

June 11, 1940

Mr. Robert H. Marchant
Ioka, Utah.

Dear Sir:

REL: SAND WASH DISTRIBUTION

This will acknowledge receipt of your letter of June 7, in which you express anxiety over not receiving your commission as Water Commissioner, in order that you can act, and then you say, "the water rights of the State will be defied and I will have to bring suit."

You express anxiety for not having your commission. From your statement, I have some anxiety as to what you will do when you get it. You will please bear in mind that you are an agent only of the State Engineer, and policies will be decided for you, and any suits will be brought only at the State Engineer's direction and by the Attorney General; also, please remember that you are liable under your bond for any damage resulting from an act by you not in accordance with water rights involved. There is being mailed to you today under separate cover the water laws. Please read Chapter 100-5-1 to 14, incl. There is also being sent to you an abstract of the water rights to be used as a basis for distribution. Study this carefully and see that the water is distributed in accordance therewith. If you find that water is being used without a right, notify the user and then shut the water off. If he or they persist openly, report it to me by phone or by letter as the exigency of the case requires. If the user or users take it clandestinely, secure two reliable witnesses to the act and report the same as above outlined. If the facts justify bringing suit, the Attorney General will act without delay and will depend upon you to furnish the proof of any overt act committed.

Please report to me weekly as to how you are getting along. Let me caution you not to take yourself too seriously, but remember that notwithstanding the fact you are a Water Commissioner, you have certain limits within which to act, and you must be governed at all times by the law and by the rights involved.

Yours very truly,

T. H. Humpherys
STATE ENGINEER.

l/fm

N.B. The water laws were mailed to you June 8 and they are no doubt in your possession at this time, therefore, they will not be enclosed with abstract. *W*

T.H.H.