



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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April 28, 1992

MR BILL T. BROOKE
1330 E CALLE DE CABALLOS
TEMPE AZ 85284

MR FLOYD YARDLEY
PO 107
BEAVER UT 84713

Gentlemen:

Re: Delivery of Award 22 -
Beaver River Decree

We received your letter, dated March 10, 1992, in our office on April 23, 1992. In response to your letter I have discussed this situation with Lee Sim and Kerry Carpenter and Ronnie Roberts the river commissioner.

We are uncertain why Award 22 has not been delivered to the Association over the years. Lee Strong, the former river commissioner, has indicated to us that he delivered the right during his first year as commissioner in 1956 but subsequently water was not delivered under that right. Mr. Strong could not remember why the right was no longer delivered and too much time has elapsed for us to be able to determine the reason for the change in distribution. Since the right has not been delivered since 1956 there may be some question whether or not the right has been forfeited. However, at this time we are willing to direct the commissioner to deliver the right as soon as facilities are in place to carry the water, and to allow the commissioner to accurately measure the water delivered.

It is our understanding that a section of ditch which extends for several blocks through the city must be repaired or reconstructed before this right could be delivered from the point of diversion now described on our files.

The repair or reconstruction of the canal may require an easement from Beaver City. You should check with them. If you desire to change the point of diversion for this right, you must submit a change application for the point of diversion and have it approved before water can be delivered from the new point.

Also, we understand distribution of water is now made by way of proportional splitter in the canal. Modifications to the splitter or additional measuring devices and control structures must be completed to allow an accurate distribution to be made.

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The measuring devices must be approved by the Cedar City Regional Office prior to installation to insure they will function properly and accurately. The cost of the improvements should be borne by the water users who will receive delivery of the water. As soon as these improvements are completed we will direct the commissioner to deliver water under Award 22 when it is available.

If you have any questions concerning this matter, please contact Kerry Carpenter at 586-4231 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P. E.
State Engineer

RLM:LHS:bd

cc: Kerry Carpenter
Ron Roberts
Lee Sim
Patrick R. Yardley
John R. Kesler
Don G. Roberts
Donald Smith
Brent M. Blackner
Gilbert T. Yardley
Rondo T. Farrer