

To: Water District 34 File

From: Jennifer Berkey

Re: Conversation with Watermaster regarding irrigation season extensions and winter stockwater

Date: October 9, 2003

I called Bob Duke (Watermaster) on October 9, 2003 to respond to questions he had asked me on October 6 and 7 regarding the procedure for requesting an extension to the irrigation season and how to deliver winter stockwater rights that state the user is entitled to the quantity described for stockwater at a point of measurement where the ditch enters the POU.

I told the Watermaster that if water users wish to request an extension of the irrigation season, he needs to submit, either by fax or e-mail, a list of the water users who wish to extend, along with the water rights and diversions they wish to use. I told him he would also need to state how the water will be beneficially used for irrigation, in order to demonstrate how the request(s) meet part a of item 04 in the Water District 34 distribution rules. Also he would need to provide information regarding the status of the reservoir and any repairs being made on the dam, in particular whether or not water could physically be stored in the reservoir. The Watermaster said he has still not received any requests to extend, and does not expect to.

I told him that after discussing the winter stockwater rights with Adjudication staff and legal counsel, I had found that the rights were decreed with the comment regarding the point of measurement to allow for the diversion of water at the headgate, up to the amount of the decreed irrigation right, if necessary to get the stockwater to the place of use without unreasonable waste. I instructed Bob that he may deliver water at the headgate in excess of 0.02 cfs, but no greater than the decreed irrigation flow rate, if necessary to get stockwater to the point of measurement. I stressed that the water users are not allowed to use the water for irrigation, water spreading to increase soil moisture, or any other use besides stockwater.

I told the Watermaster that we have requested a written memorandum of legal opinion from our legal counsel and will provide him with a copy. He informed me that the BLRID board postponed voting on the issue of closing their canals until their next meeting at the end of October, so there will probably be stockwater delivered through BLRID canals for at least two weeks. The Watermaster expects to receive complaints about this issue.

I also asked the Watermaster if he was aware that the Swauger diversion was allowed to be used during the winter to convey water to the Swauger slough/Kid Creek. He said that he was aware of this practice.