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To: DWR03::NYOUNG,DWR03::TLUKE,JSTANTON
CC: AMERRITT
Subj: fyi

FROM: Allen Merritt DATE: October 9, 1996

TO: Clear Creek File

SUBJECT: Meeting to Review 96 season

On 10/7/96 we held a meeting in Malta to discuss the 1996 season and discuss other related issues about Clear Creek. Attending the meeting was: Tim Luke - IDWR
Bob Fotheringham - Utah Water Resources
Bob Hope - Upper Raft River Watermaster
Vern Kempton - Upper Raft River deputy WM (Clear Ck)

In reviewing the delivery of the water after the June 13th meeting it was reported that Clear Creek only flowed enough to be in Idaho for another two to three weeks. Vern continued to deliver water at the Idaho weir and Mr. Hope monitored the Arimo & Stewart diversions. Holmgren took what they wanted but their water is measured at the Idaho weir minus what is delivered to Arimo and Stewart. The question was asked by Kempton about his billing. He asked if he was supposed to bill all users including the Idaho users. We told him "Yes". Additionally Mr. Hope will bill Arimo & Stewart for him monitoring their diversions. Our office will send the bills. Hope estimated Stewart's would be about $30 and Arimo about $6. The other time to be split with all other Idaho users was not significant so Mr. Hope was willing to just pass on billing the rest. We decided that once Kempton and Hope write up a report about the deliveries we would send out the bills. We talked about having the reports in by December 1, 1996.

We talked about how we should proceed with regard to watermasters next year. Mr. Hope indicated that he may retire. We settled on maybe keeping Clear Creek as part of the Upper Raft River and having a deputy as was done this year. We settled on having the Upper Raft River Meeting on January 21st at 1:00pm to see if they were agreeable to this idea. We then settled on having a meeting with just the Clear Creek folk at 3:00pm which would also involve the Utah people and Utah WR to elect a deputy.

We talked about Utah WR study of the issue about using the Idaho weir for measuring all water to Idaho for determining splitting between the states. Fotheringham indicated that they had their attorney general research the original federal court records and they concluded the measurements and splitting between the states was based on Idaho's water being measured at the Idaho weir. Tim and I requested that this opinion be written down and sent to us in a letter.

We discussed the matter of the new filings in Utah and our concern about affect on the decree. Fotheringham indicated that it was his understanding that the filings were being done in an effort to record the high water use that has historically been done by the Utah users. The filings were also characterized as maybe resulting from concerns of Utah users about the potential SRBA affect on Utah

their water uses. He indicated the diversions were at high water time when efforts are made to spread the flood flow out to ease flooding and provide recharge. He indicated the filings involved no new diversion points and Utah was aware they should not affect the decree splitting the water between the states. He characterized it as an effort to utilize Utah's 43% of the flood flow. He indicated that protests of the filings have been made by both Idaho and Utah waterusers.