

GRAND COUNTY WATER CONSERVANCY DISTRICT

GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

MEETING WITH MARK PAGE AND EARL STAKER-----November 3, 1982

The meeting was called to order by Chairman K.E. McDougald at the District's Office at 2:00 P.M. with the following Board Members present: D.L. Taylor and Everett Schumaker.

ATTENDANCE

Special Service Board Members present: Everett Schumaker, K.E. McDougald, and Dan Holyoak.

Also present: Brent Rose, Clyde, Pratt, Gibbs, & Cahoon, Attorneys at Law, Mark Page, Area Engineer, Earl Staker, Deputy State Engineer, Lamond Gardner, Assistant Area Engineer, David J. Bretzke, Executive Director, and Donna Jo Koskinen, Executive Secretary.

K.E. McDougald gave a brief report on the problems we have had with the Mesa Users. He stated that, "We did not have a full reservoir last year and we did not know how much water we had. We did attempt to work with the Mesa Users to see if there was a flexibility somewhere such as if we had some rainy weather during the summer, we could make some water available to them. In essence, Richard Nunn came in and told us that on certain days they were going to take the water regardless. Before the Grand County Water Conservancy District's system became functional, the Mesa Users had been shut off by the Moab Irrigation Company. Richard Nunn did not give us a chance to work fully with the Mesa Users. It looks like: 1. What we need to do is to get a set game plan worked out here because we can't have the Mesa Users taking the water anytime they want. We have rights built into our contract with the Moab Irrigation Company."

MESA USERS

K.E. McDougald stated to Earl Staker that the Conservancy District, in order to get the Mill Creek Project going, had to make some arrangements with the first water right people on water, which is the Moab Irrigation Company. There was quabbling for about a year before we got the agreement settled. When the stream was down to roughly 10CFS, the Moab Irrigation Company would shut off the Mesa Users. We had, in making our deal with the Moab Irrigation Company, to guarantee to deliver so much water to Moab Irrigation Company and supplement pumping wells if necessary. In consideration for them allowing the District to use their water rights. So in doing this, the Mesa Users would not be able to get the water below their right because our contract with Moab Irrigation Company is very plain that when the water reaches the level of the first right which is 20.35CFS, the Mesa water must be turned off. So we went back and forth last year and in fact they got more water than they should have had.

Earl Staker stated then they have been used to getting water and not having the Moab Irrigation Company cut them off until the creek flow was about 10CFS.

D.L. Taylor stated that during the Uranium boom, the Moab Irrigation Company would keep letting them get water instead of cutting them off when the stream would get to 20.35 CFS, they would let them get water until the stream reached 10CFS. He also stated that because of the land disappearing from irrigation in Moab and the fact that the Mesa Users were allowed to use the water until the stream reached 10CFS, that the Moab Irrigation Company's water right was lost. If this was true, Richard Nunn, being the third right, would benefit from this.

K.E. McDougald stated that in order for us to put this project together where we could get our water rights, we had to enter a contract with the Moab Irrigation Company. We agreed to provide them with, but not be obligated to pump wells from the Colorado River at a rate exceeding 8CFS collectively, and the Company shall not have the right to call for water from all sources, including the Mill Creek at a rate higher than 13.5CFS. The District owns approximately 30% of the water right. We are obligated to provide a certain amount of water to Moab Irrigation Company. So last year when the creek got below the 19.3 CFS, the Moab Irrigation Company said that we were not living up to our contract. We ended up pumping expensive water to them.

D.L. Taylor stated that we are also paying the Moab Irrigation Company \$2.00 per acre foot for any water going through the tunnel, they could see that any water the Mesa Users were using was not going against their \$2.00.

K.E. McDougald stated that we tried to work out something with them with the water we had. We would like to see the rights enforced, but we have to enforce our contract with the Moab Irrigation Company and we have money to pay back and so on.

Mark Page stated that he agrees with us that something has to be done. Mark Page stated that there were two points of diversion on the Mesa.

Brent Rose explained three options that was discussed at a meeting prior to this meeting with the Board Members. They are:

1. The Mesa Users purchase or lease stock in the Moab Irrigation Company. And if those rights are included as a point of diversion within the Company's system, which they are, then the land is identified as a place of use under the water rights of the system, which they are, then those stockholders, whether they be leased or owned, have the right to take the water at that point. If they did that then in a since, if Moab's water is being taken up on the Mesa,

then we would modify our agreement with the Moab Irrigation Company for the amount of water that we are turning down here. It would cost the Mesa Users for stock in the Moab Irrigation Company.

2. The District sell the Mesa Users water under an exchange and replacement contract basis. They would be a customer of the District. This is only if there is enough water to sell.

K.E. McDougald asked about Moab Irrigation Company relocating the use of the water. Earl Staker stated that Moab Irrigation Company has the right to relocate their lands. He also stated that he has a court order on the whole Colorado River system for adjudication, but it will take approximately 5 years before anything will be solved.

3. Enforce the Water Rights as they are.

Mark Page stated what could happen if we cannot work out something with the Mesa Users. He stated that there were two alternatives. They are:

1. Either have an appointed water commissioner by the State or by the Court. The water commissioner would distribute the water, measure the diversions, record all water useage, etc. The water commissioner would work for the State Engineer's Office, but his salary would be paid by a pro-rated share of all water users. This job would be less than half-time. Local water users pay for everything. (mileage, social security, etc.) Mark Page stated that either we get this matter settled or they will wash their hands of this matter. An approximate cost for the water commissioner would be \$4,000.00 plus mileage. It would take approximately 2 to 3 years to iron out the problems. The bill for the cost of the water commissioner would for the first year, be based on flow of right (% of total right that they own) each year thereafter, on the amount of water that they use.
2. Exchange of wells on the Mesa.

This was discussed by the Board at an earlier meeting this year. The Board will discuss this again and get back to Mark as soon as possible. With this option, we could set a minimum assessment fee instead of so much per acre feet.


Everett Schumaker asked Mark Page if we have the right to shut off the Mesa Users when the creek flow drops below 19.3 CFS.

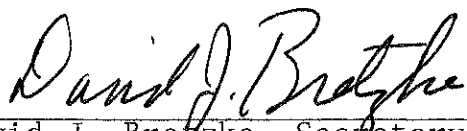
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Mark Page answered yes.

The meeting was adjourned at 3:05 P.M.

ATTEST:

  
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K.E. McDougald, Chairman

  
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David J. Brezke, Secretary