

April 19, 1928.

Mr. B. W. Dalton,  
Price, Utah.

Dear Mr. Dalton:

RE: MUDDY CREEK DIST.

I have your letter of April 17 suggesting that Mr. Wallace Case be appointed water commissioner on the Muddy River. I regret very much that the Emery people saw fit to wait until the last minute as I think it important to investigate the situation a little more.

Other interests taking water from the Muddy naturally feel that Mr. Case has the interests of the Emery people particularly in view. More important than this is the question of actual distribution in relation to the decree. There is definite opinion from our highest court that a decree of this kind giving a proportionate amount of water from a stream to a particular company does not mean that the company shall have that full proportion when it is in excess of their actual requirements for beneficial use on the land irrigated. There is some question in my mind as to whether Mr. Case is fully advised of this condition and in a position to carry out the distribution on those lines.

Any suggestions you can let me have I am sure will be helpful.

Yours very truly,

State Engineer.

GMB/E