



Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240

June 11, 1990

Mr. K. D. Mitchell
Star Route, Box 450
Fairview, UT 84629

Mr. John Bigler
Star Route, Box 375
Fairview, UT 84629

Mr. Grant Neilson
Star Route, Box 395
Fairview, UT 84629

Mr. Calvin Lasson
209 North 1120 East
Orem, UT 84057

Gentlemen:

Re: Distribution of Thistle Creek,
near Indianola

On April 18th we sent a letter describing our interpretation of the Larson Decree (Civil #4023) which was entered on Feb. 21, 1951. We did not review the Smith Decree (Case #3217) which was entered on September 28, 1894 because it appeared the Larson Decree was a clarification of the Smith Decree.

We have since received and reviewed a copy of the Smith Decree and we now believe we are not able to give a clear opinion of how distribution should be made on the basis of the two decrees. Therefore, we hereby rescind our letter of April 18th. The two decrees read together seem to confuse rather than clarify several of the issues relating to water distribution on Thistle Creek near Indianola.

An appeal should be made to the District Court if a more clear interpretation of the decrees is desired.

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In spite of the confusion created by the two decrees it appears that water has historically been distributed in a fairly equitable and orderly manner. Therefore, until this issue is resolved, we would recommend that distribution of the water continue as it has been done historically.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lee H. Sim".

Lee H. Sim, P. E.
Directing Engineer for
Adjudication/Distribution

LHS:bd

cc: Jim Riley, P. E.
Area Engineer
Utah Lake/Jordan River