



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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TO THE WATER USERS OF BOX ELDER CREEK

Thank you to the water users who attended the meeting held on March 20, in the Old Brigham City Courthouse. The information presented at the meeting and the discussion of the situation on Box Elder Creek was very helpful.

At the meeting there was general agreement that the Proposed Determination of Water Rights (Area 29-Book 1; Brigham City-Deweyville Division) was correct. The water users at the meeting also agreed that the current law suit would be settled and that they would find a way to work out a distribution agreement among themselves. However, there is some disagreement to this position from Brigham City. Because of a mailing error, Brigham City did not receive the notice and did not attend the meeting. In lieu of attending the meeting, the city sent us a letter to express their views. The city does not believe that the water users can resolve the distribution issues themselves and provide a fair distribution of water to all water users.

After a careful review and consideration of the situation, it is our decision that the water users should be given the opportunity to solve their problems themselves. Therefore a distribution system on Box Elder Creek will not be organized at this time nor will a commissioner be appointed by the State Engineer at this time. Instead, we will review the situation again in a year or two. If it appears the water users have not been able to work out an agreement among themselves, the decision to appoint a commissioner will be reconsidered.

If the water users feel a need for assistance from the state to rate the measuring devices and to determine the necessary distribution on Box Elder Creek, they could request arbitration from the State Engineer under Section 73-2-16 of the Utah Code. According to the provisions of this section, all the affected water users would have to agree in writing to be bound by the determination of the State Engineer. The State Engineer's determination would then be decreed by the District Court

We hope that, as water users and neighbors on Box Elder Creek, you will work together in a cooperative spirit to find an equitable and fair solution to the concerns that have been expressed. If you feel the need for more information or assistance from this office, please contact either Lee Sim, Assistant State Engineer, at 538-7380 or Bob Fotheringham, Regional Engineer, at 752-8755.

Sincerely,

Robert L. Morgan, P.E.  
State Engineer

cc: Lee Sim

Bob Fotheringham

