Ioka Ut.
June 5, 1928

State Engineer
Capital Bldg.
Salt Lake City

Dear Sir. Yours of the 28th ult at hand, it appears that the season for the work of a commissioner on Montez Creek and Dry Gulch is over, and that the appointment on Sand Wash is the only one desired at present. Though I have not been in direct communication with the Dry Gulch people, Mr. Baird assures me that such was their attitude when he was in conference with them.

In the past we under estimated the time required hence I think we had better make our estimate 35 days. Besides making allowance for funds to put in some head gates. I think that ~~fo~~ if your of-

fice feel so inclined it would be well to require, with your letter of assessment to each water user that they put in a head gate properly constructed for locking. And then we would have to get the locks and bolts. In default of such head gate being put in $25, would be my estimate of cost for Mr. Geo. Potts or the Sand Wash Irrigation Co. $10 would put in a suitable gate for Mr Oscar Nelson or Mr. H. J. Mitchell while the gate at the head of the Dry Gulch ditch at present is satisfactory. Yet Mr. Cannons gate would need $5.00 to refill around where he dug out after it was put in last season.

I think that the interested companies should bring suit against Mr. Cannon as I am informed they

have already taken such steps and are now preparing an injunction. But until some decision is reached I believe any attempt to regulate his water would be futile.

I would like definite information as to the priority of rights of Mr. Oscar Nelson and M. J. Mitchell. Is my interpretation of the law correct, Mr. Nelson's filing dates from date of application while Mr. Mitchell's filing dates from date of re-instatement.

In answer to your other letter, the Dry Gulch Irri. Company and the Sand Wash Irrigation Company have both for this season and last asked for water for their entire filing.

Very Respectfully Yours
Robt. H. C. Merchant

Ascar Nelson July 14-1926
10011-
7282-Mitchell aug 10-1926 reinstated