

**BIG SAND WASH DISTRIBUTION SYSTEM
ANNUAL MEETING**

March 15, 1994

Both M.L. & Assoc.
Present: Moon Lake Water Users: Randy Crozier, and Keith *Reed Auto*
Mortensen; Associated Water Users: Lynn Burton, James Bird,
Bill Christensen, Manager and Carolyn Winterton, Secretary;
Utah Division of Water Rights: Lee Sim, Gertrudys Adkins,
John L. Larsen, and Ralph Johnson; Bureau of Indian Affairs:
Kornel Murdock and Lynn Hansen; ~~Curay Park:~~ Reed Stanley.

Call to Order; Meeting called to order at 11:00 a.m.

Mr. Sim indicated that they had received the letter from Dry Gulch Irrigation concerning the extent of the Commissioner's responsibility on Sand Wash drainage. Mr. Sim pointed out that according to the stipulation resulting from the lawsuit against Dry Gulch Irrigation, that a Commissioner be appointed "... to administer and distribute the waters of Sand Wash through that segment of Sand Wash between the Big Sand Wash Reservoir and the plaintiff's diversion structure and head gates ...". With the State Engineer's authority that area could be enlarged.

The Board members expressed their concerns that because of abuse of water filings higher in the drainage, Moon Lake is not getting its share of water in the reservoir to meet their obligation to provide water to the Sandwash stockholders. Other areas of concern are ponds on the Creek restricting flow to the reservoir and the lack of measuring devices for those taking water out of the creek.

Mr. Sim said that a letter had been sent to Dry Gulch expressing the State Engineer's position. He suggested that the Board send a formal written request to the Engineer's office asking that a public meeting be set up to review the possibility of expanding the scope of the Commissioner's responsibility to the entire drainage area of Sandwash Creek. All those with water rights in that area will be invited to the meeting which has been tentatively set for Tuesday, March 29, 1994 at 11:00 a.m.

If the commissioner's area of responsibility is extended, it would be recommended that Bill continue to serve as the commissioner over the entire area and be paid by the Association. However, members of the system and water users regulated by the commissioner have the opportunity to recommend and vote on the commissioner and someone else could be appointed. If someone else is appointed, another structure and means of assessment would have to be set up.

The question of making the Commissioner position a state appointed one was then raised. If this change takes place, the commissioner would then have the authority of the State Engineer's

office behind him. He could act more quickly and with more authority. He would also be eligible for state benefits. One liability is that the state would then be responsible for all assessments and disbursements of money.

This possibility had been pursued to some extent at an earlier date. However, it was determined at that time that the Tribe should sign a memorandum in favor of that decision. Their signature could never be obtained.

Lynn Burton moved that the State Engineer develop and present a plan for making the commissioner a state appointed position and thus increase his authority. Randy Crozier seconded the motion and all voted aye. It was suggested that the Board send a letter to the State Engineer's office asking for a meeting to discuss the procedure needed to pursue this matter. It was determined that this second meeting would be held on Tuesday, March 29, 1994, at 1:00 p.m. The Associated Water Users secretary will send a letter to all member companies letting them know of the meeting and the reason for it.

One of the member companies is considering dropping from the Association at this time. This would be a breach of contract and would lead to problems of who has jurisdiction over the rivers and diversions. There is also a problem with an individual changing the course of a creek. The State Engineer cannot regulate any stream alterations, but they can regulate water measurements and diversions.

A general discussion of water filings was then held. Concerns were expressed about filings on small springs that are feeding the creeks that have already been filed on. Even though it would be beneficial to notify all interested parties when a filing is made, the paper work would be prohibitive, so the only recourse to find out about filings is through the notices in the paper. Some filings have even been made on water that ^{originally} ~~has come~~ from leaking on canals and reservoirs. Lynn Hansen pointed out that the Tribe feels that no one should be able to file on water originating on Indian land.

In answer to questions about filings on springs resulting from return flow or run off, Mr. Sim indicated that you cannot be responsible for a change of flow in the spring resulting from a change in irrigation procedures.

Meeting adjourned at 12:00 noon.