

MEMO

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FROM: Jim Stanton

DATE: 6-9-09

TO: Allen

SUBJECT: Possible Illegal Diversion Of Fish Creek Water

Today I received information from a concerned citizen about the possible illegal use of Fish Creek water by C E Molyneux. Our records show that Rights 37-737B & 780B have been recommended in the SRBA to Mr. Molyneux. The point of diversion is listed as the head of the High Line Canal, and the place of use for both rights is located in Sec. 15 & 16 T. 1S R. 22E near the Huff Creek Corral (see Paddleford Flat quad map).

According to my information, these rights are currently being delivered through the "hot springs ditch" from a headgate in the NW/NW/NW Sec. 9 for use on land in the SW/SW Sec. 18 & the NW/NW Sec. 19 T. 1S R. 22E. I was told by the complainer that this land has no 1883 direct-flow water rights from Fish Creek, and our records confirm this. There does appear to be reservoir water appurtenant to this land, but the complainer said that it has not yet been called for by Mr. Molyneux.

I just spoke with Watermaster Lawrence Kimball, who told me that he only delivered reservoir stored water to the land under the hot springs ditch; the 1883 water of Mr. Molyneux was delivered to the correct pou via the recommended pod. Lawrence complained that his explanation of his deliveries at yesterday's reservoir-district meeting received little attention from those attending. So unless you want to investigate further, it appears that there is no illegal use of these water rights. Lawrence is well aware of the process for having the county declared a drought disaster, and that this has not yet occurred. He is aware that temporary transfers are not allowed without the drought designation.