Ioka Utah
June 20, 1940

State Engineer.
Capitol Bldg.
Salt Lake City Utah

Dear Sir;

At hand is yours of June 14 and while you discussed some of the problems that I gave you in my letter of June 12 others you over looked. I am anxious for instructions as to the manner of procedure where Mr. Paul S. Henson is using the Sand wash water to irrigate ground without a filing.

As to your insistence that your abstract showing Case and Cannons filing 1 foot rather than 1⅛ which the decree of the court gave them, I should like to know who is in contempt of court if I disregard the decree of the court and apportion water according to abstract which you furnished me. And I can here remind you that those men will surely carry it to court if they can find a technical opportunity.

Then too you misunderstood the question about putting in rating flumes.

That you might understand, I have this to say. Years ago when we insisted that a measuring device be installed they put in a rating flume that meant nothing to me. Now in the event of a similar action on their part what may I do. their ditch or canal is so level that an ordinary stir would cause the water to over flow the banks above.

Again you failed to say whether you were behind me in compelling them to put in proper diversion

works, that is a headgate, or whether they can continue to entirely block the channel with earth and rock with no device whatsoever to control the flow of water in their canal. You talked about measuring devices but did not say that I had your support in requiring that they be put in in any instance.

I was over the lower portion of the wash this morning and found that Parley Mitchell had a stream of water from Sand Wash on his wheat. We did not see him but several different places on the ditch at the head of the wheat showed that water had been used here and the water was turned out at the last or lower turn, the remainder of the field was recently irrigated. While there were yet a few corregations that were not yet drawing water. I had three other men with me who saw what I saw. [The condition there might suggest that he was in the act of setting the water when he saw us coming and bid.]

Again you failed to mention whether or not you would endorse ~~use~~ us in attempting to collect from all users of water, Of course I know what I could have done under other engineers but they proceeded according to law while you remind me that I'll have to proceed according to the rules of the present engineer. This of course makes it entirely necessary to get your rules on all points.

Further I measured the water at the Dufalo bridge this morning and found 3.36 second feet.

Further I removed the diversion works at two diversions where the abstract shows no filing.

I might suggest to you that men who have been through the court for adjudication and know of the action of the court to me present a different problem that that of Paul S. Hanson, mentioned above, though I presume the result of their action is the same. But for your letter of June 11. I should have written him and warned him which would have probably been sufficient, but I wrote you in accordance with your request and you over look the affair.

May I receive instructions on these matters at your earliest convenience.

Very Truly Yours Robert

Robert H. C. Marchant.

RECEIVED
JUN 22 1940
State Engineer's
Office