

THERALD N. JENSEN

ATTORNEY AT LAW

PRICE, UTAH

MEDFORD 7-1542

November 17, 1960

State Engineer
State Capitol
Salt Lake City, Utah

ATTENTION: Mr. Norseth

Dear Mr. Norseth:

I am writing this letter in connection with the distribution problems of Independent Canal and Reservoir Company and the Emery Canal and Reservoir Company. In your file you will have a letter from Mr. Frandsen dated October 26, which he wrote on behalf of Independent Canal and Reservoir Company.

We are very much dissatisfied with the services of the Water Commissioner Homer Edwards. You will probably recall that he was appointed at the insistence of the Independent Canal and Reservoir people and that in order to get the problem off dead center we finally reluctantly agreed to the appointment of Mr. Edwards. We are convinced that his sole concern was to make sure that water was available for the Independent Canal and Reservoir people and that he had little or no concern to protect the rights of my clients. We find that the measurement of the distribution of water from the reservoirs of the Independent Canal and Reservoir Company was more or less guess work and the distribution report submitted for the month of July with respect to the reservoir discharge is greatly inaccurate. Our own representatives went to the reservoir and found that the discharge was not as reported by the Water Commissioner. Moreover, the measuring device at the reservoir appears to be improperly installed with the result that it is impossible to make accurate measurements. It would appear that in the future we should have one Water Commissioner for the division of the water at the canal intakes and that a separate commissioner should be appointed to supervise and record discharges from the reservoir and that some system must be devised for speedily and accurately correlating the data. Inasmuch as the reservoirs are owned by the Independent Canal and Reservoir people the services of the Water Commissioner assigned to that duty should be borne solely by the Independent Canal and Reservoir Company.



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We welcome the services of a Water Commissioner who will honestly and accurately divide the water between the respective companies and we suggest that steps be taken at an early date for the appointment of the necessary commissioners pursuant to the provisions of 73-5-1, Utah Code Annotated 1953.

Insofar as the complaint registered in Mr. Frandsen's letter that there is a leak under the flush gates beneath the 12½ foot weir we suggest that early in the Spring before the irrigation season commences that that weir be inspected by representatives of both companies and by someone from your office if you so desire and if the weir is found in need of any repair, certainly we want to have that matter taken care of promptly and at our own expense. We believe that the lumber weirs which have been installed by the Independent Canal and Reservoir people are not adequate and that substantial accurate weirs should be installed by the Independent Canal and Reservoir Company so that the reservoir water may be measured.

Very truly yours,



TNJ:mb

cc: Emery Canal & Reservoir Co.
Emery, Utah

Independent Canal & Reservoir Co.
Ferron, Utah

Mr. Homer Edwards
Moore, Utah

Mr. Duane A. Frandsen
Attorney at Law
Price, Utah