Tim,
place in 45K WD File

Merritt, Allen

From: Hancock, Vikie
Sent: Monday, May 10, 2004 12:02 PM
To: Luke, Tim
Cc: Merritt, Allen; Stanton, Jim
Subject: Cottonwood Creek Deliveries

Tim,

Il wanted to thank you for your help on the phone last week and to tell you there was a meeting of Big Cottonwood Creek users (District 45-K) last Thursday 5/6. We went over several issues brought to light by the mailing of the Preliminary Directors Rept, but the main issue discussed was the point of measurement on one of the conveyance ditches from the creek that has a significant amount of ditch loss along the first 1+ miles. One water user has been into our office and talked privately to John and Corey about what he perceives as problems with the way the creek is being delivered. To refresh your memory: the former water master had been measuring decreed rights 1.6 miles from the POD where the initial ditch forks and goes toward two different places of use.The measurements were taken at two flumes, one located in each fork. One item that came up after I talked to you is that there is an accurate measuring device at the point of diversion, also.

At the meeting, there were mixed opinions among those present as to where the rights should be measured, based on the fact that for a number of years the former water master had been turning excess water into the ditch so that the decreed amounts would reach the flumes 1.6 miles away. Some thought that was fair, some took issue that this excess water delivery was negatively effecting the delivery of their junior rights. All thought that it would be beneficial to somehow repair and maintain the ditch, however there was also some disagreement on who's responsibility that should be. It sounds like the ditch has been a topic of discussion for a number of years.

I talked to the new water master, Clint Muhlestein by phone today. Based on that fact that there is a measuring device at the POD, and after discussions with you, Allen and Corey here at the office, I have told the water master that all rights conveyed through the ditch in question should be measured at the point of diversion rather than 1.6 miles down stream. He asked me what the Department would do if the users came to an agreement among themselves and asked him to continue to measure downstream. I told him that, in reality, we probably wouldn't know unless someone complained, but that we couldn't officially condone it because he would be delivering more than someone's water right. He feels caught in the middle, but he is intelligent and cooperative and realizes that agreements are vulnerable when ownerships change and disagreements arise, etc.and that as soon as the SRBA decrees are finalized the water should be delivered as decreed. He expressed the hope that, if one of the effected water users calls the Department, we will support his actions when/if he begins measuring at the point of diversion. I told him that, if necessary, the water users could request a meeting here in our office with you and/or Allen to present their sides and get an opinion from someone with more experience in water delivery than me.

Thanks again for your assistance. I sincerely hope you don't hear a lot more about this from me or anyone else.

Vikie H.