

GRAND COUNTY WATER CONSERVANCY DISTRICT

GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

MEETING WITH MARK PAGE, EARL STAKER, LAMOND GARDNER, AND THE MOAB IRRIGATION COMPANY-----November 3, 1982

The meeting was called to order by Chairman K.E. McDougald ATTENDANCE at the District's Office at 3:30 P.M. with the following Board Members present: William Hines, Everett Schumaker, and D.L. Taylor.

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

Moab Irrigation Company's Board Members present: Marg Shafer, William Hines, Doug Farnsworth, and Gene Westwood.

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

K.E. McDougald gave a brief report of a meeting with Mark Page and Earl Staker earlier today to the Moab Irrigation Company. He stated that Mark Page suggested appointing a Water Commissioner, which would have jurisdiction over the water in Mill Creek. His fees would be paid for by the water users based on how much water they use. This would be a part-time job. K.E. McDougald stated that an another item that was mentioned is that the Mesa Users purchase or lease stock in the Moab Irrigation Company and they take water out of their points of diversion on the Mesa. If this is agreed upon and the District has water to sell that this might be advantageous to buy water at this point. This would be alot easier to enforce if we had a water commissioner.

MEETING WITH MARK PAGE & EARL STAKER

Brent Rose stated that we have been trying to come up with a mutual agreement between the District, Moab Irigation Company, and the Mesa Users without going to court and to give everyone their water rights that they have been decreed.

Mark Page stated a Water Commissioner would be appointed either by the Court or by the State Engineer. He would work for the State Engineer, his salary, travel, expenses while on the job, would be paid for on a pro-rated basis by each water user. If we do have a water commissioner, every right on the creek will be assessed. The first year, the water will be assessed by the amount of flow, and every year after that will be assessed by amount delivered. The people who will be assessed are:

WATER COM-MISSIONER

1. Moab Irrigation Company (The District is assessed as part of the Moab Irrigation Company since they are a share-holder)
2. Mesa Users (as a Company and individual holders)
3. Bickings

Each user will be assessed by the Company. It will be the Company's responsibility to assess their individual stockholders their share of whatever the total is.

K.E. McDougald stated that we protect our water rights on our contract with Moab Irrigation Company.

Doug Farnsworth asked what would happen if problems arose between the Water Commissioner and the Mesa Users.

Mark Page stated that the Water Commissioner would work for the State Engineer with the backing of the Attorney General. Any user becoming delinquent, the commissioner would have the authority to turn off the water.

If the Water Commissioner is court appointed, then he would work with Mark or Earl. If the State appoints the Water Commissioner, he would still work under Mark and Earl. If court appointed, you will pay your assessments to the Court and the court pays his salary. If State appointed then users pay the State Engineer's Office. Once the water gets out of the creek, only the Water Commissioner has the authority to turn the water on or off.

Earl Staker stated that once we have a distribution system and a water commissioner, we set the budget with their help at no cost to us, hold an annual meeting and elect a committee, then recommend one or more than one man as a water commissioner to them, and they pick the man better qualified and better able to work with the people. He also stated that it is our responsibility to protect our water rights.

Marg Shafer asked if this water commissioner could be a local person or someone who the State Engineer chooses.

Mark Page answered her by stating that it should be a local person who he feels should not be involved with the current problems.

Mark Page gave the names of all the people who are involved in the Wilson Mesa Irrigation Company. They are as follows: WILSON MESA  
IRR. CO.

1.	Aldine Coffman	796.4 Shares
2	R. Nunn	640.0 Shares
3.	July Gagne	98.0 Shares
4.	Ed Young	14.0 Shares
5.	Peter O'Neil	56.0 Shares
6.	Doug Yates	20.0 Shares
7.	Lou Mantello	10.0 Shares
8.	Charles Glymph	10.0 Shares
9.	Jay Randall	10.0 Shares
10.	Tom Simmons	138.6 Shares
11.	Linda Bryan	20.0 Shares
12.	Ed Abby	20.0 Shares
13.	Allen Shimmer	27.0 Shares
	TOTAL SHARES	<u>1,867.0 Shares</u>

This is a third class water right with a 12.73 CFS flow.

Richard Nunn is the only one using the water.

Marg Shafer, Gene Westwood, and Doug Farnsworth are all in favor of a Water Commissioner. A majority of the water users has the power to establish a Water Commissioner.

K.E. McDougald talked with the Moab Irrigation Company concerning our agreement with them. He stated that through the diversion on the Mesa, we may have some water to sell up there.

Brent Rose stated that we have two options. They are:

1. The District sell water to the Mesa Users by a contract just like the District sells water to the Spanish Valley Customers.

This could be done by a replacement contract with the District and an exchange application with the State Engineer's Office which would authorize the diversion of water out of Mill Creek. This would have to be worked out between the District and the Moab Irrigation Company.

2. The Mesa Users require shares either by lease or purchasing stock in the Moab Irrigation Company. If this was done, the amount of water that the Mesa Users use on the Mesa would be deducted from the water that the District would have to let go down to Powerhouse Dam to Moab Irrigation Company.

Marg Shafer stated that in order for the Mesa Users to lease or purchase shares in the Moab Irrigation Company, there must be an approval by the Moab Irrigation Company Board. She also asked if the Mesa Users can force the Moab Irrigation Company to open up the point of diversion on the Mesa. Brent Rose stated yes.

Brent Rose stated that no one has the right to move the carrier water. For example: If the Mesa Users purchase or lease shares in the Moab Irrigation Company and want to take use shares upon the Mesa, they must leave the carrier water down in the valley. This is to protect the other shareholders in the valley. CARRIER WATER

Lamond Gardner stated that the shareholder who moves his water rights from the ditch to the Mesa, he must be assessed on that ditch because the ditch stills has to be maintained.

K.E. McDougald stated that we must get this problem settled.

Brent Rose stated that the options of settling this matter are:

1. Enforce the water rights as they are and then the Mesa Users would have to go to court and prove a forfeiture.
2. Purchase or lease shares in the Moab Irrigation Company.

K.E. McDougald stated that we present to the Mesa Users the following option: To lease or purchase shares in the Moab Irrigation Company and appoint a water commissioner to distribute the water in Mill Creek. (All Boards, Mark Page and Earl Staker agree on this option) or allow the District to sell water to the Mesa Users if the District has water to sell under a contract. We must make it known to the Mesa Users that the carrier water must stay down in the valley.

Brent Rose stated that an amendment to our agreement with the Moab Irrigation Company must be made in order to amend the amount of water that the District has to provide the Moab Irrigation Company if water is used on the Mesa.

Brent Rose stated that at the next Board Meeting of the GCWCD-GCSSWD, the Board allow the Moab Irrigation Company the point of diversion on the Mesa. This would allow the Moab Irrigation Company to allow shareholders to take their water on the Mesa. The Moab Irrigation Company would then ask for an amendment to add these three other points of delivery to our agreement.

Doug Farnsworth asked the District to move the measuring gauges closer to the points of diversion. The District will try to get this done.

K.E. McDougald stated that we must establish how much water we can let go up on the Mesa. Mark Page stated that this would be done on an annual basis each Spring. Everyone takes a loss if there is not enough water to meet the water rights.

K.E. McDougald stated that we must allow 3CFS to flow down the creek for the wildlife and fishery. Brent Rose stated that Moab Irrigation Company has 19.33 CFS to irrigate 1,119 acres.

Brent Rose stated that he does not believe that the District can be forced to maintain 3CFS for the wildlife and fishery.

Mark Page stated that he has been talking to the Moab Irrigation Company concerning the exchange policy on Mill Creek

EXCHANGE  
POLICY OF  
WELLS ON MES

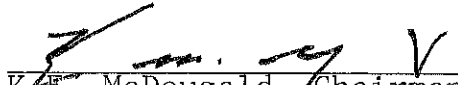
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about getting shares and transferring wells on the Mesa. Mark feels that we need to do this along with what we are trying to do now. Mark stated that the District talked like they are willing to adopt this idea now. Mark stated that the District and the Moab Irrigation Company needs to write a letter to him stating that they are willing to transfer wells on the Mesa. Both Boards should adopt the same policy.

Mark Page asked that Earl Staker, Lamond Gardner, and himself should take charge of the meeting tonight with the Mesa Users.

The meeting was adjourned at 4:55 P.M.

ATTEST:

  
K.E. McDougald, Chairman

  
David J. Breckze, Secretary