

Mr. Kenneth R. L. Simmons,
District Counsel,
Fratt Building
Billings, Montana

July 11, 1943

Dear Mr. Simmons:

In a recent communication addressed to you, Mr. Hanna, and Mr. Sperry, it was stated that Mr. Edmiston planned to leave for Flathead within the next week or ten days to continue work on the private water rights question.

You did a first rate job in classifying these water rights and I assure you that we will do everything possible to obtain the data essential for consideration in the determination of policy that could and should be followed in connection with an amicable solution of this problem.

I do not choose to take sides in the controversy between you and Mr. Hanna in regard to this private water rights question but I do not hesitate to state my original position and to express my views on the basis of data in hand. I do not think it advisable to issue a regulation at this time and in my opinion doing so would cause the owners of private water rights to assume an attitude or cause them to take action that would preclude any amicable or early solution of the problem. I take the view that if a workable agreement can be reached with 80 to 95 per cent of the private water right landowners, public sentiment will force the remaining number to comply with the general principles agreed upon, and the rules adopted to control use of water on private water rights land. In the last analysis many of

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the landowners under private ditches are not satisfied with conditions as they now exist, and there is evidence of squabbles between them. In fact, there is more general dissatisfaction between groups of private water users and among owners within these groups than there is between the Government (acting for the project users) and private users. Of the small number of private water right users contacted in June and July I venture to say that 50 per cent or more of them are willing and anxious to include all their private water right land in the project. Even more encouraging is the fact that except for a very few all were anxious to take part in working out some arrangement to permit settlement of the matter without further litigation and controversy.

Very truly yours,

L. Walker
Principal Agricultural Economist