

REVISED

POT CREEK

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

March XX, 2005

This Memorandum of Understanding and Agreement is entered into on this _____ day of _____, 2005, by and between the State of Utah and the State of Colorado, acting by and through their duly authorized officers. The following recitals and understandings form the basis for the mutual agreement to administer the interstate Pot Creek:

I. RECITALS

1. **Purpose**--The major purposes of this Memorandum of Understanding and Agreement are to provide a definitive and mutually accepted mechanism to provide for the equitable distribution of the waters from Pot Creek, to remove all causes of present and future controversy, to promote interstate comity and to establish the obligations of each State with respect to the delivery and administration of waters in the Pot Creek Basin.
2. **Governing Law**--The State Engineer of Utah and the State Engineer of Colorado, in consultation with the water users of their respective States, shall administer the

waters of Pot Creek in conformance with applicable State laws and shall distribute the waters of Pot Creek under the Doctrine of Prior Appropriation.

3. **Interstate River Compact**--The Revised Pot Creek Memorandum of Understanding and Agreement, and all actions appurtenant thereto, are subject to the provisions and limitations contained in the Colorado River Compact, 42 Stat. 171 (1922) and the Upper Colorado River Compact, 63 Stat. 31 (1948).
4. **Administrative Authority**--The State Engineer of Utah and the State Engineer of Colorado are vested with exclusive authority to administer the terms of this Memorandum of Understanding and Agreement and all other ancillary documents necessary to equitably apportion the waters of Pot Creek. The State Engineer of Utah and the State Engineer of Colorado shall make and enforce such regulations within their respective States with respect to the delivery of interstate waters in Pot Creek to enable compliance with this commitment. In those cases where the Memorandum of Understanding and Agreement or other applicable documents are deficient in establishing standards for the administration of Pot Creek within Utah to meet the terms for delivery, the State Engineer of Utah shall take such actions as will be legal to regulate the distribution of water among the appropriators in Utah, including curtailment, to meet the lawful obligations under this Memorandum.
5. **Physical Description**--The headwaters of Pot Creek rise in the high Uinta Mountains at an elevation of approximately 8,520 feet above mean sea level. The main stem of Pot Creek flows approximately five miles in the eastern portions of Daggett and Uintah Counties in Utah from its headwaters to the inlet of Matt

Warner Reservoir. Pot Creek continues in a generally southeastern direction for another 20 miles to the Utah-Colorado state line and then for another eight miles within Colorado before reaching the confluence with the Green River in Moffat County, Colorado at an elevation of 5,210 feet above mean seal level. The major tributaries to Pot Creek are Kettle Creek, Simons Creek, and Cow Creek. There are streamflow diversions from Pot Creek, storage in reservoirs, and application of water to beneficial use in the Pot Creek Basin in both Utah and Colorado. The Pot Creek watershed encompasses approximately 153 square miles, of which 108 square miles are in the State of Utah and 45 square miles are located within the State of Colorado.

II. UNDERSTANDINGS

1. **Combined Administration List** --The States of Utah and Colorado recognize the need, value, and utility of an interstate priority list that incorporates the name, location, priority date, season of use, and beneficial use(s) for permitted and decreed water rights within the Pot Creek Basin. The States of Utah and Colorado mutually accept and adopt the Combined Administration List, attached hereto as Appendix A of Exhibit A, with an effective date of March XX, 2005 as the controlling priority list to regulate, distribute, and administer water within the Pot Creek Basin during the 2005 irrigation season and for all successive years until such time as it may be mutually revised and accepted by the States of Utah and Colorado.

2. **Pot Creek Operations Manual** --Daily operations under the Memorandum of Understanding and Agreement will be performed in accordance with the Pot Creek Operations Manual, effective date March XX, 2005, attached hereto as Exhibit A. The Pot Creek Operations Manual outlines the duties of the Pot Creek Water Commissioner and describes the documentation and general procedures that are mutually accepted and adopted by the States of Utah and Colorado. The Pot Creek Operations Manual includes the Combined Administration List that includes the permitted and decreed water rights subject to administration, narrative describing the operation and maintenance of streamflow river gaging stations, the Pot Creek Water Commissioner responsibilities, the Pot Creek Water Users' responsibilities, accounting, and annual reporting requirements.
3. **Commissioner's Authority and Responsibility** --The Pot Creek Water Commissioner shall have the authority and responsibility for the daily water administration and distribution of waters in the Pot Creek Basin under the authority of the State Engineers of Utah and Colorado and in accordance with the Doctrine of Prior Appropriation, the Combined Administration List, the Pot Creek Operations Manual, and any other applicable State laws.
4. **Selection and Appointment of the Pot Creek Water Commissioner**--The selection and appointment of the Pot Creek Water Commissioner shall occur in the following manner:

The State of Utah shall nominate a person that is competent to perform the duties of the Pot Creek Water Commissioner to the State of Colorado. If the State of Colorado, upon being advised of the name and qualifications

of the nominee, concurs, then such person shall be appointed as a Water Commissioner of the Pot Creek Distribution System. If the States of Utah and Colorado fail to concur, the State of Colorado shall nominate such a person for the position of the Pot Creek Water Commissioner in the same manner for the consideration of the State of Utah. If necessary, each State shall alternate in nominations until such time that both States concur in the selection of the Pot Creek Water Commissioner. The Pot Creek Water Commissioner shall serve for a term of four years commencing at the annual meeting of the Pot Creek Distribution System and running until the distribution system annual meeting at the beginning of the fifth year.

5. **Removal of the Water Commissioner**-- If either the State of Utah or the State of Colorado determines there is a cause to remove the Water Commissioner before the completion of the four-year term, it shall notify the other State and provide details of the problem. A Notice of Agency Action will be sent to the Water Commissioner by the State of Utah that will describe the alleged facts, provide an opportunity for the Water Commissioner to respond, and provide notice of an informal hearing if one is deemed necessary by either State. A hearing may also be held if requested by the Water Commissioner. The hearing will be held according to the Utah Administrative Procedures Act together with representatives from the State of Colorado. The purpose of the hearing will be to gather further information regarding the cause of action if necessary and to determine if the Water Commissioner should be removed. If the Water Commissioner provides adequate response to resolve the concern or if it is

determined after the hearing that the Commissioner should be retained, both States will issue a notice to the Water Commissioner stating that position. If it is determined that the Water Commissioner should be removed, both States will concurrently issue orders relieving the Commissioner of all authority and responsibilities. If the Commissioner is removed, the States will select a new Commissioner as soon as possible following the procedures set forth in paragraph 4.

6. **Commissioner Salary and Expenses** -- The salary compensation for the Pot Creek Water Commissioner and reimbursement for actual and necessary expenses shall be paid by each respective State under the fiscal procedures established under each State's laws. Such compensation and reimbursement for expenses shall be fixed by annual agreement between the States of Utah and Colorado, and shall be paid by each State in the following percentages:

State of Utah 80%

State of Colorado 20%

7. **Measuring Devices and Stream Gages** --The State Engineers of Utah and Colorado shall agree upon and shall require the construction, maintenance, and operation of such measuring devices and stream gaging stations as shall be necessary and proper for the administration and distribution of water under the Combined Administration List.

8. **Dispute Resolution** --In any matter of dispute relating to Pot Creek administration, including, but not limited to, administration and enforcement of this Memorandum of Understanding and Agreement, the party seeking redress

shall first submit the matter to the State Engineer of the State where the party has an actual interest. The matter under dispute shall include a specific definition of the issue and supporting materials. If resolution of the matter requires the participation of the other State, a copy of the issue documents and supporting materials shall be submitted by the State Engineer to the State Engineer of the other State along with a proposed schedule for resolution. The State Engineers of Utah and Colorado shall attempt to resolve any dispute by special meeting at which the issue is addressed or within a schedule agreed to by both State Engineers. If the State Engineers are unsuccessful in resolving the controversy, and the State raising the dispute desires to proceed, the dispute shall be submitted to non-binding arbitration unless otherwise agreed to by both the States of Utah and Colorado. Written notice for pursuing resolution through non-binding arbitration by a State shall be provided to the other State and shall include the time frame designation, a written description of the scope of the dispute, with sufficient detail to provide an understanding of the substance of the dispute and all related issues, and sufficient information for the other State to identify the technical skills that should be possessed by potential arbitrators necessary to resolve the dispute. The States may agree that the arbitration shall be binding, but no State shall be subject to binding arbitration without its express written consent.

9. **Modification and Termination of Memorandum of Understanding and Agreement**--This Memorandum of Understanding and Agreement and any attachment may be modified or terminated at any time by the mutual consent, in

writing, of the signatory States of Utah and Colorado; and upon such termination all rights to water established hereunder shall continue unimpaired.

III. AGREEMENT

Through signature, the following officers accept and agree to the aforementioned Recitals and Understandings:

State of Utah

State of Colorado

Jerry D. Olds, State Engineer

Hal D. Simpson, State Engineer

Exhibit A

Pot Creek Operations Manual

March XX, 2005

Purpose

The purpose of this document is to describe the operation of the Pot Creek Distribution System pursuant to the Revised Pot Creek Memorandum of Understanding and Agreement (MOU) dated _____ between the States of Utah (Utah) and Colorado (Colorado). This MOU was entered into by the States to allow for the equitable distribution of the water of the Pot Creek drainage according to priority without regard to state line.

This operation manual forms the basis for the day-to-day operations under the MOU, outlines the duties of the Pot Creek Water Commissioner (Commissioner), and describes the general accounting and reporting procedures agreed upon by Utah and Colorado.

Introduction

Pot Creek rises in the Uinta Mountains in the eastern portion of Daggett and Uintah Counties in Utah and flows in an easterly direction and into Colorado before it flows into the Green River. There are diversions and use of water from Pot Creek in both Utah and Colorado.

Combined Administration List

Representatives from Utah and Colorado jointly reviewed the permitted and decreed water rights of both States to determine which should be included in the Combined Administration List (List) for Pot Creek. The List was mutually accepted by Utah and Colorado and includes the permitted and decreed water rights of both States with the following exceptions: stock watering directly from streams, springs and reservoirs; wells for less than or equal to 0.1 cfs, or less than or equal to 5.0 AF; surface rights, including springs, for less than or equal to 0.1 cfs and not diverted from the main stem of Pot Creek; and storage rights for less than or equal to 5.0 AF, and not on the main stem of Pot Creek.

Additionally, new applications for water rights in both States will be reviewed to determine if granting such rights will impact the water availability on Pot Creek.

A copy of the List is attached as Appendix A. The List may be updated from time to time, subject to the approval of both States. A map showing the Pot Creek drainage and the water rights subject to administration is attached as Appendix B.

Hydrographic Gaging Stations

Gaging stations will be maintained on the main stem of Pot Creek above the inlet to Matt Warner Reservoir and at the state line between Utah and Colorado. These gages will be used to account for the amount of water entering the reservoir and to record the amount of water in Pot Creek at the Utah-Colorado state line. The gage above Matt Warner Reservoir shall be operated and maintained by Utah, and the Utah-Colorado state line gage shall be operated and maintained by Colorado. Capital costs for both gages will be at the expense of the Pot Creek Distribution System. Both gages shall be open and operating as early as possible in the spring, but no later than May 1. Records for these gages shall be compiled, analyzed, and documented by each respective State for each irrigation season and reported in the annual Pot Creek Commissioner's Report.

Water Commissioner Responsibilities

The Commissioner for Pot Creek shall be selected as provided for in the MOU. The Commissioner shall distribute the waters of Pot Creek according to priority as contained in the List. As authorized by statutes in both States, the Commissioner shall adjust the headgate on any ditch, or outlet of any reservoir in either State, to assure water is being delivered or stored according to the administration list. The Commissioner shall also keep records of diversion into each ditch, the amount of water stored in each reservoir, the inflow to Matt Warner Reservoir, the inflow to Calder Reservoir, and the amount of storage water released from each reservoir, as described in the Accounting section of this manual. The Commissioner shall prepare the annual Pot Creek Commissioner's Report.

Water User's Responsibilities

All reservoirs shall have area-capacity tables filed with the State Engineer of Utah and the State Engineer of Colorado. The reservoirs shall also have adequate staff gages installed. If releases from the reservoirs are required to deliver water to downstream rights, adequate measuring devices shall be installed below the reservoirs. The installation and maintenance of these devices is the responsibility of the owner of the reservoir.

All ditches shall have adequate and lockable headgates and accurate measuring devices as approved by Utah and Colorado. The installation and maintenance of these devices is the responsibility of the owner of the ditch.

If any ditch or reservoir owner fails to install or maintain the required devices or submit the required area-capacity tables, the Commissioner shall contact the representative of the State Engineer's Office in which the structure is located and inform them of the deficiency. The State Engineer's Office shall issue orders to submit the required area-capacity tables and/or install or maintain the required devices. Before denying the delivery of water to any party because of a deficiency in the measuring device or lack of an area-capacity table, the Commissioner shall consult with the appropriate State

Engineer's Office. Orders to cease the use of water shall be issued, and denial of water delivery to the water users by the Commissioner shall be handled according to the statutes and administrative rules of the State where the non-compliance occurs.

Accounting

Water rights shall be administered in conformance with the doctrine of prior appropriation, in time, amount, and location based upon available water supply. For accounting purposes, the storage season shall begin on November 1 and end on April 30 of the succeeding year. The direct flow irrigation season shall commence on May 1 and end on October 31.

The accounting workbook consists of diversion records, reservoir storage records, annual storage summary and Pot Creek natural flow calculation forms. Sample Accounting Forms are attached as Appendix C.

Storage

Reservoir storage will be accounted, recorded and reported for each specific water right in each reservoir structure. In order to determine the amount of winter storage available, the total amount of water stored in each reservoir between November 1 and April 30 must be determined. The change in storage during the winter will be determined as the storage amount on or near April 30 minus the storage amount on or near November 1 of the previous year. Any water stored out of priority during this period shall be released to downstream senior water rights upon demand and application to beneficial use.

All reservoirs shall only be entitled to one fill per year, unless the right specifically allows for multiple fillings. Storage rights shall only be stored in the reservoir the right was permitted/decreed for unless permission to store at an alternate location is granted by the appropriate State after consultation with the other State.

Direct Flow

Direct flow water rights shall be distributed according to the List upon demand and application to beneficial use from May 1 through October 31.

The water right for the Crouse Ditch allows for the diversion of 4.0 cfs from May 1 through October 31. Utah change application a26313 changed the point of diversion, place of use, and nature/type of use of this water right such that up to 4.0 cfs, in total, can be stored in any combination of Matt Warner, Calder, or Crouse Reservoirs during the same period. Any water available for release to downstream direct flow water rights shall be based on the determination of the natural flow of Pot Creek as outlined below.

If, in the determination of both States, water cannot be delivered to a ditch or reservoir in an amount and at a time when it can be put to beneficial use because the natural conditions would cause the water to be lost to the stream, the delivery of such water shall

be denied. Such determination shall be based on the individual conditions occurring at the time, taking into account all available information.

Determination of Natural Flow

The natural flow of Pot Creek will be calculated using the following formula:

$$\text{Natural flow} = \text{inflow to Matt Warner Reservoir} + \text{inflow to Calder Reservoir} - \text{outflow from Matt Warner Reservoir} + \text{Lee Cabin diversion}$$

A ramp flume located on Pot Creek upstream of Matt Warner Reservoir exists to measure the inflow to it. Measuring devices exist or shall be installed below Matt Warner Reservoir, on the Lee Cabin diversion and above Calder Reservoir. A line drawing showing the major facilities on Pot Creek is shown in Figure 1.

Annual Reporting Requirements

The Commissioner shall submit an annual report to the State Engineer's Office of each State by December 31 of each year. This report shall include the following:

- A summary of the amount of storage in each reservoir, the amount released from each reservoir, the amount of water diverted into each ditch
- Records of diversion into each ditch, the amount of water stored in each reservoir, the inflow to Matt Warner Reservoir, the inflow to Calder Reservoir, and the amount of storage water released from each reservoir
- Stream gage records
- A brief description of the conditions for the previous water year and the Commissioner's activities
- Accounting forms

The following items will be added to the Annual Pot Creek Commissioner's Report at, or prior to, the Pot Creek Distribution System annual meeting

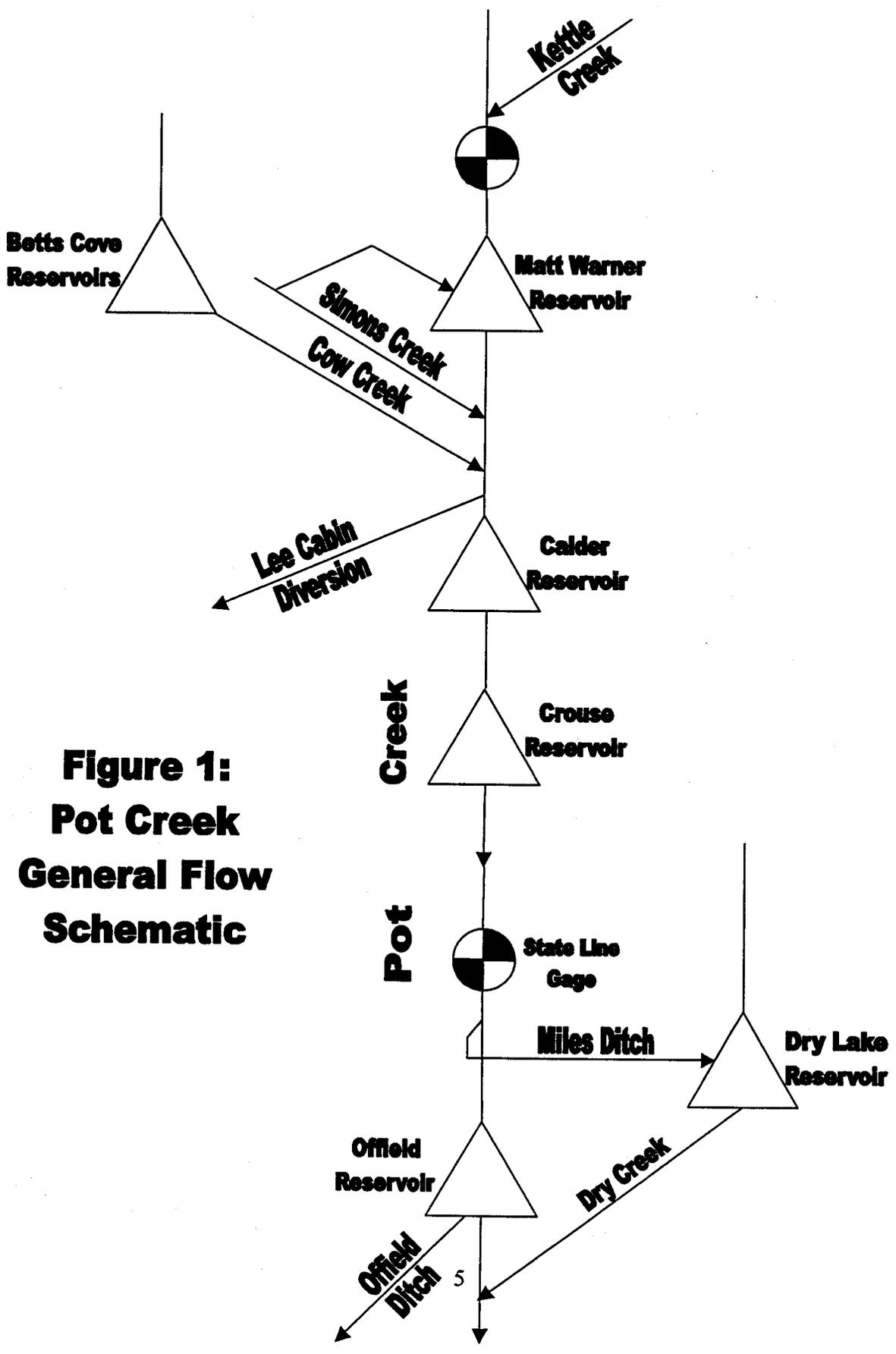
- Minutes of the Pot Creek Distribution System annual meeting for the preceding year
- Financial statement for the preceding year
- Budget expenditures for the preceding year
- Delinquent water assessments

Appendices

A---Combined Administration List

B---Map of Pot Creek Basin, Structures Administered under the MOU

C---Sample Accounting Forms



**Figure 1:
Pot Creek
General Flow
Schematic**

Appendix A

COMBINED ADMINISTRATION LIST

Pot Creek Drainage - Utah and Colorado Water Rights List

(Sorted by priority date and water right number)
(Water rights as of February 26, 2004)

Combined Administration List

The Combined Administration List was mutually accepted by the States of Utah and Colorado and includes the permitted and decreed water rights of both States with the following exceptions:
Stock watering directly from streams, springs and reservoirs
Underground/Wells for less than or equal to 0.1 cfs, or less than or equal to 5.0 AF.
Surface rights, including springs, for less than or equal to 0.1 cfs and not diverted from the main stem of Pot Creek
Storage rights for less than or equal to 5.0 AF, and not on the main stem of Pot Creek

PRIORITY DATE	WR No.	Structure Name	TYPE OF RIGHT	SOURCE	POINT(S) OF DIVERSION	USES	QUANTITY (CFS)	QUANTITY (ACFT)	COMMENTS
1886	41-785		Surface	Divide Spring	SE1/4 NW1/4 28 1N 24E SL	DS	0.500		About 3 miles from main stem of Pot Creek.
1886	41-789		Surface	Divide Spring	SE1/4 NW1/4 28 1N 24E SL	DS	0.500		About 3 miles from main stem of Pot Creek.
1886	41-803	West Belts Cove Reservoir	Surface	Belts Cove Fork Cow Creek	8830 W430 NE 15 1S 24E SL	S		45,000	The three Belts Cove reservoirs are limited to a combined storage total of 45 ac-ft by decree.
1886	41-938		Surface	Divide Spring	SE1/4 NW1/4 28 1N 24E SL	DS	0.500		About 3 miles from main stem of Pot Creek.
1886	* 41-1022	Crossed Ditch	Surface	Pot Creek	N320 E520 W4 1S 1S 24E SL	I	4,000		* This water right has been changed, see below.
1886	41-1022	Matt Warner Reservoir	Surface	Pot Creek	N465 W545 E4 02 1S 23E SL	Fish			Change Application #20313 allows for the storage of water from May 1 to October 31 in any of the three reservoirs
1886	41-1022	Calder Reservoir	Surface	Pot Creek	N178 W850 SE 15 1S 24E SL				
1886	41-1022	Crouse Reservoir	Surface	Pot Creek	N100 W190 E4 23 1S 24E SL				
1886	41-1166		Surface	Warren Spring	NW1/4 SE1/4 09 1S 24E SL	DS	1,000		
1886	41-1168		Surface	Warren Spring	NW1/4 SE1/4 09 1S 24E SL	DS	1,000		
1886	41-1169		Surface	Warren Spring	NW1/4 SE1/4 09 1S 24E SL	DS	1,000		
1886	41-1170		Surface	Shiner Spring Area	N840 E550 SW 10 1S 24E SL	DS	0,400		
1886	41-1172		Surface	Shiner Spring Area	N840 E550 SW 10 1S 24E SL	DS	0,400		
1886	41-1173		Surface	Shiner Spring Area	N840 E550 SW 10 1S 24E SL	DS	0,400		
1886	41-1605		Surface	East Point Spring	N180 E700 SW 21 1N 23E SL	D	0,110		
1886	41-1689		Surface	North Dead Lake Spring	S30 E1280 N4 32 1N 23E SL	DS	0,111		
1886	41-1784	South Belts Cove Reservoir	Surface	Cow Creek	N1002 E40 W4 14 1S 23E SL	S			The three Belts Cove reservoirs are limited to a combined storage total of 45 ac-ft by decree.
1888	41-349		Surface	Carr Spring Fork	N1620 E2100 SW 27 1S 24E SL	IS	0,200		Meadow Water Right
1888	41-741		Surface	Filly Draw	N1730 W2020 SE 28 1N 24E SL	IS	2,000		Meadow Water Right
1888	41-745		Surface	Filly Draw	N1730 W2020 SE 28 1N 24E SL	IS	2,000		Meadow Water Right
1888	41-757		Surface	Warren Draw	N120 W2280 E4 28 1N 24E SL	IS	0,500		Meadow Water Right
1888	41-761		Surface	Warren Draw	N120 W2280 E4 28 1N 24E SL	IS	0,500		Meadow Water Right
1888	41-886		Surface	East Smoke-am-up Spring	N540 W895 E4 33 1N 23E SL	IS	0,250		Meadow Water Right
1888	41-815		Surface	Simon's (Bealer) Creek	N25 W785 E4 17 1S 23E SL	IS	0,250		Meadow Water Right
1888	41-824		Surface	Warren Draw	N120 W2280 E4 28 1N 24E SL	IS	0,500		Meadow Water Right
1888	41-825		Surface	Filly Draw	N1730 W2020 SE 28 1N 24E SL	IS	2,000		Meadow Water Right
1888	41-929		Surface	Ledge Spring No. 1	N1630 W1730 SE 29 1N 24E SL	DIS	0,250		Meadow Water Right
1888	41-931		Surface	Ledge Spring No. 1	N1630 W1730 SE 29 1N 24E SL	DIS	0,250		Meadow Water Right
1888	41-932		Surface	Ledge Spring No. 1	N1630 W1730 SE 29 1N 24E SL	DIS	0,250		Meadow Water Right
1888	41-933		Surface	Ledge Spring Fork Stream	N1000 W1300 SE 29 1N 24E SL	IS	0,750		Meadow Water Right
1888	41-935		Surface	Ledge Spring Fork Stream	N1000 W1300 SE 29 1N 24E SL	IS	0,750		Meadow Water Right
1888	41-936		Surface	Ledge Spring Fork Stream	N1000 W1300 SE 29 1N 24E SL	IS	0,750		Meadow Water Right
1888	41-943		Surface	Warren Draw	N760 W1420 E4 32 1N 24E SL	IS	0,250		Meadow Water Right
1888	41-945		Surface	Warren Draw	N760 W1420 E4 32 1N 24E SL	IS	0,250		Meadow Water Right
1888	41-946		Surface	Warren Draw	N760 W1420 E4 32 1N 24E SL	IS	0,250		Meadow Water Right
1888	41-947		Surface	Warren Draw	N760 W1420 E4 32 1N 24E SL	IS	0,250		Meadow Water Right
1888	41-949		Surface	Warren Draw	S250 W1120 E4 32 1N 24E SL	IS	0,250		Meadow Water Right

Appendix A

COMBINED ADMINISTRATION LIST

Pot Creek Drainage - Utah and Colorado Water Rights List

(Sorted by priority date and water right number)
(Water rights as of February 26, 2004)

PRIORITY DATE	WR No.	Structure Name	TYPE OF RIGHT	SOURCE	POINT(S) OF DIVERSION	USES	QUANTITY (CFS)	QUANTITY (ACFT)	COMMENTS
1888	41-990		Surface	Warren Draw	S250 W1120 E4 32 1N 24E SL	IS	0.250		Meadow Water Right
1888	41-995		Surface	North Fork Felix Pass Wash	N1230 E50 W4 03 1S 24E SL	IS	2,000		Meadow Water Right
1888	41-997		Surface	North Fork Felix Pass Wash	N1230 E50 W4 03 1S 24E SL	IS	2,000		Meadow Water Right
1888	41-998		Surface	North Fork Felix Pass Wash	N1230 E50 W4 03 1S 24E SL	IS	2,000		Meadow Water Right
1888	41-999		Surface	Felix Pass Wash	N110 W450 E4 04 1S 24E SL	IS	--	--	Meadow Water Right
1888	41-991		Surface	Felix Pass Wash	N110 W450 E4 04 1S 24E SL	IS	--	--	Meadow Water Right
1888	41-992		Surface	Felix Pass Wash	N110 W450 E4 04 1S 24E SL	IS	0.250		Meadow Water Right
1888	41-1027		Surface	East Bennion Wash	N1260 E770 SW 35 1S 24E SL	IS	10,000		Meadow Water Right
1888	41-1251		Surface	Lambson Draw	S0 E920 NW 21 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1252		Surface	South Narrows Draw	N30 E140 W4 21 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1259		Surface	Lambson-Jenkins Spring Stream	S590 W1190 NE 20 1N 23E SL	DIS	0.111		Meadow Water Right
1888	41-1262		Surface	North Spring	S1160 W990 N4 30 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1603		Surface	Willow Spring	N1355 E445 S4 30 1N 23E SL	DIS	0.111		Meadow Water Right
1888	41-1618		Surface	South East Point Wash	N490 W985 SE 20 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1620		Surface	East Point Wash	N490 W985 SE 20 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1622		Surface	Lambson Draw	S830 W950 N4 32 1N 23E SL	IS	5,000		Meadow Water Right
1888	41-1624		Surface	North Narrows Draw	S1220 E1260 NW 21 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1626		Surface	Lambson Draw	S0 E915 NW 21 1N 23E SL	IS	10,000		Meadow Water Right
1888	41-1628		Surface	South Narrows Draw	N30 E140 W4 21 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1629		Surface	East Point Spring Stream	N430 E115 SW 21 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1631		Surface	Lambson Draw Stream	S550 W1260 NE 16 1N 23E SL	IS	10,000		Meadow Water Right
1888	41-1635		Surface	Quartzite Spring Stream	N720 E680 S4 16 1N 23E SL	DIS	0.111		Meadow Water Right
1888	41-1636		Surface	Lambson-Jenkins Spring Stream	S590 W1190 NE 20 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1639		Surface	Wallace Siltoway Wash	N1010 W920 E4 29 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1659		Surface	Siltoway Spring Stream	N500 W2370 E4 31 1N 23E SL	IS	0.111		Meadow Water Right
1888	41-1673		Surface	North Fork Pot Creek	N190 E490 W4 31 1N 23E SL	DIS	3,000		Meadow Water Right
1888	41-1675		Surface	Bow and Arrow Spring	S10 E835 W4 19 1N 23E SL	DIS	0.111		Meadow Water Right
1888	41-1679		Surface	Lime Rock Spring	N2330 W200 S4 19 1N 23E SL	DIS	0.111		Meadow Water Right
1888	41-1680		Surface	Dead Lake Wash	N820 E1100 S4 29 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1683		Surface	North Spring	S1180 W990 N4 30 1N 23E SL	IS	0.111		Meadow Water Right
1888	41-1684		Surface	Dead Lake Wash	N820 E1100 S4 29 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1685		Surface	Meadow Creek	S1180 W435 NE 19 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1686		Surface	Meadow Creek	S1250 W995 NE 19 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1688		Surface	North Fork Kettle Creek	S720 E1160 N4 19 1N 23E SL	IS	1,000		Meadow Water Right
1888	41-1689		Surface	North Fork Kettle Creek	S390 E660 N4 19 1N 23E SL	IS	1,000		Meadow Water Right
1888	41-1695		Surface	Kettle Creek	S500 E925 W4 19 1N 23E SL	IS	3,000		Meadow Water Right
1888	41-1696		Surface	Lambson Draw	S630 W950 N4 32 1N 23E SL	IS	5,000		Meadow Water Right
1888	41-1697		Surface	East Smoke-am-up Spring	N540 W465 E4 33 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1700		Surface	West Smoke-am-up Spring	N425 W630 E4 33 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-1722		Surface	Big Hill Spring Stream	S945 W985 N4 33 1N 23E SL	IS	0.111		Meadow Water Right
1888	41-1725		Surface	Lambson-Jenkins Spring Stream	S590 W1190 NE 20 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1736		Surface	Lambson Draw	S0 E920 NW 21 1N 23E SL	IS	10,000		Meadow Water Right
1888	41-1739		Surface	South Narrows Draw	N30 E140 W4 21 1N 23E SL	IS	0.500		Meadow Water Right
1888	41-1754		Surface	Peppermint Park Spring Stream	S235 W1395 E4 19 1N 23E SL	IS	0.600		Meadow Water Right
1888	41-1761		Surface	Dry Hollow	N1260 W1159 S4 30 1N 24E SL	IS	0.180		Meadow Water Right
1888	41-1771		Surface	Simons (Basler) Creek	N25 W785 E4 17 1S 23E SL	IS	0.250		Meadow Water Right
1888	41-1776		Surface	Cow Creek	S1970 E410 N4 11 1S 23E SL	IS	1,360		Meadow Water Right

Appendix A

COMBINED ADMINISTRATION LIST

Pot Creek Drainage - Utah and Colorado Water Rights List

(Sorted by priority date and water right number)
(Water rights as of February 26, 2004)

PRIORITY DATE	WR No.	Structure Name	TYPE OF RIGHT	SOURCE	POINT(S) OF DIVERSION	USES	QUANTITY (CFS)	QUANTITY (ACFT)	COMMENTS
1888	41-1778		Surface	Cow Creek	S1970 EA10 N4 11 15 23E SL	IS	1.369		Meadow Water Right
1888	41-1878		Surface	Warren Draw	N760 W7420 EA 32 1N 24E SL	IS	0.250		Meadow Water Right
1888	41-2074		Surface	Dry Hollow	N1260 W1150 S4 30 1N 24E SL	IS	0.180		Meadow Water Right
1888	41-2103		Surface	South Hoy Mountain Wash	S485 W1552 EA 35 1S 25E SL	IS	0.250		Meadow Water Right
1888	41-2134		Surface	Big Hill Spring Stream	S945 W495 N4 33 1N 23E SL	IS	0.111		Meadow Water Right
1888	41-2183		Surface	West Smoke-on-Up Spring	N425 W830 EA 33 1N 23E SL	IS	0.250		Meadow Water Right
1888	41-2897		Surface	South Hoy Mountain Wash	N1320 E899 S4 35 1S 25E SL	IS	0.250		Meadow Water Right
1902	41-749	Upper Warren Reservoir	Surface	Warren Draw	N1320 E1300 SW 28 1N 24E SL	I	5.000		Pond capacity of 7.5 acre-feet
1902	41-753	Upper Warren Reservoir	Surface	Warren Draw	N1320 E1300 SW 28 1N 24E SL	IS	5.000		Pond capacity of 7.5 acre-feet
1902	41-782	Blingham Reservoir	Surface	Warren Draw	N490 E870 SW 28 1N 24E SL	IS	0.800		Pond capacity of 3.08 acre-feet
1902	41-788	Stringham Reservoir	Surface	Warren Draw	N490 E870 SW 28 1N 24E SL	IS	0.500		Pond capacity of 3.08 acre-feet
1902	41-851	Lambson Draw Reservoir	Surface	Lambson Draw	N1110 E230 SW 10 1N 23E SL	S	--		Pond capacity of 19.9 acre-feet
1902	41-909	Unnamed Reservoir	Surface	Simons (Beaker) Creek	S230 W1960 NE 19 19 23E SL	IS	0.200		Meadow Water Right, Pond capacity of 6.9 ac-ft
1902	41-910	Simons Creek Reservoir	Surface	Simons (Beaker) Creek	S1480 E545 NW 19 19 23E SL	IS	0.500		Meadow Water Right, Pond capacity of 6.9 ac-ft
1902	41-928	Upper Warren Reservoir	Surface	Warren Draw	N1320 E1300 SW 28 1N 24E SL	IS	5.000		Pond capacity of 7.5 acre-feet
1902	41-928	Stringham Reservoir	Surface	Warren Draw	N490 E870 SW 28 1N 24E SL	IS	0.500		Pond capacity of 3.08 acre-feet
1902	41-951	Dry Lake Reservoir	Surface	Warren Draw	N645 W1600 SE 32 1N 24E SL	IS	1.000		Pond capacity of 0.8 acre-feet
1902	41-953	Dry Lake Reservoir	Surface	Warren Draw	N645 W1600 SE 32 1N 24E SL	IS	1.000		Pond capacity of 0.8 acre-feet
1902	41-954	Dry Lake Reservoir	Surface	Warren Draw	N645 W1600 SE 32 1N 24E SL	IS	1.000		Pond capacity of 0.8 acre-feet
1902	41-989	Felix Reservoir	Surface	North Fork Felix Pass Wash	S700 E525 NW 03 19 24E SL	S	0.250		Pond capacity of 2.7 acre-feet
1902	41-971	Felix Reservoir	Surface	North Fork Felix Pass Wash	S700 E525 NW 03 19 24E SL	S	0.250		Pond capacity of 2.7 acre-feet
1902	41-972	Felix Reservoir	Surface	North Fork Felix Pass Wash	S700 E525 NW 03 19 24E SL	S	0.250		Pond capacity of 2.7 acre-feet
1902	41-973	Felix Pass Reservoir	Surface	Felix Pass Wash	N270 E1410 W4 03 19 24E SL	S	0.250		Pond capacity of 1.88 acre-feet
1902	41-975	Felix Pass Reservoir	Surface	Felix Pass Wash	N270 E1410 W4 03 19 24E SL	S	0.250		Pond capacity of 1.88 acre-feet
1902	41-978	Felix Pass Reservoir	Surface	Felix Pass Wash	N270 E1410 W4 03 19 24E SL	S	0.250		Pond capacity of 1.88 acre-feet
1902	41-981	Shiner Wash Reservoir	Surface	Shiner Wash	S5 W885 NW 09 19 24E SL	S	0.900		Pond capacity of 1.5 acre-feet
1902	41-983	Shiner Wash Reservoir	Surface	Shiner Wash	S5 W885 NW 09 19 24E SL	S	0.900		Pond capacity of 1.5 acre-feet
1902	41-984	Shiner Wash Reservoir	Surface	Shiner Wash	S5 W885 NW 09 19 24E SL	S	0.900		Pond capacity of 1.5 acre-feet
1902	41-985	Error Reservoir	Surface	Warren Draw	N1485 E185 S4 04 1S 24E SL	IS	0.500		Pond capacity of 8.0 acre-feet
1902	41-987	Error Reservoir	Surface	Warren Draw	N1485 E185 S4 04 1S 24E SL	IS	0.500		Pond capacity of 8.0 acre-feet
1902	41-988	Error Reservoir	Surface	Warren Draw	N1485 E185 S4 04 1S 24E SL	IS	0.500		Pond capacity of 8.0 acre-feet
1902	41-990	Warren Reservoir	Surface	Warren Draw	N1800 E125 S4 09 1S 24E SL	IS	0.500		Pond capacity of 2.7 acre-feet
1902	41-999	Warren Reservoir	Surface	Warren Draw	N1800 E125 S4 09 1S 24E SL	IS	0.500		Pond capacity of 2.7 acre-feet
1902	41-1000	Warren Reservoir	Surface	Warren Draw	N1800 E125 S4 09 1S 24E SL	IS	0.500		Pond capacity of 2.7 acre-feet
1902	41-1140	Lower Gadsden Draw	Surface	Gadsden Draw	S480 E485 N4 33 1S 24E SL	S	0.500		Pond capacity of 0.3 acre-feet
1902	41-1141	Gadsden Draw Reservoir	Surface	Gadsden Draw	N30 W770 E4 32 1S 24E SL	S	0.500		Pond capacity of 0.3 acre-feet
1902	41-1142	Twin Reservoir	Surface	Gadsden Draw	N110 E1640 W4 33 1S 24E SL	S	0.500		Pond capacity of 2.1 acre-feet
1902	41-3243	Upper Haching Reservoir	Surface	Simons (Beaker) Creek	N265 E2450 W4 10 1S 23E SL	S	--		Pond capacity of 9.0 acre-feet
1902	41-1630	Lambson Draw Reservoir	Surface	Lambson Draw	W12 SW1/4, 10 1N 23E SL	S	0.500		Pond capacity of 15.0 acre-feet
1902	41-1634	Spring Stream Reservoir	Surface	Reservoir Spring Stream	S1895 E200 N4 20 1N 23E SL	IS	0.190		Pond capacity of 0.1 acre-feet
1902	41-1687	Ferra Young Reservoir	Surface	Pot Creek	N405 W690 SE 36 1N 22E SL	IS	0.400		Pond capacity of 1.19 acre-feet
1902	41-1692	Lower South Draw Reservoir	Surface	South Draw	N1510 E1480 NW 03 19 23E BL	S	0.250		Pond capacity of 4.0 acre-feet
1902	41-1715	East Sildoway Reservoir	Surface	Mail Draw Wash	N590 E760 W4 13 19 24E BL	S	0.500		Pond capacity of 9.0 acre-feet
1902	41-1716	Middle Mail Draw Reservoir	Surface	Mail Draw Wash	S790 E1090 NW 12 19 24E SL	S	0.500		Pond capacity of 1.0 acre-feet
1902	41-1717	Lower Mail Draw Reservoir	Surface	Mail Draw Wash	S1120 E935 NW 12 1S 24E SL	S	0.500		Pond capacity of 2.0 acre-feet
1902	41-1723	Spring Stream Reservoir	Surface	Reservoir Spring Stream	S1895 E200 N4 20 1N 23E SL	IS	0.190		Pond capacity of 0.1 acre-feet
1902	41-1758	Lower Dry Hollow	Surface	Dry Hollow	N2420 W1615 S4 36 1N 23E SL	IS	0.250		Pond capacity of 0.6 acre-feet
1902	41-1794	Simons Creek Reservoir	Surface	Simons (Beaker) Creek	S1480 E545 NW 19 1S 23E SL	IS	0.125		Meadow Water Right, Pond capacity of 2.8 ac-ft

Appendix A

COMBINED ADMINISTRATION LIST

Pot Creek Drainage - Utah and Colorado Water Rights List

(Sorted by priority date and water right number)
(Water rights as of February 26, 2004)

PRIORITY DATE	WR NO.	Structure Name	TYPE OF RIGHT	SOURCE	POINT(S) OF DIVERSION	USES	QUANTITY (CFS)	QUANTITY (ACFT)	COMMENTS
1902	41-1783	Middle Betts Cove Reservoir	Surface	Cow Creek	S1085 E75 NW14 18 23E SL	9			The three Betts Cove reservoirs are limited to a combined storage total of 48 ac-ft by decree.
1902	41-1792	Error Reservoir	Surface	Warren Draw	N1485 E185 S4 04 19 24E SL	IS	--	--	Pond capacity of 8.0 acre-feet
1902	41-2072	Lower Dry Hollow	Surface	Dry Hollow	N2420 W1610 S4 36 1N 23E SL	IS	0.250		Pond capacity of 0.5 acre-feet
1902	41-2073	Upper Dry Hollow Reservoir	Surface	Dry Hollow	N760 E810 SW30 1N 24E SL	IS	0.250		Pond capacity of 1.5 acre-feet
1902	41-2119	Ferra Young Reservoir	Surface	Pot Creek	N405 W680 SE 36 1N 22E SL	IS	1.000		Pond capacity of 1.9 acre-feet
1902	41-2121	Lower Diversion Reservoir	Surface	Pot Creek	N205 W405 SE 36 1N 22E SL	S	--	--	Pond capacity of 1.19 acre-feet. Located on Pot Creek
1902	41-2889	Unnamed Reservoir	Surface	Unnamed Trib. to Main Draw Wash	S170 E690 NW18 1S 25E SL	S	0.110		Pond capacity of 0.3 acre-feet
1913/09/06	2	Dry Lake Reservoir	Storage	Pot Creek	SE, SW, Sec 5, T8N, R103W	IDS		18,360	
1913/09/06	2a	Miles Ditch	Surface	Pot Creek	NW, NW, Sec 7, T8N, R103W	ID	3.500		
1914/04/28	4	Offield Ditch	Surface	Pot Creek	SE, NW, Sec 8, T8N, R103W	ID	3.000		
1914/05/22	5	Alinga Water PL	Surface	Dry Creek of Pot Creek	NW, SE, Sec 25, T8N, R104W	DS	0.149		
1914/05/22	5a	Dajournette D Ext	Surface	Dry Creek of Pot Creek	NE, NW, Sec 30, T8N, R103W	IDS	5.881		
1914/05/22	5b	Messy Ditch	Surface	Dry Creek of Pot Creek	NW, SE, Sec 25, T8N, R104W	ID	1.500		
1923/08/13	41-1019	Crouse Reservoir	Surface	Pot Creek	N100 W100 E4 23 1S 24E SL	IS		1080, 150	
1923/08/13	41-3179	Cador #2 *	Surface	Pot Creek	N1228 W775 SE 15 19 24E SL	IS	0.259	80,000	* Stored in Crouse Reservoir
1925	41-2906		Underground	Underground Water Well	S95 W160 NE 11 2S 26E SL	IS	0.800		
1932/11/14	41-1663		Surface	Pot Creek	N1000 W1085 SE 36 1N 22E SL	IS		64,000	
1933/07/15	12	Offield Reservoir	Storage	Pot Creek	SE, NW, Sec 8, T8N, R103W	IDS		2865,000	
1937/02/10	41-307	Matt Warner Reservoir	Surface	Pot Creek	N495 W545 E4 02 1S 23E SL	I		80	
1937/02/10	41-3393	Matt Warner	Surface	Pot Creek	N495 W545 E4 02 1S 23E SL	I	2,000		
1945/03/12	41-2128	Les Cabin Diversion	Surface	Pot Creek	S1000 W1550 E4 07 1S 24E SL	I		19,530	
1945/09/01	16	Messy Reservoir	Storage	Dry Creek of Pot Creek	SE, SE, Sec 30, T8N, R103W	DS		1000,000	Permit to change use - added fish propagation
1945/09/04	41-2684	Crouse Reservoir	Surface	Pot Creek	N100 W100 E4 23 1S 24E SL	Fish		1500,000	
1962/07/16	41-3039	Matt Warner Reservoir	Surface	Pot Creek	S3905 W4824 NE 02 1S 23E SL	Fish			
1962/07/18	41-3040	Calder Reservoir	Surface	Simons Creek	S2121 W342 NE 02 1S 23E SL	Fish			
1966/02/02	41-3099	South Betts Cove Reservoir	Surface	Pot Creek	N1241 W662 SE 15 1S 24E SL	Fish	0.100		
		Middle Betts Cove Reservoir	Surface	Cow Creek	N1002 E40 W4 14 1S 23E SL	Fish			The three Betts Cove reservoirs are limited to a combined storage total of 45 ac-ft by decree.
		West Betts Cove Reservoir	Surface	Cow Creek	S1085 E75 NW 14 1S 23E SL	Fish			See WR No.'s 41-803, 1783, and 1784
1975/10/01	90CW0097	Offield Reservoir	Storage	Pot Creek	SE N Sec 8 T8N R103W	IRDS		238,000	
2001/08/10	41-3400		Surface	Pot Creek	S950 W100 NE 32 1S 26E SL	I	8,000		
			Surface	Pot Creek	N1350 E1250 SW 34 1S 25E SL				

Appendix C

Sample Accounting Forms

Revised Pot Creek Memorandum of Understanding

March xx, 2005

1. Diversion Records
2. Reservoir Storage Records
3. Annual Storage Summary
4. Natural Flow Calculation

**POT CREEK ADMINISTRATION
Diversion Records**

Structure Name: _____ Irrigation Year: _____

Source: _____ (natural streamflow/storage)

From: _____ (if source is storage - name of reservoir)

Use: _____

Day	Diversion Rate (cfs)						
	April	May	June	July	Aug	Sept	Oct
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Total (cfs)							
Total (AF)							

Comments: _____

POT CREEK ADMINISTRATION
Annual Storage Summary

Irrigation Year: _____

Reservoir Name (Listed by Priority)	Reservoir Storage		Change in Storage (AF) (3)	Storage Right (AF) (4)	Difference (AF) (5)	Storage After Adjustment (AF) (6)	Reservoir Storage Oct 31 (AF) (7)
	Nov 1 (AF) (1)	April 30 (AF) (2)					
	Betts Cove Reservoirs						
Dry Lake Reservoir				18.36			
Crouse Reservoir				1160.15			
Offfield Res (1 st right)				64			
Matt Warner Res (1 st right)				2945			
Matt Warner Res (2 nd right)				1000			
Calder Reservoir				1500			
Offfield Res (2 nd right)				236			

- (1) - Amount of water stored on November 1
- (2) - Amount of water stored on April 30
- (3) - (2) minus (1)
- (4) - Amount of water permitted or decreed
- (5) - (2) minus (4)
- (6) - Storage after water has been released to fulfill senior water rights
- (7) - Amount of water stored on or near October 31

