

August 5, 1936

Mr. J. P. May  
Roosevelt, Utah

DUCHESNE DISTRIBUTION  
REL: UINTAH DISTRIBUTION

Dear Sir:

I have received and read with a great deal of interest your letter of July 30, further discussing the difficulties which exist between the white settlers and the Indian Bureau over the distribution of the waters of Uintah Basin.

I think I made plain, in my letter of July 27, that the State has jurisdiction over the distribution of the waters of Uintah Basin, as a result of the present State law, bolstered by the Act of Congress setting aside the Basin as an Indian Reservation, as shown in Volume 34, Part One, Statutes at Large, Page 374.

From all I can learn pertaining to this situation, at present it seems that the white users prefer working as in the past. No doubt the scarcity of money prompts this urge; but as long as the water users have this feeling, I do think that a State Official should not attempt to rock the boat. However, at any time the Uintah Basin water users desire a change and wish to go forward to test the proposition out, I will be more than glad to assist them to the limit.

In Paragraph 3 of your letter, you set forth that it is your understanding that in no place in the decree does it state or imply that the State of Utah does not have the sole right of distributing the water proved upon and claimed. In order that you may not be misled relative to this matter, I wish to quote from the Uintah River Decree which provides as follows:

"For the protection of the water rights herein decreed, a Water Commissioner shall be appointed from time to time, and assistants shall be given him if necessary, and his and their compensation shall be fixed and allowed, and arrangements for the payment thereof by those who benefit thereby, parties hereunto, shall be made, and said Water Commissioner shall be further directed as to his duties, all by separate orders of this Court." (Page 6, Paragraph 7)

August 5, 1936

Mr. J. P. May  
Roosevelt, Utah

UTAH WATER DISTRIBUTION  
SALT LAKE CITY, UTAH

Dear Sir:

I have received and read with a great deal of interest your letter of July 30, further discussing the difficulties which exist between the white settlers and the Indian Bureau over the distribution of the waters of United Basin.

I think I made plain, in my letter of July 27, that the State has jurisdiction over the distribution of the waters of United Basin, as a result of the present State law, dictated by the Act of Congress setting aside the Basin as an Indian reservation, as shown in Volume 2/1111 One, Statutes at Large, Page 374.

From all I can learn pertaining to this situation, at present it seems that the white users prefer work on the STATE ENGINEER. No doubt the scarcity of money prompts this. I do think that a State Official should not attempt to look the hole. However, at any time the United Basin water users desire a change and wish to go forward to start the proposition out, I will be more than glad to assist.

Yours very truly,

In Paragraph 8 of your letter, you set forth that it is your understanding that the State has no place in the Basin as far as state or federal jurisdiction is concerned. (Paragraph 10) which may be irrigated under said priority." (Page 7, Statutes at Large, Volume 2/1111 One, Statutes at Large, Page 374) the priority herein fixed or to increase the acreage of water that may be diverted or to change the amount of water that may be diverted or to change changes herein except to increase the total seasonal five provisions hereof; and to make other necessary Commissioner or otherwise; to alter any administrative, to administer the decree through a Water Court, for good cause and as occasion may require, this court, for good cause and as occasion may require, jurisdiction of this cause is retained to enable "jurisdiction of this cause is retained to enable this court, for good cause and as occasion may require, to administer the decree through a Water Commissioner or otherwise; to alter any administrative provisions hereof; and to make other necessary changes herein except to increase the total seasonal amount of water that may be diverted or to change the priority herein fixed or to increase the acreage of water that may be diverted or to change which may be irrigated under said priority." (Page 7, Statutes at Large, Volume 2/1111 One, Statutes at Large, Page 374)

Mr. J. P. May, 8/5/36

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