GEORGE CHRISTENSEN, JUDGE
PRICE UTAH

DILWORTH WOOLLEY, JUDGE
MANTI, UTAH

F. W. ER, DISTRICT ATTORNEY
..ONTICELLO, UTAH

ELIZABETH HADLEY, K
PRICE, UTAH

ALICE MADSEN, COURT REPORTER
PRICE, UTAH

F. M. ALDER, COURT REPORTER
MANTI, UTAH

Seventh Judicial District Court

CARBON COUNTY

PRICE, UTAH
April 30,
1 9 2 8.

MAY 2 1928
State Engineer's Office

Mr. George M. Bacon,
State Engineer,
State Capitol Building,
Salt Lake City, Utah.

Dear Mr. Bacon:

I have this day been presented with an application for appointment of a Water Commissioner for Muddy Creek in Emery County.

The application is presented on behalf of the owners of fifteen-sixteenths of the water of said creek. The application is for the appointment of Wallace Case, and one of the reasons for asking for the appointment of Mr. Case is, aside from his competency, the fact that he is already water master and the expenses would be materially less if he is appointed commissioner.

The petitioners were accompanied by their attorney Mr. B. W. Dalton of Price and I was shown some correspondence which Mr. Dalton, in behalf of his clients, has had with your office, wherein it was made to appear that for various reasons you preferred that the Court should make the appointment.

I deferred acting upon the application in order that I might communicate with you and express to you my views and receive your suggestions in the matter.

It appears in the first place to me that it will be for the best good of all concerned that a commissioner be appointed.

Now, as I read the Statute, referring you to Chapter 100 of the Session Laws of 1925, Page 206 and 207, it is provided that when it is necessary to appoint a water commissioner such commissioner shall be appointed by the State Engineer after consultation with the water users; if a majority of the water users shall agree upon some competent person to be appointed as water commissioner, the State Engineer shall act in accordance with said recommendations; so to me that indicates

the power and duty of appointment rests with the State Engineer. While I think there is no doubt of the Court's power in the matter it has been determined in the Caldwell -vs- Erickson case that the powers of the State Engineer supersedes the commissioner which the Court might appoint. Now I have no desire at all to in any way encroach upon the prerogatives of the State Engineer and will not make any appointment in this case if you are willing to make said appointment.

I am handing you a copy of the application and will greatly appreciate it if you will kindly let me hear from you at the very earliest convenience so that a commissioner may be appointed without delay that the waters may be properly distributed from the beginning of the irrigation season.

Thanking you in advance for your kind consideration of this matter and for your very early reply. I am

Very truly yours,

George Christensen

District Judge.

GC:AM
ENCLS