



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

WAYNE D. CRIDDLE
STATE ENGINEER

June 29, 1960

MEMORANDUM FOR THE FILES

From: Wayne D. Criddle, State Engineer

Date: June 29, 1960

Mr. Wilford Burton called on behalf of Mr. John Yardley, water user from Minnie Creek and Castle Creek. He stated that water was not being delivered in accordance with the decree and asked for an opinion from the Attorney General's Office, and that he requested this office to put these streams on turn, so that Mr. Yardley would get the water to which he was entitled.

It was pointed out to Mr. Burton that unless the decree called for the water to be put on turn, that this office could not insist upon a rotation system. If it were agreeable with all the users, such an agreement could be worked out. However, I told Burton, I would call the Water Commissioner, and find out if his views were the same as those expressed in Mr. Norseth's Memo, dated, August 7, 1958, and I further stated that there was an ^{amount} insufficient water for the decreed amount for each user. All the inflow to the creek, simply comes from seeps and springs at the various places along the three streams, between the upper and lower branches, and that there wasn't enough to deliver one-quarter to each, as now decreed, since now the water is not in position to so distribute.

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Mr. Burton was called again, and the information reported to him. He, thereupon, asked what we were going to do about it. He was told that apparently, we would not be able to do anything, and he was also told that until the court decreed some other decision, I did not see how I could change the method of distribution. This was also discussed in some previous memorandums, i.e., August 7, 1958, and October 14, 1958.

It was also pointed out to Mr. Burton, that Mr. Yardley was delinquent on his water assessment and that we hoped that he would get that in immediately, since the salary of the Water Commissioner and other various distribution expenses all go on continuously. The delinquency amounts to: \$53.43, with a penalty of \$5.34, the total amount being, \$58.77.