



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

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REL: UINTAH BASIN FIELD TRIP

Memorandum for Office Study only, by ELMO R. MORGAN

On May 15, 16, and 17, 1940 I made an extended field trip into the Uintah basin for the purpose of examining Proofs of Appropriation and Applications covering water from Duchesne, Lakefork, Uintah, and Whiterocks rivers and Dry Gulch and Deep creeks. There were 16 Proofs and 5 Applications.

Generally speaking, the Proofs were in better shape than any I have examined in the State. Two Applications involved water from springs rising on Indian land. Neola Town has made Application for two small springs rising on an Indian 40. The water from one of the springs has already been piped to the Town. The other Application by the Whiterocks Irrigation Company proposes to appropriate water from several small springs as it is intercepted by applicant's canal. In each case the Indian Service strongly contends that the water is not subject to appropriation, as provided by the State law, but rather, belongs to the Indian Service because of its rising on Indian land. Officials of the Indian Service stated that there were many instances in which appropriations of such water had been permitted due to the fact that in each case the quantity of water was so small that the Indian right would not be jeopardized; however, the number of Applications for such water is steadily increasing, and the officials stated that they must stop this practice because of the principle involved and because of the impending danger to Indian rights.

In going over the Ouray Park Irrigation Company canal, it was observed that the flume across Deep creek is in a very critical condition. From its general appearance one would think that it would collapse any minute. It has been tied with guy wires, braced with logs, propped up with boards, and is still about as zigzaggy as a suspended snake. This canal supplies both the culinary and irrigation water for the area east of Randlett. Should the flume fail, a serious condition would result in that part of the basin. The work is already under way to construct a larger canal at a higher elevation to replace not only the Ouray Park canal but also the Moffatt canal. (The Moffatt canal's flume across Deep creek is in about the same condition as the flume already described for the Ouray Park canal.) The new canal is already constructed from Deep creek to a point where the water could be dumped back into the present canals. No construction has been made between Deep creek and the Uintah river because of failure to obtain right of way across Indian lands. Mr. B. O. Colton, engineer for the Ouray Park Irrigation Company, stated that Application for right of way was made to the Indian Service many months ago, but as yet no permission has been given. This new canal not only will permit consolidation of two irrigation companies, but also will provide a means of diverting winter water for storage in a small reservoir along the new canal and also possible storage in Pelican lake. Mr. Colton stated that the people affected were much concerned by the condition

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of the flume and every effort is being made to complete enough of the new canal to serve in case of an emergency.

There has been very little precipitation in the Uintah basin this spring.

As a result, the land is extremely dry, and it was reported by many of the irrigators with whom I talked that it is taking from one third to one half more water to cover the same land as under normal conditions. All canals are flowing to capacity in an effort to cover all of the ground possible before high water recedes. All of the water is now being diverted from the Uintah and White rocks rivers, and even one cool day decreases the flow to the extent that some of the "White rights" cannot draw their full amount. Mr. John Haslam, president of the Dry Gulch Irrigation Company, stated that unless favorable weather continued it was doubtful if Montez Creek reservoir would fill. Mr. Colton said that it is likely the Indian Service would demand the full flow of the Uintah and White rocks rivers before the small reservoirs on the headwater streams would have a chance to fill. The attitude of all with whom I talked regarding the summer's water supply was a very pessimistic one. All seem to feel that the condition will be as bad as in 1934, particularly the Whites who are concerned about their reservoir water and which, during the late season, constitutes the only source of supply for gardens, stock, and culinary use.

It is evident that the "gap" between the Indians and the Whites is growing wider and wider. The Indians have all prior rights both as to water and range land, and the White people are more or less at the mercy of the Indian Service and are obliged to make a living from the odds and ends that can be gathered together. The matter of appropriating water from springs supposedly developed from irrigation on Indian lands and which rise on Indian land is becoming an increasingly important problem; also the matter of water distribution through a Commission is an important problem. The canal companies feel that they are financially unable to carry the matter to the courts alone, but if the problems could be general enough to involve several companies and even assistance from the State, it would certainly be a benefit if these problems could be decided once and for all.

The matter of transferring water from Indian land to land under different companies is becoming an important problem, particularly to the Dry Gulch Irrigation Company. Briefly, the picture is this: To begin with, Mr. A had a full water right under the irrigation company. He, with all of the other stockholders, pays an annual assessment for the upkeep of the company and later with the construction and development of reservoir water, such as Moon Lake and Montez Creek, additional assessments are levied to cover the cost of this development work. The development is carried forward on the basis of so much land and with each parcel of land bearing its proportionate cost. As the assessments increase, it becomes all the more attractive for Mr. A to enter into a contract with the Indian Service for a long-time lease of water proved up on for Indian land, which land has not been in use for many years. After entering into this contract, an application is made to transfer the water to Mr. A's land, which is done through a Change Application to the State Engineer. After the Change Application is perfected, Mr. A ceases to pay assessments on the irrigation company's stock and, accordingly, the stock reverts to the company. With these transfers steadily in-

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creasing, sufficient stock is being turned back to the company that it is creating an additional burden on the remaining stockholders. For this reason, it is likely that from now on the Change Applications of the stockholders will be protested by the companies in an effort for them to maintain some balance of assessments within their companies. Whether or not anything can be done about these transfers is another question, but at any rate it is creating a serious problem as far as the irrigation companies are concerned.

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