

MEMORANDUM

TO: WATER DISTRICT 47C FILE

FROM: TIM LUKE

DATE: May 10, 1994

RE: Deadwood Creek - Devil Creek Ranch Diversion

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Late on May 9 I received a call from Jack Eastman concerning my letter and phone call of May 9 concerning the inquiry from Justin Seamons, attorney for Devil Creek Ranch. Seamons had said that Eastman shut off the delivery of water to Devil Creek Ranch's diversion on Deadwood Creek.

Mr. Eastman advised me that he visited Deadwood Creek on Saturday, May 7, and found that there was 6 cfs being diverted at the Devil Creek Ranch parshall flume on Deadwood Creek. Eastman said he made adjustments on the creek and reduced the Devil Creek Ranch flow to 3 cfs, which is the amount Devil Creek Ranch is entitled to under right 51-00132. Eastman said he again visited the area on May 9 and confirmed that the Devil Creek Ranch delivery was still at 3 cfs.

On this day, I contacted Seamons and advised him of the report I received from Eastman. Seamons believes that there may have been some misunderstanding between his client Devil Creek and Eastman, and that some of the misunderstanding may have stemmed from the delivery or use of water by a third party on Deadwood Creek named Bill Swan. Seamons said he would call his client and advise him that Devil Creek Ranch is limited to only 3 cfs.

I also mentioned to Seamons that both IDWR and Cedar Mesa Reservoir Co. is concerned about Devil Creek Ranch's diversions on Devil Creek and the Cross Cut Canal. The concern mainly is that there is currently no means in which to measure the diversions. It is possible that Devil Creek's headgates may serve as measuring devices but I am concerned that they may not meet criteria. I advised that I would visit the area again soon and make a closer inspection of these headgate devices.