



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

LEESIM

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Robert L. Morgan  
State Engineer

Southwestern Area  
585 North Main Street  
P.O. Box 506  
Cedar City, Utah 84721-0506  
801-586-4231

1 June 1994

Mr. Ronnie Roberts, Distribution Commissioner  
P.O. Box 605  
BEAVER UT 84713

RE: DISTRIBUTION OF WATERS ALLOTTED TO WEST SIDE IRRIGATION COMPANY

Ron:

I am writing in response to your request by phone this date for some guidance in resolving a dispute among the users of the referenced water. I will summarize the situation as I understand it:

The total flow delivered to the West Side Irrigation Company is separated by a divider into two ditches, which I will call "A" and "B". The users on "A", Carter and Smith, put their share of the flow into a regulating reservoir from which they pump into sprinklers. The user on "B", Yardley, takes his water some distance downstream at a headgate diversion and then flood irrigates with it. Flows in "A" in excess of that required for immediate application overflows the reservoir and flows into "B". There are no devices available to measure these flows into "B" and, on occasion, there may also be some "tailwater" which flows into "B". Carter and Smith have - without company authorization - created a diversion on "B" at which they have been taking some unmeasured part of the flow under the claim that it is the same water which overflowed their reservoir. Since this second diversion is unmeasured, is often taken during Yardley's watering turn, and is above Yardley's diversion, Yardley believes his delivery is being impaired.

Based on that statement of the problem, I would advise you thus:

First, the distribution within the company and among its separate stockholders is an internal matter and our office has no authority to regulate such matters. This is true as long as the overall uses of the company rights are within the conditions specified for the rights involved (points of diversion, place of use, uses).

Second, if the separate stockholders within the company cannot work out a resolution among themselves that is mutually satisfactory, the involved parties can bring a civil action in the courts to get a ruling. I have heard that there may already be a court order in place that relates to this matter.



Roberts, Ronnie  
1 June 1994  
Page 2

---

Finally, your involvement in the matter should be limited to an advisory capacity in helping the parties find an equitable resolution. Among the considerations that should be included would be a need for Carter and Smith to establish some way to accurately measure the amount of overflow from their reservoir which is entering "B" and the amount which they are diverting at the downstream location. The amount which they divert at the downstream location should be adjusted to allow for a proportionate share of conveyance losses (ditch seepage, etc.).

I appreciate your concern about this problem, especially since it appears that the parties involved have recently been involved in some actions which are dangerous and inappropriate. However, I trust that you recognize that our authority to intervene is limited.

Cordially,



Kerry Carpenter, P.E.  
Assistant Regional Engineer

KEC:k  
pc: Lee Sim/Assistant State Engineer/Distribution