

MILL CREEK DISTRIBUTION SYSTEM MEETING

FEBRUARY 26, 1985

Richard Hall, Directing Distribution Engineer of the Division of Water Rights called the meeting to order at 7:00 p.m. He gave a brief statement concerning the purpose of this meeting and then read the minutes of the previous meeting held February 7, 1985. The minutes were approved as read.

Mark Page, Area Engineer from the Price Area Office, then discussed various options available for financing the Mill Creek Distribution System in 1985. The first proposal was based on the water delivered to each user during 1984. The second option was to assess based on the paper water right with the first class rights being assessed at full value, and the remainder of the users at a weighted value of 3/5. Mr. Hall then related some case histories concerning the legalities of making assessments and the need to stay within the statutes as outlined in Section 73-5-1 of the Code.

Jim Walker, of the Grand County Water Conservancy District Board stated that the Moab Irrigation Company and the District have met and would jointly propose that either the Irrigation Company watermaster, or an employee of the District, be empowered by the State Engineer to distribute the waters of Mill Creek. There was some objection to this proposal by some of the other users on the system. Mr. Hall stated that the State Engineer could not endorse this proposal because of the obvious conflict of interest. He further stated that if all of the water users could come to agreement on this idea, they could organize such a system, but the individual chosen to distribute the water would have no statutory authority.

Some discussion concerning the installation of recording measuring devices was entertained. Payment for any such devices could be born by the users on the ditch or by the system at large if such an item was part of the budget. It was decided that recording devices would help collect better data, but the actual distribution of the water would need to be accomplished by a commissioner.

There was some discussion concerning the reduction in the duties of a state appointed commissioner. Possibly the Irrigation Company watermaster and a District employee could make a majority of the water measurements and the state appointed commissioner would make periodic spot-check readings. If regulation matters arose that were controversial, the state commissioner would have the authority to intervene.

A vote was then called for on the question of whether or not to have a commissioner in 1985. Mr. Hall stated that each account or user would have one vote. At the present time, there are nine accounts or users on the Mill Creek System. Seven were present at the meeting. Each of the voting users present were given an opportunity to state their feelings concerning the matter being voted on. Five of the users were against abolishing the distribution system and two were in favor.

Because it was apparent that some type of system would be established, Mr. Hall asked those present to allow him to place the balance of trust funds in an interest bearing sweep account. The proportionate interest accrued would be returned to the system. John Bickling made a motion to accept this proposal. A second was given by D.L. Taylor. The motion passed.

A budget for 1985 was the next item of business. After some discussion, D.L. Taylor made the motion to establish a budget for 1985 in the same amount as in 1984. David Yeates seconded the motion. The motion also included establishing a minimum assessment of \$50.00. The motion carried. After some discussion, a motion was made by D.L. Taylor to assess each user based on the water delivered in 1984. If no water was delivered the \$50.00 minimum fee would be assessed. The 1985 assessment would be in the same amount as the budget. Richard Nunn seconded the motion. There was one descending vote. The 1985 budget is as follows:

Commissioner Salary (contractual)	\$2800.00
Matching Social Security	- 0 -
Matching State Retirement	- 0 -
Travel Expense @ 0.35/mile	\$1000.00
Bonds & Insurance Premiums	\$50.00
Commissioner Annual Report	\$100.00
Miscellaneous Expenses	\$50.00
Total	\$4000.00

Assmt.

The appointment of a commissioner was the next item of business. Mr. Taylor stated that some conflict of interest may occur if Robert Byrnes was reappointed because of leasing land under Ditch #5. Mr. Byrnes stated that he would not pursue the lease. Mr. Taylor then made the motion to reappoint Robert Byrnes as the Mill Creek Water Commissioner for the 1985 water year. Charlene Yeates seconded the motion. The vote was unanimous.