Joka Utah
July 24, 1958

State Engineer
Salt Lake City Ut.

Dear Sir; I have yours of July 13th containing copy of letter from Mr. H. J. Mitchell of Jan 26th.
As to Mr. Mitchell's headgate being locked last season I simply have this to say, that it was at a time when we had about ten feet of water in the Sandwash and the Dry Gulch company were asking for water on their filing which you will remember called for 25 second ft. Last season was a very peculiar season. We would have a few very warm days followed by a cold snap which would cause the water of the rivers to reduce in volume until the canals could not be properly filled, when I would be called upon to furnish the Dry Gulch company water upon their supplementary filing. Those using water through

Mr. Mitchell's headgate resented having their water taken and it became necessary to lock the gate for a short time at two different times but with a good flow of water for several days between times, All in all the gate was probably locked about ten days and finally removed about the eighth or ninth of June when Mr. Mitchell was entitled to water again on his filing on account of the Dry Gulch irrigation company receiving receiving their supply through their mainfiling from Lakefork River and releasing Sandwash for the later filings.

Further comment I may say that I didn't know that Mr. Mitchell was a special authority in law, to advise the engineering department of the State of Utah.

Their undoubtedly is some water rises on his ground in the main chan-

nel of the Sandwash but at the season of the year that water is low all water that rises on his land doesn't amount to much and that amount would not run through the canal to his orchard, as well as two other controlling facts the first being that said water arises in the natural channel of Sandwash and is subject to priority of filings, the second being that he takes his water out entirely above his own land and in no event could he use the water which rises on his own land.

As to further comment about allowing Mr. Benson to Prove up on his water I can say simply this, there are things about our irrigation law that might well serve the people much better but insofar as Mr. Mitchell is concerned I see no reason why his individual case is different from others.

Though the courtesy of water users below he has been allowed to water garden and orchard at all times and last season contrary to law and with nobodies consent at two different times I allowed him to irrigate two or three acres of alfalfa because it was new and the root system small, it was apparent that unless he got water his alfalfa would die.

I have done all for him I could under the law and as you will note where the law has not been strictly adhered to the transgression has been in his favor.

Respectfully Yours

Ralph H. C. Marchant

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