

**Merritt, Allen**

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**From:** Merritt, Allen  
**Sent:** Monday, July 10, 2006 9:44 AM  
**To:** 'KiGuns Rancho Por La Vida II'  
**Cc:** Bromley, Chris; Christensen, Kelly; Luke, Tim  
**Subject:** RE: March Creek Water District 45F

Don,

Just to clarify, both Montgomery and Anderson are entitled to be delivered water according to the rights listed below. It is not up to the attorneys to provide you direction. You can deliver the water according to the Director's Reports for rights 45-294 C D & E.

Allen

-----Original Message-----

**From:** KiGuns Rancho Por La Vida II [mailto:gundy@safelink.net]  
**Sent:** Monday, July 10, 2006 9:28 AM  
**To:** Merritt, Allen  
**Subject:** Re: March Creek Water District 45F

Allen,

*Thanks for answering my request. Both parties are not communicating therefore, when Shelly Davis who is Montgomery's attorney requested me to shut the diversion down, I ended up doing so. I have talked to both parties and neither are going to budge.*

*The water districts lock has replaced the one that I cut off of Andersons Saturday. I guess its going to be handled between both attorneys after this weekend in talking with John Burrows yesterday.*

*If I get a chance, I will tell them again to get their heads together if they want to get water down the ditch.*

*Thanks,  
 Don*

----- Original Message -----

**From:** Merritt, Allen  
**To:** [gundy@safelink.net](mailto:gundy@safelink.net)  
**Cc:** Bromley, Chris ; Christensen, Kelly ; Luke, Tim  
**Sent:** Monday, July 10, 2006 8:52 AM  
**Subject:** FW: March Creek Water District 45F

Don,

I apologize for not getting back on your earlier message. It appears that both Anderson and Montgomery have been recommended use of Lake Cleveland water. Assuming Burrow's is taking Anderson's water since he operates Anderson's property this should be allowed to the extent of recommendations 45-294 C & E. Montgomery should be allowed water to the extent of 45-294D.

Sounds like all this is still up in the air since the dispute has gone to trial. After decision direction to deliver may be different depending on outcome of trial.

Allen

-----Original Message-----

**From:** Bromley, Chris  
**Sent:** Monday, July 10, 2006 8:33 AM  
**To:** Luke, Tim; Merritt, Allen  
**Subject:** RE: March Creek Water District 45F

Allen (Tim's out on annual leave for the next couple days),

The Lake Cleveland rights, 45-294C, D, and E, have been recommended to Anderson (C & E) and Montgomery (D). The purpose of the trial on July 6 was to determine whether the recommendation in D was correct (Anderson objection stating Montgomerys did not have a right to Lake Cleveland).

Special Master Dolan has taken the matter under advisement. Post trial briefs aren't due for another 30 days, so I would not expect to see a decision for at least another 45-60 days.

That being said, I'd suggest administering the water pursuant to the Director's Report, as my records show that interim administration was granted in Basin 45 by the SRBA District Court on July 21, 2005. Also, since this is in an existing water district, the watermaster should have records of his users. Assuming these people are not in his records for delivery, he also should stop the diversion.

Chris

-----Original Message-----

**From:** Merritt, Allen  
**Sent:** Monday, July 10, 2006 8:03 AM  
**To:** Bromley, Chris; Luke, Tim  
**Subject:** FW: March Creek Water District 45F

How do you recommend I respond to Mr. Gunderson? Should I tell him to distribute the water according to the recommendations? Does he have to have special permission to distribute storage?

Allen

-----Original Message-----

**From:** KiGuns Rancho Por La Vida II [mailto:gundy@safelink.net]  
**Sent:** Saturday, July 08, 2006 3:43 PM  
**To:** Merritt, Allen  
**Cc:** Christensen, Kelly; Blau, Terry  
**Subject:** March Creek Water District 45F

Hi Allen,

I was confronted with the Lake Cleveland problem which I had sent a request into your office June 22, 2006 and never got an answer.

As it is I have been confronted by both George and Gwen Montgomery today around 11:45 that water had been turned out by John Burrows and another fellow about an 1 1/2 hours before they came across the situation. I received a second call from their attorney Shelly Davis, to go up and turn the diversion off. There is approximately 80 inches being released.

At one time there was three pad-o-locks on the chained headgate some 8 to 10 years ago. Woody Anderson, Geo Montgomery and Water District 45F which I placed there myself. I was the arbitrator. The only lock that exists today is Andersons.

I understand from George Montgomery that on the 6th of July there was a hearing in court and Kelley Christensen represented IDWR!

I only know that nothing has been settled and neither party will communicate. I want to know what the legal battle is, if I go up there and shut the dam thing

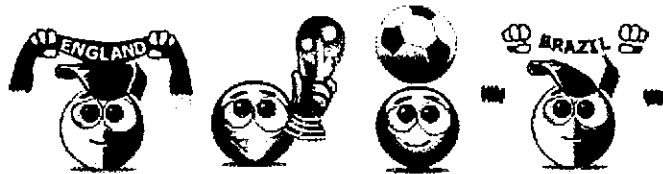
down. Where do I stand legally since it is a water storage problem.

The water is being diverted through a headgate placing the water into Marsh Creek Drainage System where it falls under my system, which was illegally diverted with out both parties present and myself.

I just had a gut feeling something like this was going to happen and that's why I was trying to find out where I, as the watermaster stood on this issue. Now its the weekend and I have no telephone resource from IDWR. I am aware through Shelly Davis returned call that she spoke with Kelly yesterday on the Cleveland matter. I am headed up to shut the Diversion off I have yet to receive my return call from John Burrows.

sent at 15:35

Respectively submitted,  
Don Gunderson,  
Watermaster 45F  
[gundy@safelink.net](mailto:gundy@safelink.net)  
312-5359 or 673-5359



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