

September 25, 1952

Mr. Theron Ashcroft
Water Commissioner
Cedar City, Utah

Dear Sir:

RE: COAL CREEK DISTRIBUTION

In reply to your letter of September 17, 1952, this is to draw your attention to the fact that in the distribution of the water of Coal Creek you are to follow the Decree entirely in the distribution of said waters.

It is noted that the Decree provides, as stated in your letter, for 2.92 sec.-ft. of water to be used to irrigate certain areas within the boundary of Cedar City during the period April 1 to November 30 of each year and it provides for 1.0 sec.-ft. of water for domestic use during the period January 1 to December 31 of each year. Of the above 2.92 sec.-ft., it is my understanding that 1.0 sec.-ft. of said right has been changed from irrigation to domestic use. In addition to that, Application No. a-1267 changes the point of diversion, place and nature of use of the waters of Cluff Springs tributary to Coal Creek. This includes six springs called Cluff Springs and the Chatterly Spring, the original right being for 2 sec.-ft.

On March 19, 1948 proof was submitted on this application on which, as of this date, no certificate has been issued. From the measurements submitted in the proof, it appears that the total amount of water that will be allowed in this right amounts to 1.614 sec.-ft., at least that is the amount of water shown by measurements of the proof engineer; therefore, you may consider that all the water of Cluff Spring up to this amount, that is 1.614 sec.-ft., may be carried through Cedar City distribution system in addition to the other rights now used through this system. However, the Decreed rights are limited by certain factors or limitations set up in the Decree. As you will note in the Decree, when the water of Coal Creek amounts to less than 25.19 sec.-ft. the water is to be pro-rated among rights No. 1 to rights No. 10A inclusive proportional and consequently these rights are not entitled to the full amount of water set up in the Decree except when the flow of said creek is above 25.19 sec.-ft.

I cannot advise you as to what procedure should be taken in regards to the paragraph of your letter in which you state Cedar City should do one of three things: (1) File a change application on Chatterly Spring and stand the expense of changing the splits permanently, or (2) turn the spring out of their system permanently, or (3) pay the Coal Creek water users for the spring. Chatterly Spring is included in Change Application No. a-1267 and rights, therefore, must have belonged to Cedar City at the time said application was filed.

Mr. Theresa Ashcroft

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Sept. 24, 1952

If there is a question as to the ownership of the water of Chatterly Spring this should be, of course, settled and the said change application may be an error in this respect. It is suggested, however, that you divide the water in a proportional way and in accordance with the rights set up in the Coal Creek Decree.

Yours truly,

Joseph M. Tracy
STATE ENGINEER.

LCM:dl

cc: Patrick H. Fenton
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