BEAVER RIVER, BELOW PATTERSON DAM
REC'D AT MEETING (12:30PM)
FEB 23, 2012

State Water Engineer

Gentlemen,

This letter is in response to Minersville's apparent desire to abandon an operating memorandum issued by the State Water Engineer in 1967, wherein the water users below the Patterson Dam would release waters from April 1st -April 15th and also Oct. 15th -Nov 1st for the benefit of Minersville Reservoir, to make up their shortage during the irrigating season.

According to said memorandum, following the year of 1968, if the memorandum proved satisfactory, the waters would continue to be distributed according to the memorandum and have done so since 1968, without any notification to the State Water Engineer, who would then call a meeting between the parties to resolve any dispute. No meeting has taken place.

Minersville's desire to take 50%, more or less, of the flows in the river below the Patterson Dam during the irrigating season, would in effect render all waters both Minersville's and those users below the Patterson Dam, not beneficially usable because dividing 50% of the remaining waters between all of the users would make each users portion of such a small quantity, it would either sink in the ditch or water such small amounts of land it would become useless, by the same token, Minersville's water would be of such a small quantity the Beaver River channel would absorb most all of it. Hence, the reason for the memorandum decision issued by the State Engineer 1967.

Further, it has been the policy of the State Engineer, when water is transferred, it is assigned a new priority date based on the date of application, therefore when Minersville purchased waters from the Hay Ditch, Furnace Ditch, etc. in 1905, 1912 etc., should not their priority date change also after their application to store in the reservoir.

Also, since it is the policy of the State Engineer, that no waters from the Beaver River basin (77) may transfer to another basin (71), or vice versa, should not then, all water rights in the Beaver River Basin be filled before water leaves to be used in another water basin?

Also, a memorandum agreement filed in 1953 between Rocky Ford and Kent's Lake Reservoir, in paragraph 7, it states: Water being diverted into storage in lieu of direct flow at 3 Creeks shall be added to the flow of the river at the U.S.G.S. at the mouth of the canyon to determine when the flow has reached or is above 161.31cfs. Said flows should be deducted and released below the Patterson Dam.

We believe that the above mentioned method of diverting waters for the ditches below the Patterson Dam have been effective, and used the water to the most beneficial use available to the owners, and strongly resist any change to said memorandum, without a meeting according to said memorandum, to discuss and resolve any issues regarding said memorandum.

Respectfully,

BRUCE BROWN
P.O. BOX 431
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ABADARE CANAL

RECEIVED
FEB 23 2012
WATER RIGHTS
SALT LAKE