



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

September 23, 2014

Ken Tuttle  
25 East 500 North  
Fillmore, UT 84631

Dear Ken:

We are in receipt of your September 14 letter which expresses concern that water right numbers have not been assigned to Awards 85, 86a, and 86b in the Beaver River Decree. In response, let me refer you to the following water rights: 77-179 (Award 85 and a portion of Award 88); 77-683, 685, 687, and 1271 (Award 86a); 77-684, 686, 688, 690, and 1272 (Award 86b). These water rights are identified in the Proposed Determination (PD) published in 1969.

The PD shows Award 85 in the name of Aberdare Bench Canal Company and lists the Aberdare Canal as the point of diversion. It's noteworthy that Roland Yardley filed an objection to the PD claiming ownership of this water right. The State Engineer answered the protest stating that the water right had been transferred to Aberdare Bench Canal Company by John R. Yardley. A copy of this correspondence is attached. In order for Floyd to use this water right he will need to establish title in his name and then, either re-establish the historical point of diversion into the White Ditch or file a change application to move it into a different ditch.

The PD shows Awards 86a and 86b in various people's names and lists these water rights as being diverted into the Barton Ditch. These water rights were not objected to in the General Adjudication. But because the PD has not yet been decreed by a court, which would permanently move the points of diversion under Awards 86a and 86b to the Barton Ditch, these water rights may still be used at the historical point of diversion, which is the Morris and Levi Ditch. However, Floyd needs to establish title in his name before he can begin diverting this water. Please let me know if you have further questions.

Sincerely,

Mike Silva

cc: Floyd Yardley  
PO Box 107  
Beaver, UT 84713

Steve Gale  
PO Box 855  
Beaver, UT 84713



CLINE, JACKSON & JACKSON  
ATTORNEYS AT LAW  
MILFORD, UTAH 84751

SAM CLINE  
JOS. E. JACKSON  
LERAY G. JACKSON

PHONE (801) 387-2451

April 29, 1970.

Mr. Dallin W. Jensen,  
Asst. Attorney General,  
Office of State Engineer  
Capitol Bldg.,  
S.L.C.

Dear Dallin:

Re: Proposed Determination of Beaver  
River Division of Beaver-River Escalante  
Valley.

I enclose herewith five objections - all made by Wm.  
Roland Yardley against awards as set forth in the Beaver Division  
Book, and against failure to include some claimed rights.

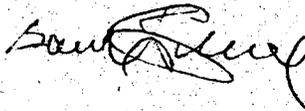
The originals of these documents are being this day  
mailed to the Clerk of the Court at Parowan.

These objections affect failure to include in the  
proposed determination rights as set up in award No. 85 of the  
Beaver River decree; failure to include certain springs and  
spring area; award to one Woodrow Griffiths failure to award to  
protestant two-thirds interest in water of Birch Creek and  
concerning a water right awarded to B Nowers Land and Livestock  
Company.

I believe that some place along the line we can by  
getting together with the boys who compiled the book, yourself,  
myself and my client Yardley, negotiate and resolve the problems  
presented by these objections without the necessity of a formal  
trial or hearing.

I will have a couple more of these protests to get  
out tomorrow.

Very truly yours,



Sam Cline,  
Cline, Jackson and Jackson  
Attorneys for Protestant  
Milford, Utah. 84751  
Telephone: 387-2451



IN THE DISTRICT COURT OF IRON COUNTY, UTAH.

IN THE MATTER OF THE GENERAL  
DETERMINATION OF RIGHTS TO THE  
USE OF WATER IN BEAVER-RIVER  
ESCALANTE VALLEY, BEAVER RIVER  
DIVISION (Code No. 77).

OBJECTION OF WILLIAM ROLAND  
YARDLEY for FAILURE TO INCLUDE  
WATER RIGHT.

CLINE, JACKSON & JACKSON  
Attorneys at Law  
MILFORD, UTAH 84751

Comes now William Roland Yardley, of Beaver City, Utah, and files this, his objections to the proposed determination of water rights in Beaver-River-Escalante Valley, Beaver River Division, Code No. 77, as proposed by the State Engineer of the State of Utah, for ~~the~~ failure to include in said proposed determination the water right as shown in the Beaver River Decree, in the case of Hardy vs. Beaver County Irrigation Company, Civil No. 625, in the District Court of Beaver County, Utah, Award No. 85, in the name of Emma Yardley, and which water right now belongs to this protestant;

*Abraham  
Canal Co.*

It is hereby recited that in the said Beaver River Decree a certain water right is included therein, award No. 85, to one Emma J. Yardley, with the right to irrigate 47 acres of land; that this protestant has succeeded to the said water right; that this water right should be included in the said proposed determination, showing this protestant to now be the successor in interest to Emma J. Yardley and the owner thereof.

WHEREFORE, this protestant prays that his said objections to the proposed determination be considered; that the said determination be amended to include the aforesaid water right as an existing right and belonging to this protestant; and for such other and further relief as may be meet and proper.

Sam Cline  
For Cline, Jackson & Jackson  
Attorney for Protestant

STATE OF UTAH )  
 ) SS.  
County of Beaver )

Sam Cline, being first duly sworn, deposes and says:

That he is one of the attorneys for said protestant and makes this verification for and on behalf of said protestant; that he has read the above and foregoing objections and knows the contents thereof and that the same is true and correct to the best of his knowledge, information and belief.

Sam Cline

Subscribed and sworn to before me this 24 day of April, 1970.

J. B. JACKSON  
Notary Public

CLINE, JACKSON & JACKSON

Attorneys at Law

MILFORD, UTAH 84781

Hubert C. Lambert, State Engineer of Utah, answers the protest of William Roland Yardley as follows:

Denies that the Proposed Determination of Water Rights failed to include the water rights shown by Award No. 85 of the Beaver River Decree; alleges that said right was transferred to Aberdare Bench Canal Company by John R. Yardley and is included in the Proposed Determination of Water Rights in the name of the Canal Company; Denies that protestant is successor in interest or is entitled to said water rights.

Wherefore, the State Engineer prays that the protestant's objections be denied and that the Proposed Determination of Water Rights ~~is~~ be sustained.

*and party.*