

July 12, 1931.

Mr. John G. Bragger, Jr.,
Willard, Utah.

Dear Sir:

RE: MILL DAM DIST.

When you called at the office on June 25, in answer to my letter to you of June 23, I was very busy preparatory to leaving the office that noon for a trip to the southern part of the state and I doubt if I made the situation on Mill Dam sufficiently plain.

The water situation throughout the state is very unusual this being as dry a year as we have had in this generation with the result that where we have decrees the water must be distributed strictly according to the decree in case water users refuse to cooperate with each other in sharing what little supply there is.

I am advised and believe it to be true that there is not sufficient water in the Mill Dam system to take care of rights later than 1852 and as I told you when you were in the office you still have a right to divert water for the 52.4 acres under the Dalton "A" Ditch. This water must be diverted at the point of diversion shown in the Mill Dam decree and at no other and if there is not sufficient water at that point of diversion you have no right to supplement the supply under this claim by taking water at any other point.

With reference to the stock water right I would say that this right must be exercised strictly according to the terms of the decree. The decree makes no provision for your taking water from the natural channel at the old Southern Pacific right of way and transferring it over into the Dalton "A" Ditch.

When you were in the office you assured me that you were more than willing to limit your use of water to the legal right which you had and I am counting on your carrying out this intention in relation to which I am making the above explanation.

J. G. B. - #2.

So far I have been very fortunate in receiving the co-operation of the water users and have had only, on one occasion, to appeal to the court over in Tootle County for a restraining order. The decree on Mill Dam specifically enjoins all water users from interfering with each other or diverting more water than is provided for in the decree. This means that in the case of interference the action of the State Engineer would not be that of obtaining a restraining order but the more serious course of a charge of contempt of court.

Yours very truly,

State Engineer.

QMB/E