

1330 E. CALLE DE CABALLOS
TEMPE, ARIZONA 85284

MARCH 10, 1992

ROBERT L. MORGAN, P. E.
STATE ENGINEER
1636 WEST NORTH TEMPLE S-220
SALT LAKE CITY, UTAH 84116-3156

RECEIVED

APR 13 1992

WATER RIGHTS
CEDAR CITY

RE: POINT OF DIVERSION FOR WUC 77-1488 NORTH 3560 FEET AND
WEST 2070 FEET FROM THE S E CORNER OF SECTION 23 T 29 S,
R 7 W. SLB & M.

DEAR MR. MORGAN:

IN RESPONSE TO A TELEPHONE CALL WITH A MEMBER OF YOUR STAFF, MR. LEE SIMMS, THE COUNTY ROAD DRAIN DITCH ASSOCIATION, A MUTUAL ASSOCIATION, IS PETITIONING YOU TO DIVERT THE WATER FROM THE BEAVER RIVER, PRIORITY DATE CLAIMED 1903, AWARD 22, BEAVER RIVER DECREE, AS AMENDED NOVEMBER 27, 1936, FOR IRRIGATION USE FROM APRIL 1 TO OCTOBER 31, BOTH DATES INCLUDED.

OUR UNDERSTANDING IS THAT THE WEIR HAS BEEN CHANGED AND THE WATER CAN NOT BE DIVERTED INTO THE COUNTY ROAD DRAIN. THIS INFORMATION WAS GIVEN TO US BY MR. RONNIE ROBERTS, THE WATER COMMISSIONER FOR THE BEAVER RIVER DISTRIBUTION SYSTEM.

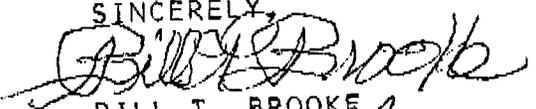
IT IS OUR OPINION THAT WHOEVER GAVE THE AUTHORITY TO CHANGE THE FLOW OF THE WEIRS SHOULD PAY TO HAVE THEM SET CORRECTLY AND THAT OUR SHARES OF WATER WILL BE DIVERTED TO THE BEAVER COUNTY DRAIN.

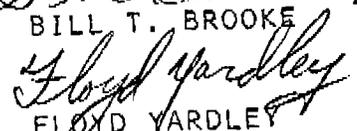
MR. LEE SIMMS, IN A TELEPHONE CONVERSATION WITH MR. RICK COX SAID THAT THE STATE OF UTAH RECOGNIZED OUR WATER RIGHTS, BUT WE WOULD NEED TO HAVE THE PROPERTY AND WATER RIGHT OWNERS SIGN A LETTER BEFORE YOU WOULD HAVE THE COMMISSIONER ACT UPON THIS MATTER.

ENCLOSED ARE THE NAMES OF PEOPLE WHO HAVE LOCATION RIGHTS IN THE BEAVER RIVER DECREE.

I HOPE THIS INFORMATION WILL BE HELPFUL TO YOU IN GRANTING THE PETITION.

SINCERELY,


BILL T. BROOKE


FLOYD YARDLEY

CC: KERRY CARPENTER
RONNIE ROBERTS

Patrick R Gardley
John L. Kesh

Don D. ~~Leubke~~

Donald A. Smith

Brent M. Blackmer

Gilbert J. Gardley

Rondo Plamer