

**MEADOWVILLE DISTRIBUTION SYSTEM
2001 NOTES**

FEBRUARY 6, 2001 MEETING WITH MEADOWVILLE WATER USERS

Theron Weston and his wife, Tom Weston, Clark Willis, and some other lower users. The main upper water user Paul Lamborn was not at the meeting. Bob Fotheringham, Will Atkin, John Larsen, Gertrudys Adkins, Lee Sim.

Theron Weston said he felt there needed to be more regulation done by a commissioner on the system.

Ron has been commissioner on the Upper Bear River since 1990. During the first few years he came over to Meadowville to make the May 18 measurement and then also came over quite a bit to check the storage level in Cook's reservoir to make sure they weren't storing water when it should be going to other users and he tried to make measurements and do some regulation on the Meadowville system as a whole. However, after a few years he realized that he really didn't understand the water rights in the area (they are very convoluted) and that his efforts were just making people mad so he quit doing much. Now, he just comes over on May 18 to make the required measurement and that's all. When it is dry and his help is really needed in Meadowville, he has a hard time getting over there because he is needed a lot on the rest of the Upper Bear River System and Meadowville is so far away from the rest of the system area. Ron believes that a deputy or a separate commissioner is needed for this area.

The water users said that they have a hard time getting a hold of Ron during the irrigation season.

The Meadowville water users pay 2% of the total Upper Bear River assessment; in the past few years that equates to about \$330 out of a total budget of about \$16,500.

Theron said that earlier (probably 20 years or so ago), the commissioner used to come over to make an assessment of the water supply on May 2 because there is a provision in the stipulations that the water use might go on turns that early. Ron has never come over to make an assessment on May 2.

The lower water users believe that Paul Lamborn who now owns and uses the Cook Reservoir takes more water into the reservoir and uses more water than he has a right to. They believe he stores when no storage is allowed.

There have been a lot of changes in the Meadowville area that affect water use since the adjudication was done back in the late 50's or early 60's. There are ditches that are no longer used or have been taken out. There is one ditch that has been blocked by a county road. There have also been sprinkle irrigation systems installed. All of this has changed the return flow pattern from the way it was when the area was adjudicated. Theron said that if the water from Jebo and Tuft Creeks is moved around a lot (which apparently it is now), the water does not return or get into Meadowville Canal to help meet the needs of the canal system. Apparently there are a lot more acres in the Meadowville Canal system that would be benefitted by the water (according to Theron) than are being benefitted in the upper part of the system by the water the water is being managed now.

Another problem mentioned by one of the water users is that the water right records in our office are still for the most part in the names of the people listed in the adjudication and it is very confusing for most of them to figure out whose water is being discussed or who has what rights. We said it would be good to update the records but that would be the water users responsibility.

Theron suggested that a new distribution stipulation be worked out based on the number of acres that the water users are irrigating. He thinks the system would work better if all the sources were combined together and the water users given turns from the combined source based on the number of acres they are irrigating. This could be accomplished either through a new adjudication of the area or through a stipulation agreed to and signed by every water user - though even a

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stipulation would require an adjudication like effort.

Our Logan staff really does not have the time to re-adjudicate the area - even for a stipulation. The upper water users probably would not agree to a stipulation anyway because it would appear to them that they were giving up something in the process - losing some of their ability to use the water. Also, the water users probably do not want to hire anyone to come in and do the type of survey needed to come up with a stipulation.

Bob Fotheringham thinks that the best solution will be to go back to the memos we sent out in 1990 which he feels best describes the way water should be distributed based on the adjudicated water rights and hire a local person to act as deputy or commissioner to do the regulation required by those memos. This will not solve the problem to but it is probably will help smooth out some of the misunderstandings or arguments.

We said we would hold another meeting around the first part of March to discuss the possibility of a new stipulation and a new commissioner and we would try to make sure that notices went out early enough so that all waterusers could attend. Clark Willis said that he is out of town the second Thursday of every month.

Probably the best thing to do at the meeting is explain the challenges to developing a new stipulation and then explain the memos that were sent out - there are number of water users who have moved into the area since 1990 and who do not understand the memos.

Tom Weston owns account 24 - The Forty Six Ranch. He said that it is 2 miles below Meadowville Creek and he is wondering why he gets an assessment. He said that he will not pay it any more if we cannot explain to him why he is being assessed.

I told John Larsen that we would hold up on collection proceedings on Clark Willis until we get this straightened out - but his account is still active and he should be assessed and charged any late fees.

MARCH 14, 2001 NOTICE TO THE WATER USERS IN THE MEADOWVILLE AREA

The next meeting of the water users in the Meadowville area and representatives from the Division of Water Rights will be held **Friday, March 30, 2001, at 11:00 a.m., at:**

Garden City Offices
145 W Center
Garden City UT

At the last meeting, held on March 12th, the distribution letters which were sent in 1989 from the State Engineers Office to the Meadowville water users were reviewed. A copy of these letters is enclosed for your reference. It was also explained that without a new adjudication of the area and a new court decree the distribution of water has to be according to the Proposed Determination of Water Rights (the "Red Book"). The only exception to this would be if a distribution agreement were developed that would be stipulated to by all the water users. It is not likely that either a new adjudication or a distribution agreement can be developed in the near future because the State Engineer does not have the manpower available to put on the project and it would be very expensive for the water users to hire a consulting engineering firm to do the work. It was concluded at the meeting that the best approach would be to hire a deputy commissioner for the Meadowville area, require the installation and maintenance of measuring devices by the water users, and establish

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irrigation regulation according to the distribution letters and the proposed determination. It is understood that it will take some time to implement this process and adjustments will have to be made as the new deputy learns the area and the water rights involved. One of the challenges is that the Meadowville water users have not updated the State Engineer's records concerning the ownership of water rights in the area. This would facilitate the distribution of water. LaRae Weston and Paul Lamborn accepted the assignment to seek out individuals who might be interested and able to serve as deputy commissioner.

The purpose of the next meeting will be to discuss and try to answer any questions concerning the water distribution rules set out in the distribution letters and the proposed determination, recommend someone to be appointed as deputy commissioner, set a budget and assessments to pay the deputy's salary and expenses, determine the locations where water measuring devices should be installed, and determine the water users who are responsible to install each measuring device.

If you have any questions or comments prior to the meeting, please contact me at (801)538-7380 or Bob Fotheringham, Regional Engineer, at (435)752-8755.

Sincerely,

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Bob Fotheringham
Ron Hoffman
Sim Weston

MARCH 30, 2001 MEETING WITH MEADOWVILLE WATER USERS

Attending - Linda Willis, Paul Lamborn JR., Lori Lamborn, Paul Lamborn Sr., Clark Willis, MacKay Willis, Ron Hoffman, John Larsen, Bob Fotheringham, Lee Sim, Renee Spooner,
Noticeably absent - Theron Weston

Quite a bit of discussion about individual questions concerning the water rights for the water users present at the meeting - when could they take the water etc. Bob F. was able somewhat to clear a number of them up. There still remains quite a bit of confusion because of the way the WUCs were taken and how the PDET was compiled - there is a water right for every single source and every single diversion - a lot of pieces that don't seem to fit together very well. Bob F. said he has to take it a water right at a time to understand what each right allows - it is hard to see how the rights are supposed to correlate with each other. The water users seemed to feel that if there were not the contention on the creek (if they all were really trying to get along) they could probably figure out how to distribute the water without the need of a deputy or a commissioner. However, it is the consensus that Theron Weston does not want to get along and has some very strong ideas about how water should be distributed which are different than the PDET. That is the reason for the lawsuit.

It also became clear to the water users that they really needed to know who owned and/or was irrigating each parcel of land. Knowing this and using the maps, the allocation of the water rights to the current owners probably could be worked out. It was suggested that each water user take the map that was sent to them and color in their particular parcels of ground. Each water user would then give their map to the new commissioner who would make a master map (in coordination with

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our office). The commissioner and our office would try to develop an up to date delivery schedule that would make it easier for everyone to understand how the water is to be distributed. It was emphasized however that this would not constitute an update of the ownership of their water rights - it would simply be an effort to improve distribution. Title updates would require a report of conveyance in almost every instance in this area.

There were two names suggested at the meeting who might be able and willing to serve as commissioner - Chad Peart (lives in Randolph) and Tom Weston (a user on the very bottom of the system). Tom expressed interest to Clark Willis. Paul Lamborn tried but has not yet talked with Chad. Concerns - Chad lives quite a ways away; does Tom really have the time. (Later at the meeting in Randolph, (Theron was there) the idea came up that Craig Showalter from Woodruff might be willing - but that is even further away than Randolph). They will try to talk with these men before the next meeting.

Discussion on the budget and salary for the commissioner. Generally the compensation would be around \$2000. Proposed that it be split up as a flat \$200/ month for 6 months and then \$5.00 per hour on top of that for each hour they worked on the system. There was some discussion about paying mileage - if Tom becomes commissioner may not need to pay it because he lives locally. If Chad is the commissioner probably need to pay mileage from Randolph. It was generally agreed that the time when a commissioner would be needed in the area would start at April 1 and would be over by the middle to the end of June.

Agreed that we would not worry about measuring devices this year but would look into that for next year. The water users will indicate on their maps (when they are coloring their parcels) the locations where they believe that measuring devices are needed in the area.

Some discussion about enforcement - it will be a challenge even with a commissioner if there are water users who do not want to cooperate and who insist on changing the headgate settings established by the commissioner. It can be prosecuted as a criminal offense but the problem is gathering evidence to document who is changing the settings.

Next meeting set for April 11 at 11:00am - same place.

MARCH 30, 2001 MEETING WITH UPPER BEAR RIVER COMMITTEE

Sim Weston, Charles Rex, Wally Shulthess, Kay Thornock, Theron Weston, Ron Hoffman, Bob F., John Larsen, Lee Sim

Discussed the Meadowville situation - the committee is not opposed to allowing the Meadowville area to break off and become its own system if that would be best for that area. It is not hydrologically connected to the rest of the area (in fact is in the Lower Reach of the Bear River according to the compact and the rest of the Upper Bear River Distribution System is in the Upper Reach of the Bear River). The area does not contribute a substantial amount to the system budget and the commissioner has historically spent relatively little time there.

APRIL 5, 2001

**NOTICE TO THE WATER USERS IN THE MEADOWVILLE
AREA**

The next meeting of the water users in the Meadowville area and representatives from the Division of Water Rights will be held **Wednesday, April 11, 2001, at 11:00 a.m., at:**

Garden City Offices

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145 W Center
Garden City UT

The following is a summary of the meeting held on March 30, 2001.

Quite a bit of discussion about individual questions concerning the water rights for the water users present at the meeting - when could they take the water etc. Bob Fotheringham, was able to respond to most of the questions. There still remains quite a bit of confusion because of the way the Water User Claims were taken and how the Proposed Determination of Water Rights was compiled .

It also became clear that it would be very helpful if it was known who currently owned and/or was currently irrigating each parcel of land. Knowing this and using the maps, the allocation of the water rights to the current owners probably could be worked out. It was suggested that each water user take the map that was sent to them and color in their particular parcels of ground. Each water user would then give their map to the new commissioner who would make a master map (in coordination with the Division of Water Rigths). The commissioner and the division would try to develop an up-to-date delivery schedule that would make it easier for everyone to understand how the water is to be distributed. It was emphasized however that this would not constitute an update of the ownership of their water rights - it would simply be an effort to improve distribution. Title updates would require a report of conveyance prepared by a professional in almost every instance in this area.

There were two names suggested at the meeting who might be able and willing to serve as commissioner - Chad Peart and Tom Weston. The water users will try to talk with these men before the next meeting.

Discussion on the budget and salary for the commissioner. Generally the compensation would be around \$2000. Proposed that it be split up as a flat \$200/ month for 6 months and then \$5.00 per hour on top of that for each hour the commissioner worked on the system. There was some discussion about paying mileage, but that issue was not resolved. It was generally agreed that the time when a commissioner would be needed in the area would start at April 1 and would be over by the middle to the end of June.

It was agreed that measuring devices would not be required to be installed this year, but probably would be required next year. The water users will indicate on their maps (when they are coloring their parcels) the locations where they believe that measuring devices are needed in the area.

The purpose of the next meeting will be to continue a discussion of these issues.

If you have any questions or comments prior to the meeting, please contact me at (801)538-7380 or Bob Fotheringham, Regional Engineer, at (435)752-8755.

Sincerely,
Lee H. Sim, P.E.
Assistant State Engineer for Distribution

cc: Bob Fotheringham

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Ron Hoffman

APRIL 11, 2001 MEETING WITH MEADOWVILLE WATER USERS

Attending - Linda Willis, Paul Lamborn JR., Lori Lamborn, MacKay Willis, Ron Hoffman, John Larsen, Gertrudys Adkins, Bob Fotheringham, Lee Sim, Theron Weston & his wife

Chad Peart was selected by the water users as their recommendation for their commissioner for this coming year. He will work with Ron Hoffman somewhat but eventually this will be a separate system from the Upper Bear River System. Chad lives in Randolph. He drives a school bus for the school board so he has his summers free. He has been an irrigator but right now his land is leased out. He is not familiar with this area.

**George (Chad) Peart
PO Box 153 Randolph UT 84064
435-793-2580**

Budget: the water users decided to pay a salary of \$300.00 per month over six months plus a contractual amount of \$7.50 per hour for each hour that the commissioner actually worked on the system up to a total (salary and contractual) of \$3000 per year. The commissioner will not be reimburses for travel expenses but his travel time will be counted as working hours. Chad is to keep track of his hours and mileage this year and next year they will make any adjustments that might be needed in the compensation. The assessments that go out will take into account the amounts that may already have been paid.

There was some discussion that is was going to be a very short water year (the commissioner this year will mostly be involved in getting educated on the system). The water users asked if a dam could be put in early on Meadowville Creek at the Meadowville Ditch diversion. This would allow Linda Willis to water her land early and then the run off would come down better to the lands below. The lower water users (Westons and MacKay Willis) thought that this would be okay with them this year - that it would actually help them to have water when they were more likely to be able to use it. So it was agreed that the dam could be put in, but it won't be a tight dam - only enough of a dam to put about 1 ½ cfs into the Meadowville Ditch.

Tom Weston asked if it might be possible to include Big Creek in the Meadowville System so it could be regulated by the commissioner also. We said that we needed a written request and then we would hold a meeting or two with the water users to discuss it. He will write us a letter.

The water users would like to hold another meeting in September to discuss the installation of measuring devices for the next year.

We took maps from Linda, Theron, and MacKay to prepare a master map. They would like the maps back as soon as possible.

APRIL 25, 2001 LETTER TO THE MEADOWVILLE WATER USERS

At the meeting on April 11, 2001, Chad Peart was recommended to the state engineer by the water users at the meeting to serve as the water commissioner for the Meadowville area. Chad can be reached at the following address and phone number:

Chad Peart
PO Box 153
Randolph UT 84064
435-793-2580

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At the meeting, the water users set the following budget:

Salary	\$1800.00	(To be paid at the rate of \$300/month for 6 months)
FICA	138.00	
Insurance	65.00	(Workers Compensation and a small life insurance policy)
Contract service	1200.00	(To be paid to the commissioner at the rate of \$7.50 per hour for each hour worked. The total compensation to the commissioner of salary and contractual is not to exceed \$3000).
TOTAL	\$3203.00	

No compensation for travel expenses were set in the budget however, the commissioner was instructed to count his travel time from Randolph as hours worked. The commissioner is to keep track of hours worked and miles traveled so that adjustments to the compensation could be made in future years if needed.

The water users at the meeting agreed on a total assessment for 2001 of \$3000.00. And it was agreed that any money that had been paid towards the current year assessments for the Upper Bear River Distribution System would apply towards the assessments for the Meadowville Commissioner.

We have reviewed the procedure which has been used in the past to divide the assessment among the Meadowville water users. We believe some adjustments should be made to ensure that the amounts assessed to each water user are equitable. It would be best if assessments could be based on the amount of water actually delivered to each water user. However, the measuring devices now in place in the Meadowville area are inadequate to supply this information. Therefore, for the present, we must rely on a system that is based on irrigated land.

Enclosed is a spread sheet which describes our proposed schedule for prorating the assessment to each water user. Would you please review it and return any comments to me at the following address and phone number:

Lee H. Sim, P.E.
Utah Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300
Phone: (801)538-7380

On May 16, 2001, we will consider the comments we have received and make adjustments to the proposed assessment schedule if it appears adjustments are justified. The assessment notices will be sent out shortly thereafter. Any payments that have already been made to the current year Upper Bear River Distribution System will be credited towards this new assessment.

It is expected that Chad will serve as commissioner a four year term which will end at the annual meeting in 2005. During the first year or so he will be assisted by the Upper Bear River Commissioner Ron Hoffman. It was understood by the water users at the meeting that it would take

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a year or two for Chad to fully understand the distribution of water in the Meadowville area.

If you have any questions concerning this letter or comments about the proposed assessment schedule, please contact me at the address or phone number listed above.

Sincerely ,

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Bob Fotheringham, Regional Engineer
Chad Peart, Commissioner

MAY 3, 2001 PHONE CALL - BOB FOTHERINGHAM

Chad Peart met with the water users yesterday and discussed the various rights on the different little streams in the area. Paul Lamborn called Bob this morning with a question on Judd Kimball Spring Stream about whether Theron has a right to any of that water or not or if there were a schedule developed for it. Bob thought that if Theron had any water right in it that it was just a little and that to his knowledge we did not have a schedule developed for it. Theron also tried to get a hold of Bob but talked with someone else in the office - he said that there is not enough water for him to be able to sprinkle his land down below. He wants to make some changes in the diversions from the streams etc. so that he can get enough water to sprinkle with. Bob feels (and I said that I agree) that there can be no changes made unless all the water users agree to it. So There should contact the commissioner and the commissioner then needs to try to work it out with the water users. If any water user disagrees then no changes can be made from the water rights.

MAY 18, 2001 MEETING W/ WATER USERS AT TUFT CREEK DITCH

Most of the water users (Linda Willis, Theron Weston, and Paul Lamborn) met with Bob Fotheringham and Chad Peart and Ron Hoffman when they went up to make the annual May 18th measurement on Tuft Creek. We did not get there until after the measurement had been made and they had come down off the hill, however, the discussion continued for sometime afterwards. There seem to be three main issues that were discussed:

1. The situation on the Tuft Creek Ditch - the ditch has washed out and the water users in Meadowville who are supposed to get water through that ditch cannot. There is some discussion about having it piped but the water users in Meadowville do not want to participate.

2. There was quite a bit of discussion about the problems that the PD book creates with the 216 hours based schedule of distribution - they think it might be better to go back to the schedule used before the PD - based on 108 hours (or half the time given in the PD book - but turns come around sooner). It might be a good idea to develop three schedules for distribution - one for early season (April 1) one for mid season (before May 18) and one for later in the season (after May 18).

3. Some question on the old Johnson rights in Tuft Creek Ditch (used in Meadowville) - the first turns in the ditch - they are now owned and used by several water users including Congers and Archulettas. If they want the water they will have to fix the ditch so that it will come down to them (if they don't participate in the pipeline). Question came up - who can use the water that was supposed to go into Meadowville if they do not use it? (Apparently - Theron is now using the water not used by these people though he does pump some to MacKay Willis).

It appears from some things that Theron has said and some review that Bob F. has done that

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the red PD book was a compilation of decrees, stipulations, orders, etc. that were done independently of each other. It was the best information the S.E.'s office could find when they were putting the book together but all these documents really do not appear to work too well together (or really make sense together) to give a unified coordinated approach to the distribution of water in the area. It appears the division should have spent a little more time to try to make them work together before putting them in the book.

There was also some discussion and agreement between Linda Willis and Paul Lamborn that she would use his 8 hours in the Tuft Creek ditch in exchange for 8 of her hours in another part of the system.

Decided that we need another meeting shortly to try to work out the 3 schedules - need as many of the water users there as possible - probably draft a stipulation and then send it out for comment and approval by everyone.

MAY 21, 2001 NOTICE TO THE WATER USERS IN THE MEADOWVILLE AREA

The next meeting of the water users in the Meadowville area and representatives from the Division of Water Rights will be held **Wednesday, May 30, 2001, at 11:00 a.m., at:**

Garden City Offices
145 W Center
Garden City UT

The purpose of the meeting will be to further discuss those issues that came up during the Tufts Creek measurement on May 18th. In particular we will consider the possibility of setting up three distribution schedules that cover the early, middle, and later parts of the irrigation season in Meadowville.

If you have any questions prior to the meeting, please contact me at (801)538-7380.

Sincerely,
Lee H. Sim, P.E.
Assistant State Engineer for Distribution

cc: Bob Fotheringham Chad Peart

MAY 22, 2001 PHONE CALL FROM BOB FOTHERINGHAM

After the meeting on the 22nd, apparently Paul Lamborn went and talked with the Congers and the Archulettas and MacKay Willis etc and asked them if he could use the hours in the ditch that they were not using instead of Theron (supposedly because "I'm a good guy and Theron isn't"). They agreed. Theron found out and really became upset. He decided that Linda couldn't take her water from the upper Tuft Creek Ditch (apparently her right is really in the Lower Tuft Creek Ditch). He went up to turn her water off but his legs went out on him because of a back injury last year so he did not.

Bob discussion with me - we decided that if the Congers and the Archulettas are not using the water, the water rights do not allow it to be moved to be used on Paul's land without a change application at least. It probably should be left in the stream and not even diverted into the ditch if

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they are not going to use it. If Tuft Creek continued it would be a tributary to Meadowville Creek and would be diverted by those water users downstream - one of which is Theron Weston. However, Tuft Creek has been obliterated by Paul Lamborn's predecessor (Del Cook) so that if the water is left in Tuft Creek it would just go onto Lamborn's land and he would use it (without a right). Therefore it seems reasonable that the water should stay in the Tuft Creek Ditch and Theron should be able to use it (???)

Bob and I both will try to review the water rights before the next meeting. Apparently also Kent Johnson (KJ Ranch) should get water through the Tuft Creek ditch - so perhaps they should not be taken off the assessment list just yet. There might sometime get water through that ditch.

MAY 30, 2001 MEETING WITH WATER USERS

Chad Peart, Bob Fotheringham, Paul Lamborn, Linda Willis, Mackay Willis, Clark Willis, Theron Weston, John Weston

The discussion centered on the distribution of water in the Tuft Creek Ditch and specifically over the 31.5 hour block of water in the ditch. Linda has been assuming that that is her water but it appears from the PD that it probably should be shared with several water users including Congers, LeRae Weston, and Kent Johnson. According to Theron, historically, all of the water in the Tuft Creek Ditch went to the water users in the area of the town of Meadowville and only to them - no water was taken out of the ditch until it got to Meadowville. Apparently when the claims were written for the PD, our office allowed the water user who owned the 31.5 hours (Mattson?) to also claim that the water was used on several other pieces of property that he owned. As a result the maps and the book now show the 31.5 hours being used on over 200 acres of land which it will not support by any means. Over the years the different parcels were sold to different parties and the owners of those parcels now appear to be Linda Willis, LeRae Weston, the Congers, and Kent Johnson; but there is not a clear picture at all about who owns how much of it. Over the past several years Linda has been taking all of the 31.5 hours (thinking it was hers) out of the ditch before it gets to town and using it on her parcel above town. The Congers and LeRae Weston and Kent Johnson have not used it at all because the Tuft Creek Ditch washed out just above town in about 1985.

The water users at the meeting again all agreed that one of the biggest problems is the confusion over the ownership of the water rights in the area and there was more discussion about starting a process to straighten it out and update the ownership.

Theron is very interested in getting a pipeline installed to replace the Tuft Creek Ditch. He at first thought that Linda could not participate in it and that Congers had lost their water for non use so that all the water or most of it would come to him. We explained that was not the case and it seemed to have a visible impact on his thinking.

For this summer, it was agreed that Linda could take the water again in June as she had done in the past - there is very little water in Tuft Creek now anyway. Bob Fotheringham is going to do some more research on the Tuft Creek water rights.

JUNE 22, 2001 MEETING WITH JOHN WESTON

John Weston, Bob Fotheringham, Lee Sim

John said that back in the late 1800's - early 1900's that family vegetable gardens were very important to the people living in Meadowville and the water rights or water turns were set up to take care of everyone's gardens. That is why all the water in Tuft Creek Ditch went to Meadowville - to take care of the gardens. And the reason why there were such large numbers of hours was because the flow in Tuft Creek was so low after the runoff.

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The Proposed Determination created a problem because in it the division allowed all the water users to claim the use of the water on all their land - not just on the garden plots in Meadowville.

As a result, Linda Willis is now trying to use 31 hours (or a part of the 31 hours) on a 40 acre plot where the water was never used originally. The nearest diversion from Tuft Creek Ditch to her property is 1/4 mile below the property. (She has been irrigating from the ditch by releasing water from the ditch down a small wash that leads to her property.) There are no ditches from Tuft Creek Ditch to her property. John said the 31 hours she is trying to use belongs only to the small garden plot in Meadowville. He does not believe that Linda should get 31 hours (or part of it) out of the Meadowville Ditch because she can't get it out of the Tuft Creek Ditch. He said there was a right from Meadowville Ditch on Linda's 40. - Mattson's used Meadowville Ditch water on that property.

John said that some of the names we are using for the ditches are wrong - there is no "lower Tuft Creek" ditch. It is a ditch that a Weston allowed the Cooks to dig so it should be called Cook Ditch. The place where water is measured every May 18 is on John Weston's property

Meadowville Ditch was used to water gardens in Meadowville in the summer after Tuft Creek Ditch went dry. There are no vegetable gardens in Meadowville now. Some of the residents of Meadowville (quite a few) own homes there only as second homes and are there only on weekends or for a few weeks in the summer - they don't irrigate.

The reservoir above Cook's (Lamborn's) ranch — The land north of Joe Cook's house had only a secondary water supply for it. John was unaware of the change application that had been filed to allow the storage of direct flow water in the reservoir (he feels that the other water users missed the application when it was advertised or else they would have protested it.) John does not feel that they should be allowed to run water into the reservoir in April and May - until the water goes on time (??)

Someone who acquired part of the Johnson water right and land but used it on a different parcel this past year (apparently without submitting a change application. This creates a problem for the system because the return flows from this property feed Meadowville Creek. When they move the water to a different parcel, the flows in the Meadowville Springs reduce.

John thinks that we should meet with the individuals who are the successors in interest to the land that the Mattson's owned to straighten out who owns what. He thinks we should do the same thing for the land that was owned by the Johnsons.

We asked him if he could come to the meetings from now on to provide the historical perspective that we need. He said he would have to see - he is 78 and does not like to drive very far any more.

JULY 6, 2001 LETTER TO THE MEADOWVILLE WATER USERS

Enclosed you will find your 2001 assessment notice for the Meadowville Distribution System. Any payments that were made as part of the Upper Bear River Distribution System have been credited to your Meadowville Distribution System assessment.

Enclosed is a copy of the spreadsheet showing the method of calculating the assessments for this year and the allocation of the assessments to each water user. This method of assessing may be revised in coming years as ownership of water rights in the area becomes more clear and as records of water distribution become available.

**MEADOWVILLE DISTRIBUTION SYSTEM
2001 NOTES**

If you have any questions concerning your assessment or the assessment process, please contact me at (801)538-7380.

Sincerely,

Lee H. Sim, P.E.
Assistant State Engineer for Distribution

AUGUST 23, 2001 NOTICE TO THE WATER USERS IN THE MEADOWVILLE AREA

The next meeting of the water users in the Meadowville area and representatives from the Division of Water Rights will be held **Thursday, September 6, 2001, at 11:00 a.m., at:**

Garden City Offices
145 W Center
Garden City UT

The purpose of the meeting will be to discuss the installation of measuring devices before the start of next irrigation season. We can also discuss any issues that came up during the past irrigation season.

If you have any questions prior to the meeting, please contact me at (801)538-7380.

Sincerely,
Lee H. Sim, P.E.
Assistant State Engineer for Distribution

cc: Bob Fotheringham Chad Peart

SEPTEMBER 6, 2001 MEETING WITH MEADOWVILLE WATER USERS

La Rae Weston, Theron Weston, MacKay Willis, Clark Willis, John Weston, Bob Fotheringham, Gertrudys Adkins, John Larsen, Lee Sim

MacKay Willis - from his experience this past year, he feels that a commissioner is not needed or is only needed in years where there is a moderate amount of water. In high or low water years there is nothing for a commissioner to do. Only needed maybe 1 or 2 years out of 10.

Theron Weston - which measuring devices might be needed in the system: Meadowville Ditch; Meadowville Creek (as far downstream as possible from the Meadowville Ditch Diversion and above where the 40ths splits are made); Tuft Creek Ditch; Jebo Ditch (some question on whether this is really needed - Theron thought it was needed only to see if there was any water loss along the ditch - Bob F. said that he has measured the ditch and determined that it does not lose but actually might be a gaining ditch).

Theron feel that it is necessary to make rules that the May 18th measurement is made to figure out how to set up the irrigation turns. At that measurement, it needs to be made sure that all the Jebo water is brought over through the Jebo Ditch.

The Jebo Ditch needs to be cleaned (Bob F. asked who should do that - Theron thought those

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that are involved in the ditch).

Turnouts are needed near the head of the Tuft Creek Ditch to enable them to turn water out of the ditch, take it down off the hill and prevent washouts further downstream on the ditch - he is proposing to open up the old Tuft Creek channel

Theron did not think there was a need for a commissioner - like MacKay said they only need help during moderate water years.

Theron thinks Linda Willis has no right to take from Tuft Creek Ditch down onto the lands that she is irrigating.

Clark Willis - doesn't think that a commissioner does any good at all during 9 out of 12 years.

Frank Weston - thinks there needs to be definite rules and regulations

LaRae Weston - the problem has developed because the old timers who knew how the system was supposed to work are gone and new people have moved in who are using the water in ways that affects the return flows and the overall operation of the system. Upper water users are taking water out of the Meadowville Creek tributaries so that there is less water in Meadowville Creek. She would like someone who is more than a commissioner - she wants a water master who makes sure the water gets where it is supposed to go when it is supposed to go there.

The reservoir

Westons say that Paul Lamborn is not abiding by our request to pass water through the reservoir and not store it.

Bob F. asked if we should use system funds to put a measuring device on the ditch that runs into the reservoir. It seems there is always a disagreement about how much water is going into the reservoir and storage in the reservoir seems to be one of the basic issues in the distribution problems on this system. Bob F. said that the Logan office has a recorder that could be put on it.

It was reported that Paul Lamborn has broken out and developed 22 new acres of ground and is irrigating it from the reservoir.

IRRIGATION COMPANY ?????

Bob F. suggested that perhaps a solution to all of these concerns would be for the water users to get together and form an irrigation company. All water users would transfer their water rights to the company and then shares should probably be issued on the basis of the amount of irrigated land rather than trying to determine it from water rights because the water rights are so messed up and complicated.

This will be one of the topics for discussion at the annual distribution meeting next year for the Meadowville System. If the water users decide to move ahead with this idea we probably will not appoint a commissioner for the year and the system may then be disbanded.

Theron will contact Jerry Kinghorn to get some background information on what would be required and involved in setting up a company. He will also talk with Paul Lamborn to see if he would support this idea.