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Laketown, Utah.

Sept. 28, 1989.

State of Utah.

Department of natural Resources,
Division of Water Rights.

WATER RIGHTS

SEP 29 1989

LOGAN

Mr. Lee Sim.

Directing Engineer for Adjudication/Distribution.

We are entering this letter of complaint on the failure of the water users responsible for the installment of measuring devices on the Meadowville distribution system, to install these devices.

The Westons enlargement of the Tufts creek ditch which transmit's water from Tufts creek and Jebo creek to Meadowville, has made it possible for them to take double or more that double the 4.9 cfs. they are intitled to take through this ditch. Our records show this ditch was to have moderate cleanings, not enlargements.

If the Westons are allowed to take what water the ditch will now carry, it could take all the water in both Tufts creek and jebo creek even on a normal water year, taking the water from our fields and fields of other water users below. If we have a normal or near snow pack this winter, Tufts creek alone would run more than the 4.9 cfs. allowed. We figure Tufts creek runs close to the same amount of water as Jebo.

We recieved a copy of a letter sent to Theron W. Weston telling him to put a flume in the Tufts creek ditch where they dug around the old flume, and a head gate that could be locked. As of Sept. 24 1989 he has done nothing toward putting these measuring devices in. It is our feeling that until the Westons install thes devices they should not be allowed to transmit any water from either source through the Tufts creek to Meadowville.

Now is the time to install these devices while there is only a small stream of water in Tufts creek.

The existing flume in the Tufts Creek ditch was put in under Court order as was the other flumes, Jebo Meadowville Canal and North creek.

We are also concerned about the flume and head gate that should be installed in the Meadowville canal. Nothing has been done toward getting these installed, and definitely should be done this fall while dry ground makes it possible to get to the canal to do the work.

As we remember this flume was dug out and destroyed in the spring of 1983. The canal was also enlarged at the same time. The Westons hired a backhoe and supervised the work, without permission from the State Engineers, and without Grant Lamborn knowing about it until it was done. They have cleaned this canal with a backhoe at least once since then.

This Flume did not have to be destroyed, it could have been lifted out, cleaned and reset. This canal was also supposed to have moderate cleaning, not enlargement, It has been enlarged to where it can carry much more than the 4,9 cfs. allowed to be taken south to meadowville. The dry dam backed the water up to where any water not going through the flume went around to the north and into the Meadowville creek and on down to Drew Cook's field and the water users below.

If Drew had not died in Dec. it was his intention to take action to have the Westons replace this flume This Field now listed as Viola Cook in Sec. 21, 13N. 5. East has a deeded water right for 3/40 interest and a diversion from Meadowville creek.

We realize this land is below us, but we have a interest in a haying and grazing lease on this property and if the water is allowed to be run as it has been the last two years it will hurt us financially.

Del Cook installed the flume in the North creek lower ditch above where the water is taken out to water our land and the old Farrell Johnson property which we now own. We have deeded rights to all the water rights from North creek or Cheney creek that the Johnsons owned. Water was measured through this flume during this irrigation season.

We are hoping these measuring devices will be installed this fall and before the 1990 irrigation season starts, as it would prevent a lot of conflict and problems, not only for us but for the other water users below. It would make more water available in Meadowville creek for those water users who are listed under the 40/100 rights.

We certainly feel you have the right and responsibility to insist these measuring devices be installed.

Respectfully,





C.C. Robert M. Fotheringham
Northern Area Engineer.