


MEMORANDUM

August 28, 2003

TO: Allen Merritt
FROM: Cindy Yenter 
RE: Futile Call on Rock Creek, WD 47-O

Watermaster Cindy Blakely phoned this morning to report that she needed to exercise a futile call on Rock Creek. Presently, only rights with priority senior to 1878 are being diverted in the upper and middle reaches of the drainage. However, diversions under an 1875 priority right held by David Funk down the West Ditch are so minimal that they are no longer measurable and Cindy believes the West Ditch headgate should be closed. Mr. Funk argues that he is still using water from the West Ditch; the Watermaster wishes to assert futile call.

The Watermaster is distributing 1874 right nos. 47-143 and 47-140 to the Rock Creek Ranch in the amount of 1.1 cfs. Below that diversion, she has measured approximately 1.2 cfs remaining in Rock Creek. David Funk holds 1875 right nos. 47-144A, diverted at his Spud Cellar Pump, and 47-144B, diverted at the West Ditch. Diversions at the Spud Cellar Pump ceased several weeks ago when Funk was harvesting hay, and were not resumed because available flows were no longer reaching that far down the creek. Diversions at the West Ditch continued, but recently have diminished to a trickle and are no longer flowing over the weir. The Watermaster reports that there is water standing in the ditch (presumably the high ditch) and seeping under the weir, but that the weir is still in poor repair and flows cannot be measured. Funk indicates to the Watermaster he can still water "every few days" with water that pools up in the ditch below the weir.

The distance between the Rock Creek Ranch diversion and the West Ditch headgate is approximately one-half mile; the West Ditch measuring device is approximately one-quarter mile downstream from the ditch head. I have no knowledge of seepage losses in the Rock Creek channel, but can confirm from my inspections that the West Ditch weir is not in adequate repair and for that reason alone I believe the Watermaster would be justified in closing the headgate at this time. Regardless, Funk is obviously not getting a meaningful supply of water down the West Ditch and I would agree with the futile call determination.

If the West Ditch headgate were closed, the Watermaster indicates she would distribute the remaining 1.2 cfs to Rock Creek Ranch under right no. 47-127A and to Brent Funk under right no. 47-127C via the East Ditch, just upstream from Rock Creek Ranch. These rights share an 1878 priority date and are deliverable. I checked all right nos. and priority dates against our records and concur with the Watermaster's analysis. The Watermaster should confirm, however, that both 47-127A and 47-127C will be beneficially used before initiating re-distribution.