



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

GERALD W. STOKER
AREA ENGINEER

LEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

P.O. BOX 908
CEDAR CITY, UTAH 84720
586-4231

September 4, 1974

Hal Smith
Beaver, Utah 84713

Dear Mr. Smith,

It has been brought to the attention of the Division of Water Rights that you have developed, along with C. Victor Smith, water from a spring in the North Creek drainage and are diverting the water without the proper water right or authority. The spring mentioned in this protest is presently owned by Josie A. Puffer and the claim describes supplemental stockwatering use along with an irrigation right for 7.9 acres, pending final adjudication by the court. The protestant claims that you have developed additional water in the spring area and that you have piped all of the water away from the property onto other lands for use within a subdivision. The new development reportedly has reduced the flow of water available to the claimant and other downstream water users and has, in effect, dried up land that has normally benefited from the flow.

We must advise you, very strongly, to cease any further development or use from this spring or spring area and to restore the water to its normal drainage system until you have taken the proper steps to prove your interest or claim to the alleged source of water. It will also be necessary before any authority is given to file with this office an application for permanent change in point of diversion, place of use and nature of use, describing your proposed uses.

If you have any questions feel free to contact our Area Engineer, Gerald W. Stoker, at 622 North Main (phone 586-4231) or the water commissioner, Lee Strong, in Beaver, Utah. Further investigation concerning this matter will be forthcoming and we feel sure that you will wish to cooperate.

Yours truly,


Donald C. Norseth
Distribution Engineer

DCN/g

cc Wendell P. Stewart
Division of Health