difficulties confronting you and your brothers in any effort to force recognition of a water right but that something may be done if owners of decreed rights on Coal Creek are willing to recognize an apparent mistake in the decree and stipulate a right. There has been some complaint that although the George H. Wood ranch enjoyed a water right in early days, the right was very limited in extent and an effort has been made by increased use to enlarge the right during more recent years. In working out any sort of settlement, it should be kept in mind that the right was fixed by the use prior to the entry of the decree in 1924 and cannot be enlarged by increased use of water since the entry thereof.

The next time an engineer from this office is in the vicinity of Cedar City, I shall advise you and others interested and shall be glad to cooperate with you in an effort to settle this controversy which the file indicates has extended over several years.

Very truly yours

Ed. H. Watson,  
State Engineer."

EJS/ba

An appointment was made by the State Engineer for a hearing to be held September 10, 1942, at Cedar City, Utah. Mr. L. C. Monson from this office called on Mr. Wood in company with Mr. Gronway Parry, and Mr. Monson found approximately .25 sec. ft. of water being diverted onto about 6 acres of truck garden crops. Mr. Wood was to contact the State Engineer at the time of the Leroy Wilson hearing. There appears to be no memorandum relative to the meeting with Mr. Wood.

Recommendation: It is recommended that an engineer from this office contact Mr. Nelson relative to the above on June 18, 1943, at Cedar City, Utah, after the hearing on Application No. 10186.

RER/per

R. E. R.