

Rights on "North Fork"

Priority 1. CARLISLE RANCH and

BLUE MOUNTAIN IRRIGATION CO. RIGHTS.

A. Description.

(1) These are the early, or primary rights, of the above named interests to the flow of North Fork until the filing of Application No. 1268 in the Office of the State Engineer, by J. H. Wood et al. This covers a period from 1886 or 1887 until March 1907.

(2) This includes the Carlisle 1887, 1897, and 1904 Rights, so called in the discussion of Spring Creek rights, or Priorities 2, 6, and 8 of that stream, but not the Carlisle 1912 Right, nor any Carlisle applications in the Office of the State Engineer. The Carlisle 1896 Right is for storage of waters in the non-irrigation season and is discussed separately.

(3) The Blue Mountain Irrigation Company and its predecessors had several periods when it enlarged its ditches, as did the Carlisle Ranch; all of its development appears to have been made in a score of years beginning with 1887 A.D.

The early rights of the residents of Monticello town are embraced in this right of the Blue Mountain Irrigation Co. The right to Soldier Spring is included herein.

B. Opinion.

(1) Carlisle Rights. Under Spring Creek Rights it is stated that Carlisle Ranch shall satisfy Priorities 2, 6, and 8, its rights of 1887, 1897 and 1904, respectively, by diverting equal amounts of water from Spring Creek and North Fork, or by further diversion from either stream to make up deficiencies in the other. A total allowance of 1.5 sec. ft. is made to the diversion from North Fork to overcome seepage losses in the long canal from that stream, but this not added in the so-called "equal" amount.

There are 263.3 acres of water rights in these rights which maybe used alternately on certain fallow and swamp lands without this action being considered a change in the place of use. From May 1st to 31st, inclusive, of each yeat, 2.4 sec. ft. may be used in the irrigation of this land. Of this amount 1.2 sec. ft. shall be diverted from Spring Creek; and 1.2 from North Fork with the addition of 1.5 sec. ft. to provide for seepage loss, or 2.7 sec. ft. from North Fork. As stated, any deficiency from either stream may be made up by further appropriation from the other, so 2.4 may be appropriated from Spring Creek, as a maximum while none is available in North Fork; or, vice versa, a 3.9 sec.ft. maximum may be appropriated from North Fork.

In the period June 1 to 15th, incl., the supply is fixed at 3.0 sec. ft.: giving a normal right of 1.5 sec. ft. from Spring Creek, and a maximum for 3.0 sec.ft. if North Fork fails entirely; and a normal right of 1.5 sec. ft., plus 1.5 sec, ft. for losses in the canal, or 3.0 sec. ft. total from North Fork, and a maximum of 4.5 sec. ft.

In the period June 1st to August 31st, inclusive, the supply is fixed at 4.0 sec. ft.: giving a normal right of 2.0 sec. ft. from Spring Creek, and a maximum of 4.0 sec. ft.; and a normal amount of 2.0 plus 1.5 sec. ft., equal to 3.5 sec.ft. from North Fork, and a maximum of 5.5 sec. ft.

(2) Blue Mountain Irrigation Co. Rights.

Under South Fork Rights it is stated that the Blue Mountain Irrigation Co. shall take two-thirds of the water given it from North Fork, and the balance from South Fork; any deficiency in the amount due by either stream being made up by further diversion from the other. All allowance of 0.5 sec.ft. is made for seepage losses in the canal from South Fork, in addition.

There are 648.1 acres under Blue Mountain Ditch No. 1; and 653.1 acres under No.4, a total of 1301.2 acres of water rights of the Blue Mountain Irrigation Co. alone, not including its fallow or swampy lands, which are alternative places of use.

Besides the allowance of 0.5 sec.ft. (practically 5 to 10%) for seepage in the canal from South Fork, this claimant is entitled to a flow of 6.5 sec.ft., from May 1st to 31st, incl. divided into 4.3 from North Fork, and 2.2 from South Fork; (see correction for seepage) or a maximum possible of 6.5 sec.ft. from either alone. (Corrected to 6.5 plus 0.5, equal to 7.0 sec.ft. from South Fork).

From June 1st to 15th, incl., claimant is entitled to 15 sec. ft., of which 10 sec.ft. is from North Fork and 5 from South Fork; or a maximum of 15 sec.ft. from either alone (plus seepage allowance).

From June 16th to August 31st incl., claimant is entitled to 21 sec.ft., for which 14 shall be from North Fork, and 7 from South Fork; or a maximum 21 from North Fork, and 15 sec.ft., which is the present capacity of the canal from South Fork. (Blue Mtn. Ditch No. 2).

(3) Measurements of the three rights shall be made not far from the point of diversion from North Fork, and suitable devices therefor, and for control of the canal by lock gates, must be kept so as to prevent unreasonable loss by seepage through them, such as is present at the diversion dam of Blue Mountain Ditch No.1, at times.

(4) While it may appear that the opinions of the rights of Carlisle Ranch and Blue Mountain Irrigation Co. are in conflict with each other, such is not the fact, as may be shown.

The key to the situation is this; Carlisle Ranch and Blue Mountain Irrigation Co. both have rights equal priority upon North Fork; the former has rights in Spring Creek, the latter none at all in this stream; Blue Mountain Irrigation Co. has rights in South Fork creek, Carlisle Ranch none whatever:

For the purpose of unraveling the inter-twined rights of these claimants on North Fork, we may regard the water that comes from Spring Creek and South Fork as so much rain water, or sub-flow, and therefore beyond the control of claimants but yet affecting the question of how much water is needed. In other words we may disregard the rights of claimants upon other streams for the time being. During the irrigation season May 1st to August 31st, incl., if the total flow of North Fork, measured preferably near the head

of Blue Mtn. Ditch No. 2, or, with whatever allowance for seepage that may be necessary, at its division point between Carlisle Ranch and Blue Mountain Irrigation Co., falls below four (4) second-feet, it shall be divided equally between both of said claimants.

Provided, if such divided stream reaches the lands of one claimant, but not even in part those of the other, it shall not be wasted by being held in said channel but it shall be turned into the channel where it does do benefit, until it increased or until such time as other causes may enable it to reach the lands of both claimants. If a system of rotation be found practicable, it may be enforced on said claimants during said low stage of flow.

When the flow exceeds 4 sec. ft., the four sec.ft. shall be considered to include the 1.5 sec.ft. of Carlisle Ranch for seepage, and 0.5 sec.ft. of its share for irrigation; and the surplus shall be divided  $\frac{1}{5}$ th to Carlisle Ranch,  $\frac{4}{5}$ th to Blue Mountain Irrigation Co., until either right receives its full share of water, and then the balance goes to satisfy the right of the other.

(5) Neither Carlisle Ranch nor Blue Mountain Irrigation Co. shall be allowed to draw more upon Spring Creek or South Fork, than the foregoing opinions state, in order to benefit the other, - which would injure some other claimant on such said Spring Creek or South Fork.

(6) In the non-irrigation season, the Blue Mountain Irr. Co. shall be entitled to whatever water in course beneficially for municipal supplies, or domestic and stockwatering purposes, not to exceed 2 sec.ft. measured at the intake. This right is superior to that of Priority 2. &., the means of diversion being either Blue Mountain Ditch No. 1 or No. 4. This amount of water can not be wasted by claimant, owing to the installation of another system of better quality.

C. Remarks.

It is well established by oral testimony and legal documents that in-so-far as their powers extended, Carlisle Ranch and Blue

Mountain Irrigation agreed to divide the low water flow of North Fork equally between them.

The ditch of Carlisle Ranch is very much longer between its head and the first place of use than is any Blue Mountain Irrigation Co. ditch, hence is allowed water to care for seepage and evaporation losses in transit, which allowances will care for later appropriators through the same stream.

The reason that three rights on Spring Creek are combined into one on North Fork, is that no rights intervened on North Fork until 1907.

One half of the irrigated area of Blue Mountain Irrigation Co. is irrigated by Blue Mnt. Ditch No. 4, entirely from North Fork, and the other half by Blue Mtn. Ditch No. 1 which, under this opinion of what has been the practice, gets one third of its supply from North Fork and two thirds from South Fork.

#### D. References

For Carlisle Ranch; Water Users' Claims Temp. No. 31 (A,B,&), 32 to 37, incl., 101, 102, 103; 107 to 115, incl., et alia. See also Priorities 2, 6,, and 8 on Spring Creek..

For Blue Mtn. Irrigation Co., Water Users Claims Temp. No. 11, 31F, 39. 50, 55, 56, 58, 115, 116, 117, et alia. See also Priority 1 on South Fork Creek.

#### E. Fields.

The acreage of each field is given in the index to fields, and the acreage and kind of crop on the Shaley maps.

(1) Carlisle Ranch.

1887. Fields No. 563-568, incl.; 10 acres of No. 571; nos. 584-588, incl., 590, 587a, 594; total 166.5 acres, and alternative use on swampy Field No. 587, 9.9 acres, and likewise No. 589, 9.2 acres., total 19.1 acres.

1897. Fields No. 533, 533a, and 553 with total acreage and right or 16.7 acres.

1904. Fields No. 535, 535a, 536, 581, 582, 583, 593, 595; Total acreage and right 80.1 acres.

Grand total 263.3 acres of rights, and alternation use on 19.1 acres of land now swampy.

(2) Blue Mountain Irrigation Co.

Under Blue Mtn. Ditch No. 3 and No. 4, getting water from North Fork only, Fields No. 200 (34.0 acres of Monticello town), 210-223, incl., 223a, 224a, 273a, 273b, 276, 277, 279a, 280, 281; 287,-307, incl.; 310, 341, incl.; 325a, 343, 344, 345, 387, 424, 425, 426, 430, 432, 434-439 incl.; 442-446, 457, 458, 459, 461-472, incl., 472a, 474, 475; total 653.1 acres of rights.

under the same ditch and forming alternative places of use, Fallow land (in 1914) Fields No. 273c, 282, 308, 309, 317, 342, 431, 433, 441, 456, 460, 466, 472-b, 473, 474a; total acreage 77.7. Swampy, Field No. 440, 1.0 acre.

Under Blue Mtn. Ditches No. 1, which receives water from No. 4 as well, and No. 2, getting water from both North Fork and South Fork, Fields No. 200 (43.5 acre of Monticello town); 207, 208, 214a, 214b; 224-238, incl., 229-a; 240; 243-258, incl., 260, 261; 263-271, incl.; 273, 275, 278, 279; 283-286, incl.; 347-355, incl.; 370, 372, 373, 376-381, incl.; 383-386, incl.; 388-391, incl.; 395, 415, 420-423, incl.; 423a, 428; total 648.1 acres of rights.

Under the same ditches No. 1 and No. 2 and forming alternative places of use: Fallow land (in 1914) Fields No. 239, 241, 259, 262, 272, 374, 375, 382, 392, 422, 427; total acreage of 112.8. Swampylands, Fields No. 593, 416, 418, 419, 429; total acreage of 16.8.

F. Canals.

(1) Carlisle Ranch, from North Fork the so called Gordon, or Gordon and Carlisle, or Carlisle Ditch, called by the latter name herein, which is a branch of Blue Mtn. Ditch No. 3, and Spring Creek ditches name under Spring Creek Rights of Carlisle Ranch.

(2) Blue Mtn. Irrigation Co. : Blue Mtn. Ditch No. 1, which heads in North Fork just below the U. S. Service Station, Blue Mtn. Ditch No. 3, sometimes called No. 4 extension; that is the

highest diversion on North Fork; Blue Mtn. Ditch No. 4, the middle ditch from North Fork; and Blue Mtn. Ditch No. 2, sometimes called No. 1 extension, that feeds North Fork with water from South Fork.

Priority 2. CARLISLE 1896 RIGHT.

A. Description.

*Gordon*  
This is the storage right in the so-called Gordon Reservoir *Carlisle* formed by the agreement of 1896 between Carlisle Ranch and the early settlers of Monticello, who formed the Blue Mountain Irrigation Co., and by subsequent construction work. The reservoir is fed through Blue Mtn. Ditch No. 3, and the branch of it called herein the Carlisle Ditch and is situated in Sec. 16, T. 33S. R. 23 E. SLM. In 1913 or 1914 the dam burst, and it has not been rebuilt since. The old reservoir, which is the basis of this right, stored water to the elevation within 2 feet of the top of the dam, or 10 feet above the outlet culvert, covered 9.6 acres when full, and held 36 acre feet, Carlisle Ranch in the claimant.

B. Opinion .

This is the oldest storage right in the district. The reservoir should be filled as soon after the close of the irrigation season as the senior rights of the Blue Mountain Irrigation Co. for municipal supply will permit, and it shall be entitled to have 36 acre feet on March 31st of each year. If unable to obtain this amount earlier than this time, claimants shall be entitled to add enough water to fill the reservoir during the irrigation season, subject to Priority 1, and to the provision that the reservoir must be filled as rapidly and soon as possible.

The water may be used beneficially whenever or wherever needed.

The filing in the Office of the State Engineer, numbered 3667 is not an abandonment of this right, but supplementary thereto. If the dam be not rebuilt in reasonable time, this right, is subject to the laws of abandonment, however.

C. Remarks.

This reservoir right is subject to the general provisions and laws for reservoirs.

D. References.

Water Users Claim, Temp, No. 113 for Sheley's contour map.

E. Fields.

Wherever needed.

F. Canals.

Fed by Carlisle Ditch branch of Blue Mtn. No. 3, and releases into Spring Creek.

Priority 3. TOWN POND.

A. Description.

Calimant is believed to be either Blue Mountain Irrigation Co. or J. P. Jones. The facts appear to be that this is an early right, second only as a storage right to the Gordon Reservoir. The reservoir is 850 ft. west of the 1/4 Corner between Secs. 25 and 36, T. 33 S. R. 23 E. S.L.M., covers 1.3 acres at high water to a maximum depth of 6 feet, and holds 2.6 acrefeet.

B. Opinion.

It shall be filled in the non-irrigation season from September 1st to March 31st, subject to the senior rights of Monticello (Blue Mountain Irrigation Co.) for municipal supply, and to the rights of Gordon Reservoir. It may be refilled by the direct flow of the Blue Mtn. Ditch No. 4 during the irrigation season for the purpose of giving a greater head, or any like purpose, but such supply shall not be in addition to the amount given by opinions in Priority 1.

Water stored before March 31st may be used beneficially anywhere. After that, only on fields of Priority 1, Blue, Mtn. Irrigation Co. claim.

The use is for irrigation or municipal purposes.

C. Remarks.

D. References.

None specifically, see generally, priority 1. Blue Mtn. Irrigation Co. claim.

E. Fields.

Wherever needed, and those of Priority 1.

F. Canals.

Fed by Blue Mtn. Ditch No. 4, and releases into that ditch.

Priority 4. Application No. 1268 .

A. Description.

This includes only the lands technically belonging to this Application. This right belongs to J. H. Wood and A. S. Wood as a matter of record. The filing was made March 23, 1907, and with it terminated the right of Carlisle Ranch and Blue Mountain Irrigation Co. to increase the sizes of their canals, as of the senior right on North Fork, namely Priority 1. The diversion is made through the ditches of the Blue Mtn. Ditch No. 4; part of the land is entirely irrigated through the ditches of the Blue Mtn. Irrigation Co., and another part through the Wood (high-water) Ditch, a northerly branch of Blue Mtn. Ditch No. 4. This application was approved by the State Engineer, and proof of construction of work and beneficial use was made March 6, 1911, but in such form it could not be accepted by the State. The matter is still pending.

B. Opinion.

Owing to its length, and in proportion to the area under it, the Wood branch shall be entitled to 0.5 sec.ft. additional allowance for unusual seepage losses, whenever it is entitled to a flow and there is water in it. However, the water under this right shall be distributed by rotation, to avoid waste.

All measurement of water for this right shall be made at the place of measurement for Blue Mtn. Irrigation Co. rights, on Ditch No. 4. The Wood branch shall be measured at its point of separation from Ditch No. 4.

This claimant must stand an equal share, in proportion to the flow given it, of the ordinary seepage losses on the way to its fields, through the Blue Mtn. ditches.

The area held to be entitled to a priority as of the date of the filing of this application, is that named both in the application and in the proof of completion and application to beneficial use, which was filed with the State Engineer on March 6th, 1911. No other acreage can take priority by virtue of this Application.

From May 1st to 31st, incl., of each year the water given to this right shall be at the rate of 1 sec.ft. for 120 acres; from June 1st to August 31st it shall be at the rate of 1 sec.ft. for 60 acres; or 1.1 and 2.2 sec.ft., respectively, whenever available, for 130.5 acres.

There is no question that an applicant, who relies upon a filing in the Office of the State Engineer to carry his priority back to the date of filing, must comply in all respects with the rules of said office, until the final certificate be issued. Therefore, until such time at least, said claimant must return the use of water, originally used on Field No. 448-a, to that field; suffer loss of priority; or else file an application for change of place of use. This also applies to 36 acres (unsurveyed) by Sheley) in NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 19, adjoining Field No. 4447-a. Likewise the proportion of water of Field No. 408, must be withheld from Application for change in place of use. Total 49.3 acres.

C. Remarks

It is considered that said proof of completion would include every possible acre, in order to get as large a water right as possible; in fact some lands which were not included in the original application were listed in the proof. Therefore any omission of lands from the written proof and accompanying map, which were named in the original application as lands-to-be-irrigated, is considered to be conclusive evidence that they were not irrigated before March 6, 1911.

The other fields which were denied this priority are described in Wood 1910, 1912, and 1913 rights.

D. References.

Water Users Claim Temp. No. 12, no et alia; records in the Office of the State Engineer.

E. Fields.

The area of each field is given in the index to fields and on the Sheley maps, which latter also give the kind of crops.

Under Blue Mtn. Ditch No. 1., Fields No. 363 b, 397b, 405, 407, 408, total 75.8 acres of rights. Under Ditch No. 4, Fields No. 447a, 447b, 448a, total, 14.9 acres. Under Wood branch, No. 450a, for 3.8 acres; and 36 acres, not surveyed by Sheley because not irrigated in 1914, in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 19, T. 33 S. R. 24 E. S.L.M. Making a grand total of 130.5 acres, including fallow and swampy lands.

Fallow land included: Fields No. 448a (5.2) acres) and the unsurveyed 35 acres, swampy land: Field No. 408, (presumed alright in 1910, and waterlogged by over-irrigation of land adjoining, or above, since then), 8.1 acres.

F. Canals.

Blue Mtn. Ditches No. 4, and then No. 1, and Wood highwater ditch (a branch of No. 4). The means of diversion from North Fork is Ditch No. 4.

Priority 5. Redd 1907 Right.

A. Description.

This includes the so-called Redd 1909 Right as mentioned in the discussion of Spring Creek rights, as it now seems that no other right intervened on North Fork between 1907 and 1909.

It includes the rights of J. M. Redd, W. O. Knight, and B. Spencer to the flow of North Fork, acquired through the enlargement of Carlisle ditch, the diversion of water, and its application to beneficial use. It mingles North Fork, water with that from Spring Creek acquired under Spencer 1907 and Spencer 1909 Rights, to irrigate lands in Spring Creek basin.

B. Opinion.

It is considered that the allowance of 1.5 sec.ft. for seepage loss in the Carlisle ditch, made to Carlisle Ranch, will prevent any exceptional loss to junior interests, since there will be no water for junior interests if there is none for Carlisle Ranch and the ditch is dry.

Of this right B. Spencer is entitled to 11.4 acres for the irrigation of Fields No. 546, 549, 550 solely from North Fork; and to 5.2 acres of North Fork water for the irrigation of Fields No. 551 and 552, which get water from Spring Creek, too.

W. O. Knight is entitled to 1 acre of right to Field No. 541 and Application No. 4855 therefore does not constitute abandonment of this right.

J. M. Redd is entitled to 7.3 acres of North Fork water (together with Spring Creek Priority 10 right for 9.2 acres) to irrigate Field No, 554, 558, 558a. Since Application No. 4855 does not cover Field No. 554, but includes the others, it is supposed that this 1907 Right will be confined to Field No. 554, giving it a complete right. This action is optional with claimant however.

Total acreage of water rights, 24.9. A system of rotation of water shall be applied to these interests. The flow shall be at the rate of 1/120th of a sec.ft. to the acre, May 1st-31st, and 1/60th of a sec.ft. thereafter so long as available, until August 31st, or 0.21 and 0.41 sec.ft., respectively.

C. Remarks.

In 1914, this right would have terminated on June 22nd, and in 1915 on June 24th, owing to low water in North Fork.

D. References.

See Spencer 1907 and 1909 Rights on Spring Creed, Priorities 10 and 12; and Water Users Claims, Temp. No. 27a, 27b, 29, 110, 115, 116 et alia.

E. Fields.

(Area of each field is given in the tabulation of fields, and on the Sheley maps, together with crops.) See Opinion.

Fields No. 541, 546, 549-552, incl., 554, 558, 558a, total of 24.9 acres of water rights.

F. Canals.

Carlisle Ditch from North Fork.

Priority 6. WOOD 1910 RIGHT.

A. Description.

This is land irrigated in 1914, or before, belonging to J. B. Decker, for which a claim for water was sought by proof of completion of work for Application No. 1268, and denied herein as the State Engineer must deny it.

B. Opinion.

The affidavit of the surveyor and Wood Brothers before March 6, 1911, stated that land of this Right already had been irrigated in certain legal subdivisions. This is granted, but it is certain that the areas reclaimed were overstated.

The statement of Wood Bros. that they first used the water in May and June, 1910, (Claim temp. No. 12, Question 10-b), and the said proof of completion of work, together fix the time of priority as the irrigation season of 1910.

The flow of water deemed necessary and of established right is at the rate of 1 sec.ft. to 120 acres from May 1st to 3rd, and 1 sec.ft. to 60 acres from June 1st to August 31st, whenever available out of unappropriated waters, or .8 and 1.6 sec.ft., respectively for 9716 acres of land.

C. Remarks.

Since no filing was made with the State, these lands take the priority of the date they were actually irrigated, and not that of the construction of the ditch. See such matters discussed more fully in General Remarks. Legal sub-divisions of Fields No. 357a, 359, 360a, and 362 were shown on the map but not in the written proof. Legal sub-division of Fields No. 357, 358, 360, 361, and 363a, were shown in the written matter but not on the map. Perhaps only one of these areas should have been chosen: the matter is debatable.

D. References.

Water Users Claim, Temp. No. 12, No. 220, State Engineers voluminous records of Application No. 1268; Priority 4.

E. Fields.

(Acreage of each field may be obtained from the Tabulation of Fields, or from the Sheley maps). The list has already been given under Remarks: of these fields 97.6 acres were irrigated in 1914; and Field No. 361 was fallow (2.2 acres) no right except being an alternate place of use attaching thereto.

F. Canals.

Through Blue Mtn. Ditch No. 4. into No. 1.

Priority 7. APPLICATION No. 3667.

A. Description.

This is the proposes enlargement of the Gordon Reservoir. The application is held by L. H. Redd, so far as the records in the Office of the State Engineer show. It is proposed to divert North Fork water through Carlisle Ditch (?), raise the dam to a height of 65 feet, to cover 30 acres of land, and store 2000 acre-feet whenever it may be available. No. direct or natural flow was applied for. It is proposed to irrigate 3840 acres in whole or in part from the reservoir.

B. Opinion.

This storage right is junior to the storage rights of Priorities 2 and 3, and to the municipal uses of water of Priority 1, in the non-irrigation season. As soon as unappropriated water is available at the close of the irrigation season, claimants shall begin filling the reservoir, in order to interfere as little as possible with junior rights for the natural flow of North Fork.

This Application is subject to the rules of the State Engineer, who set not later than March 12, 1917, for the time of file proof of its completion.

C. Remarks.

If this reservoir should be enlarged to the extent the filing permits, it would exhaust the balance of the flow of North Fork

in most years. The plans for the dam have not been filed with the State Engineer as yet, so the final plans of claimants in not officially announced. However, it is known that the natural capacity of the reservoir site is much less than the filing indicates.

All subsequent priorities are described with the assumption that this one may need to make no claim on the flow of the irrigation season.

D. References.

Water Users Claims, Temp. No. 47, et alia, and records of State Engineer.

E. Fields.

Whenever needed, more particularly described in Claim Temp. No. 47. None irrigated yet.

F. Canals.

To be fed by Carlisle Ditch, and released into various canals.

Priority 8. APPLICATION NO. 4129.

A. Description.

This is a filing made July 26, 1911, by "Town of Monticello" for 2 sec.ft. of water from Spring in Pole Canyon, a tributary of North Fork, to be piped to Monticello for domestic and municipal purposes. Construction must be completed by June 30th, 1917.

B. Opinion .

Of course this application is secondary to those senior to it in time, and application is subject to the special statutes relation to waters owned by municipalities. An appropriation of water from a tributary of North Fork, that flows into North Fork, is subject to North Fork priorities, just the same as an appropriation on North Fork.

C. Remarks.

It is understood that this spring flows less than 0.5 sec.ft. during the high water season, and to 0.2 sec.ft. at low water.

D. References

Water Users Claim, Temp. No. 228, et alia; Application No.4129 in files on State Engineer.

E. Fields.

At present (Shelley survey of 1914) Monticello is laid out into 19 blocks comprising 77.5 acres, and called herein "Field No.200", and 46.5 acres of streets opened to the public. There are about 500 people in the community.

F. Canals.

To be a pipe line.

Priority 9. APPLICATION NO. 4312.

A. Description.

This right was instituted October 16, 1911, by filing with the State Engineer, By Alpha B. Barton, of record and is to be completed on October 30th, 1917. The place of diversion is below the junction of North Fork and South Fork. There is a priority number for South Fork also. Application is for 6 sec.ft. to irrigate 440 acres.

B. Opinion.

This application is subject to the rules of the State Engineer's Office, and is a claim upon the combined flow of both forks. Any subsequent appropriation below the confluence of these forks is junior to this right.

Any later application on one of the forks alone is junior in right to this application, and cannot divert water to its detriment. In preventing the diversion of water, that would leave an insufficient supply for claimant, the last priority in time on forks shall be the first to suffer.

In other words, North and South Fork are combined into one stream, in effect, for junior appropriations to this, in order to safe-guard it.

A duty is suggested to each second foot of 120 acres from May 16th to 31st, incl.; of 60 acres June 1st to August 31st. Claimant

will be entitled to only such proportion of the water as he has reclaimed land, from year to year, until proof of completion be made.

C. Remarks.

In estimating the surplus of water available for junior rights it is deemed that the suggestion will be accepted by the State, and one half of the land only will finally be reclaimed, and each creek will supply half the water.

The interlacing of later rights on South And North Forks is described under South Fork Rights.

The ditch ( "Christensen" ditch)" was not constructed to its entire proposed length in 1914 at the time of the Sheley survey. It is considered that it is not beneficial use to irrigate while snow is on the ground, which usually is December 1st to the 1st of April, anyway, if not longer. This right is provisional depending upon performance and the kind of approval granted by the State Engineer.

D. References.

Water Users Claim Temp. No. 41, No. 202, et alia, Application No. 4312 in the files of the State Engineer.

E, Fields.

In 1914, Field No. 201, of 14.2 acres, was irrigated under this right. The legal subdivision proposed to be irrigated are described in Claim. Temp. No. 202.

F. Canals.

Christensen Ditch, heading in SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 36, T.33 S/  
R. 32 E.

Priority 10. CARLISLE 1912 RIGHT.

WOOD, 1912 RIGHT.

Both of equal priority May or early June, 1912.

Carlisle, 1912, Right.

A. Description.

This right is caused by the resumption of activity of the Carlisle Ranch; and is discussed under "Priority 17 Carlisle 1912 Right" on Spring Creek;

B. Opinion.

The fields have a right to water from either creek, taking it in equal quantities from each, whenever possible, but making up any deficiency in either by further appropriation from the other. Allowance for unusual seepage losses has already been made for Carlisle Ditch. Measurements of North Fork water shall be at the place of division between Carlisle Ranch and Blue Mtn. Irrigation Co.

The area belonging to Carlisle Ranch under this right is 98.7 acres. It is entitled to 1 sec.ft. to .20 acres from May 1st to 15th; to 90 acres, from May 16th to 31st; to 60 acres thenceforth until August 31st, if available and unappropriated; or to 0.8, 1.1 and 1.6 sec.ft., respectively, total from both streams, or either if the other has no unappropriated water.

A system of rotation in the use of water may be enforced between Wood 1912 Right and this one.

C. Remarks.

D. References.

Water User's Claims Temp. No. 31 (A.B.&), 32 to 37, incl.; 101, 102, 103; 107, to 115, incl.; et alia. See also Priorities 2, 6, 8, and specially 17, on Spring Creek; and Priority 1 on North Fork.

E. Fields.

(Acreage and kind of crop in 1914 of each field is shown on Sheley map of Spencer Area.). Includes Fields No. 557 to 562 incl., 569, and 570, total area of 98.7 acres for water rights; and a

fallow Field No. 557a for which no right attaches save that of alternative irrigation, which ~~embr~~embraces 12.8 acres.

F. Canals.

Carlisle Ditch and ditches on Spring Creek.

Wood, 1912 Right.

A. Description.

This is the right ~~ac~~acquired by Wood Brothers and Decker by actual construction, appropriation, and use of North Fork water on certain lands which were never covered by an application with the State Engineer, and on others that were named in Application No. 1268, but were not included in the proof of completion, but appear to have been irrigated subsequently.

B; Opinion.

(1) The priority of lands irrigated subsequently to 1910, is divided from those irrigated that year, and again divided into two later priorities by the intervention of other rights, because of ~~lack~~lack of an intention to increase the area being made public.

There is insufficient evidence to designate which of the acreage was that irrigated in 1912, and which in 1913, so both ~~rights~~rights are made applicable to the same area, with the provision that claimants may file statements with the General Committee of the Blue Mtn. Water Users Assoc., segregating 1912 from 1913 land as nearly as ~~may~~may be, within 30 days after filing of this ~~re~~report, or opinion, with said committee.

(2) From the area of fields which were irrigated in 1914, is to be subtracted 49.3 acres of water right for water from Application No. 1268, which appears to have been unlawfully used on them. (See ) Priority 4. Opinion and Remarks). The balance of 150.8 acres is divided into 110.8 acres of 1912, 40.0 acres of 1913.

(3) The same rate of flow is given as for Carlisle 1912 Right, namely, to each second foot, 1/120 acres May 1st to 15th; 90 acres May 16-31st; 60 acres, June 1st to August 31st, amounting to 1,0 , 1.3, and 1.9 sec.ft., respectively, whenever available, measured

at the place of measurement Mountain Ditch.

Whenever possible, the flows of Priority 4 and 10 to lands under Wood branch ditch shall be taken at one time so that the seepage allowance of 0.5 sec.ft. for Priority 4 may aid the latter priority, 1912 and 1913. A system of rotation of the Wood rights among themselves, or with Carlisle 1912, or both, may be enforced.

C. Remarks.

The Status of water rights instituted without filing with the State Engineer, as required by the Statute of 1905, is discussed more fully in General Remarks and in the opinions on Spring Creek rights. It is sufficient to say here that such rights date only from the time each parcel of land is irrigated.

The division of the 151.8 acres of land between 1912 and 1913 is done on this basis. Claimants state Water User's Claims, Temp. No. 12, that 156 acres were irrigated, by all the so-called Wood rights, in 1910; 400 in 1912; 488, in 1913. This means that in 1912 the area was increased 244 acres, in 1913, by 88 acres, total 332 acres. Actually it was increased 151.8 acres, which are divided in the proportion claimed for 1912 and 1913, namely 111.8 and 40 acres, respectively.

It is thought that segregation of the 1912 and 1913 rights to certain fields would clear the rights of Wood Bros. and Decker, among themselves.

Fields No. 397-a, 402, 403, 404, total 47.0 acres, were irrigated in 1914, named in Application No. 1268, but not in the final proof, and, as said elsewhere, are presumed to have been irrigated later than the 1910 season.

D. References.

Water User's Temp. Claim No. .2, 220, et alia.

E. Fields.

(Area of each field is given on Sheley maps and the Tabulation of Fields). Of 1912 Right, 111.8 acres, undivided, under Blue Mtn. Ditch No. 1: Fields No. 397-a, 402, 403, 404, (47.0 acres) and

Nos. 366, 397m 401, 411, 413 ( 75.2 acres), total 122.2 acres, were irrigated in 1914, while Fields No. 365, 398, 400, 406, and 414 were fallow, and Nos. 399 and 412 swampy, total fallow and swampy 55.4 acres, serving as alternative places of use (if swamps be drained), but contributing no water right.

Blue Mtn. Ditch No. 4, by Wood branch: Fields No. 450,452, 453, 455, totaling 45.9 acres irrigated in 1914; and Field No. 451, waterlogged and alkaline in 1914.

Total irrigated in 1914, 200.1 acres; fallow or swampy 72.6 acres.

#### F. Canals.

Blue Mtn. Ditch No. 1 and No. 4, and Wood Branch of No. 4, All diversion from North Fork through No. 4.

### Priority 11. APPLICATION NO 4714.

#### A. Description.

This is a filing made June 10th, 1912 by the Department of Agriculture (U. S. Service), for 1 sec.ft. of North Fork water to irrigate 80 acres of land, from April 1-July 1. The time for final proof has been extended to July 1st, 1916.

#### B. Opinion.

As a rule, it may be expected that the State Engineer will give whatever part of said 80 acres that is finally reclaimed, its proportion of 1 sec.ft. We submit that under the circumstances of the case, that if this claimant takes water at the rate of 120 acres to the sec.ft. from April 16th to May 15th, incl.,; 60 acres to the sec.ft. from May 16th to June 30th, incl., claimant will get water more in accordance with its needs.

A system of rotation should benefit claimant and other small appropriators of about the same priority. Measurement should be made at the head of the ditch.

C. Remarks.

There is little possibility of claimant getting much water after June 15th. There is no reliable information about the flow of North Fork from April 16th, except that it can not amount to much, and if the storage projects, Application No. 3667, it may well be that it will exhaust the supply of all April to fill the reservoir. Further, the snow does not melt from the fields of Monticello until some time in April, in general, so the need of any great quantity of water, until May, is not apparent.

D. References.

Water Users Claims, Temp. No. 51, 53, 203, et alia. and files of State Engineer for Application No. 4714.

E. Fields.

In 1914, Fields No. 346, 10.7 acres; and No 346a, 1.0 acres, total 11.7 acres.

F. Canals.

U. S. Forest Service.

Priority 12. APPLICATION NO. 4754.

A. Description.

This is a filing made with the State Engineer, by Geo. A. Cole, and Alice H. Ewing on July 2nd, 1912. The time for final proof has been extended from March 1. 1916 to Applicant asks for 10 sec.ft., to irrigate 800 acres of land, during the entire year. The intention seems to be to use the same diversion point as Carlisle and Blue Mtn. joint ditch.

B. Opinion.

In line with the opinion expressed for Priority 12, but remembering that the needs of the Forest Service primarily are for pasturing for a large number of horses, rather than for ordinary farming, it is suggested that the duty of water be to each second foot 150 acres from April 16th to 31st; 120 acres from May 1st to 15th; 60 acres May 16th to June 30th, for the

area actually irrigated. Provided that no more than the 10 sec. ft. asked for originally be granted finally. Measurement shall be made at the place of measurement for the joint ditch of Carlisle Ranch and Blue Mtn. Irrigation Co.

C; Remarks.

In forecasting the unappropriated supply of water for rights junior to this, it is assumed that the se suggestions will be followed, and only half the area reclaimed. It is doubtful whether any water will be obtained by this claim after June 15th.

D. References.

Water Users Claim Templ No. 204, et alia. See also files of State Engineer for Application No. 4754.

E. Fields.

None irrigated in 1914, by virtue of this right, so far as known.

F. Canals.

Blue Mtn. Ditch No. 3 and Carlisle Ditch (jointly)?

Priority 13. APPLICATION NO. 4855.

A. Description.

This is an application for 6 sec.ft. of water from North Fork to irrigate 560 acres of land in Spring Creek basin, by J; M. Redd, W. O. Knight, and B. Spencer. It was filed September 10th, 1912, and proof of completion of work was to have been present before June 1st, 1915, which was not done.

B. Opinion.

The fields which were irrigated as if under this application, lose their right to the priority as of date of this application, and take the date when actually put under irrigation, as described in Redd 1913 Right, or Priority 14.

C. Remarks.

This is the first illustration of the effect of allowing an application in the office of the State Engineer to lapse, namely a loss of priority. It seems questionable to the writer

whether it is just and pro bono publico to allow an individual to acquire a right under the shadow of an application with the State, allow the filing to lapse, and then claim a right and priority of the date of irrigation. This may result in an injustice to a right acquired subsequently to the filing, but prior to actual irrigation, because such junior claimant could not know that senior claimant would permit his filing to lapse, and would have no reason to notice exactly when and how much acreage was cultivated, In fact senior claimant might get an extension of time for filing proof completion, and never make such proof, but meanwhile for a period of years divert water by virtue of a false priority.

The authorities appear to be in favor of the position taken here, however.

D. References.

Water Users Claims Temp. No. 29, 46, et alia. Application No. 4855 in records of State Engineer.

E. Fields.

No. 541, 547, 555, 555a, 556. Total, 59.2 acres.

F. Canals.

Priority .4. VARIOUS 1913 RIGHTS.

Includes Redd (etal), Carlisle Ranch, Earl Dalton, and Wood, all of May, 1913, and equal in priority, although it is not certain whether some of these fields were first irrigated in 1913 or 1914. (Total allowance of this priority is 1.5 sec.ft. for seepage, and 2.84 sec.ft. for irrigation, April 16-30; and 4.13 sec.ft. for irrigation May 1st to June 15th.).

Redd et al. 1913 Right.

A. Description.

This is the right acquired through actual appropriation, through the loss of priority by the lapsing of Application No. 4855. J. M. Redd, W. O. Kinght, and B. Spencer are the claimants.

B. Opinion.

(1) The flow of water for the Redd right, as for all of this priority, in order to get the proper quantity, should be at the rate of one sec.ft. to each sec.ft. : 60 acres from April 16th to 30th; 40 acres from May 1st to June 15th, incl. A system of rotation may be required of the claimants under this priority.

(2) From April 16th to 30th, incl., an additional amount of 1 sec.ft. shall be allowed to Carlisle Ditch to care for seepage loss in transit of the waters of Redd, Carlisle Ranch, and Earl Dalton. As with such allowance for Priority 1, and elsewhere, this amount is intended solely for the overcoming of the seepage losses in the main ditch. Measurement shall be at place selected on the Carlisle Ditch for measuring prior rights.

(3) The Redd et al area is 59.2 acres under this right, giving 1.0 sec.ft., April 16th to 30th, incl.; and 1.5 sec.ft. May 1st to June 15th, if available; besides the seepage allowance in April.

C. Remarks.

(1) It is uncertain that claimants under this priority will get any water in April owing to prior storage rights; in early May the creek is not high enough to give them much water; so the bulk of the supply will run from May 16th to June 5th-10th.

(2) The additional supply to provide against exceptional seepage allowance for Priority One and junior rights does not start until that date.

(3) Field No. 555-a was overlooked in the summer, 1914, and not surveyed until January, 1915.

D. References.

Priority 13; Water Users Temp. No 29, 46, et alia.

E. Fields.

Area of each field is given in Tabulation fo Fields and on Sheley map, Spencer Area, as well as the kind of crop in 1914. Includes Fields No. 514,547, 555, 556.

F. Canals.

Carlisle Ditch, thorough Blue Mtn. Ditch No. 3.

Carlisle 1913 Right.

A. Description.

This is the final right of Carlisle Ranch, (undivided interests of L. H. Redd, et al) acquired by actual use of water, and in the only one using North Fork water alone. It, also, uses water diverted through Carlisle ditch.

B,. Opinion.

The position taken in the discussion of Redd Right, paragraph (1) and (2), applies here.

The area of 57.6 acres gives 100 sec/ft. April 16th -30th, incl., and 1.4 sec.ft. May 1st to June 15th, incl. Any additional water given by virtue of Gordon Reservoir during the time of year this right yields a supply, must not exceed a reasonable supply of water. ✓

C. Remarks.

See Redd 1913 Right Remarks, (1) and (2).

D. References.

Prior Carlisle rights on North Fork, and priorities on Spring Creek; Water Users Claims Temp. No. 31 (A,B,&C); 32 to 37, incl.; 101, 102, 103; 107 to 115, incl., et alia.

E. Fields.

(Areas of each field is given in Tabulation of Fields and on Sheley map, Carlisle Area.).

Includes Fields No. 572 to 576, incl; and 16.6 acres in No. 571. Total area, 57.6 acres.

F. Canals.

Carlisle Ditch, through Blue Mtn. Ditch No. 3.

Earl Dalton 1913 Right.

A. Description.

This is for land irrigated through Carlisle Ditch in 1913 and 1914, by Earl Dalton, around his homestead.

B. Opinion.

Unless proven otherwise, or so admitted by said Earl Dalton, the presumption must be that this is a real right and not a borrowed or rented one.

The same duty of water and other regulations hold with this, as with the Opinion on Redd 1010 Right, paragraph (1) and (2).

The area entitled to water is 10.2 acres; so Dalton is entitled to 0.17 sec.ft., April 16th to 30th; 0.23 from May 1st to June 15th if available,

C. Remarks.

See Redd Right Remarks, Paragraph (1) and (2). No claim was set up by Earl Dalton in the "Hearing"; but the Sheley survey of 1914 showed his use of water.

D. References.

See Remarks, above.

E. Fields.

(Area of each field is shown in the Tabulation of Fields and on the Sheley map, Apencer area), Includes Fields No.542-545, incl.

F. Canals.

Carlisle Ditch, through Blue Mtn. Ditch No. 3.

Wood 1913 Right.

A. Description.

This is caused by land put under water by Wood Bros, and Decker in 1913, as described in Priority 10. See Description in Wood Rights of that Priority.

B. Opinion.

- (1) This Right complies with the provisions of Paragraph (1) of the Opinion of Redd Right, of this priority, in the matter of duty of water.
- (2) During April 16th to 30th, an extra allowance of 0.5 sec.ft. shall be made to the Wood Branch, whenever it carries water, or to the Blue Mtn. Ditches No. 4, or No. 1 in their turns, as an extra allowance for seepage losses. As far as possible a system of rotation shall be adopted within this right, so that water may be alternately in the Wood Branch, in the Blue Mtn. Ditch No. 1, and in Ditch No. 4 at its lower end, in turn.
- (3) Diversion shall be through Blue Mtn. Ditch No. 4, and measurement shall be made at or near the regular place of measurement for prior rights on this ditch.
- (4) The area of 40 acres, entitled claimants to 0.67 sec.ft. April 16th to 30th, inc.; to 1.00 sec.ft. from May 1st to June 15th, incl.
- (5) Paragraphs 1, 2, and 4, or Wood Rights, Priority 10, apply to this priority.

C. Remarks.

See Remarks, Paragraph 1, under Redd Right of this priority, Also see Wood Rights, Priority 10 under Remarks, and generally.

The allowance of 0.5 sec.ft. is rendered necessary before May 1st because the flow of Blue Mtn. Irr. Co. will not be present in its ditches to help wet the joint canals.

D. References.

See Priority 10, Wood Right 1912.

E. Fields.

See Priority 10, Wood Right. 1912.

F. Canals.

See Priority 10, Wood Right 1912.

Priority 15. APPLICATION NO. 5473.

A. Description.

A filing with the State made by Geo. A. Cole et al. and assigned

to L. H. Redd. Filed January 6th, 1914; approved, August 31st, 1914; and proof to be submitted November 10th, 1916. Asks for 10 sec.ft. to irrigate 1,440 acres during the entire year.

B. Opinion.

This right must take its due course in the office of the State Engineer. The opinion has been expressed elsewhere that winter irrigation is impossible and of unproven profit. It is our opinion that even one "irrigation" each year is beneficial in this region, if applied in the growing season, owing to the large rainfall.

C. Remarks.

It is apparent that if this application be carried out to its full extent, it would leave but little water in North Fork for rights junior to it.

It is evident that later rights for the direct or natural flow of North Fork are just as interested in determining the amount of water available for earlier storage rights, as are such rights. Field No 645 was not surveyed in 1914, because believed to be a dry farm.

D. References.

Water User's Claims Temp. Nos. 25a, and 205 et alia. Also Application No. 5471 in files of the State Engineer.

E. Fields.

In 1914, there were irrigated Field No. 577 of 17.2 acres, which is shown on Sheley map of Carlisle Area, and No. 645, said to contain 80 acres, unsurveyed by Sheley.

F. Canals.

Carlisle Ditch through Blue Mtn. Ditch. No. 3.

Priority 16. APPLICATION. NO. 5789.

A. Description.

A filing with the State made by F. P. Jones on October 12, 1914 (corrected date) for 7 sec.ft. to irrigate 400 acres of land from April 1st-December 31st.

B. Opinion.

One "irrigation" in the growing season may enable "dry farming"

to be done every year, instead of every other year.

C. Remarks.

The chance of this applicant for water are dependant upon the completeness with which other and prior applications are carried out.

D. Referecnes.

Water User Claim Temp.No 206 for abstract; and files of State Engineer.

Priority 17. APPLICATION NO. 5979.

A. Description.

A filing with the State Engineer made by Geo. A. Cole, et al on December 1, 1914, calling for 1000 acres ft. of water to be stored in a reservoir after crossing Spring Creek.

B. Opinion.

One irrigation in the growing season may enable "dry farming" to be prosecuted each year, instead of every second year, and therefore is beneficial.

This right is subject to prior rights and the rules of the Office of the State Engineer.

C. Remarks.

Paucity of stream flow records in the now-irrigation season prevents an expression of opinion whether there will be water for this right if Application No. 3667, or Priority 7, be carried out to any extent.

D. References.

Water Users Claim Temp. No. 218, et alia. and files of the State Engineer.

Priority 18. APPLICATION NO. 6263.

A. Description.

A filing with the State made by J. W. Palmer on June 3rd, 1915; and to present proof of completion by June 2nd, 1918, asking for 5 sec. ft. to irrigate 320 acres of land.

B. Opinion.

One irrigation in the growing season may constitute beneficial use.

C. Remarks.

The sufficiency of unappropriated water remaining for this application will depend upon the extent prior applications may be completed.

D. References.

Water Users Claim Temp. No 222, et alia. See files of State Engineer.

Priority 19. APPLICATION NO. 6348.

A. Description.

A filing with the State by Mrs Maude A. Palmer for 5 sec. ft. to irrigate 200 acres of land, Filing made July, 23, 1915, and proof of completion to be made August 1, 1918.

B. Opinion.

One irrigation in the growing season may constitute beneficial use.

C. Remarks.

The sufficiency of unappropriated water remaining for this application will depend upon the extent prior applications may be completed.

D. References.

Water Users Claim Temp. No. 223, et alia, and files of State Engineer.

Priority 20. Rose Right. No.

A. Description.

This priority number does not imply the same things that others do, but is given as a name to this right. This is the right for waters of North Montezuma Creek, below the junction of North Fork and South Fork, and below the headgate of the Christensen Ditch or rather to any inflow, return seepage, or upraising of any sub-flow in the creek, below said ditch, Date of institution is not known. Claimant is Henry Rose.

B Opinion.

- (1) That claimant may divert water to irrigate all of his land, save Field no. 356, whenever the Blue Mtn. Irrigation Co. is short of the amount of water deemed desirable for it.
- (2) That he may divert water to irrigate said Field No. 356, to the extent and whenever he can use it beneficially. Area 0.5 acres.
- (3) Claimant can not prevent the more complete diversion of water, whether surface or underflow, by existing appropriators, caused by better constructed dams, &c.

C. Remarks.

- (1) For the greater part of the area this right is supplementary.
- (2) For Field No. 356 it constitutes the sole right.

D. References.

Water Users Claim Temp. No. 15 et alia.

E. Fields.

Areas of fields can be found on Tabulation of Fields and Sheley map East Area.

- (1) Supplementary use on Fields No. 347, to 355, incl.; total area 49.3 acres.
- (2) On Field No. 356, of 0.5 acres.

F. Canals.

- (1) Supplementary use: Rose Ditch No. 1.
- (2) For Field No. 356: Rose Ditch. No. 2/

SEEPAGE RIGHTS  
IN NORTH FORK SECTION.

I. Explanation.

The difficult question of seepage and waste waters is discussed more fully in General Remarks. Appropriations of seepage or waste waters are subject of priorities, but ~~the~~ appropriator has no redress if the cause of the seepage or wasteage is removed, or if the owner of the ~~land~~ and himself appropriates the water for his own use on ~~his~~ own land.

II. Excludes.

Water that runs off the surface of a field, whether it is avoidable or the unavoidable waste incident to irrigation, and reaches a watercourse, is held to constitute a part of the flow of said water-course, and is liable to the priorities of said stream as if a natural tributary thereof.

III. Includes.

Water that would not reach a watercourse, whether a surface or a subsoil flow.

IV. Appropriations in North Fork Section.

Includes the use of seepage or waste water by Christensen, Wilson, John Bailey, Johnson, Butt, and Peter Bailey. Taking them up in this order, which does not infer any priority whatsoever.

1. C. R. Christensen Seepage Rights.

A. Description.

Seepa from the hillside near to Monticello Town.

B. Opinion.

Subject to the general laws for such appropriat~~ions~~.

C. Remarks.

It is probable that this water would not collect itself into a watercourse.

D. Referennes.

None specifically in water users claim. Sheley map, Monticello area.

E. Fields.

No. 202, 0.1 acre; 203, 4.8 acre.

F. Canals.

Seepage. Ditches No. 238 and 238-a.

2. N. E. Wilson Seepage Right.

A. Description.

Collects, seep, and waste waters below lower end of Field No. 228 on hillside. No definite connection with Blue Mtn. Irr. Co. ditches.

B. Opinion.

A seepage right only, no right under Blue Mtn. Irr. Co. Subject to general laws for such appropriations.

C. Remarks.

When water leaves a field in such a manner as it does Field No. 228, as seepage or as waste, it is abandoned.

D. Referenced .

Water Users Claim Temp. No. 11 and 56. Sheley map, Monticello area.

E. Fields.

No. 204, 0.6 acres.

F. Canals.

Seepage Ditch No. 228-a/

3. Martin Johnson Seepage Right.

A. Description.

Land lies in North Fork botton and is irrigated by ditch collecting seep and wast waters below and at lower end of Field No.227, on hillside. No Channel to Blue Mtn. laterals.

B. Opinion.

No right to water of Blue Mtn. Irr. Co., a seepage right only, and subject to general laws for such.

C. Remarks.

See Remarks.under N. E. Wilson.

D. References.

Water Users Claim Temp. NO.56. Sheley map. Monticello Area.

E. Fields.

No. 205, 3.1 acres.

F. Canals.

Seepage Ditch No. 227.

4. P. R. Butt Seepage Right.

A. Description.

Land lies on the slope into East Field Slough and is watered by Seep Ditch No. 268, which collects waste or seep waters from the lower end of Field No. 268, without connection to any Blue Mtn. Irr. Co. ditch.

B. Opinion.

A seepage right only, and subject to the general laws for such.

C. Remarks.

See Remarks under N. E. Wilson.

D. References.

Water Users Claims Temp. No. 11 and 56.

E. Fields.

No. 369, 10.5 acres; No. 371, 2.3 acres.

F. Canals.

Seepage Ditch No. 268.

5. Peter Bailey Seepage Right.

A. Description.

Fields irrigated partly by Blue Mtn. Irr. Co. , Ditch No. 4 and by seepage waters. A notice of intention to divert this water was filed in 1901 with the County Recorder. The seepage ditch collects waste water in Field No. 257, without any connection, or claim to a connection, with the Blue Mtn. Irrigation Co. system.

B. Opinion.

If sufficient water is put on these field by seepage to make the use of Blue Mtn. water unnecessary, then it would not be

beneficial and therefore regarded as waste. This right is subject to the general laws applying to seepage rights.

C. Remarks.

The quantity of flow collected by this ditch is not known.

D. References.

Water Users Temp. No. 13 and 21. Sheley maps, Monticello Area and East Field Area.

E. Fields.

No. 376, 29.8 acres. No. 380, 11.6 acres.

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SALT LAKE CITY, UTAH