

MINUTES OF MEETING

Minutes of the meeting of the Board of Directors of the Sevier River Water Users, Inc. held at the Sevier County Courthouse, Richfield, Utah, on Thursday, December 1, 1994 at 10:00 a.m.

Due, legal and timely notice having been given as required by law and the Order of the Board.

There were present the following Officers and Directors:

PRESENT:

Afton Blood, President-Piute County
Phill Nielson, Vice President-Millard Area
Sheldon Proctor, Director-Garfield County
Ivan Cowley, Director-Sevier County
Clyde Bunker, Director-Millard Area
Dean S. Anderson, Secretary

ABSENT:

Clark Wall, Director-Sevier County
Dwight Malmgren, Director-Sanpete County

ALSO PRESENT:

Roger Walker, Sevier River Commissioner (retired)
Jim Walker, Lower Sevier River Commissioner
Ray Owen, Upper Sevier River Commissioner
Lee Simms, Division of Water Rights
Kirk Forbush, Division of Water Rights

The meeting was called to order by President Afton Blood who presided at the meeting.

Minutes of the meeting held on October 25, 1994 were read by the Secretary. **Ivan Cowley moved that the minutes be approved as read.** The motion was seconded by Phill Nielson and passed unanimously. It was noted that Clark Wall had to attend another meeting and wouldn't be present.

President Blood noted that the SRWU had purchased 12 recorders from the CUWCD for \$200 each. The Division of Water Rights purchased 10. **Phill Nielson moved that the recorders be paid for with surplus funds in the SRWU budget.** The motion was seconded by Ivan Cowley and passed unanimously.

President Blood asked for opinions regarding a permanent substitute for Dwight Malmgren who has had some health troubles for the past year and hasn't been able to attend the board

meetings. **Clyde Bunker moved that someone be assigned to talk to Dwight and see who he would like to represent him.** After some discussion, Mr. Bunker withdrew his motion. **Mr. Bunker then moved that an alternate director be appointed to attend the board meetings when Mr. Malmgren can't attend, with both of them being invited to the board meetings, but with only 1 vote between the two of them.** The motion was seconded by Phill Nielson and passed unanimously. **President Blood moved that Kurt Sorensen be appointed to serve as the alternate board member for Mr. Malmgren.** The motion was seconded by Clyde Bunker and passed unanimously.

President Blood turned that time over to Ivan Cowley who talked about the problem of over diversions in the upper portion of the Sevier River. Roger Walker noted that there was times when the commissioner and gate men visited the station and didn't regulate the flow to what the right was. There was also times when the water user increased the stream flow after the commissioner had regulated the stream to the correct flow. Mr. Walker further noted that the only people that should have keys to the gates was the commissioners and the Water Masters. Phill Nielson noted that each diversion on the river should have adequate head gates and measuring devices. Lee Simms noted that the State has limited funds to enforce water users to stay within their rights. ~~He further noted that the State Engineer could be more diligent in punishing misdemeanors for those not complying with the law and their rights.~~ One option is for the State Engineer to issue a letter to reaffirming the law and giving water users a limited time to have adequate head gates and measuring devices installed.

Discussion was held as to setting up a fund from the SRWU to be used for enforcement and installations of head gates and measuring devices. This fund could be used to build diversion structures, etc. and then assessed to the specific water user for reimbursement back to the fund.

President Blood noted that in addition of water users over diverting, there was a problem of increased acreage being irrigated over the adjudicated acreage. Clyde Bunker noted that he has ordered areal photos of portions of the upper river already to check into the problem of increased acreage.

Ivan Cowley noted that there is a diversion going to Escalante taking water from the Sevier River basin into another basin. Kirk Forbush said that he had written a letter to them, but had not received a response.

Discussion was held as to the annual meeting. **Phill Nielson**

moved that the annual meeting be held on February 8, 1995 at 1:00 p.m. The motion was seconded by Clyde Bunker and passed unanimously.

Ivan Cowley moved that Lee Simms send a letter out from the State Engineer to each water user describing the authority of the Commissioners and the law requiring head gates and measuring devises. Each water user is to talk to the Commissioner and/or Kirk Forbush regarding a schedule to comply with the law. The motion was seconded by Clyde Bunker and passed unanimously.

There being no further business, Sheldon Proctor moved that the meeting adjourn. The motion was seconded by Clyde Bunker and passed unanimously. The meeting adjourned at 12:20 p.m.

ATTEST:

Secretary

President