


# Memorandum

**To:** Water District 43-B File  
**From:** Tim Luke   
**CC:** Norm Young, Allen Merritt  
**Date:** June 15, 2001  
**Re:** Clear Creek – Discussion with Lee Sim, Utah Division of Water Rights, Concerning Interstate Distribution Problems Described by Idaho Watermaster Dave Sundberg's Letter

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On June 13, 2001, I spoke with Lee Sim of Utah Division of Water Rights (UDWR) concerning the interstate delivery problems alleged or identified by Dave Sundberg, Idaho Water District watermaster for Clear Creek and Upper Raft River. Lee's call was in direct response to the correspondence that I sent to him dated June 6, 2001.

Lee advised that a meeting between the states and respective state watermasters would probably not be productive since there is some pending enforcement action by UDWR against Dave Sundberg as a Utah water user. Apparently, the enforcement action involves delinquent water district assessments. Lee further advised that this situation has escalated and that Dave lacks credibility with UDWR as a result of the ongoing struggle.

I discussed with Lee some of the particular points raised in Sundberg's letter. Lee acknowledged that Vern Kempton, Utah Clear Creek water commissioner, failed to post any of the Clear Creek gage/flow readings at the Naf store as required and specified under the delivery protocol established between the two states in 1998. I expressed some concern regarding this matter and suggested some follow-up action be pursued by UDWR to prevent this problem from occurring again. Lee agreed that this should not have happened and promised that he would speak with Vern to correct this situation. Other than this point, Lee did not particularly agree with most of the points raised by Dave. Lee believes that Vern is doing the best job possible and that water is being distributed correctly. However, Lee did agree to obtain and review the Clear Creek gage recorder data and see if the data indicates whether the Creek should have been turned down earlier to Idaho. He promised to share this data and review the matter with IDWR. At my request, Lee also agreed to speak with Vern regarding any communication problems between he and Dave. Based on this suggestion and UDWR's conflict with Dave, I agreed to postpone the meeting indefinitely. We can reconsider a meeting later after receiving the data and any other information or analysis that UDWR may provide to IDWR.

In the interim, I plan to call at least one or more Water District 43-B advisory committee members to arrange a meeting between the committee, Dave Sundberg and IDWR to discuss this year's problems and address corrective actions for next year.