

Revision to the Pot Creek Memorandum of Understanding

**Minutes of October 5th and 6th Meeting
Held in Steamboat Springs, Colorado**

Present for Utah

Lee Sim, Assistant State Engineer
Bob Leake, Area Engineer
Andrew Dutson, Engineer

Present for Colorado

Ken Knox, Assistant State Engineer
Bob Plaska, Division Engineer
Erin Light, Engineer

October 5th

Minutes from the previous meeting were reviewed and corrected. The corrected minutes will be distributed to all parties.

The question of who should sign the revised MOU was discussed. For Colorado it will most likely be the Governor. For Utah it might be the State Engineer. Each State will consult with their Attorney General's Office for guidance.

A discussion was held on the need for a list of terms and definitions. It was decided to include such a list.

Need to include language in the agreement that allows for deviation from the operations manual with the consensus of all the water users and both States.

Need to include language in the agreement outlining notification procedures between the States for new and/or changes of water rights.

Accounting

A discussion of the combined administration list was held. It was decided to expand the number of rights on the list to include all rights that exceed agreed upon limits. These limits will be included in the administration list.

For the Calder #2 Reservoir right, Utah stated that the total storage amount is 1160 acre-feet. There is also a line in the administration list showing an additional 80 acre-feet. This additional amount should be included in the total of 1160. Either the 80 acre-feet will be removed from the list or the 1160 acre-feet will be reduced, so the total is only 1160 acre-feet.

The Betts Cove water right will be changed on the list to indicate 45 acre-feet under the senior right.

On the final list; the Owners column and the Rights-in-Common column will be eliminated, storage will be deleted as a use, point-to-point will be taken out of the Type column, if there is no structure name "unnamed Ditch" or "unnamed reservoir" will be inserted, a comment field will be added.

Utah will revise the combined administration list based on the discussions at the meeting and transmit a draft to Colorado by 10/19/2004. Colorado will review and comment by 10/24/2004. The draft Administration list will be finalized by 10/31/2004.

October 6th

Discussion was held on the need for additional measuring devices below Matt Warner Reservoir to account for inflows available for delivery to water right. It was decided that a simplified accounting procedure could be used to calculate such inflows if a measuring device was installed above Calder Reservoir. Given the short distance from Calder to Crouse Reservoirs, and the lack of tributary inflow within that reach, this one additional measuring device should be adequate. The calculation of the inflow would be:

$$\text{Inflow} = \text{Matt Warner Inflow} + \text{Calder Inflow} - \text{Matt Warner Outflow} + \text{Lee Cabin Diversion}$$

In addition to this measuring device, the gages above Matt Warner Reservoir and at the Utah-Colorado Stateline will continue to be operated.

Colorado will check to see if they have a copy of the area-capacity table developed by Utah for Offield Reservoir.

A discussion of what information should be included in the annual report was held. It was decided that at a minimum, the following should be included:

- Gage records from above Matt Warner and the Stateline gages
- Diversions for each administered ditch
- Water storage records for each reservoir
- Inflows to Matt Warner and Calder Reservoirs
- Storage releases

The write-ups for the accounting, operations and combined administration list were worked on and final drafts produced. These will be distributed to all parties for review before the next meeting.

A brief discussion was held regarding the structure of the Revised Memorandum of Understanding. This document will be drafted by Colorado and distributed before the next meeting.

The next meeting was scheduled for November 10th in Vernal, Utah, starting at 11:00 AM. The states will invite their legal council to this meeting. Topics to be covered at the meeting include:

- Final review of the combined administration list
- Review of the accounting worksheets
- Review of the Revised Memorandum of Understanding
- Review and approval of map showing the drainage basin and location of significant structures
- Discussion of issues regarding flexibility under the operating procedures