

## Stanton, Jim

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**From:** Merritt, Allen  
**Sent:** Tuesday, March 02, 2004 3:44 PM  
**To:** Luke, Tim  
**Cc:** Saxton, Glen; Stanton, Jim; Skinner, Corey  
**Subject:** Muldoon Creek

Today Glen received a call from John Peavey (726-7568) regarding the Muldoon Creek Measuring Device Order issued 10/14/2003 signed by Glen. Glen told Peavey someone would call him back.

I called Peavey and discussed the reason for the order. Basically there has been an ongoing dispute among water users on Muldoon Creek that precipitated the order. Apparently Peavey was sent the order because he may be in the Muldoon Water District even though he indicated that he is the sole wateruser on Friedman Creek which is tributary to Muldoon Creek downstream from all the users on Muldoon Creek and specifically the users that are in conflict. He was inquiring about getting the measuring device waived since he indicates that he has never been regulated and regulation of his uses would provide no benefit to the other users. He indicates that during much of the year the creek sinks below his diversions and he essentially takes all the water.

I told him that the order was based on 42-701 and that I could not waive it. I told him that measuring of all water uses is important and will be increasingly so. I told him waiving of the measuring device would need consultation with the state office and potentially the watermaster. He asked about Friedman Creek becoming a sub district or separate district than Muldoon Creek. I told him that maybe that was possible but would require some sort of petition. He decided to do nothing at this time and wait until a watermaster would be elected so that he could determine what the watermaster would require.

## Stanton, Jim

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**From:** Stanton, Jim  
**Sent:** Thursday, May 27, 2004 8:10 AM  
**To:** Luke, Tim  
**Cc:** Stanton, Jim; Merritt, Allen  
**Subject:** RE: Water District 37-O, Muldoon Creek

Tim - I will send out Peterson's certificate this morning. He is now appointed.

-----Original Message-----

**From:** Luke, Tim  
**Sent:** Wednesday, May 26, 2004 1:52 PM  
**To:** Stanton, Jim  
**Cc:** Merritt, Allen; Skinner, Corey; Spackman, Gary  
**Subject:** RE: Water District 37-O, Muldoon Creek

Jim, Allen, Cory,

Jim, go ahead and appoint Jim Peterson. I spoke with Blair Crouch of Muldon Ranch Co today, the user who submitted the letter asking that we not appoint Peterson. I proposed to him that we appoint Peterson and see how things proceed for a while given that headgates and measuring devices should be in place, and should allow Peterson to do a better job. I suggested that if Peterson does not perform adequately, then Crouch can submit a petition pursuant for removal of watermaster pursuant to Sec 42-605.

Also, I think we should work together on getting someone up to Muldoon Creek in June to check compliance with the headgate and measuring device order (deadline is June 1). We should schedule this with Peterson and make the rounds with him, making sure he knows how to use the measuring devices, that he has appropriate tables, a staff gage, and that he has an updated list of water rights. We should tell him that we expect regulation by priority rights. Perhaps Corey or someone from Southern could go? If not, maybe I or one of my folks could go up.

P.S. I also ran into Simpson yesterday up in Carey and he also told me that his district did not like the combined district idea and did not want him appointed watermaster for Muldoon. This appears to limit our options if we have to deal with a petition for removal.

Tim

-----Original Message-----

**From:** Stanton, Jim  
**Sent:** Tuesday, May 25, 2004 2:16 PM  
**To:** Luke, Tim  
**Cc:** Stanton, Jim; Merritt, Allen  
**Subject:** Water District 37-O, Muldoon Creek

Tim - Jim Peterson came into my office this pm. I gave him your phone number, as you had already left for Mackay. I mentioned that you were thinking about combining his district and the upper Little Wood River district, and he said that nobody was in favor of that. The Little Wood Reservoir District is Bob Simpson's main employer, and Peterson said that they would not let Bob handle both districts. So it appears that Peterson is the only person available to deliver Muldoon Creek rights. He signed an oath of office, so I can appoint him as soon as you give the ok (I made no promises, however). I will be gone the next 2 days, but could make the appointment on Friday if you want.

## Stanton, Jim

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**From:** Stanton, Jim  
**Sent:** Tuesday, May 25, 2004 8:14 AM  
**To:** Luke, Tim  
**Cc:** Stanton, Jim; Merritt, Allen  
**Subject:** RE: Muldoon Creek

Tim - I have not appointed a watermaster on Muldoon Creek for this year, as I have been waiting for instructions from you as to how to proceed. I have not yet sent out an oath of office.

-----Original Message-----

**From:** Luke, Tim  
**Sent:** Monday, May 24, 2004 5:18 PM  
**To:** Merritt, Allen; Stanton, Jim  
**Subject:** Muldoon Creek

Allen and Jim,

I was looking at the letter again from Muldoon Ranch Co asking that we not appoint Jim Peterson as watermaster of District 37-O. As I began to ponder a response I realized that this letter may constitute a petition to remove the watermaster although that may be odd given that we have not appointed him yet. I assume we have not appointed him still, right? I have placed a call to both Muldoon Ranch Co and to Jim Peterson. I wanted to ask Muldoon Ranch if they might consider consenting to appoint Peterson and giving some time to allow the watermaster to do his job properly given that measuring devices and headgates should be in place this year. I called Peterson just to get his take on the situation. I'd like to wait another day or so to check these responses. I would lean toward appointing Peterson and keeping him this year unless and then hold a hearing in the winter to combine this district with the Upper Little Wood. I guess the petitioner can still press on with their call to remove the watermaster, then we would have to hold a hearing.

Tim

## **Merritt, Allen**

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**Sent:** Wednesday, May 26, 2004 1:52 PM  
**To:** Stanton, Jim  
**Cc:** Merritt, Allen; Skinner, Corey; Spackman, Gary  
**Subject:** RE: Water District 37-O, Muldoon Creek

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## Stanton, Jim

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**From:** Merritt, Allen  
**Sent:** Monday, April 12, 2004 2:12 PM  
**To:** Stanton, Jim; Luke, Tim; Skinner, Corey  
**Subject:** RE: WD37-O

If we don't appoint Peterson then who do we appoint. As you recall we issued a meas. device order for the users and they need them in by (maybe June 1) or else the WM should not deliver water. All it is going to take is the one guy to complain again he is not getting his water and we will be right back up there. At least if the users don't have their measuring devices in we can instruct the user to shut off or issue a notice of violation.

Allen

-----Original Message-----

**From:** Stanton, Jim  
**Sent:** Monday, April 12, 2004 1:17 PM  
**To:** Luke, Tim  
**Cc:** Stanton, Jim; Merritt, Allen  
**Subject:** RE: WD37-O

Tim - I agree that this district is a mess. I tried to compare last year's watermaster report with the SRBA claims filed on Muldoon Creek, and found numerous discrepancies. I could only match one user with a claim. Some claims could not be matched to names, and claimed amounts could not be matched up with "delivered" amounts. Peterson apparently just tries to show how many inches each user is supposed to have, not how much was actually delivered. But without measuring devices, it is impossible to tell how much is being diverted. Their budget is \$125 a year, and has been for a long time, so I don't expect much. It is not uncommon for their annual meeting to be held in June, as many of the users go south for the winter. In reality, 37-O is not much of a district; unfortunately we have several like it in this region. If users won't put in measuring devices, and if Peterson (or whoever) won't measure and report the actual diversion volumes, then why should we waste our time on these people? Can we refuse to appoint any watermaster in this case? Do we have the authority to deactivate a district where water is not actually delivered and properly measured, or is it totally up to the local user whether or not to be considered active?

-----Original Message-----

**From:** Luke, Tim  
**Sent:** Monday, April 12, 2004 11:36 AM  
**To:** Merritt, Allen; Stanton, Jim; Skinner, Corey  
**Subject:** WD37-O

FYI,  
I spoke today with Blair Crouch, Muldoon Ranch and water user on Muldoon Creek. He said that Jim Peterson was elected watermaster at the meeting last Monday on a 4 to 1 majority vote. Crouch nominated Bob Simpson but did not prevail. It sounded like there may have been some misunderstanding on voting procedure. This district seems totally dysfunctional and I wonder if we should continue to appoint Peterson. Any thoughts?  
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