

B. W. DALTON
ATTORNEY AT LAW
PRICE, UTAH



April 21, 1928.

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

Dear Mr. Bacon:

InRe: Muddy Creek District.

After reading your letter of the 19th. quite carefully, it is my judgment that the Commissioner should be appointed and distribute the waters in accordance with the Decree until the Decree is changed. Of course, on a proper hearing and when it is fully and finally determined that the Emery people have not and are not beneficially using the waters decreed to them, then and in that event the waters not so used should go to other appropriators and holders of decreed rights. It would seem to me that until this time that the water should be distributed in accordance with the Decree.

It is absolutely necessary that someone be appointed to distribute this water and inasmuch as the Emery people, as I remember it, own about ninety per cent of it, I think that they should at least be given the right to designate. As far as they are concerned, all they want is their rights. They do not want a law suit or anything of the sort but they feel that they were the first people who went there and that they went through all kinds of hardships in establishing their water right and the use of the water on the lands and that now without any procedure in Court it would be wrong for a determination to be made that their established rights did not belong to them.

Then if Mr. Case is appointed, he will distribute the waters in accordance with your instructions. I do not see where this can effect the other people materially. If you believe there should be a further investigation made and will notify me of the time when you wish to come down, I will be glad to take you over in my car and remain with you until you have fully determined the controversy. I do feel, though, that in the meantime Mr. Case should be appointed the Water Commissioner to distribute the water.

My kind personal regards to you.

Yours truly,

B. W. Dalton