

GRAND COUNTY WATER CONSERVANCY DISTRICT  
GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

LUNCHEON WITH BRENT ROSE-----November 3, 1982

The following Board Members were present at the luncheon with Brent Rose at the Ramada Inn: Sam Taylor, Robert Norman, K.E. McDougald, D.L. Taylor, & Everett Schumaker.

ATTENDANCE

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

Also present: Dale Pierson, Maintenance Man, David J. Bretzke, Executive Director, and Donna Jo Koskinen, Executive Secretary.

K.E. McDougald gave an outline of the meetings that are going to be held today. He stated that at 2:00 P.M. a meeting with Mark Page and Earl Staker will be held at the District's Office, a meeting with the Moab Irrigation Company will be held at the District's Office at 3:30 P.M., and a joint meeting with the Moab Irrigation, Mark Page, Earl Staker, and the Mesa Users will be held at the County Courthouse at 7:00 P.M.. K.E. McDougald stated that he felt that the District has tried to work with the Mesa Users by having meetings with them, sending letters to them concerning the use of the water in Mill Creek, etc. These meetings, letters, etc did not seem to accomplish anything so the District asked the State to help us in regulating the water in Mill Creek, but that the State Engineer could not accomplish anything either. K.E. McDougald stated that he felt we have done what we should do and we do need the water rights that we have to serve the people.

OUTLINE OF  
MEETINGS -  
MESA USERS

Brent Rose stated that he felt that we are doing exactly what we need to be doing. The question that has come up is, is there anyway of coming to an amicable resolution of the problem without going to court to settle this matter. First, we have to operate on the basis of what the water rights are. Everyone concerned must operate on that basis. If they don't, someone is not going to get water that they are entitled to. The only way for us to pay the State for a project is to sell water and if we don't get the water then we can't pay for the project. The problem is simple but the resolution is more difficult. What we wanted to do and the way it would have worked is this: If the problem had continued or had arisen earlier so that the State could have posted the point of diversions on the Mesa so that there would not have been any diversion of water and had the Mesa Users continued to divert contrary to the State Engineer's order, the State would have filed a complaint in court to seek an injunction against these people to force them thru the court to stop taking water they are not entitled to. We as a party interest, would have had joined into the suit as an interested party because our rights would have been affected. The problem with law-suits is, not only are they expensive, but they bring out problems that maybe should have been left alone, such as forfeitures, etc. There are ways of working this out.

The bottom line is that the people on the Mesa have to recognize what the water rights are and unless they do this, then there is no solution that we can discuss today that would work. There are ways of getting them water, but the water can not be free. There are two approaches. They are:

1. The Mesa Users lease or purchase shares in the Moab Irrigation Company. This would entitle them as shareholders to divert water through the Company. This would be administratively hard for the Company. This is legally not an excuse. How will this effect us? This would mean that much less water that is coming down in the stream to our points of diversion. We would still have to take our maximum amount that we are entitled to under our agreement with the Moab Irrigation Company and we would have that much less that we would have to turn back to the Irrigation Company. It shouldn't matter to the Moab Irrigation Company where the water is being diverted because it is still a net use of water.
2. Mesa Users buy water from us. We could use replacement contracts as: taking water from their well instead of the reservoir, but entering a contract with us to pay for the water that would normally be entering the reservoir. Then they file an exchange application with the State Engineer's Office which would allow them to take water from his well and the company would release water from the Dam to make up for the water that they took. This could be done if we have the water to sell them.

Moab Irrigation Company must use all their water rights.

The Board felt that it would be better for the Mesa Users to buy or lease shares from the Moab Irrigation Company in order to get the water that they require.

Brent Rose stated that we need to establish a policy with Moab Irrigation Company concerning the loss of water.

The Board asked Brent Rose if water can be used on new land instead of using the water on old land that was used on the old water right. Brent Rose answered that anyone who has the right to use water has the right to change the use as long as it does not impair another persons existing right.

Brent Rose stated that we have a solid contract and the only way a water right can be changed is through a court action.

Brent Rose stated that an adendum must be made with the Moab Irrigation Company's agreement if we sell any water to the Mesa Users.

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The Board talked about the cost to charge the Mesa Users for water that they get from us. It was discussed that if we charge them more than we charge the Spanish Valley Customer, we must have documents to back up the extra charge.

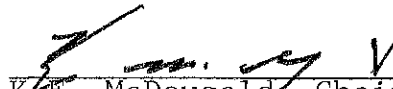
All water users can only use their water rights in order of priority.

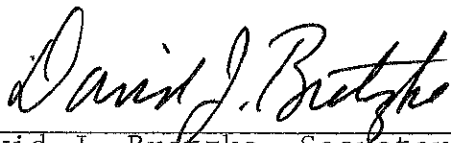
Brent Rose stated that the State Engineer's Office would like to have a water commissioner appointed by the Court to administer the water. He would answer to the Court for all his actions. He would have the right to turn on or off the water. He would be the only one who has the keys to the head gates.

WATER  
COMMISSIONER

The luncheon was adourned at 1:12 P.M.

ATTEST:

  
K.E. McDougald, Chairman

  
David J. Bretzke, Secretary