

MEMORANDUM

TO: LITTLE CANYON CREEK WATER DISTRICT FILE

FROM: DANIEL A. NELSON

DATE: 3/14/02

SUBJECT: CALL FOR WATER BY ROCKY TRAIL

I received a call from Rocky Trail stating that the Batruel reservoir was full and that he was still diverting water. Mr. Trail stated that Mr. Batruel was filling one of secondary reservoirs from his main reservoir. The following is a record of the action that was taken.

3/14/2002

9:50 am - Rocky Trail called to make a call for water for his reservoir.

11:45 am – I returned to the office and received the message left by Mr. Trail

11:50 am – I called Paul Batruel to inform him of the call for water (NO ONE ANSWERED).

11:52 am – I called the watermaster Jim Allen to check out the situation (LEFT MESSAGE ON ANSWERING MACHINE).

12:03 pm – I called Batruel's attorney Matt Howard to explain what was happening (LEFT MESSAGE ON ANSWERING MACHINE).

12:05 pm – I called Paul Batruel to inform him of the call for water (NO ONE ANSWERED).

12:10 pm – I called the watermaster Jim Allen and reached him on his cell phone. I instructed Mr. Allen to check out Mr. Batruel's reservoir and to shut off the diversion if the reservoir is full and is spilling water into Mr. Batruel's lower ponds.

12: 15 pm – I called Rocky Trail and let him know that I had contacted the watermaster and instructed him to check the diversion and regulate the reservoir if needed.

12:48 pm - I called Paul Batruel to inform him of the call for water (NO ONE ANSWERED).

1:12 pm – I spoke with Paul Batruel and he stated that he has reduced the diversion to 150 inches to maintain the water levels of the reservoir.

1:22 pm – I spoke with John Westra and he told me that they have completely shut down the headgate and that it leaks enough to maintain the reservoir water level.

1:30 pm – I spoke with Gary Spackman and he told me that water rights are for a one time fill and Mr. Batruel cannot keep diverting the 150 inches into the reservoir.

1: 50 pm – I left a message with Matt Howard about what we were going to do and asked for him to call me back.

2:00 pm – I called Paul Batruel and left a message stating that the diversion would need to be shut down all of the way and he could not divert the 150 inches to maintain the reservoir levels.

2:05 pm – I called Jim Allen and told him that he has been instructed by us to check the reservoir and make sure it is full and if it is to completely shut off the headgate and the leaking of the headgate is all that Mr. Batruel is allowed.

2:55 pm – Matt Howard called me back and we discussed the headgate and I explained the instructions that I gave the watermaster and we also discussed the intrimadministration order that is suppose to be coming from the SRBA court. I made sure that he knew the departments position on all of these issues.