

Minutes of the 2003 Annual Meeting of the Beryl - Enterprise - Escalante Valley Distribution System held February 25, 2003, at the Escalante Valley Community Building, Beryl Junction, Utah.

Darwin Hulet, Board Secretary, called the meeting to order at 1:10 p.m.

Twenty-three members signed the roll (see attached roll). Also in attendance were four representatives from the State Engineer's office, Lee Sim, John Larsen, Kerry Carpenter, and Kurt Vest.

No minutes from the 2002 annual meeting were available to be read.

Karl Schmutz presented the Water Commissioner's report. A copy of the report was distributed to the members. Craig Laub made the motion to accept the report. Chandler Whitelaw seconded the motion. The motion carried.

Lee Sim reported that the State Engineer is becoming very concerned about the declining levels of ground water in various regions of the state including the Escalante Valley. The State Engineer plans to approach the legislature for clarification and change of state law regarding legal options and authority available to his office for reducing and revoking irrigation water rights. Mr. Sim suggested that those who wish to voice their concerns regarding these issues should contact our local State Senator Thomas Hatch. Senator Hatch is a member of the Natural Resources, Agriculture, and Environment Interim Committee which will consider the State Engineer's request and make recommendations to the State Legislature..

Mr. Sim made available a current set of color-coded maps derived from the aerial maps which show the compliance of irrigated acres with corresponding water rights.

Mr. Sim presented the Financial Report for 2002. A copy of the report was distributed to the members. There will be a cost of about \$2000.00 every other year for new aerial maps. Mike Brown made the motion to pay for half the cost by assessment and the other half by surplus funds currently in the Distribution Trust Fund. Lewis Dover seconded the motion. The motion carried.

Nyal Bosshardt made the motion to approve the budget for 2003 . Mike Brown seconded the motion. The motion carried.

Meeting adjourned at 1:55 p.m.

Amended March 3, 2004, as requested by Kerry Carpenter to change the words "for reducing and revoking irrigation water rights" to "for administration and distribution of irrigation water rights" in the 5th paragraph.

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Water Meeting Notes for Commissioner Karl S. Schmutz

1. Hired July 23rd For Position

2. Began receiving Logs for water diverted to Kern River Water Project. One concern was raised when it was obvious that more water than was available for an individual's water right was being taken from his well. When research was done it was found that other water users had diverted their available water to that well to make it closer to the Kern River Construction Site.

3. August 11, 2002 I was asked to verify that Robert Holt was not watering the corners of selected pivots on the county line.

4. August 13, 14, 2002 visited places of distribution in Pinto Canyon, and Beryl Valley with John Larsen, and Kerry Carpenter. State use maps were verified and non-compliance users were noted. I believe that John Larsen is currently working on letters to send from the state to non-compliance users to stop their activity.

5. August 20, 2002 was asked by Cedar Office to verify a new pivot installed by Ence Brothers in Pinto Canyon. Completed and verified.

6. September 19, 2002 was asked by water users to obtain information from Cedar City office for Proof of Water Rights.

7. November 2, 2002 obtained shut-off tags from Cedar City Office, and attached tags to Diversion Points along Pinto Creek for New Castle Reservoir.

8. Turned in for mileage 359.4 miles for an expense of \$115.01 of a budget of \$500.00 for the 2002 year.

9. I have two concerns at this time.

1. The first is I don't believe Rod Leavitt is a dishonest person, but knowing our water situation and the needs of those along the Santa Clara Creek, I would feel better with a second party reviewing the setting of the diversion point from Pine Valley to The Pinto Canyon.

2. I attended the Commissioners Seminar February 20th of this month. At that meeting the State Engineer stated, that because of the draught, some areas of Utah in the future, may have priority rights assigned to underground water, for the purpose of curtailment of those rights. Given that possibility in this valley, I believe it is imperative that we first correct the abuse of water rights in our distribution system before we arrive at this point.

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