

MEMO

FROM: H. W. JONES

TO: NORM YOUNG

RE: RAY KAGEL LETTER OF MAY 23, 1995

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In the late Spring of 1994, I received a complaint from Nancy Kagel about the water delivery practices on Hawley Creek. I inquired with Dan Smith, watermaster of WD 74-W, about the problems. Dan stated that the Kagel's felt his measurement techniques were flawed and were the cause of the Kagel's water right being shut down that season. Dan also stated that the Kagel's diversion had no headgate or measuring device and asked for recommendations on dealing with that.

On June 24th, 1994, Agent Greg Taylor and I went on-site on Hawley Creek with Kelley Smith, assistant watermaster for WD 74-W. We asked Kelley to take us to the diversions then receiving water. She showed us the Oxbow 515 ditch, the Oxbow Ranch ditch and the Isom ditch. Kelley took her readings using the weir stick and we followed up with a pygmy meter reading to check the results. The outcome of that day is summarized in my June 29, 1994 letter to Dan and Kelley Smith (attached). The Kagel's were sent a copy of the June 29, 1994 letter by this office and immediately responded with a phone call to me by Ray Kagel.

Mr. Kagel was very annoyed with the statement about delivery in the letter. I had Mr. Kagel on the speaker phone and had Agent Greg Taylor in my office at the same time. Mr. Kagel was neither treated rudely or abusively and if anything the rudeness came from him. I decided to turn off the speaker phone as Mr. Kagel's verbal volume rose. Agent Taylor left my office and I called Mr. Kagel back to continue our conversation. Nancy Kagel answered and said Ray was outside and she continued the conversation with me. At no time in this conversation was any rude or abusive language used by either party. I urged Nancy to consider putting in a headgate as this would conform to the watermasters needs and requirements, thus eliminating any concerns the senior right holders might have with the Kagel diversion.

I have had no contact with the Kagel's until last week when Nancy came in and asked Eric Verner and myself for a copy of a Cippoletti weir design. I made said copy and gave it to her. Then on Monday, May 22 the USFS at Leadore called. They were asking about measuring device requirements on Hawley Creek. The USFS was looking at a special use permit for Ray and Nancy Kagel for the installation of

a headgate. I told them that several measurement approaches could be used and that they should check with Dan Smith and WD 74-W to see if the district had specific requirements.

I have also included for your review a list of the adjudication claims filed for Hawley Creek and hope the above answers your concerns.