

Pot Creek

May 20, 1964

Mr. Zolph Calder
251 South 3rd West
Vernal, Utah

Dear Mr. Calder:

This acknowledges receipt of your letter dated May 14, 1964, further discussing the Colorado state water rights on Pot Creek. The states of Utah and Colorado are cooperating in water distribution on Pot Creek in accordance with the Memorandum of Understanding entered into by those states dated April 1, 1958.

Under this Memorandum of Understanding water rights in Utah and Colorado are set forth on a schedule. Until it is determined by a party with proper authority that the water rights set forth in this schedule are in error the waters of Pot Creek will be distributed in accordance therewith. From your letter you infer the existence of excessive losses involved in delivering water to downstream users. Our records and the records of the U. S. Geological Survey indicate there are conveyance losses in the Pot Creek area. These losses are considered in the distribution of water on this system.

You contend that when the water at the Matt Warner reservoir is reduced to 2 c.f.s. this water will not reach the Crouse reservoir. Your contention is not backed up by any measurement of flow released and measurement of flow entering the Crouse reservoir at times when Pot Creek channel is wet. Until such measurements are submitted and verified this figure cannot be used in distribution.

You called to our attention that water is being stored in the Leo Calder reservoir. This reservoir is covered by an injunction which prohibits storage. The water illegally in the reservoir, impounded by parties unknown, is considered to be water of the Pot Creek system and not individual water whether or not released from Matt Warner reservoir. Our Commissioner has been instructed to release this water in accordance with Pot Creek water rights. In an order by Judge Ellett, the State Engineer was authorized at his discretion to retain the first 5 second-feet of flow in the Matt Warner reservoir to be released later when most

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beneficial to all parties involved and access to the reservoir was possible.

Any study that will show improper distribution of water is being made will be considered. If such a study is substantiated by fact, distribution of water on Pot Creek will be altered to conform with the facts. Until that time we will deliver water in the manner above described and will not at this time disregard the rights downstream by ordering the closing of the gates of Matt Warner reservoir.

Yours very truly,

Hubert C. Lambert
DEPUTY STATE ENGINEER

HUC/le

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