

Memorandum

To: Lee Sim
CC:
From: Marc Stilson
Date: 3/17/06
Re: Huntington Distribution System

Lee,

Here are some initial thoughts and observations from my field inspection of the system today:

Based on 73-5-1 2(a) "If a majority of the water users agree upon a qualified person to be appointed as water commissioner, the duties the person shall perform, and the compensation the person shall receive, and they make recommendations to the state engineer on the appointment, duties and compensation, the state engineer shall act in accordance with their recommendations."

And on 73-5-3 "The state engineer shall divide, or cause to be divided...and shall regulate and control or cause to be regulated and controlled..."

It would seem that the "majority of the water users" have the authority to make recommendations to the state engineering as to the duties the water commissioner shall perform. Unless there is another section that limits what duties the water users can recommend to assign to the commissioner, these duties may or may not include the following:

There are 14 points of diversion on the system (this does not include numerous small ditch diversions which the irrigation company controls and regulates for share holders). One of the diversions is not active (Guymon Ditch 93-1004). Two of the diversions are on Cedar Creek, which currently we do not authorize the Huntington Water Commissioner to regulate.

Case 1:

The "majority of the water users" may recommend that the water commissioner make the actual water divisions based on water calls from the water users on all 11 diversions the water commissioner has authority to regulate. This may include making the releases from the reservoir. This is the how the Huntington system has been operating since its inception.

- Pros: There is some efficiency to this case in that only one individual is making the trips, recording the data and dividing the water.
- Cons: If the person is not honest, there is no one to check up on him (basically the fox is guarding the hen house). However, this would likely become evident quite quickly as you would have a bunch of disgruntled water users.

If this is the case under which many distribution systems are being operated, there ought to be a formal complaint procedure by which water users can make the division aware that the water commissioner is not distributing the water correctly.

Time Commitment on the Huntington System: average one person 3-5 hours per day.

Case 2:

The “majority of the water users” may recommend that the organization that owns the dam and reservoir make the releases from the reservoir based on water calls from the water users. They may also recommend that the water commissioner make the water divisions based on water calls on all 11 diversions on the system.

Pros: The water users avoid some liability issues related to releases from the reservoirs (i.e. if the individual making the water release from the reservoir makes a mistake and causes damages).

Cons: Less efficient system in that another individual has to make the trip to the reservoir to make the releases. Also, the case could result in communication break downs between the water commissioner, water users and the organization / individual making releases from the reservoir.

Time commitment on the Huntington System: average 2-3 hours for the individual making the reservoir releases, up to 3 times per week; average 2-4 hours per day for the water commissioner.

Case 3:

The “majority of the water users” may recommend that individual water users make the divisions on the system and that the water commissioner track, record and ensure the divisions are correct (same “releases from the reservoir” scenario as Case 2).

Pros: “Independent” check on the diversions.

Cons: Two individual making the same trips; 1 to do the actual work of turning the headgates, the second to record the flow and ensure it is correct. One additional person making the trip to release water from the reservoir. High likelihood of miscommunication between the two parties.

Time commitment on the Huntington System: average 2-3 hours for the individual making the reservoir releases, up to 3 times per week; average 1-3 hours per day for the individual water users making the diversions, average 1-2 hours per day for the water commissioner.