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SEP 4 1990

Dr. Jeris Danielson
State Engineer
Room 818
1313 Sherman Street
Denver, Colo 80203

WATER RESOURCES
STATE ENGINEER
CORP.

August 27, 1990

Dear Dr. Danielson

We are owners of Colorado lands and water rights in the Pot Creek drainage. Pot Creek has its headwaters in Utah and flows across the state line into Colorado where it is tributary to the Green River within the boundaries of Dinosaur National Monument.

As you are probably aware, an agreement between the two states was signed in 1958 that allocates the available water between both Utah and Colorado water users. This agreement covers both the distribution of ditch water and waters to be stored in reservoirs in both states.

To get to the point quickly, the water we are entitled to is not being delivered across the state line. We own the second and third irrigation right on Pot Creek as well as senior reservoir water. We are lucky in most years to receive half of that amount that we are entitled to under the agreement. This year there were no water deliveries from Utah to Colorado. At the same time Utah water users, who should have no water at all according to the agreement, have been allowed to divert and store the waters of Pot Creek.

The Utah Division of Wildlife is the owner of three reservoirs upstream of the Utah-Colorado state line. These were acquired from private parties in the last few years have been rebuilt and enlarged to the point that they can store every bit of water that Pot Creek produces on an average year. Most of the storage capacity of the reservoirs is either not covered by Utah water rights or is junior to the rights in Colorado. Yet we receive little or no water and at the same time the Utah reservoirs fill every season.

As residents of the Vernal area, we have pleaded our case with the Utah authorities with little success. The water commissioner is payed by the both states to divide the water according to the 1958 agreement. He is also a full time employee of the Utah Division of Wildlife, the owners of the upstream reservoirs with a virtually unlimited thirst.

The dollar loss to users on the Colorado portion of the stream is substantial. We used to be able to irrigate with our ditches and fill most of our reservoirs. Now, there is not even enough water for stock, let alone for storage or irrigation. This situation has been getting worse every year but is now intolerable.

As Colorado water users, we hold the Colorado Division of Water Resources responsible for the delivery of water as required by statute. This is a formal request for you to perform your duty as the administering agency of Colorado water rights. We are looking forward to your timely response.

Sincerely yours

David Kardon
W. E. Math
Gay Sutyon
William Chase

cc: Vance E. Halvorson
Attorney at Law
Box 3509
Steamboat Springs, Co 80477

Hamlet Barry
Executive Director of Natural Resources
Room 718
1313 Sherman Street
Denver, Colo 80203

Ed Blank
Colo Div Water Resources, Division 6 Engineer
Box 3450
Steamboat Springs, Co 80477

Acting Director of Colo Water Conservation Board
Room 720
1313 Sherman Street
Denver, Colo 80203

DAVID KARDON
PO Box 71
JENSEN UT
84055