



STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bang, Inter. Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

RECEIVED

Southwestern Area • 585 N. Main Street • P.O. Box 506 • Cedar City, UT 84720-0506 • 801-586-4231

September 21, 1988

SEP 23 1988

WATER RIGHTS
SALT LAKE

Mr. Keith Beaumont
P. O. Box
Beaver, UT 84713

Re: Water diversions from Indian Creek, Section 28, T28S, R7W

Dear Mr. Beaumont:

It has been brought to our attention and alleged by other water users that you are illegally diverting water within the NE 1/4 of Section 28, T28S, R7W and using it on land that has not been described as irrigated in the proposed determination of water rights. The information furnished this office has been reviewed, compared with the official records, and it appears that the allegations are correct.

Under water user claims 77-763,764,765,766 plus shares in Manderfield Reservoir & Irrigation Co. and Beaver Dam Reservoir Co., the land being irrigated in the determination is described as follows: 12.7 acs. SWNW, 14.0 acs. NESW, 23.3 acs NWSW, 26.7 acs. SWSW, 5.2 acs SESW, Sec. 28 for a total of 81.9 acres. There is another 11.4 acs. SWSW that is supplemented from "Nellie Spring". Claims 763,764,765,766 limit your portion of Award 123 to 21.60 acres. Claims 795 & 796 limit your portion of Nellie Spring to 7.0 acres. The balance of the water rights has been transferred to other water users in that area. We have attached a copy of our hydrographic survey which outlines the area being irrigated under your water rights (colored in green). Any land being irrigated other than this described area could be in violation.

The point of diversion for your claims on Indian Creek is described as a point North 140 ft. and East 1700 ft. from the SW corner of Section 25, T27S, R7W. The Nellie Spring location is described at North 710 ft. and East 1200 ft. from the SW Corner of Section 28, T28S, R7W.

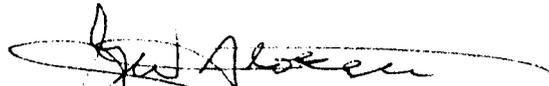
The new diversion that you have placed near the spring area on the Norman Bradshaw property in NENW of Section 28 has not been authorized by the State Engineer and any further diversion of water from that point must be discontinued. That usage appears to interfere with normal flow from the spring runoff and has dried up land that has received this flow in the past.

We have also enclosed for your review: a copy of Award 123 from the Beaver River Decree, a copy of the Decree on Civil 2796, and a map relating to Civil 2796.

If there are physical changes that need to be made on your described points of diversion or place of use then under Utah Water Law is becomes necessary to file an application for permanent change. The application must be advertised which allows other water users who could be effected by the change to voice their objections and arrangements could be made by you to satisfy their questions and accomplish your requirements.

We invite you to contact our office in Cedar City if you have any questions concerning the above matter or if you have any statements and/or clarifications you wish to make. Our office is located at 585 North Main Street or phone (801) 586-4231.

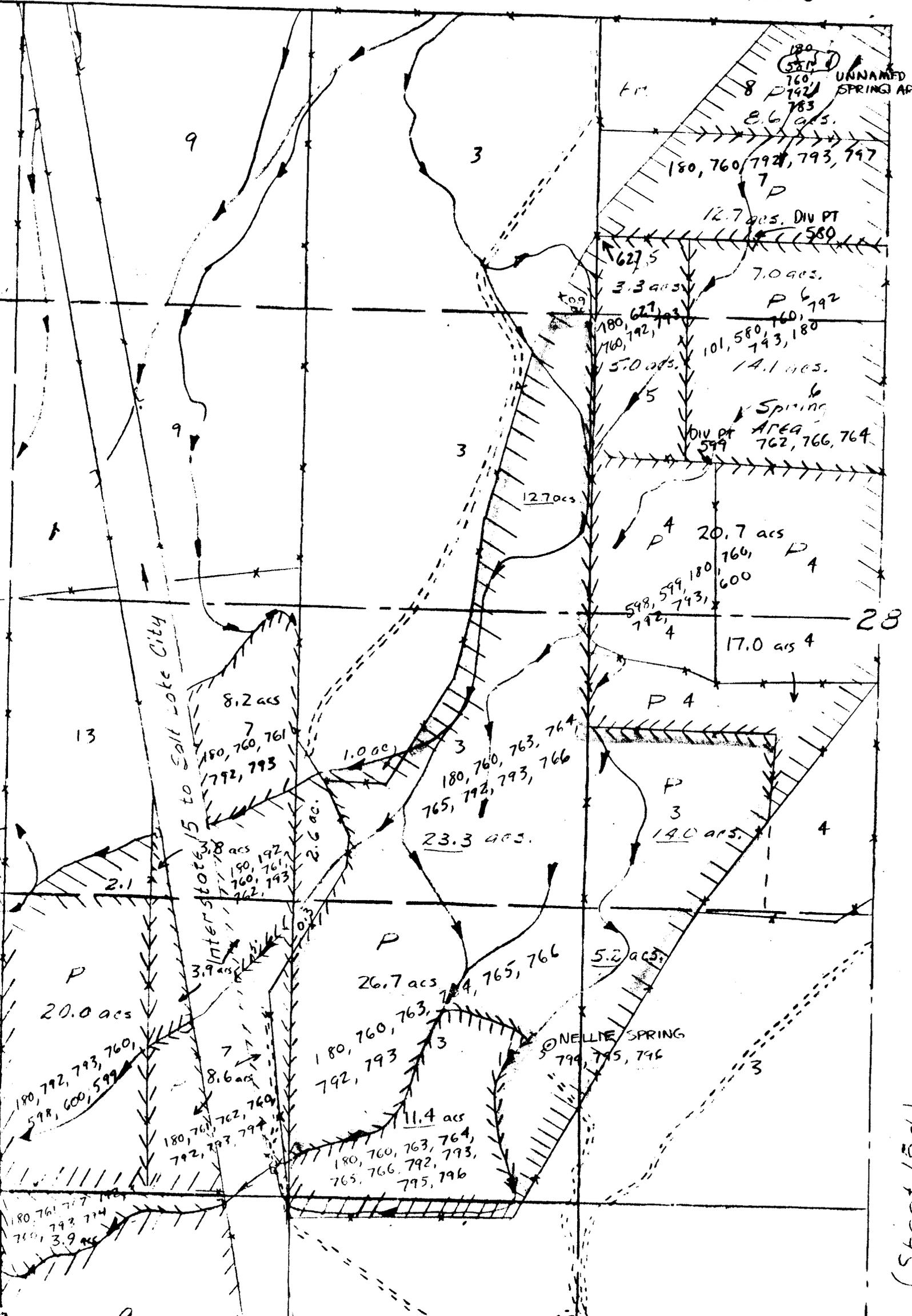
Yours truly,

A handwritten signature in black ink, appearing to read "G. W. Stoker", with a long horizontal flourish extending to the right.

Gerald W. Stoker, P.E.
Area Engineer/Manager

cc: Lee Sim, Distribution Engineer
Lee Strong, Water Commissioner

Hydrographic Survey
 Beaver Valley, Beaver Co.
 Sheet 15c of 39 Sheets



upon and used to irrigate 2070 acres of land within the 1870 subdivisions also set forth in said paragraph "a".

- (d) Priority 1870. Stockwatering, domestic and culinary. 5.0 c.f.s. From Nov. 1 of each year to Mar. 1 of the year following through the company's system of ditches, as set out in aforesaid paragraph "a".

123. JOSEPH BEAUMONT, JOHN T. BEAUMONT AND JAS. A. MOYES.

- (a) Priority 1875. Acreage 65.0. Irrigation. 1.0 c.f.s. From March 1 to Oct. 31 incl. of each year. Said water to be diverted from Indian Creek at either or both of the following described points:
No. 1- 1790' E. and 2280' S. of NE Cor. Sec. 35, T. 27 S., R. 7 W.
No. 2- 1960' N. and 650' E. of SW Cor. Sec. 28) T. 28 S.
No. 3- 1900' S. and 1370' E. of NW Cor. Sec. 28.) R. 7 W.
into claimant's ditches and conveyed thereby to and upon and used to irrigate 65 acs. of land in the following legal subdivisions: $W\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, Sec. 28; $W\frac{1}{2}SE\frac{1}{2}$ Sec. 29, T. 28 S. R. 7 W.
- (b) Priority 1890. Acreage 65. Supplemental Irrigation. 1.0 c.f.s. From March 1 to Oct. 31 incl. of each year. Said water to be diverted from an unnamed spring area in $NE\frac{1}{2}NW\frac{1}{2}$ Sec. 28, T. 28 S., R. 7 W. and conveyed and emptied into Indian Creek and allowed to flow therein to either or both of the two last named points of diversion described in paragraph "a" above, and there rediverted into claimant's ditch system and conveyed thereby to and upon and used to irrigate 65.0 acs. of land embraced in the subdivisions described in paragraph "a" above.

ing certain terms and provisions of said sub-lease and option, or by virtue of the subsequent stipulation modifying certain terms and provisions of said sub-lease and option, which said stipulation is referred to in the complaint heretofore filed herein, dated May 5th, 1956, and made and entered into in the case of Ramtec Exploration Corporation, plaintiff, vs. Ralph E. Hamilton, defendant, then pending in the District Court of Beaver County, Utah.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the said defendant and all persons claiming under it, be, and they are hereby barred and forever foreclosed from any claim of right, title, interest or equity in and to the said mining claim, by virtue of the said sub-lease and option and the subsequent modification thereof.

Dated this 12 day of June, 1957.

Will L. Hoyt
Judge of the District Court

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IN THE DISTRICT COURT OF BEAVER COUNTY, STATE OF UTAH

LEONARD BEAUMONT, DELVIN SMITH, and
CLIFTON BEAUMONT,)
Plaintiffs,)
vs.)
LAFE BRADSHAW, DON BALDWIN, ROBERT BROWN,)
VERNILE BRADSHAW, JOHN DOE, SECOND DOE, And)
THIRD DOE,)
Defendants.)

Civil No. _____
D E C R E E.

This matter having come on regularly for trial before the above entitled court, commenced April 4, 1957, and the parties having appeared personally and through their respective attorneys of record, and the court having entered its findings of fact and conclusions of law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the right decreed to the plaintiffs and their predecessors in interest under Award No. 123 of the Beaver River Decree, which provides:

(a) Priority: 1890, Claim No. 160. Acreage: 630.0, irrigation. Amount: 0.97 c.f.s.
Period of Use: From April 1st to September 30th, incl. of every year.
Point of Diversion: Said water to be diverted from Indian Creek at either or both of the following described points:
No. 1 - 1790' East 2280' S. of NE cor. Sec. 35, T.27S. R.7W.
No. 2 - 1960' N. and 650' E. of SW cor. Sec. 28, T.28S., R.7W.
No. 3 - 1900 S. and 1370' E. of NW cor. Sec. 28, T.28S., R.7W.
Place of Use: Into claimants' ditches and conveyed thereby to and upon and used to irrigate 63.0 acres of land in the following legal subdivisions; W. 1/2 SW 1/4, SE 1/4 SW 1/4, Sec. 28; E. 1/2 SE 1/4, Sec. 29, T.28S. R7W.

(b) Priority: 1890. Acreage: 64.5, irrigation. Amount 1.0 c.f.s.
Period of Use: From April 1st to September 30, inclusive of each year.
Point of Diversion: Said water to be diverted from an unnamed spring area in NE 1/4 NW 1/4, Sec. 28, T.28S., R.7W., and conveyed and emptied into Indian Creek, and allowed to flow therein to either or both of the two last named points of diversion described in paragraph (a) above, and there re-diverted into claimants' ditch system, and conveyed thereby to and upon and used to irrigate 64.5 acres of land embraced in the subdivisions described in paragraph (a) above.

entitles the plaintiffs to receive the water issuing from the spring area in the Northeast quarter of the Northwest quarter of Section 28, Township 28 South, Range 7 West, and the extension of said spring area northerly from the north boundary of said Section 28 for one-fourth to one-half of a mile along the toe of the ridge or bench bordering Indian Creek, along the northerly side thereof, and from a small spring located to the South and East of said quarter section in the field of Lafe Bradshaw, and the plaintiffs are adjudged and decreed to own the right to divert waters accumulating in Indian Creek from all of said sources to the extent necessary to fill the rights awarded to plaintiffs and their predecessors under said award No. 123.

2. That the defendants, and each of them, should be, and they are hereby, enjoined from in any way intercepting any of said waters, and from interfering with the flow thereof in any way which will interfere with the natural flow of the water from each and every one of said sources into Indian Creek, and thence down Indian Creek to plaintiffs' points of diversion. No. 2 and No. 3, and defendants are specifically enjoined from placing dams in any channel to block the flow of said water to Indian Creek, or from building or maintaining ditches which will intercept the flow or in any way spread the water from said sources onto their lands.

3. That neither party should recover damages against the other party hereto.

3. This decree shall not be construed so as to forbid defendants to use other waters belonging to them to irrigate their lands in said Section 28 provided no interference results to the natural flow of waters which plaintiffs are herein found to be entitled to use.

4. That plaintiffs should recover their costs incurred herein.

Dated this 11 day of June, 1957.

