

Minutes of 1960 Annual Meeting  
POT CREEK DISTRIBUTION SYSTEM  
Friday-February 26, 1960 9:30 a.m.  
Uintah County Courthouse, Vernal, Utah

SUMMARY

The water users of the Pot Creek Distribution System adopted a budget of \$425.00 for 1960, and recommended that Mr. David Rasmussen act as joint commissioner on Brush Creek and Pot Creek Systems.

Mr. M. Clark Feltch, Vernal, Utah, was re-elected chairman of the Pot Creek Distribution System; Mr. Ralph Siddoway, Vernal, Utah, was elected secretary; and Mr. Allen Bennion, Vernal, Utah, was elected as committee member.

Of the total \$425.00 budget for Pot Creek, the State of Colorado will pay 20% and the remaining 80% is to be assessed to the Utah water users as their share of the distribution costs for 1960.

INTRODUCTION

Mr. Wayne D. Criddle, State Engineer of Utah, called the meeting to order and explained that although the State Engineer of Colorado was not represented, through correspondence Colorado agreed to go ahead and work with the distribution problems which confronted the Pot Creek interstate distribution system.

The business before the meeting was outlined by Mr. Criddle as: (1) Discussion of distribution problems on Pot Creek, (2) Hearing the 1959 financial report, (3) Hearing the commissioner's report for 1959 and an outlook for 1960, (4) Recommending a water commissioner for 1960, (5) Adopting a budget for 1960 and agreeing upon an assessment method, and (6) Entertaining whatever other business that might properly come before the meeting.

Mr. Criddle asked the water users what they wanted to do about recording the minutes of the meeting. He stated that if they desired, he would ask a member of his staff to record the meeting. Mr. Bill Allen made a motion that the minutes of the meeting be recorded by the State Engineer's Office. The motion was seconded by Mr. Zeph Caulder, and the motion was carried. Mr. Criddle appointed Clarence E. Erickson, Jr., Distribution Engineer, to record the meeting.

The meeting was then turned over to the 1959 Chairman, Mr. M. Clark Feltch.

GENERAL MEETING

Chairman Feltch called for a reading of the minutes of the 1959 meeting. The March 4, 1959 minutes were read by Mr. Donald C. Norseth, Distribution Engineer. The 1959 meeting was held at the home of Mr. M. Clark Feltch, Vernal, Utah. The minutes were approved as read.

The chairman then called for a reading of the 1959 Financial Statement. Mr. Frank Reese, Business Manager of the State Engineer's Office read the prepared financial statement, giving an itemized and detailed account of the expenditures and receipts.

It was moved by Mr. Allen and seconded by Mr. Clifton W. McCoy that the 1959 Financial Report be accepted as read. Motion carried. Mr. Zolph Caulder, voted "No" and explained that it was because that he thought that the voting should be by water rights and not by water users.

Mr. Criddle said that it must be a senatorialized form of government so that large interests would not control the systems.

Mr. Caulder said, "Where do they not vote by shares of stock?"

Mr. Criddle explained that the voting was done on an individual basis on all the systems throughout the State of Utah.

Mr. Caulder commented that the Central Canal voted by shares, and to this Mr. Criddle stated, "Yes, on a local canal unit you can vote as you please, but in the system as a whole each interest must be represented so that all rights will be protected."

Chairman Felch then called on Mr. Donald C. Norseth to give a report of the distribution on Pot Creek for 1959. Mr. Norseth explained that there were many problems that had confronted the Pot Creek users, such as regulating the reservoir, but mainly it was a lack of water supply during the critical months of stockwatering and irrigation. He gave a report of the distribution in general and explained that forecasts for 1960 might indicate more water than expected for the coming year. He said that two gages had been installed on the system in 1958 and he recommended that all the system be brought up to date by repairing control devices and installing additional devices where they are needed. He pointed out that the weir below Matt Warner Reservoir needed to be repaired, and that it might be best to install a new weir at a better location. Some water has released to the Colorado rights, but the channels were dry and very little of the water reached its destination. Mr. Norseth said that when the Pot Creek water users select a commissioner for 1960 that they should keep in mind someone who could regulate the system effectively.

#### WATER COMMISSIONER

Chairman Felch thanked Mr. Norseth for the commissioner's report and then asked the group, "What about a commissioner for next year?"

Mr. Caulder declared, "There are only two substantial rights on Pot Creek, the Matt Warner and the Crouse Reservoir interests. I would like to see more economy. There is the gage above Matt Warner reservoir to turn down the water when necessary, but I believe that the Colorado Rights are wasting water, and I don't like to see it turned down the creek when I know its not going to reach them to do any good."

Mr. Criddle explained that Pot Creek was getting undue attention and was way out of line in cost and perhaps in time this distribution can be made by the users, but the users cooperation must be very apparent before distribution (by the State Engineer) can be lifted. I know that you had a short water supply, but the Colorado Rights have to be protected, too. There is waste, yes, but where is it not necessary to meet needs? There is considerable waste in your ditches too. I think that with the problems that you have on Pot Creek that an assessment must be charged against the users and a commissioner put on Pot Creek."

Mr. Allen agreed that, "We should have a water master for a while longer". Chairman Felch commented that the creek must be kept wet for stock and for better transmission, and that it was important to have a commissioner on the creek.

Mr. Norseth stated that the best change to cut cost and to get a better man was to get together with the Brush Creek users for joint

supervision by a water commissioner. Mr. Caulder declared that he thought that this was a committee matter. To this, Mr. Criddle pointed out that the appointment of any commissioner must be in the hands of the State Engineer, and that his office was not attempting to build up a budget and to waste the water users' money. He agreed that if they consolidate with Brush Creek that they might cut cost to a minimum.

Mr. Allen commented that he too thought it would be a good thing to have one man for the whole Brush Creek-Pot Creek project.

In commenting on Mr. Caulder's thought that the selection of a commissioner should be a committee matter, Mr. Criddle said, "Yes, I think that Zelph Caulder's thought to put it in the hands of the committee is entirely proper at this time since we do not know what the Brush Creek people may want to do."

The group was asked whom they would suggest to be commissioner, and that since travel was a large part of the expense that perhaps it might be better to get a local man. Mr. Rulon S. Hacking suggested Mr. Leo Hacking, and Mr. Allen Bennion proposed that Mr. Clifton W. McCoy might be considered as water commissioner. Mr. Norseth said that whomever they recommended to be commissioner, the supervision would still be by the State Engineer's Office. Chairman Felch averred that to prevent trouble that the commissioner should be a disinterested party. Mr. Criddle agreed, but that if the water users selected a local man he must satisfy all the users.

Chairman Felch asked the group what they wanted to do about the matter, and Mr. McCoy made a motion to leave the matter of selecting a river commissioner in the hands of the committee. The motion was seconded by Mr. Caulder and carried. (The committee chairman, Mr. Felch, was contacted on March 22, 1960, and he stated that the Pot Creek users had decided to recommend the services on Mr. David Rasmussen, the Brush Creek Commissioner, on the same travel and per diem basis that was paid in 1959)

#### 1960 BUDGET

The State Engineer then asked for permission to, act on authority to collect on the same basis as 1959, except that if a local man is available for the job and travel and expenses are less, that the Pot Creek Committee would take the responsibility of adopting a new budget and submitting it to the State Engineer as soon as possible. Last year \$425.00 was set up and \$416.00 was spent. Might I suggest that you tentatively set up \$425.00 unless you can agree on the other approach and have the committee reduce the budget accordingly."

Mr. Caulder proposed, "That the minimum assessment be \$25.00 ... well at least \$10.00". There was no second on the motion. "I'll second it on behalf of Leon Greene, I have his proxy here," Mr. Caulder stated.

Mr. Criddle commented, "This is a legal question...proxies may be alright if the group may wish to accept them."

"What about stockwatering releases?", Mr. McCoy said.

"This is an irrigation meeting!", Mr. Caulder declared.

"No, this a water users meeting," Mr. Criddle said, "And all rights must be protected."

"Well, I'll go ahead and second the motion made by Zelph for the \$10.00 minimum assessment," Mr. Allen said.

The motion was put to a vote and deadlocked at 6 to 6. Mr. Calder voted four votes, his vote and proxies for Leon Greene, Leo Calder and Lucille Calder.

"There is no Leon Greene on my assessment role," Mr. Reese declared. Mr. Calder then objected to Mr. Searle's voting, too.

Mr. Criddle said that the matter was becoming very questionable. "There are five for and five against on the assessment role and there may be other matters arise concerning the proxies. The committee may want to make another proposal."

Mr. Calder was asked about the proxy for Leon Greene, and he stated that Mr. Greene contracted with him for stockwater. Mr. Criddle explained that a contractual right was not a water right, and that the water right was still invested in the owner of the water, not in the purchaser. He said that along with the budget the users might want to make a cooperative figure for a minimum assessment that would be agreeable to everyone, at least the majority.

Mr. Reese was asked by Mr. Allento please read the irrigation rights on Pot Creek. Mr. Reese read from his assessment role the irrigation rights and named Zelfh Calder, Leo Calder, Wm. Wallace Siddoway and Bill Allen.

Mr. Criddle said that perhaps they might want to move that the problems of the selection of a commissioner, the budget and the minimum assessment be recommended by the Pot Creek Committee, but it would have to stand until the meeting with the Brush Creek people. and, that he would like to meet with Pot Creek immediately afterward. In light of this he suggested that they adjourn this meeting until after the meeting with Brush Creek and meet again at 1:15 p.m.

The meeting was adjourned until 1:15 p.m.

#### AFTERNOON MEETING

#### DELINQUENT ASSESSMENT POLICY

The meeting reconvened at 1:15 p.m. and Mr. Criddle explained the assessment penalty policy which has been adopted by the other systems throughout the state. He said that assessments would be due June 1 or 60 days after mailing date of the assessment notices. The proposed penalty is 10% or a minimum of \$1.00 whichever is larger. The money collected as assessment penalties would become part of the funds of the system in which they were collected and help to defray part of the distribution on costs for the coming year. The State Engineer explained that the cost of collecting delinquent accounts throughout the state was considerable both in time and money. The penalty was being levied for no money, but to help to insure more prompt payment of accounts to get the money necessary to run the system at the start of distribution. The users agreed to support the State Engineer in the state-wide delinquent assessment policy. Mr. Allen said that he would like the group to reconsider Mr. Calder's motion to have a minimum assessment of \$10.00 and that the balance of the total assessment be assessed to the remaining accounts on the same basis as 1959. The motion was seconded Mr. William H. Karren, Jensen, Utah, a Colorado water user. The motion failed by a vote of 7 to 6 and Mr. Calder requested that an entry be made in the minutes showing that he objected to Mr. Searle's voting and that the stockwatering rights separated from the irrigation rights on the question of a \$10 minimum assessment.

Mr. Criddle commented that it was true that they would probably need an outside man for another year. The area is isolated and there would be considerable travel involved.

Mr. Allen made a motion to adopt the budget for 1960 on about the same figure as last year. Mr. Calder said that perhaps the matter might better be satisfied by the committee and settled at a later date with perhaps no commissioner at all.

Mr. Allen was asked to restate his motion and he said, "I move that we adopt a budget of \$425.00 for 1960 on the same basis as 1959 with Colorado to pay 20% of the total budget." The motion was seconded by Ralph Siddoway and the motion carried.

Mr. Criddle then ask to authorize the committee to handle the recommendation of a water commissioner, and for the committee to contact Mr. David Rasmussen Brush Creek Water Commissioner or whomever the committee decides to recommend for the job. The water users agreed.

### MEASURING DEVICES

Mr. Allen said that there was a need for gringing the measuring and control devices up to date on Pot Creek. He asked if the commissioner could take charge and work with the Soil Conservation Service to best locate and recommend the putting in of necessary measuring devices.

Mr. Criddle said that his office would be gald to work with thr water users too and to suggest where the devices might best be put in, and that all should be as near to the diversion points as possible. He said that the S.C.S. considers such requests from the water users as proper conservation practices and will cooperate and perhaps pay part of the expense, but that it was reluctant to do so in cases where such devices had been ordered in by the State Engineer.

The water users discussed the need for a weir below the Matt Warner Reservoir, and one for the upper and lower users on the Crouse Reservoir. Mr. Allen made a motion that the group act on the study for measuring devices on Pot Creek but there was no second to the motion.

### 1960 EXECUTIVE COMMITTEE

Chairman Felch then moved to the question of selecting an executive committee for 1960 and opened nominations for committee officers.

Mr. Calder said that "There are only two major rights on Pot Creek - the Crouse and Matt Warner interests, and I feel it only fair that I or Mr. Allen should be recognized on this committee."

Mr. Criddle interrupted to say that Colorado pay 20% of the total cost and all rights must be satisfied.

Mr. William H. Kamen nominated Mr. M Clark Felch for chairman. The nomination was seconded by William Wallace Siddoway.

Mr. Zeph S. Calder nominated himself by proxies from the Leo and Lucille Calder estate.

Mr. Felch was elect@d Pot Creek committee chairman for 1960. Mr. Ralph Siddoway was elected secretary, and Mr. Allen Bennion was elected committee member.

There being no further business, the meeting was adjourned with instructions that the committee would contact the State Engineer's Office as soon as then had decided upon a commissioner for Pot Creek for 1960.

Attending the meeting were:

M. Clark Felch  
Zelph S. Calder  
A. Allen Bennion  
Wm. Wallace Siddoway  
William Allen  
Clifton W. McCoy  
John Siddoway  
Rulon S. Hacking  
R. S. Shiner  
Alvin Kay  
L. Siddoway  
William H. Karren  
Carl Searle  
Ralph Siddoway  
Julian Massey

Wayne D. Criddle, State Engineer  
Frank Reese, Business Manager  
Donald C. Norseth, Dist. Engineer  
Clarence E. Erickson, Jr.