

BRUSH CREEK DISTRIBUTION MEETING

A meeting was held May 26, 1959 at Vernal, Utah, with representatives of most of the users of Brush Creek to discuss and develop a distribution program for 1959.

The decree of 1896 was discussed and analyzed as to the pertinence of the June 15 date in relation to starting the division of Brush Creek and to what possible limitation this could imply.

An analysis of past stream flow records of Brush Creek showed the flow to often be about 40 c.f.s. on June 15. After analysis, it is estimated that the middle users on Brush Creek were entitled to 13% of the water for 325 acres. This would indicate a total acreage of about 2500 acres.

It was agreed that the distribution for 1959 would be without prejudice and not establish a precedent.

It was further agreed that all regulation for 1959 be carried out on the following basis:

1. 40 c.f.s. in Brush Creek below the confluence of the forks would be considered the maximum flow needed to satisfy the rights as indicated in the 1896 decree (This is the probable controlling flow on June 15).

- (a) 13% to the upper users.
- (b) 50% to Burns Bench Canal
- (c) 27% to Burton Ditch
- (d) 15% to Murray Ditch

2. Sunshine Ranches would then receive any additional natural flow up to 15.63 c.f.s. They are also entitled to what water is salvaged from the sinks in Little Brush Creek minus reasonable conveyance charges.

3. The other small users would receive water as below:

Little Brush Creek

Woodrow Searles

Wilford Evans

Leonard Boren

Charles E. Swain

to be determined

"

"

0.34 c.f.s. Cert. #2232

Brush Creek

Benjamin R. Taylor
H. C. Ruple

0.59 C.F.S. Cert.#1296
0.16 " " 1388

4. Ashley Reservoir Co. would release any inflow to satisfy all direct flow rights below Oak Park Reservoir.

5. Any water in addition to the 55.63 c.f.s. would be divided 3/4 to decreed rights and 1/4 to Sunshine Ranches.

6. Any releases from East Park Reservoir storage would belong to Sunshine Ranches with proper conveyance charges.

During the progress of this meeting, the Court requested the State Engineer and Mr. Norseth to attend the session. He there appointed Donald G. Norseth, Distribution Engineer of the State Engineer's staff, as water commissioner on Brush Creek for the balance of 1959 and until June 16, 1960 or until the stream is adjudicated or a successor appointed.

Archie Allen, President of Ashley Reservoir Company, was ordered by the State Engineer to immediately pass through any inflow to Oak Park Reservoir and catch by the canals of Brush Creek water. It was further pointed out that this reservoir had been catching water belonging to the lower users for some period and that releases of storage to satisfy this improper catch would need to be made as soon as the amount can be worked out.

Joseph Murray and Raymond Stewart were then requested to set the gates of the Sunshine Canal and the lower rights on a cooperative basis in accordance with the above schedule until such time as the commissioner could go over the system.

D.C.N.

DCH/cca