May 9, 1955

Mr. Walter Mackerell
Beaver, Utah.

RE: Beaver River Distribution

Dear Sir:

I am in receipt of your letter of May 7, 1955 in which you state the troubles you are having in the distribution of water on the Beaver River system and in which you resign effective May 15, 1955. I am not inclined to accept your resignation and feel that your honesty and ability have not been questioned. In order to assist you, Mr. Monson of this office will be in Beaver sometime Monday and will spend two or three days with you to help you iron out some of your difficulties.

There was no information in this office when the last two letters were written to you that the water supply was so low at this time of the year and it was assumed that this being about the usual time for high water that sufficient water was available to fill existing rights in accordance with the decree, neither is this office in a position to know that Kents Lake was storing water that they had no right to store.

Referring to the Jackson right it was assumed that more water was going into Rocky Ford Reservoir than your letter states and the order issued to give Mr. Carter his full second-foot was issued on the assumption that a considerable flow would now be stored. If conditions are such as they were last year when the order was issued restricting Mr. Carter's use of water i.e., with no more than 7500 acre-feet of storage in the reservoir then Mr. Carter was entitled to only what water he could pick up from the springs and this order under these conditions still holds. However when there is water flowing into the reservoir as registered at the Adamsville Gage it is questionable whether Mr. Carter should be shut off. As to Mr. Kessler's right, the order issued was on condition that there was a full water right in the Abadare Canal and naturally when there is less water than is sufficient to fill said canal Mr. Kessler is only entitled to his proportionate share.

All these matters will be ironed out with you on Monday, May 16, 1955. In the meantime continue to carry out your work unpleasant as it may be.

Very truly yours,

Joseph M. Tracy
STATE ENGINEER.

LGM/tis