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State Engineer's Office
State Capitol Building
Salt Lake City, Utah

Attention: Mr. Lambert

Dear Mr. Lambert:

Mr. Floyd Gardner from Birdseye, Utah, was in my office this morning in regard to the problem he is having concerning water rights in one of the tributaries to Benny Creek.

As you will recall, we had a meeting in regard to this in Provo two months ago, at which time it was decided that one-tenth of a second foot of water would be allowed to pass underneath his headgate which is located in Rock Hollow. This was to be on a temporary basis to determine whether a tenth of a second foot was sufficient to get water down to his pasture where he keeps his cow herd. This water was to be used for the purpose of watering the cattle.

Considerable effort has been expended on his part to make this amount of water sufficient for his needs for the remainder of this year at least. It has now been determined, however, that the present situation is unsatisfactory, due basically to two factors. The first factor is that in order to allow only a tenth of a second foot to pass beneath his headgate such a small opening is required that any small stick, a leaf, or any debris of the smallest nature will clog the headgate and within a short time sufficient debris has been accumulated to almost completely eliminate any water from passing underneath the headgate. A screen has been installed and a barrier to create a head of water sufficient to force this through. Both, however, have proved ineffective, and considerable time has been spent keeping this gate cleaned. I feel that some means must be worked out whereby a larger opening is made so that the fifty per cent of the time when the gate is partially blocked by debris can be compensated for by a little additional water being turned in the other fifty per cent of the time.

The second factor has made it rather difficult for Mr. Gardner to appraise a tenth of a second foot fairly because there hasn't always been that amount of water allowed to run down the Rock Hollow ditch. Instructions have been given to such people as Ern Mitchell and Sid Elmer by Mr. Stewart that when they are using the water up above Mr. Gardner's gate they need not leave any water in his ditch. So far they have voluntarily been allowing some to run down it, but these instructions have caused some feelings between the Birdseye residents, constantly keeping the matter uncertain.