

December 21, 1939

Mr. Samuel Snyder  
Roosevelt, Utah.

RE: APPLICATIONS NOS. 1106,  
1107, 5108; and MONTAZ CREEK  
DISTRIBUTION.

Dear Sir:

I have your letter of December 17, advising that you are proceeding with arrangements to have a Water Commissioner appointed to distribute the waters of Montez creek during the coming irrigation season.

Concerning the questions raised in your letter as to the rights of Ben G. Dye - he has apparently acquired the rights represented by Application No. 1106 shown by the records of this office to be owned by George F. Madden and Lee T. McClellan, and Application No. 1107 owned by George F. Madden. Application No. 1106 covers a right with priority as of Sept. 17, 1917 to use 0.4 sec. ft. of water from Montez creek to irrigate 29.46 acres of land. Application No. 1107 covers a right with priority as of Sept. 17, 1917 to use 1/3 sec. ft. from Nephi spring to irrigate 20 acres of land. The two irrigated tracts are separate and distinct, the 20-acre tract being immediately west of the 29.46 ac. tract, and the two having a common boundary, thus providing for the irrigation of 49.46 acres. The owner of these Applications has no right at any time to divert more water than is covered by these filings.

It is explained in your letter that you have sold your land and water right, apparently having reference to the right under Application No. 5108, and you inquire as to whether record of the sale need be made in the State Engineer's office. If the new owner will continue to divert and use water in the same manner which you have heretofore used it, as described in the Application, no record is required by law to be made in this office; however, it would be advantageous to all concerned if you will send a letter advising of the sale and giving the name and address of the purchaser. In the event any change of point of diversion, place or purpose of use results in the sale, a Change Application must be filed with the State Engineer.

Yours very truly,

T. H. Humphreys  
STATE ENGINEER.

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