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O
Ouray, Utah, Sept. 10, 1934.

Honorable T.H. Humpherys,
State Engineer,
State Capitol, Salt Lake City, Utah.

Re: MONTEZ CREEK DST.

Dear Sir:

At the request of Mr. Ira S. Bryant, of Myton, Utah, who holds the primary filings on Montez Creek, I am writing below a brief report of a visit he and I made to the Dry Gulch Irrigation Company office on Aug. 25 to learn the attitude of the Company as to supporting the efforts contemplated as to enforcing priorities of rights on Montez Creek and particularly as to the Company's intentions as to removing obstructions in the Creek channel occasioned by operations of the Company this summer in building a new canal along the valley bottom.

Secretary Louie Galloway did practically all the talking for the Company, and in the absence of special instructions from the Board of Directors, is usually considered the official spokesman for the Company. President Horace L. Allred of the Company was present during most of the interview, but took little part other than to listen closely to the other speakers. While Mr. Allred is the official head of the Company, in practice, the policy of the Company for the Uintah side of the water supply is largely determined by the Directors representing the Uintah River water users of the organization. Mr. Allred represents Class D in a local way, he being a Lake Fork director.

Mr. Bryant got the impression that Pres. Allred was not in sympathy with the adverse attitude of Mr. Galloway.

1. Mr. Bryant explained to Sec. Galloway that in the process of building their new canal down the valley bottom near and through the old Montez Creek channel, the Company workmen had shut off the channel in such a way in several places that water due Mr. Bryant could not go to him unless there should be a stream of large size, ten or fifteen second feet presumably. During most of this irrigation season, there has not been over some two or three second feet flow in the Creek. Mr. Bryant and I earlier had turned down to him, Bryant, water due him under his prior filing. This water had been used till interfered with by the Dry Irrigation Company and other land owners along the Creek.

Nothing definite could be got out of Galloway as to what the Company would do as to opening the Creek channel to permit the water to pass on to Bryant, either past the interferences set up through the new ditch digging done by the Company or past the fourteen foot spillway from the Creek channel into the Company's intake to their partly built Montez Creek reservoir. This spillway, at the time of my visit to it in 1933 was so low that all water coming down the Creek would go to the Company ditch instead of to Bryant, until a flow of probably eight or ten second feet raised it high enough to flow ^{part} on down the old channel to Bryant.

Sec. Galloway did, however, say the Company intended to replace a headgate torn out at the Sam Snyder intake by them. Snyder has a filing subsequent to Bryant's.

Sec. Galloway somewhat evasively suggested that to settle the matter of turning water down the Creek to reach Bryant's headgate some four miles below, it would be necessary to have the Court adjudicate the claims on Montez Creek. Thereupon Mr. Bryant warmly stated that in such case the Dry Gulch Company would not have Bryant alone to deal with but the Federal Land Bank at Berkeley as mortgage holder of the Bryant land would be in the fight. Mr. Galloway also suggested that stipulations be

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entered into to supply Mr. Bryant with Dry Gulch Irrigation Co. stock in place of his prior filing claims on the Creek. Mr. Bryant seems little interested in that proposal.

2. During the interview, Sec. Galloway referred to conditions in previous years as being such on Montez Creek that no water commissioner service was available. I thereupon reminded him that I thought it only consistent that the Company stand its share of expense of such service now. Mr. Bryant, with only one small payment made by Mr. Sam Snyder, stood all the expense of my trips up Montez Creek during 1933 and 1934.

3. Sec. Galloway argued that there was so much waste of water in permitting enough flow down Montez Creek to reach Mr. Bryant's headgate that it was unjustifiable. However, we reminded him that if the flow is not interfered with, seepage along the way will increase losses at other points sufficient to keep up the flow at the Bryant headgate practically equal to the amount to pass the Dry Gulch intake. Mr. Galloway also argued that the flow to Mr. Bryant should be secured exclusively, or nearly so, from the East Fork of Montez Creek. (The Dry Gulch claims are almost exclusively on the West Fork.) I applied the same argument to the Dry Gulch claims on the Lake Fork and Uintah Rivers as against subsequent water filings, showing the fallacy of Mr. Galloway's stand, he admitting the force of my reasoning.

Later I sought the advice of Commissioner B.O. Colton Jr. as to the Montez Creek situation. He told me of his intentions, if the water users of the Lake Fork-Uintah-Duchesne system under his charge cared to stand the expense, to institute court action to stop interference with regulations he is trying to enforce. The crux of the matter with the Dry Gulch Irrigation Company, as reflected by Sec. Galloway, seems to be that his big Company can largely, if not entirely, ride over small individual water users like Mr. Bryant.

It seems to me that the Dry Gulch Company, in case they do not soon cooperate, should be given officially to understand that we mean business in upholding the rights of priority of water users on Montez Creek. I shall much appreciate your advice as to what to do in case the Dry Gulch Irrigation Company and any others do not promptly follow directions given them by you directly or through me as to clearing out obstructions they place in the Montez Creek channel.

II. Did my personal bond reach you the past week? Mr. William H. Gagon, notary public, was to attach his seal thereto on Sept. 1 and forward it to you. I had got the instrument signed up previously, before Mr. Gagon.

Bond rec'd 9-4-34

Thanking you for an early reply as to this Montez Creek situation, I am,

Yours very truly,

J. F. Hoyt
J. F. Hoyt, Rep. for Montez Creek

Copy to Mr. Ira S. Bryant
R.D., Myton, Utah.

