

**BIG SAND WASH DISTRIBUTION SYSTEM
1994 NOTES**

**ANALYSIS
STIPULATION FOR SETTLEMENT - CIVIL NO. 5723**

Sand Wash Irrig. Co.

vs.

Dry Gulch Irrig. Co. & Moon Lake Water Users Assoc.

1. Sand Wash I.C. right to water (Cert. 2039) shall be limited to 6.0 cfs diverted only between 5/1 and 10/12, inclusive, not to exceed a total of 1964.00 af during any one year.

2. Water shall be diverted in Sand Wash I.C. north and south ditches in proportion to number of shares in each. Quantity to be diverted in to each ditch to be fixed at the beginning of each period of use.

3. Dry Gulch and Moon Lake entitled to use all the remaining waters of Sand Wash by direct flow or storage according to their rights.

4. Dry Gulch and Moon Lake shall pass through or release from storage sufficient water to make available at Sand Wash I.C. headgates the quantity of water provided for in 1. above.

5. Dry Gulch and Moon Lake not required to measure or account for inflows to Big Sand Wash Res.

6. Provisions of stipulation binding on parties and successors. If Big Sand Wash Res. or its successor is not operated and maintained, the terms of the stipulation no longer apply.

7. Parties jointly request the S.E. appoint a commissioner to distribute water through that segment of Sand Wash between Big Sand Wash Res. and the Sand Wash I.C. headgates AND require all water users in that segment to install lockable headgates. Expenses to be borne 2/3 by Dry Gulch I.C. and 1/3 by Sand Wash I.C. Dry Gulch (at its own expense) shall police the diversions of water by its stockholders in said segment when they are entitled to divert water and insure that such water is diverted at the proper times and in proper amounts.

8. The Dry Gulch I.C. Class "D" ditch-rider shall regulate the diversions of water into Sand Wash I.C. north and south ditch in accordance with stipulation and subject to 7. above. On or before May 1, Big Sand Wash I.C. will advise Dry Gulch and Moon Lake in writing of the proportionate amount of shares to be diverted into each ditch.

9. Big Sand Wash will help pay for improvements to their headgates and measuring devices.

10. Big Sand Wash will join Assoc. Water Users of Uintah and Lake Fork Rivers.

MARCH 11, 1994 RESEARCH - LETTERS FROM DRY GULCH AND MOON LAKE

1. Asking whether commissioner (Bill Christensen) is appointed for all of Sand Wash (above and below the reservoir). If he is not now, can he be?

2. It appears that the stipulation (check with Mike Q. to make sure it was signed by all parties) limits the scope of the commissioner's work to the segment of Sand Wash between the Reservoir and the Sand Wash I.C. headgates.

3. There probably is no reason why the boundaries of the system could not be enlarged by the state engineer. Check with Mike Q. on this and Bob Morgan to see what his concerns are. What process would we follow?

MARCH 15, 1994 BIG SAND WASH ANNUAL MEETING

1. The Moon Lake Water Users Assoc. feels there is a need for regulation of the whole creek several water users on the upper part of the creek take more than their share of the water. The three water users in particular are: Bruce Hartman, Gordon Hansen, and Nick Stevensen (all of Altamont). They have early rights but they also dry dam the river. Because of the agreement between Moon Lake and Sand Wash IC, Moon Lake makes sure that Sand Wash gets its water, however Moon Lake feels it is being cheated because water that should have come down to make up the water given to Sand Wash is being used by these fellows. The historic flow of the creek has been disrupted and is no longer coming down the creek.

2. Discussed the procedure for enlarging the boundaries of the system. Told them they needed to make a request in writing and then we would hold a public meeting. They agreed to do that.

3. Date set for the public meeting: March 29 at 11 a.m. Need to send notices to all the water users on the creek. Bob Leake was ill, but Ralph Johnson attended. **Contact Bob**

4. If Bill Christensen remains as the commissioner on the system he will continue to be paid through the Associated Water Users of the Uintah and Lake Fork Rivers.

March 22, 1994

NOTICE TO BIG SAND WASH WATER USERS

Notice is hereby given that in compliance with Title 73, Chapter 5, Utah Code Annotated, 1953, a meeting of the water users of Big Sand Wash and representatives of the Division of Water Rights will be held Tuesday, March 29, 1994 at 11:00 A.M. The meeting will be held at:

Dry Gulch Irrigation Co.
Conference Room
263 East Lagoon Street
Roosevelt, Utah 84066

The purpose of the meeting will be to discuss the need to expand the boundaries of the Big Saa Wash Distribution System to include the entire drainage of Big Sand Wash. Other matters of distribution business such as the need for headgates and measuring devices will also be discussed at the meeting.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

MARCH 29, 1994 PUBLIC MEETING

1. Keith Martinsen - Moon Lake and Dry Gulch have responsibility to deliver a set amount to San Wash IC. Concerned that water above Res that should be stored is now being diverted and used. Want regulation to bring these water users within their rights.

2. Randy Crozier - Ponds above that store water without a right. Measuring devices a problem.

3. Glenna Hansen (representing Gordon Hansen, her father) their right based on Case and Cannon filing which is a year round filing. Their share is 1/2 cfs (the filing total is 1 1/8 cfs). Anything over the 1 1/8 cfs should go down to Dry Gulch. This has not happened for some time. Bruce Hartman has diverted most of the water (Bruce was not present at the meeting). They have always had a struggle to get their water down from Hartman. Bruce is supposed to get 5/8 and Hansen 1/2 cfs. Hartman turns water down when pressured, but as soon as the pressure is off he takes the water again. She feels there is a great need for a commissioner with authority and with measuring devices installed. Their place is about 1/2 mile below Hartman's.

4. Jim Bird - (Pres of Dry Gulch) he has talked with Bruce - he has put a measuring device in the stream rather than the ditch and measures 1/2 down to Hansens rather than 5/8 to himself.

5. No one at the meeting was opposed to extending the boundaries of the distribution system.

6. **TO BE DONE** - Letters sent to everyone on the system informing them that the system boundaries have been extended. Notice on measuring devices to all water users on the system. First part of May is when the water starts to flow - no problem setting that as a deadline.

7. Bill C. says Hartman dry dams the creek year around and Bill will need to check on it but it will not be more work than he has been doing. Bob Leake does not think there has been an expansion of acreage in this situation. Dry Gulch diverts everything below the Sandwash Diversion.

JUNE 16, 1994 BRUCE HARTMAN

BOB LEAKE

The measuring device is installed and seems to be working fine. There is a headgate but it does not directly control what is diverted into his ditch. Hartman has constructed a pond on the stream and the headgate is on the spillway of the pond. If the head gate is opened all the way it will take all the water in the stream up to its capacity. Bob will write him a letter accepting the parshall flume and stating that we will watch the operation of the headgate to see if it will be acceptable. It appears that Hartman also has another ditch out of the pond that is not listed in the water rights - it does not have a flume on it. Bob will indicate in the letter that Hartman needs to file a change to make the ditch legal and install a flume there also if he wants to use it.

JULY 12, 1994 TOUR

1. Bill Christensen, Bob Leake, Gertrudys Adkins
2. See notes taken by Gertrudys on each diversion and photos that I took.