

April 18, 1936

Mr. H. Lloyd Hansen, President,
Blue Mountain Irrigation Company,
Monticello, Utah.

Dear Sir:

In reply to your letter of April 17, this will advise that if and when the appointment of a Water Commissioner be desired, to function under the jurisdiction of the State Engineer, a request must be made to the State Engineer by a majority of the water users, with a statement to the effect that they will pay said Commissioner for his services and all other expenses connected with the distribution. The assessments for this purpose to the water users affected, according to the rights involved, might be made independently or in co-operation with the State Engineer's office. In the event that the assessments be made by this office, you should set out the time of service and rate of pay of the Commissioner; also the name of the water users, with the right of each, and recommend the name of the person you desire for appointment to the position of Water Commissioner.

The specific law referring to this matter is as follows: (Section 100-5-1, Revised Statutes of Utah, 1933)

"Whenever in the judgment of the state engineer, or the district court, it is necessary to appoint one or more water commissioners for the distribution of water from any river system or water source, such commissioner or commissioners shall be appointed annually by the state engineer, after consultation with the water users. The form of such consultation and notice to be given shall be determined by the state engineer as shall best suit local conditions, full expression of majority opinion being, however, provided for. If a majority of the water users, as a result of such consultation, shall agree upon some competent person or persons to be appointed as water commissioner or commissioners, the duties he or they shall perform and the compensation he or they shall receive, and shall make recommendations to the state engineer as to such matters or either of them, the state engineer shall act in accordance with their recommendations; but if a majority of water users do not agree as to such matters, then the state engineer shall make a determination for them. The salary and expenses of such commissioner or commissioners shall be borne pro rata by the users of water from such river system or water source, upon a schedule to be fixed by the state engineer, based on the established rights of each water user, and such pro rata share shall be paid by each water user to the state engineer in advance on or before

Mr. H. Lloyd Hansen, President
New Mountain Irrigation Company,
Monticello, Utah.

Dear Sir:

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F. H. Humphreys
STATE ENGINEER

Yours very truly,

the first day of May each year, and upon failure so to do the state engineer may forbid the use of water by any such delinquent while such default continues, and may bring an action in the district court for such unpaid expense and salary, or the district court having jurisdiction of his person may issue an order to show cause upon any delinquent user why a judgment for such sum should not be entered. Any such commissioner or commissioners may be removed by the state engineer for cause. The users of water from any river system or water source may petition the district court for the removal of any such commissioner or commissioners, and after notice and hearing the court may order the removal of such commissioner or commissioners and direct the state engineer to appoint successors as necessary."

Mr. H. Lloyd Hansen, 4/18/36
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