

MEMORANDUM

TO: TIM LUKE
FROM: FRANK HITCHCOCK
DATE: 12-09-1996
RE: CLEAR CREEK-BASIN 43

I enclose a copy of the file memo to the Clear Creek files for your information.

I understand that you and Allen Merritt went to a meeting this fall regarding the Clear Creek issues. I don't have any information about the meeting to date.

Any further contacts regarding the Clear Creek issues and the formation of a water district should now go to Doug Jones as he has the remaining pieces of the water rights claims for the SRBA.

cc: Jim Stanton, Watermaster/Water District Coordinator So. Region

MEMORANDUM

TO: WATER DISTRICT FILE

FROM: Tim Luke

DATE: 5/23/1996

RE: Conference call between Utah DWR, Idaho DWR, Roger Ling and Pat Brown

A conference call was initiated today as a follow up to a meeting between certain Clear Creek water users and Idaho and Utah Water Resource Department staff. The meeting had been prompted by an Idaho court action and order by Judge Hurlbutt concerning water delivery on Clear Creek.

Present for the conference call were John Mabe, Utah Deputy AG; Lee Sim, Utah DWR; Roger Ling, attorney for defendants; Pat Brown, attorney for plaintiffs; Allen Merritt and myself of Idaho DWR.

Some of the main points of the meeting were:

- Idaho DWR expressed some concern about lack of water delivery organization on the Creek and informal watermaster arrangement or no formal appointed watermaster. Suggested that a watermaster could be appointed immediately by Director of IDWR for 1996 delivery of Idaho rights. Indicated that a petition to appoint a watermaster would probably be received within the next week.

- Utah officials did not want to initiate organizing a district or appointing a commissioner, but wanted a written petition by one or more Utah water users.

- Utah did not object to an Idaho watermaster to inspect diversions or measuring stations within Utah.

- Ling encouraged both states to be involved as arbitrators.

- Upper and Lower division administration would require some permanent recording device at old USGS station - as required by decree. Brown asked why this couldn't be done immediately since it is required by decree. Discussion followed about time and resources to re-develop rating for this site. Utah said that an organized distribution system and commissioner needed to be in place so that assessments could be made and funding secured for recorder.

- IDWR suggested that for 1996, the weir just below the old gage be used for measurement of Clear Creek. Utah thought the weir was probably fairly accurate and perhaps could be used on some interim basis.

Ling wanted state agencies to validate weir as a measuring device, said different weirs at site may have been used by different parties which has contributed to controversy. Utah and Idaho concurred that all parties needed to agree on one weir and one measurement, and be able to trust the person or persons reading the device.

- Discussion was pursued about how states appoint watermasters or commissioners etc. Suggestions that upon receipt of petitions by both states, that a joint meeting could be held to solicit candidates for watermaster, review qualifications, time requirements, compensation and delivery protocol. Allen Merritt pointed out that there may not be a lot of time left in irrigation season and that if anything is done, it should be done soon.

- Brown stated that IDWR would receive a petition to appoint watermaster in Idaho by 5 pm, May 24. Ling said that he would encourage his clients to petition for commissioner in Utah and that such petition be filed with Utah, also on May 24. Utah and Idaho will then work together in scheduling a meeting. Attorneys said they would try to be present and work towards providing candidates for joint state watermaster. Brown said he and Ling will update Judge Hurlbutt on progress.

cc: Allen Merritt
Frank Hitchcock