Salt Lake City, Utah,
October 12, 1936

Mr. C. C. Wright,
Superintendent, Uintah Reservation,
Fort Duchesne, Utah.

Dear Mr. Wright:

I saw Mr. Draper several times during his visit to Salt Lake City, and believe that he has lined up the water right filings on the tributaries of White River in good shape. Apparently there is considerable water in White River, as well as Green River, so that there should be little question as to the availability of the supply for some further development.

I had a long talk with Mr. Humpherys, State Engineer, concerning the Indian water-right situation, and conveyed to him my own ideas on this matter as I had previously done to you. You will find him disposed to cooperate in every way with those interested in an amicable and efficient administration of water.

My suggestion that in view of the reticence on the part of the Indian Service to acknowledging the superiority of non-Indian water rights on an Indian reservation, a possible procedure in initiating water rights would be to make the formal application to the State Engineer, with a clause protecting the Indian Service in case of adverse litigation, was conveyed to Mr. Humpherys, and he indicated that he would accept such an application. The exact wording of such a clause was not worked out; simply the idea. Such a clause, to the effect that in case of a judicial determination that water rights were reserved to the Indians on this particular reservation, the present application to the State is not to be construed as a waiver of such rights, would accomplish the purpose, I believe. It could not injure anybody, and would protect the Indian Service from the charge of admitting that it had inferior rights and had invited others to proceed on that theory.

Before leaving Fort Duchesne, Mr. Hill called my attention to 32 U.S.Stat. 263 concerning the confirmation of accrued water rights on the Uintah Reservation before it was opened up. This language is subject to more than one interpretation, and may have a bearing on the Indian water rights there.

Very truly yours,

Wells A. Hutchins,
Irrigation Economist

Copy to Mr. Humpherys.