



DIVISION OF WATER RESOURCES

Department of Natural Resources
101 Columbine Building
1845 Sherman Street
Denver, Colorado 80203
March 9, 1971

TO: C. J. Kuiper, State Engineer

FROM: William R. Smith, Donald H. Hamburg and M. William Mattern

SUBJECT: "Memorandum of Understanding", Pot Creek Agreement

After considering the "Memorandum of Understanding", which is reaffirmed each year, we would like to make the following recommendations:

Under the "Parties Understanding and Tentative Agreement (1)" which states "That the attached priority schedule shall be and is hereby accepted by the contracting parties and shall be placed in operation for the purpose of administering and distributing the waters of Pot Creek during the 1958 and succeeding irrigation seasons.". Under the priority schedule cited in this section, the period of use of William Karren, Claimant, and Edwin Lewis and Thomas Ainge, Claimants, May 1st to October 31st is indicated. Due to these Colorado diversions being at a lower elevation than most where early irrigation can commence, we recommend that the Paragraph 1 be amended by amendment in the priority schedule for period of use of the above claimants to April 1st to October 31st.

In addition, we recommend that an additional paragraph be inserted, perhaps to be entitled "1a" providing that water inadvertently captured in upstream storage projects either as a result of freeze-up and inability to release stream flow, be released to the claimants with valid priority at the time of capture. In explanation, Wes Signs advised that this second matter is, in fact, being done; however, he thinks that inclusion in the understanding and agreement would be very helpful.

The above two matters should answer the requests of the Colorado water users received last year and assist in the future administration of Pot Creek. If further information is needed, please advise.

WRS:grl

William R. Smith

cc: Wesley E. Signs