

**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  
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 Rights). 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  
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

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).
<b>TOTAL</b>	<b>\$3203.00</b>	

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 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 18<sup>th</sup>

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 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 18<sup>th</sup>. 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 22<sup>nd</sup>, 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 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.