

MEMO FROM THE DESK OF:

Gerald W. Stoker

DONALD C. NORSETH

See all of the trouble you stirred up. Well since the damage has been done we might as well go all of the way and form a lynch mob to take care of C. Victor Smith.

I have noted on the attached letter some comments but generally the problem is based on the fact that he developed the spring area and diverted the water onto new lands without permission from the State Engineer.

If C V Smith wants to push this a little further I would be happy to oblige him. Lets talk about this if you have any questions.

Thanks,



Beaver County Abstract & Title Company

135 EAST 300 NORTH
BEAVER, UTAH 84713

C. V. SMITH, MANAGER

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SERVICE

Sept. 12, 1974

Mr. Donald C. Norseth, Dist. Engineer
Division of Water Rights
P. O. Box 506
Cedar City, Utah

Dear Mr. Norseth:

In regards to your letter of Sept. 4, 1974 addressed to Hal Smith regarding spring water in the Northcreek area of Beaver County, you have been grossly misinformed. It would appear only a matter of courtesy for you to advise us of the name of the protestant and furnish us with a written copy of the nature of his protest.

ASK LEE STRANK

The facts of the matter, if you had first made inquiry to find out, are as follows:

C. V. Smith and Hal Smith are the owners of Water Users Claim No. 1502 on file in your office, under a contract of sale from Mrs. Josie A. Puffer, and being a diligence right dating back to the year 1902. The water and the filing is for the irrigation of 7.9 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T28S, R7W, SLM. It has been used on the land since long before your protestant was even born, except for such times in the past four years when he has stolen it from our ditch and diverted it to his own land; and it is still being used for such irrigation.

Deed rec. 9/13/74

We have constructed a small headbox at the source of the spring and have diverted part of the water into a 2-inch pipe and conveyed it to the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36-28-7 where it is being used for irrigation. The balance of the water is flowing down the same ditch it has flowed in for the past seventy years. And the protestant has absolutely no right to the ditch or any of the water flowing in it. There is being filed this day under Water Users Claim No. 1502 an Affidavit of Mrs. Josie A. Puffer to that effect. Will you please examine it.

New irr.

The water was diverted into the 2-inch pipe on the 3rd day of September, 1974. Your letter was written on the 4th day of September. Will you please explain to me how you determined that it reduced the underground flow to other downstream water users and has, in effect, dried up land that should have normally benefited from the flow, in one days time. The land that should normally benefit from the flow is ours. We fully intend to conserve as much of the water as we possibly can-- which in Utah is the name of the game isn't it.

Potential loss!

Change filed
9/13/74
Place has
changed also

I certainly regret that this trouble came up at this time, for we are in the process of filing a change application covering the Claim in its nature of use. Not its place of diversion. Not its place of use. But for domestic use and the supplemental irrigation of garden plots. Inquiry was previously made at your Cedar City office regarding this.

We further believe your referral of the matter to the Division of Health is quite untimely and uncalled for.

NOT AT ALL!

Very truly yours,

C. V. Smith

cc: Office of State Engineer
Salt Lake City, Utah