

CLINE, WILSON & CLINE
ATTORNEYS AT LAW

SAM CLINE
MILFORD, UTAH
E. VANCE WILSON
FILLMORE, UTAH
HAROLD CLINE
MILFORD, UTAH

*Beaver
River
1960*

Milford, Utah,
November 28, 1960.

Mr. Lee Strong,
Beaver River Water Commissioner,
Beaver, Utah.

Dear Mr. Strong:

On September 28th, two months ago, I sent you a letter concerning a water controversy between Mr. G. A. Fordham and Vivian Edwards of Greenville on the one hand and Mr. Jim Williams on the other. This has to do with award No. 108 in the Beaver River General Adjudication decree.

It appears that you submitted the question of the respective rights of these parties to the state engineer for a decision and agreed to let them know the outcome.

I asked that you please advise me if you have had any word from the state engineer and if not, that you again ask the state engineer to please give you instructions without further delay.

I have not heard from you as yet on this matter and if you have not as yet had any instructions from the state engineer you should take steps to get such instructions. If we cannot clear this matter up before the irrigation season starts next spring it will continue to be a head-ache and trouble for everyone.

I would like to get this matter settled quickly, if possible. Would you please advise me if you have had any decision from the State Engineer.

Very truly yours,

Sam Cline

vmb-C.

April 17, 1961

Mr. Stan Oakden
165 East 2nd North
Beaver, Utah

Dear Mr. Oakden:

To clarify the distribution on Birch Creek which is a tributary of South Creek, a tributary of the Beaver River, the following directives to the water users are made:

IT IS ORDERED that three measuring devices be installed, one at the intake of the lateral feeding the Oakden Reservoir on the flat above the South Creek channel, the second at the point of diversion of the ditch from Birch Creek, and a third as close to the point of confluence between the old Birch Creek channel and South Creek as possible. All three of these measuring devices are to be installed under the direction of the water commissioner for the Beaver River. The first one mentioned to be installed at the cost of Mr. Oakden, the second to be installed at the joint cost of all users and the third to be installed at the cost of the lower users.

It was determined after a field examination that distribution should be made through a new lateral ditch constructed by the water users. The court had formerly ordered the water commissioner to determine whether the Oakden lateral or the old channel of Birch Creek was the more efficient for use in water distribution. Water conditions have been such that the determination since this order, as to this conjuncture, has been impossible to make. It is thought that this order should be in force until water of sufficient quantity is available to prove or disprove the feasibility of using the old Birch Creek channel or the lateral. This decision is of an interlocutory nature and subject to change if facts are presented to justify that change. For better distribution of the water IT IS ORDERED that the flow determined for each of the rights involved be computed by adding the flows of each point of the above points where measuring devices have been installed and distributed on a basis of a two-thirds-one-third interest of the total to the respective parties. When the flow has decreased to 0.35 of a second-foot this procedure is no longer necessary and all water will be delivered to Mr. Oakden.

Sincerely,

Robert C. Lambert
ACTING STATE ENGINEER

HCL/lc

cc/ Mr. Bob Hoppers
Mr. Lee Strong
Don Norseth

Aug 18, 1960

Beaver, Utah
August 8, 1960

Donald Norseth
Distribution Engineer
Office of State Engineer
State Engineers Office
Salt Lake City, Utah

Dear Mr. Norseth:

Arguments have developed on several springs and sloughs, involving awards # 46, 47, 48, 49, 50, 59, and 108, Beaver River decree.

The question I would like answered before I go any further, is this----is the water commissioner charged with the distribution of these rights since they are drain, waste and percolating waters? At the time the Beaver River was being adjudicated, the State Engineer held these waters were not public waters and could not be filed on.

An immediate answer regarding the above would be appreciated.

Very truly yours

Lee Strong
Water Commissioner,
Beaver River



September 19, 1960

Mr. Lee Strong
Water Commissioner
Beaver River
Beaver, Utah

Dear Lee:

RE: BEAVER RIVER DISTRIBUTION

In answer to your request as to whether you have the authority and responsibility of delivering water to separate and distinct water rights within the lateral system of major canals the following is submitted:

The State Engineer has the responsibility, through his distribution division and water commissioners, for the distribution of all the water to all the rights within the State of Utah. This responsibility is not applicable to deliveries of water within irrigation companies. He is also responsible for the requiring of installment of measuring devices that would make possible the distribution of these separate rights. As an example, if five canal companies each divert water at one point of diversion the State Engineer would deliver all five companies' water at the point of diversion and would be responsible for the delivery of each company's water as at some specified point in the distribution system. The same example would be applicable to private rights and rights within unincorporated associations.

It is hoped that this interpretation will clarify some distribution matters with which you have been confronted in the Beaver River System.

Yours truly,

Hubert C. Lambert
DEPUTY STATE ENGINEER

HCL/le

June 9, 1960

Mr. Leland Strong
Water Commissioner, Escalante Valley (Milford)
P.O. Box 165
Beaver, Utah

Dear Lee:

Beaver River

Mr. Paul Griffiths of Beaver phoned yesterday regarding the distribution of water to Abardare Ditch. He claimed the water being turned on down to Rocky Ford was just wasting since it wouldn't go on through and that the upper ditches should be allowed to use it all. I asked if all of the stream were turned down the channel would it reach the U.S.S.S. gage. He said he didn't think much of it would. I then suggested that under the strict terms of the decree, as we interpret it, each of the upper ditches had to bear a part of the loss in the system and that perhaps more water should thus be turned on down.

Again it was suggested that a rotation system of delivery be used which would be to the advantage of all. This still doesn't seem popular, and I therefore recommend that we not try to force such an operation unless a majority of the rights express their desire for it on a straight proportion of use-time in accordance with their flow rights.

Mr. Griffiths also asked about a transfer of So. Ditch water into Abardare by Dave Pierce and Ira Walker for 6½ Ac. in 1942. Do you know anything about this?

Sincerely,

Wayne D. Griddle

WDC/esa

cc: Don Hornath

Earl Staker

*Copies
Milford Area
File*

✓

May 18, 1960

Mr. Charles Ockison
P. O. Box 277
Beaver, Utah

Re: Beaver River System
(Account No. 96)

Dear Mr. Ockison:

Reference is made to your letter dated May 17, 1960 and there is attached our official receipt acknowledging payment of the 1959-1960 water assessment pertaining to Account No. 96, the Charles J. Ockison water rights.

We are forwarding a copy of your letter to the Beaver River Commissioner, Mr. Lee Strong, for his information. This office will require the following data to make the necessary changes you request:

- (1) Photo-copy of the deed selling the 25 acres of ground to Roy and Ira Yardley
- (2) Is this water account now owned by you or is it still in the name of Charles J. Ockison?
- (3) Attached is a list of "Assessed Water Rights" upon which the 1960 assessment was based. Which of these water rights have been sold to Messrs. Yardleys?

Upon receipt of the requested information this office will change the assessed water rights, commencing with the 1961 assessment.

Very truly yours,

Frank Reese
Business Manager

FR:pjm

Enclosures

cc: Mr. Lee Strong, Commissioner
Beaver River System
P. O. Box 165
Beaver, Utah

Mr. Ira Yardley
Beaver, Utah

Mr. Roy Yardley
Beaver, Utah

Name: OAKDEN, Charles S.

Account # 96

Beaver River System

Address: c/o Stanley Oakden
P. O. Box 292
Beaver City, Utah

<u>Decree No.</u>	<u>Priority</u>	<u>Quantity</u> <u>c.f.s.</u>
60a	1870	.22
60b	1890	.03
60c	1903	.16
60d	1890	.36
60e	1903	.26



LICENSE _____
FFA _____
STATE _____

LATHE AND
MACHINE WORK

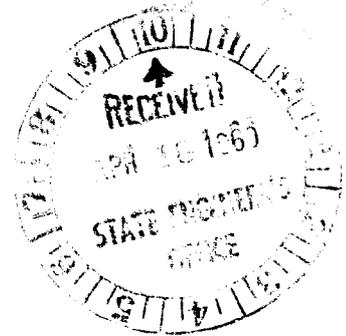
LICENSED GUNSMITH
TAXIDERMIST

PHONE HEMLOCK 8-5580

FREEMAN'S GUNSHOP

RANCHORITA - - NORTH CREEK
BOX 22

Beaver, Utah
April 15, 1960.



Mr. W. D. Cridle,
State Engineer
c/o Capitol Building,
Salt Lake City, Utah.

Dear Mr. Cridle:

Would like to call your attention to the condition of distribution of water in the North Creek Irrigation Company of Beaver, Utah.

I believe the existing condition is intirely wrong with our Incorporation Articles. The water rights granted in the decree is as follows: "Rights acquired by appropriation shall be designated as "Class A" and are divided into 468 shares at a Par value of \$75.00 per share, Class A stock shall have the prior right and shall be and is intitled to 13.37 cubic feet of water per second of time before any other class of stock shall be intitled to the use of the water."

Now here is the condition that is existing. Our Board of Directors are all men holding great numbers of stock and in their voting power we of the small holders of stock really have no voice; for instance at the present time they are running one-half hour "A stock and one-half hour "B stock and 15 minutes of "C stock". If you will note "A stock" is intitled to 13.37 whereby "B stock" is intitled to 5.1 per cubic feet but they are giving "B" the same time. This I belive is intirely wrong.

In April 1955 this same condition came up and I imployed an Attorney and he in turn took this up with the Board and their Attorney; At that time they admitted it was wrong and that they would discontinue the practice, which they did; but this year they are creeping back into the old practice.

Second bad condition: By cutting the time to one-half hour instead of the hour, we are loosing 1.37 also they take from one to two days of time for each turn for dry ditch time, which means we are loosing one or two days by having to soak the ditches the second time. This to me is a waste of water in these critical water shortages.

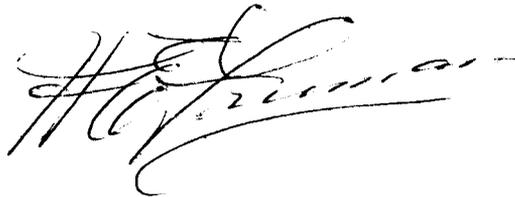
Their contention is that by turning in one-half turns they can keep the crops from burning up. That 468 hours plus dry ditch time would mean too long between turns, this I cannot believe. For example on April 10th I had a water turn and I could but water one-half of my field. The other half will have to stand until the next, therefore you may readily see that one-half of my field is going to stand idle. This again is another waste of water as I will have to soak my ditches the second time.

I have called this to the Secretarys attention on several occasions and his reply is always in a very belligerent attitude; explaining in this way, "that is the way we are going to do it; if you don't like it you may take it to Court or any other way that you feel; as it isn't going to hurt us; as we will assess the stockholders for costs and you can pay your own way".

I believe this can be straightened out by your Office without a lot of costs to anyone, as I only wish for fairness.

Thanking you for your time and consideration and advice.

Yours Respectfully,

A handwritten signature in cursive script, appearing to read "H. E. ...". The signature is written in dark ink and is positioned below the typed name "Yours Respectfully,".

March 28, 1960

Mr. Clifton Beaumont
315 N. 1 W.
Beaver, Utah

Dear Mr. Beaumont:

This is the result of my investigation of the physical conditions pertaining to Right #123 of the Beaver River Decree, about which you asked. This right is owned in the following manner: (1/3) to Clifton Beaumont, (1/3) to Vernille Bradshaw and (1/3) to Don Baldwin.

The water to lower Indian Creek is released through the Beaver Dam Reservoir which by decree has only a storage right and must bypass the natural flow of the creek above the reservoir to downstream priorities during the irrigation season.

The released water flows down the Indian Creek channel to the diversion dam in Sec. 36, T27S, R7W. This structure serves the Beaumont Ditch and the two Manderfield Ditches. The total water diverted from Indian Creek is measured by the main weir located about 1/2 mile downstream from the diversion dam. The first 4.62 cfs to pass this weir must go to satisfy priorities in the Muir Ditch and the Manderfield Ditch. Right #123 then has the first call on any or all part of 1.0 cfs available after the earlier priorities have been satisfied. Any natural flow above 5.62 cfs would be delegated to later priorities than #123.

The first diversion downstream from the main diversion dam is the Muir Ditch. Thomas Muir has award #120, which calls for 1/25 of all the water available to Manderfield Reservoir & Irrigation Co., up to 1/25 of 42.5 cfs maximum. This also pertains to 1/25 of the first 4.62 cfs measured at the main weir.

The next diversion point is one jointly used by the holders of #123 and the users in the Manderfield Ditches. Any natural flow in excess of 4.62 cfs measured at the main weir is diverted into the Beaumont Ditch, up to a maximum of 1.0 cfs for the #123. The water released to the Beaumont Ditch is measured through a weir located a short distance downstream from the Beaumont-Manderfield Diversion dam. The remaining water in excess of 4.72 cfs or the remaining part of 24/25 of the first 4.62 cfs measured at the main weir is released down the Manderfield canals.

It is important to note that the owners of #123 and Manderfield Res. & Irrigation Co. entered into an agreement in 1936 to jointly use the #123 Beaumont Canal providing that the company enlarge the canal and deliver

the available water to the owners of award #123 from the diversion point, as described in the decree, to a point approximately three miles distance without any conveyance loss charged.

It is decidedly to the advantage of #123 to have Manderfield Res. & Irr. Co. use this canal, since none of #123's water is lost through transmission to its weir, and the continued use of the canal keeps the channel wet for higher transmission efficiency.

The right of #123 is for a maximum of 1.0 cfs when the natural flow of Indian Creek is above 4.62 cfs as measured by the main weir. This right has no demand for the water in Beaver Dam Reservoir other than the releases of the natural flow to the reservoir during the irrigation season. This demand is then limited to the 1.0 cfs maximum as outlined in the preceding paragraphs.

We understand that this is the way in which the River Commissioner has been delivering the water, and we believe that you have been getting and will continue to get the water to which you are entitled.

Sincerely yours,

Clarence E. Erickson, Jr.
Distribution Engineer

CEE/svd

cc: Lee Strong
Beaver River Commissioner

April 7, 1960

Utah State Engineer
Capitol Building
Salt Lake City, Utah

Dear Sir:

Re: Beaver River.

We feel that there is a condition existing relative to waste of water in Beaver Canyon that should receive your immediate attention. The pipeline belonging to the Telluride Power Company and used to convey water between the upper and lower power plants is in such condition that an enormous quantity of water is being wasted.

The water leaking from this pipeline enters the ground, and as a result does not ever reach the channel of the Beaver River.

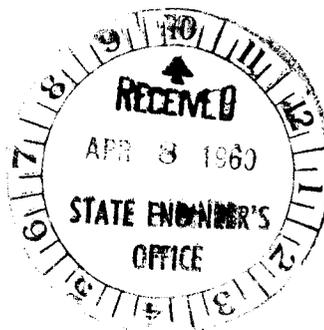
We would appreciate your cooperation in rectifying this situation.

Very truly yours,

The Kents Lake Reservoir Company

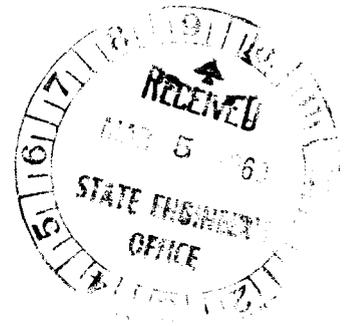
M. J. Warr

M. J. Warr
President



Reaver, Utah
March 4, 1960

Wayne D. Griddle
State Engineer
State Capitol
Salt Lake City, Utah



Dear Mr. Griddle:

In reply to your letter dated March 1, 1960 referring to award # 120 Beaver River Decree, it should be noted that Mr. Clifton Beaumont is in no way connected with this water right. It is owned by Mr. Thomas Muir, Beaver, Utah. Mr. Beaumont is one-third owner of award # 123, the other two-thirds is owned by Winderfield Reservoir & Irrigation Company. Award # 122 is owned by Winderfield Reservoir & Irrigation Company, an incorporated company.

As I recall, Mr. Beaumont's complaints were:

- (1) He was not being delivered his one second foot of water.
 - (2) The Winderfield Reservoir & Irrigation Co. has no right in his canal.
 - (3) Mr. Muir was not receiving any water. (Please note Mr. Muir did not make any complaint himself.)
- Before Mr. Beaumont can receive any water, prior rights must be filled (award #122) to the extent of 4.62 c.f.s. Then Mr. Beaumont receives the next one c.f.s. or any part thereof.

In 1936 an agreement was entered into by Winderfield Reservoir & Irrigation Co. and the owners of award #123 to permit Winderfield Reservoir & Irrigation Co. to enter into their canal, providing they enlarged the ditch and delivered the water to the owners of award # 123 from the diversion point, as described in the decree, to a point approximately 3 miles distance without any loss. This the company agreed to do. Enclosed is a copy of the agreement.

As for Mr. Muir, he is entitled to one-twenty fifth (1/25) of all the water available to Winderfield Reservoir & Irrigation Co. which would be 42.5 c.f.s if the water was available which includes all rights awarded to the company. This, as I see it, does not entitle him to any water in the Beaver Dam Reservoir which is a separate right and has no specified flow but only an acre foot storage right.

please find enclosed a map~~s~~ which I have drawn up on Indian creek. The legal points of diversion as described in the Beaver River decree have been plotted and do not conform to the present diversion points. The points of diversion which I have shown are not correct but are approximate.

I assume that all interested parties have at one time or another made an application for change in point of diversion from that which has been described in the decree to the present points of diversion and that they have been approved by the State Engineer's office.

I hope this information will be of help in setting forth the rights under Indian creek.

very truly yours

Lee Strong
water Commissioner
Beaver River system



March 1, 1960

Mr. Leland Strong
P. O. Box 165
Beaver, Utah

Dear Lee: RE: RIGHT #190 BEAVER RIVER DECREE
CLIFTON BEAUMONT

We are still wondering about this right of Clifton Beaumont in the Beaver River Decree, and the physical conditions under which you are delivering water to him.

On the map which you are sending back to Clarence Erickson later this week will you please indicate exactly where you measure the water to Beaumont and give us a note to help us further understand the reason for these measurements.

At the Water Users' meeting in Beaver you will recall this question came up but, with the confusion going on, and my lack of knowledge of the physical situation, I still do not have a clear picture.

Sincerely yours,

Wayne D. Criddle

WDC/esa

bc: Clarence Erickson

Manderfield, Ut. Oct. 4, 1938

The Board of Directors of The Manderfield Irrigation and Reservoir Co. met at the upper weir to discuss the advisability of changing the point of diversion of the water in order to eliminate, as much as possible, the waist in seepage in the east side ditch, and also to try and do away with the gravel, which in the past, has caused a great deal of expense to keep the ditches cleaned out.

It was decided, by the Board, that the Company enlarge the Beaumont ditch and take part of the water that way.

By doing this, we would be able to have more water reach the fields in the fall of the year, than has been doing so through the east side ditch.

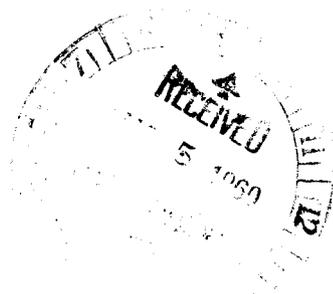
The following Board Members were present, Jos. A. Patterson, Dale Sly, Loyal Baldwin and W. J. Munford.

A. R. Hamilton Bear Member Stock Holder and H. K. Boyter, Water Commissioner were also present.

Meeting adjourned.

W. J. Munford
Sec.

J. A. Patterson
Pres.



Manderfield, Utah, Oct. 12, 1938

A special meeting of the Board of Directors of the Manderfield Irrigation and Res. Co. was held at the home of W. J. Munford. Jos. A. Patterson presiding .

The Beaumont boys met with the Board to discuss the taking care of thier second foot of water if the Company takes thier water down the Beaumont ditch.

It was finally decided to follow the Beaumont ditch, to where the Company's di tch will take out.

And at this point put in a measuring devise in the Beaumont ditch to measure thier second foot of water. And also one at the head of the ditch.

~~There~~ being no further business meeting thereupon adjurned.

W. J. Munford
Sec.

J. A. Patterson
Pres.

