OFFICE OF
SEVIER RIVER
WATER COMMISSIONER

Richfield, Utah.
Mar. 27, 1940.

RECEIVED
MAR 28 1940
State Engineer's
Office

Mr. T. H. Humpherys,
Utah State Engineer,
Salt Lake City, Utah.

Dear Sir;

I have been called up to the vicinity of Antimony, Utah on two different occasions this spring to measure the flow of water being used by the East Bench Irrigation Company, C. L. King, Jr., and the Riddle Ditch Company. This water comes from Coyote Creek in Garfield Company.

On the first trip which was made on Mar. 11, 1940 an estimate was made of the flow of the water. No good measurement was made because of the fact that the officials representing the above named users agreed to install a good measuring device near the point of diversion and also one at the upper point of the farming area, which is about a mile or 1 ¼ miles lower down the canal than the upper one. Also, it was reported that the total flow of Coyote Creek was not being diverted at that time and therefore an accurate measurement made then would serve no purpose.

And yesterday I went on the second trip in response to a request from the president of the Bench Irrigation Company, Mr. Warner. On this trip I made two measurements of the stream being diverted from Coyote Creek into the Bench Canal. The measurement at the upper weir, which has been built during the last 10 days and is a 6 foot rectangular weir, showed 15.6 cfs and the measurement at the lower weir was 15.1 cfs showing a loss of 0.5 cfs in the mile or mile and a quarter of canal.

Now the rights to the use of the water from Coyote Creek as I understand them are as follows;

Page in Cox Decree	Owner	Primary	Page	4th Class	Application Water
11	C. L. King, Jr.	1.64 cfs	17	0.80 cfs	
11	Riddle Ditch Company	2.56	17	1.40	
11	Bench Irrig. Company	5.21	17	2.00	
50	Bench Irrig. Company	- -	- - -	- -	11.34 cfs
	Totals - - - - -	9.41	- - - -	4.20	11.34

Now the water diverted was sufficient to supply these rights as follows;

Primary - - -	9.41 cfs
4th Class - - -	4.20
Application -	2.00
Total - -	15.6

The lower weir was installed to help these users in determining transmission losses to their irrigated lands.

The Primary and 4th Class rights are good now because the flow of the Sevier

River is great enough to supply all Primary, 2nd, 3rd , and 4th Class rights and still leave some water for storage. Of course on April 1st a lot more primary rights become effective and at that time it is doubtful if the 4th calss rights will be of any value. But the socalled Application water has a priority of Apr. 8, 1921 and is therefore subsequent to the rights of the Otter Creek, Piute, and Sevier Bridge Reservoir interests and therefore should have no value at the present time if these other prior rights could use it. However, before it would reach them it would have to flow down Coyote Creek for a distance of about 3 miles over a very gravelly bottomand it is certain that the 2 cfs that should go for the storage rights would sink in the bed of the creek, and therefore this stream, that is the 2 cfs, was allowed to go into the Bench Canal for the use of these users above mentioned.

I am not sure that this is the right way to handle the water because of the fact that even thoughthe water sinks in the bed of the Creek it may flow underground and re- appear lower down. However, to date, I am informed by Mr. L. W. Jones, former Sevier River Water Commissioner, that whenever the water flowing down Coyote Creek was not enough to reach the East Fork of Sevier River then these users were allowed to use it. I would like to get your opinionon this matter as well as your direction as to the distribution of this water if it is different from the above.

In our telephone conversation of a few minutes ago you asked me what the trouble was among these water users. As far as I can find out it is trouble between the users after the water is diverted. The owners of the application and 4th Class water claim a right to the primary water by reason of the fact that they have been allowed to use a part of it for many years and therefore they have a good claim on its continued use. I have not, as commissioner, attempted to enter into the controversy after the water has been diverted. And I think the reason, or so I was informed, that the water users were in Salt Lake to inquire about it was because they went there to see an attorney about the value of their rights and were attempting to get some information from your office on this matter.

I would appreciate yourreply as to whether I was justified in allowing them to divert Coyote Creek water instead of allowing it to sink into the bed of the Creek. This underground flow idea has recently been brought to the front here in the litigation over the Sigurd Waterworks ~~suit~~ Water at Richfield and I have been asked about it just lately.

Very truly yours,

J. Lerue Ogden

Commissioner.

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