

December 8, 1950

Mr. Henry L. Jones, President
Coal Creek Irrigation Company
97 South Third West Street
Cedar City, Utah

Dear Mr. Jones:

RE: COAL CREEK DISTRIBUTION

Following your conversation with Mr. Monson on December 8, regarding distribution of the waters of Coal Creek, I find it impossible to issue orders in violation of the Coal Creek Decree.

The decree provides for winter use of water for stock-watering purposes for certain users. It is not the prerogative of this office to deprive these users of this right, should they demand same. It is true there is a priority of rights in time of scarcity. However, winter irrigation, which is not provided for in the decree, is not one of the prior uses. See Section 100-3-21, Utah Code Annotated, 1943, as amended, quoted as follows:

"Appropriators shall have priority among themselves according to the dates of their respective appropriations, so that each appropriator shall be entitled to receive his whole supply before any subsequent appropriator shall have any right; provided, in times of scarcity, while priority of appropriation shall give the better right as between those using water for the same purpose, the use for domestic purposes, without unnecessary waste, shall have preference over use for all other purposes, and use for agricultural purposes shall have preference over use for any other purpose except domestic use".

It is believed that you will find it to your advantage to meet with the users of water and make arrangements between the various users for the right to divert the use from them in cases where they have wells from which they might water their stock.

Should you desire to have a water users meeting, as you did several years ago, for the purpose of having a water commissioner appointed by the State Engineer, it will be necessary for you to mail to this office a petition of a majority of the water users or their representatives asking that such a meeting be held. Upon receipt of your petition, the matter of holding the meeting will be given consideration in this office.

Yours truly,

Joseph M. Tracy
STATE ENGINEER

LCM/vm
cc-Mr. J. T. Leigh
Water Commissioner
Cedar City, Utah