

## Merritt, Allen

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**From:** Merritt, Allen  
**Sent:** Thursday, April 13, 2000 2:04 PM  
**To:** Luke, Tim; Stanton, Jim; Jones, Doug  
**Cc:** Merritt, Allen  
**Subject:** Field visit with users and watermaster on Birch Ck

On Tuesday 4/11 Jim Stanton and I met with the watermaster on Birch Cr. (Robert Bell), Chuck Payton (advisory board member), Robert Manning and a couple of other water users. The meeting was called to air some issues involving charging and delivering water that was brought up by Mr. Manning. Mr. Manning has taken over the Matthews' Brothers interests on the creek and has observed that relative flows going down the creek toward Oakley and the other waterusers do not appear to be consistent with the assessments being made to the users. He openly questions the way the water is delivered and assessed.

Mr. Payton and the watermaster attempted to describe the somewhat complicated situation where at times the Oakley Canal Company diverts their water to the reservoir above the Manning diversion and other times takes it down past Manning and into their system. They also explained that the delivery of the water is dictated in a somewhat lengthy document associated with settlement of some transfers filed a few years ago by Matthews' Brothers. They indicated that through that process it was determined that there were significant losses below the Manning diversion. They also described that at times the water is taken through a cement ditch instead of the old Birch Creek channel and deliveries are made from this ditch system.

It was decided at the meeting that Mr. Manning would research further the agreements that have been made earlier. It was also agreed that once water is in the system the users will review some of the measuring devices on the diversions and either have Walt at the Oakley Canal Co. check them for accuracy or request the Dept. do a field check. I told them that I was open to this if they would contact the office at that time.

On returning to the office I did some research and found there is a "water rotation agreement" that resolved the protests for transfer No. 3626. I believe this is the document that was discussed at the meeting. The only copy I found is on microfilm under transfers of right 45-00080 but it appears to pertain to most of the rights on the creek.