

Ouray, Utah, March 12, 1934.

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

RE: Montez Creek Det.

Dear Sir:

A few days ago, Mr. Ira S. Bryant, of Myton, Utah, informed me he had discussed the Montez Creek water situation with you and that you indicated you desired something of a report from me; also that he desired me again to act as your agent to distribute the water of this Creek again this year.

If it is agreeable to you, I shall be pleased to act this season with the understanding that I do so in a way not to interfere with my present engagement of five days per week with the Indian Service. I have the consent of the Acting Superintendent thus to do, and Mr. Bryant understands the situation so.

In part due to the thought that you would probably advise me as to the nature of report you desired, I did not write you, as I probably should have done.

With Mr. Ira S. Bryant as guide, I visited the points of diversion on the Montez Creek above the intakes for the Hurst-Bryant filings, on August 4, 1933, not, however, going to the O'Brien-Horrocks ditch heading, because of the unfavorable outlook for any worth-while amount of water there and the lateness in the day. At all of these points of diversion obstructions or dams were in the Creek to turn all of the possible small water inflow into these upper intakes. Appearances indicated that about one second foot flow could be secured at the Bryant point of diversion providing the obstructions were removed.

Those users with filings subsequent to Bryant's had argued, according to Bryant, that if all the water were released for his primary filings it was insufficient in amount to reach him. Accordingly I wrote out instructions to Bryant, and directed, to the other users by way of notification to them, of Bryant's authority to clear the channel. Bryant did not care to bear the expense of my spending another day on the Creek.

I enclose copy of this authorization. Bryant later reported he met no opposition as to removing the dams, and that he got a small stream of water to his farm.

At present, prospects for water on Montez Creek indicate an unusually low supply, there now being about 0.8 to 1.0 second foot passing the State Road, some two miles above his intake.

The Abstract of Filings you furnished me in 1933 does not give the length of time each user is entitled to use the water during the year, or the present status of Bryant's filing No. 10138 (Bk. I, P. 30) nor of the Dry Gulch Irrig. Co. filing No. 7087 (Bk. I, P. 21)

Mr. Bryant desires each water user be required to install a wooden headgate, with locking facilities and suitable conditions for rating, or at least regulating, the flow into each of the upper intakes. I shall be pleased to receive instructions as to this and other necessary activities.

I took notes of my findings at the time of my visit to the Creek last August.

As Mr. Bryant is anxious for action next Saturday, March 17 if possible, will you kindly give this matter as early attention as practicable? I shall be at Ouray till Friday evening, March 16 and will then return to my home at Roosevelt, till over the week end.

Yours truly,
I. S. Bryant.

Orrey, Utah, March 18, 1934.

Montez Creek Dam.

Honorable T.H. Humphreys,

State Engineer,

State Capitol, Salt Lake City, Utah.

Dear Sir:

A few days ago, Mr. Iva S. Bryant of Wagon, Utah, informed me he had discussed the Montez Creek water situation with you and that you indicated you desired something of a report from me; also that he desired me again to act as your agent to distribute the water of this creek again this year.

If it is agreeable to you, I shall be pleased to act this season with the understanding that I do so in a way not to interfere with my present engagement of five days per week with the Indian service. I have the consent of the Acting Superintendent there to do so, and Mr. Bryant understands the situation so.

In part due to the thought that you would probably advise me as to the nature of report you desired, I did not write you, as I probably should have done.

With Mr. Iva S. Bryant as guide, I visited the point of diversion on the Montez Creek above the intake for the Hart-Bryant filling on August 4, 1933, not, however, going to the O'Brien-Horrock ditch heading because of the unfavorable outlook for any worth-while amount of water there and the intake in the day. At all of these points of diversion obstructions or dams were in the creek to turn all of the possible small water into these upper intakes. Appearances indicated that about one second foot flow could be secured at the Bryant point of diversion providing the obstructions were removed.

Those users with filling adjacent to Bryant's had agreed according to Bryant, that if all the water were released for his primary filling, it was insufficient in amount to reach him. Accordingly, I wrote out instructions to Bryant and directed to the other users by way of notification to them of Bryant's authority to clear the channel. Bryant did not care to bear the expense of my spending another day on the creek. I enclose copy of this authorization. Bryant later reported he met no opposition as to removing the dams, and that he got a small stream of water to his farm.

At present, prospects for water on Montez Creek indicate an unusually low supply, there now being about 0.8 to 1.0 second foot passing the State Road, some two miles above his intake.

The Abstract of Filings you furnished me in 1933 does not give the length of time each user is entitled to use the water. The year or the present status of Bryant's filling No. 10133 (B.K. I. P. 21) of the Dry Gulch Irrig. Co. filling No. 7087 (B.K. I. P. 21) Mr. Bryant desires each water user be required a wooden headgate, with locking facilities and suitable concrete rating, or at least registering, the flow into each of the upper ditches. I shall be pleased to receive instructions as to this and other necessary activities.

I took notes of my findings at the time of my last August Greek last August.

As Mr. Bryant is anxious for action next season, it is possible, will you kindly give this matter as early attention as possible? I shall be at Orrey till Friday evening, March 18 and will then return to my home at Roosevelt, till over the week end.

Yours truly,



Roosevelt, Utah, August 4, 1933.

To G. F. Madden, L. E. McClelland, Samuel Snyder,
J. L. O'Brien, O. J. Horrocks, Dry Gulch Irrigation Company,
and Elizabeth Snyder, Your Successors and Assigns,
and to All Others concerned,

Greeting:

This is to notify you, that inasmuch as my investigations made this day indicate that there is sufficient water in Montez Creek in Uintah County, Utah, to reach the point of diversion from Montez Creek in Sec. 36, Tp. 2 S., R. 1 E., U.S.B. & M, of Ella C. Hurst, and of the point of diversion in Sec. 29 of Ella Bryant, and their successors and assigns, represented to be Ira S. Bryant and his wife Ella Bryant,

Mr. Ira S. Bryant, of Independence, Uintah County, Utah, is hereby authorized to remove such dams and other obstructions from the channel of Montez Creek as may be necessary to permit the flow to the intake for the Ella C. Hurst or the Ella Bryant filings numbered respectively 720 and 5006 in the State Engineer's Office, such action to be in accordance with instructions issued to me by the State Engineer under date of July 25, 1933.

Respectfully submitted,

Commissioner for Montez Creek.

