

May 21, 1941

Mr. Harold J. Burback  
Regional Grazier  
Rawlins, Wyoming.

Dear Sir:           REL: CLASSIFICATION  
                          Section 7  
                          Bullock, Harry Max  
                          Evanston 020467

BEAVER CREEK DISTRIBUTION  
STREAM WITHDRAWAL

I have your letter of May 16 inquiring as to the existence of water rights diverting from Beaver creek in Utah for use on certain land in Wyoming, which Harry Max Bullock is attempting to homestead. You also inquire as to the possibility of obtaining a water right for this property in case none now exists.

The situation with respect to water rights on Beaver creek is complicated by the fact that the water is used both in Utah and in Wyoming. Moreover, the primary rights were established by use and have never been adjudicated so that the exact extent of them cannot be determined. Several rights have been acquired by Application to the State Engineer of Utah since 1903. Among these is a right acquired by I. Owen Bullock under Application No. 4176 to divert 4.6 sec. ft. of water in Utah for the irrigation of 302.34 acres of land located in Lots 3, 4 and 5 and NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 19, T. 12 N., R. 113 W., 6th P. M., and in parts of Sections 24 and 25, T. 12 N., R. 114 W., 6th P. M. This right does not appear to cover the land now claimed by Harry Max Bullock but it is possibly on adjacent land. No Certificate of Appropriation has ever been issued by the State Engineer under Application No. 4176 because of the fact that the land is in Wyoming.

By proclamation of the Governor of Utah, dated November 9, 1938, the waters of Bear river, including its tributaries in Rich and Summit counties, together with tributaries of Green river in Summit and Daggett counties, were withdrawn from appropriation for an indefinite period of time. This withdrawal appears to forestall any appropriation of water from Beaver creek for use on lands either in Utah or Wyoming.

Very truly yours,

T. H. Humpherys  
STATE ENGINEER

4/vm