

GRAND COUNTY WATER CONSERVANCY DISTRICT

GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

JOINT MEETING WITH BRENT ROSE, MARK PAGE, EARL STAKER, LAMOND GARDNER, MOAB IRRIGATION COMPANY AND THE MESA USERS

-----November 3, 1982

The meeting was held at the Grand County Courthouse at 7:00 P.M. with the following people in attendance:

Brent Rose, Clyde, Pratt, Gibbs, and Cahoon, Attorneys at Law, Mark Page, Area Engineer, Earl Staker, Deputy State Engineer, Lamond Gardner, Assistant Area Engineer.

Representing Moab Irrigation Company: Marg Shafer, Gene Westwood, Doug Farnsworth, David Minor and Art Secrest.

Representing Grand County Water Conservancy District: K.E. McDougald and D.L. Taylor.

Representing Grand County Special Service Water District: K.E. McDougald and Dan Holyoak.

Representing the Mesa Users: Kay Young, Kay Young Jr., Ellen Alger, Ray Alger, Karl Tangren, Richard Nunn, Norma Nunn, and Julie Bierschied.

Also present: David J. Bretzke, Executive Director of the GCWCD-GCSSWD, Dale Pierson, Maintenance Man for the GCWCD-GCSSWD, and Donna Jo Koskinen, Executive Secretary for the GCWCD-GCSSWD.

The meeting was addressed by Earl Staker and Mark Page. The following are questions, answers, and statements made by all present:

Earl Staker: We have called this meeting to get everyone together concerning the distribution of water on Mill Creek. As all of you know, we have had problems in the distribution of water and the water rights on Mill Creek. This meeting is to present solutions or alternatives to solve the problems on Mill Creek for the next season. We met with the GCWCD and the Moab Irrigation Company prior to this meeting. These meetings were held this afternoon to pursue their feelings or how far they would go with some of our thinkings. We are not going to make any promises, but would like for all of you to consider the alternatives that we are going to present tonight, because something has to be done before next year that hasn't worked this year. We cannot have Mark Page coming down every other day trying to distribute water on Mill Creek. We have to come up with some solutions.

Mark Page: Review the Water Rights on Mill Creek. The audience was handed a brief summary of the water rights

DISTRIBUTION
OF MILL CREEK

WATER RIGHTS

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on Mill Creek. A copy of all water rights are attached to these minutes.

Norma Nunn: What is meant by Judication?

JUDICATION

Mark Page: The District Court issued an order to the State Engineer to judicate all the water rights throughout the State. Basically what this will entail is that we will evaluate all the water use at that time establishing water rights where claims have not been filed. These rights will be published in a book, submitted to the court, and signed into a decree. The biggest problem that we have is the distribution of the water.

Earl Staker: Water Commissioner---

WATER
COMMISSIONER

We are leaning very heavily on establishing a distribution water system on Mill Creek and appointing a water commissioner to do the distributing of the water. The audience was handed a paper titled "Suggestions on Water Commissioner's Report". This was explained by Earl Staker as follows: 1. We could go ahead and get a commissioner and have him distribute the water rights as they are. The commissioner would have the authority to distribute the water accordingly. 2. The Moab Irrigation Company allowing shares of stock either by purchase or lease, to the Mesa Users. 3. Purchasing water from the District and exchanging it upstream. We would not allow the full amount of the shares to exchange. The carrier water must be left in the stream for the people down below. We would may be deduct 15 to 20% from the shares after we study this. This would apply also to the District's water. This would only be feasible if we have a water commissioner to distribute the water. It would take a petition of the majority of the water users in order for us to appoint a water commissioner. This involves us coming down and organizing a distribution committee, existing of parties from the water users (5 to 6 people), selecting a chairman who will communicate with our office, this committee will submit names of whom they choose for a water commissioner to the State Engineer. We officially appoint the water commissioner. Through this committee we establish a budget (salary, travel, bond, etc), through the budget we would establish an assessment against, for the first year, flow, and every year thereafter, by amount delivered. Our office will mail out your assessments and check. The check will be put into a separate account under Mill Creek Water Users Association, and audited. This guarantees that the commissioner will be paid. Any one delinquent will be turned over to the Attorney General.

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The duties of the Water Commissioner--
He will be under the direction of the State Engineer's Office. He has full authority to act on the priority schedule given by the State Engineer's Office. This will require head gates and measuring devices. He can lock the head gates. He will be the only one who has the keys for the head gates. He will have to prepare a report at the end of the year for the irrigation season. He will have to give a full report of the amount of water used, each diversion, and any classification. He would make adjustments on the flow. The report would give information on weather, crops, water supply, natural stream flow, condition of distribution, facilities, etc. He must send a copy to the State Engineer's Office and each water users. This record may be used in the courts.

The commissioner could be appointed by the State Engineer's Office or the court. The commissioner would manage the water.

How do you feel about a commissioner?

K.E. McDougald: He felt that both the GCWCD and the Moab Irrigation Company was in favor of a water commissioner.

Kay Young: We must do something.

Ray Alger: What is the cost of a commissioner?

COST OF WATER
COMMISSIONER

Earl Staker: We estimated per year approximately 4-5,000.00 with the amount of water.

Ray Alger: How would this be paid?

Earl Staker: Each water user would be assessed the first year by the amount of flow of the water right and the following year on the amount of water delivered.

Marg Shafer: Salary?

Earl Staker: On the amount of his salary, 30% is for fringe benefits. The irrigation season would be for April 1st thru October 31st. 6 to 8 months.

Julie Biershied: Who would be the water commissioner?

Earl Staker: It would be someone who would be neutral. Not working for either water user. Mark Page will train the commissioner.

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Norma Nunn: All of the Mesa Users were for the Dam. The Mesa Users get no water.

Dan Holyoak: We have tried to work with the Mesa Users.

Earl Staker: The GCWCD can not guarantee the Mesa Users a full water right. The only way that GCWCD could guarantee the Mesa Users water is thru a contract between the Mesa Users and the GCWCD quarterly. This would require a full reservoir.

Dan Holyoak: We met with the Moab Irrigation Company today to try to work out an agreement between us to help the Mesa Users. We are trying to help the Mesa Users.

Norma Nunn: It would be easier for us to purchase water from the District on a year to year basis.

Brent Rose: The Mesa Users would be treated the same as a Spanish Valley customer.

Karl Tangren: In order to buy water from the District, would the Mesa User make the application to the engineer for the point of diversion just once or every year?

Earl Staker: Just once for the purchase of the same amount of water for the same point of diversion.

Norma Nunn: Can an individual apply for water on the Mesa?

Earl Staker: Yes, as long as the individual (as one of the Wilson Mesa Irrigation Stock Holders) can use their convenience system.

Earl Staker: In the change application by the District and the Moab Irrigation Company provided for 2 points of diversion plus the use on the Mesa, Ray Alger's place is not listed. This does not cause a problem. Sometime we will have to re-advertise the change application and change this. He is considered the same as the Mesa Users. This is no problem.

Ellen Alger: How will we get water? What will be the cost?

Earl Staker: You will call the water commissioner. Bills will be sent to Moab Irrigation Company, Emma Walker, John Bicking and Wilson Mesa from the State Engineer. Assessments will also come from the stock assessments.

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Richard Nunn: A water commissioner will be an asset, but I will have to think about this a while.

Brent Rose: GCWCD will send to Mark Page a letter to appoint a water commissioner.

Ellen Alger: I think a commissioner is a good idea. How many acre feet is 1 share of Moab Irr. Company?

Doug Farnsworth: 1 share is equal to 4.23 without evaporation.

Kay Young: I'm all for a water commissioner

Ray Alger: If we transfer water to the Mesa from the Moab Irr. Company, how will this affect our high water right? HIGH WATER RIGHT

Earl Staker: You will still get your high water right plus your share of Moab Irr. Company's right. You will be assessed on both rights.

Earl Staker: What do the Mesa Users feel about our alternative? Should we pursue further cost agreements with the Moab Irr. Company and the District concerning moving the water upto the Mesa? COST AGREEMENTS

Mesa Users: Do this alternative instead of going by the water rights.

Earl Staker: This will cost a little more.

Brent Rose: In order for the Mesa Users to take water from the Moab Irr. Company or the District, we need to change our agreement with the Moab Irr. Company to allow them to add two points of delivery, to open the point of diversion, to have a contract for anyone to purchase water on the Mesa. We need to work on some papers with Mark Page in order for us to do this.

Earl Staker: The water commissioner can only work with the head box. The owners of the head box is liable for the cost of assessment.

Norma Nunn: Could we exchange water for credit? EXCHANGE WATER

Earl Staker: This would not work. This would not be feasible for them to give you credit for that because they could not utilize it.

Earl Staker: If possible, I would like to hear from the Moab Irr. Company, GCWCD, Wilson Mesa Irr. Co.,

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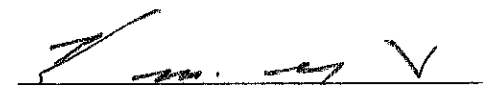
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Mesa Users, and individuals or a petition for a
commissioner within 2 weeks.

Earl Staker: We would like to get this going hope-
fully by Christmas or next year. We need someone
for the commissioner job that will work part-time,
or retired, etc.

The meeting was adjourned at 8:45 P.M.

ATTEST:


E.E. McDougald, Chairman


David J. Bretzke, Secretary