

MERRIL H. LARSEN  
ATTORNEY-AT-LAW  
DUCHESNE, UTAH

April 17, 1934

Hon. T. H. Humphreyes  
State Engineer  
Capitol Building  
Salt Lake City, Utah

Dear Sir:

There are two water cases here in Duchesne County, which I am appealing to you for assistance. The one is at Harper (Nine-mile), and the other is at Fruitland.

Regarding the case at Harper. There are seven or eight individuals there, joint owners, of a certain irrigation ditch. Some of the parties claim that others, who have the least right to water therein, are taking most of the water. And others who have no right at all are taking some. Some are being deprived of drinking water who should not be. The fact are that they have no headgates there to make proper distribution of their water. They have a decree from the District Court, dated back in 1900, and this is the only basis of their claims. I have taken the matter up with the District Judge at Provo, of this District, and he advises that he cannot appoint any water commissioner, for the reason that no such provision is made in the said decree for such appointment. He therefore suggests that the matter be taken up with you.

The case at Fruitland is a similar case, except that about all they need there is the installation of one certain headgate. If that is put in, I do not think they will have any more trouble. One party to the ditch started to put in a cement headgate, and some of the other parties to the ditch came and tore it out, simply because they had not been consulted in the matter. Now, I think that the proper thing is for a headgate to be put in there, but if the same was put in under your specifications, it could be done agreeable to all concerned. Such headgate should have your approval, and I do not believe that they ~~would~~ would then tear it out. Some of the parties have been after me to bring criminal actions against others of them for stealing their water. However, I do not believe the State could get any place by such procedure, until there has first been made the proper and legal distribution.

These two cases might develop something serious, unless something is done. Because they have had trouble other years, and this year there is an extra shortage of water.

I am of the opinion that the expense which your office might

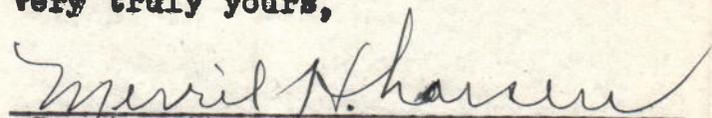
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be put to could probably be placed against the parties interested  
and involved.

May I hear from you in regard to the matter, and oblige.

Very truly yours,

  
County Attorney, Duchesne County.

P.S. I refer you to Chapter 5 of the Revised Statutes of Utah,  
1933, (Title 100), also Sec. 100-5-9, Revised Statutes, 1933.  
M.H.L.

