

MEETING OF SEVIER RIVER WATER USERS ASSOCIATION, WEDNESDAY, JANUARY 17, 1951,

2:00 P.M. OFFICE OF THE STATE ENGINEER

MR. PETERSON: We, as a Water Users Association of the Sevier River Water Users, have met and we have a budget that we are prepared to present to you for your consideration. The first thing in order is that we should have somebody made temporary chairman, and a secretary. Who will you have for your chairman?

: I move that Joseph Peterson act as chairman.

MR. PETERSON: Any others?

: I second that motion.

MR. PETERSON: It has been moved and seconded. All those in favor may say, "aye".

: Aye

MR. PETERSON: Who will you have to be your secretary?

: I move that Archie M. Mellor act as Secretary.

MR. PETERSON: Is there a second?

: I second it.

MR. PETERSON: It has been moved and seconded that Archie M. Mellor act as secretary of this meeting. All those who are in favor of that may say, "Aye".

: Aye.

MR. PETERSON: Contrary, if there be any. Now we have our budget, Mr. Tracy.

MR. TRACY: Now, Mr. Peterson, will you indicate as to whether or not there is a majority of the stock in the water distribution system represented by this body.

MR. PETERSON: Yes, sir. We have probably 90%, and represent 90% at least of all of the water users of the Sevier River Water Users Association present, either by being appointed or by ownership.

MR. TRACY: Then you have over 90% of the stock represented by this body.

MR. PETERSON: Yes, sir.

MR. TRACY: Who do you have present here representing, including yourself, Mr. Peterson?

MR. PETERSON: We have our secretary, Mr. Mellor, Mr. Dodds, Mr. Black, Mr. Callister, present. Mr. Jones, was with us yesterday, but he is not present today because he took ill night before last and is up in the hospital. Then we have in connection with that our two river commissioners, Mr. Cole and Mr. Ogden present with us.

MR. TRACY: The State Engineer is present and Mr. L. C. Monson and Mr. Frank Reese, Accountant, and Mr. Smith, Assitant Accountant, representing the State Engineer's Office. I think we can proceed now, Mr. Monson.

MR. PETERSON: We will proceed now by having the Secretary of our association read the call of the meeting.

MR. MELLOR: The call of the meeting is as follows: This notice was sent to the water users. I received a copy of it as Secretary of the Sevier River Water Users Association. "To Water Users of Sevier System: Notice is hereby given that in compliance with Title 100, Chapter 5, Utah Code Annotated, 1943, a meeting of water users of the Sevier River System will be held in the State Engineer's Office at State Capitol, Salt Lake City, Utah, Wednesday, January 17, 1951, at 2:00 p.m. for the purpose of first hearing the financial report for 1950(2) making recommendations to the State Engineer as to the appointment of water commissioners for the 1951 season, the duties they shall perform, and the compensation they shall receive (3) preparing a budget of salaries and other necessary expenses of distribution and (4) transacting such other business as will properly come before said meeting. Joseph M. Tracy, State Engineer."

MR. TRACY: Will you read the minutes of your last meeting, and see if they approve or disapprove them.

MR. PETERSON: We will now have the minutes of our last meeting read.

MR. MELLOR: This is the minutes of the meeting that we held at the last date, a year ago, a copy of these minutes was sent to the State Engineer's Office. "A meeting was held in the State Engineer's Office, Monday, January 23, 1950 at 10:00 a.m. according to call read by Chief Deputy Fred Cottrell, which was as follows: (The notice that I have here is the same as the notice I have read. That's the call of the meeting) - and signed by Harold A. Linke, State Engineer. Archie M. Mellor moved that Joseph Peterson act as chairman of the meeting. Seconded by Lewis Jones and carried. It was moved, seconded and carried, that A. M. Mellor act as Secretary. A roll call of Sevier Water Users Present showed the following: Joseph Peterson, A. T. Black, Archie M. Mellor, Lee Callister, Tom Dodds, Lewis Jones, J. Lerue Ogden, and W. C. Cole. They represented a large proportion of the water in the Sevier River System. Now we don't know whether it's over 90% - we know very few small streams not represented by this committee here today. This committee is elected.

MR. TRACY: Pardon me, in reference to that statement wherein it says that a large proportion of the water users were present. You want to infer that that large proportion of water users represented at least 90% of the stock?

MR. MELLOR: Well, last year, the State Engineer and Fred Cottrell objected to that. He said, "You don't know whether it's 90%". We did have 90 to 95 % represented. He said, "I'd like to have that stated that it's a majority of the water users."

MR. MONSON: That's all the law requires -- that it be a majority.

MR. MELLOR: That's right.

MR. TRACY: Water Users, or owners of stock, which?

MR. MELLOR: We represent the people that own the stock, by election.

MR. TRACY: You see there is a difference between the number of water users and the number of the stock represented by the water users themselves. See what I mean?

MR. MELLOR: That's right.

MR. TRACY: Does it say the water users, Mr. Monson, or the stock of the water users associations?

MR. MONSON: It says a majority of the water users, and most of the water users are also owners of stock.

MR. TRACY: Not necessarily.

MR. MONSON: well, if some of these people vote by stock, some vote by representation. This system, however, has always had its committee who are elected by the water users.

MR. TRACY: Well, the Davison-Weber Canyon Canal stock is owned by John Doe and Richard Roe and they lease that stock out to the water users on the Davison-Weber Canyon Canal.

MR. MONSON: Well, these gentlemen, I don't think want a stock system, except on the individual canals.

MR. MELLOR: The way we are elected, we vote according to acre-feet of water delivered the previous year, and that's one vote for each acre-foot of water. That's one reason that we know that we represent the majority of the water as well as a large majority of the water users on the Sevier River System. In our articles of incorporation which we have there and our by-laws, we have to hold a meeting. That meeting is held by the majority of the water users association. They elect three members from the lower division and three from the upper. They are elected by the majority of the stock represented, one share or one vote for every acre-foot of water that has been used the previous year. Now we held our meeting a year ago in Richfield, and we were elected unanimously by 90% of the water that is used on the Sevier River System. Each one of us represent a certain district. There are six on the board, and there are six districts. We elected one from each district, and we represent all of the water users in that district.

MR. TRACY: I have no question insofar as you represent the majority of the water, but you interjected a point describing what you thought was meant by that statement in the minutes. I think you can proceed, and I don't think there is any question about that.

MR. MELLOR: Well, hardly. My thought, Mr. Tracy, was this. You said we might represent a majority of the water users, but the majority of the water users might not represent a majority of the stock on the Sevier River System, and that's why I interjected what I said. These individuals that direct us vote according to the stock, according to water delivery the previous year -- one vote per acre-foot of water delivered. If you were delivered a hundred acre-feet of water in 1949, you'd have a hundred votes for an individual in 1950.

MR. TRACY: Then we understand, Mr. Mellor, that at the meeting held in 1950, the people present represented a majority of the water users and a majority of the stock held.

MR. MELLOR: That's right.

MR. TRACY: Proceed.

MR. MELLOR: Archie M. Mellor moved that Joseph M. Peterson act as chairman of the meeting. Seconded by Lew Jones and carried. It was moved and seconded and unanimously carried that Archie M. Mellor act as Secretary. A roll call showed the following present: Joseph Peterson, A. T. Black, Archie M. Mellor, Lee Callister, Tom Dodds, Lew Jones, J. Lerue Ogden, and W. C. Cole. They represented a large proportion of the water in the Sevier River System. (Now, then, I say water, not individuals, in these minutes).

Minutes of the last sevier River Water Users meeting, held in the State Engineer's Office, January 26, 1949, were read. On motion of Lewis Jones, seconded by A. T. Black, minutes were approved as read. Auditor Reese read and explained the Sevier River Report as prepared by the State Engineer's Office. After considerable discussion, A. M. Mellor moved that the report be approved as read, seconded by Tom Dodds, motion carried.

Lee Callister moved that we recommend to the State Engineer the appointment of W. C. Cole of Delta, Utah, and J. Lerue Ogden of Richfield, Utah as commissioners for the Sevier River System, and its tributaries. (Now that was added in there by Mr. Cottrell, if you remember, Mr. Monson, a year ago, -- "and its tributaries". That was because of the trouble that we were having with the San Pitch River in trying to make them a part of our association. But we objected very strenuously to it). That their duties shall be equal and coordinate. They shall act jointly in the distribution of water of the Sevier River System and may, between themselves, as they deem it advisable, specify the duties to be performed by each individually or by both jointly, subject to the approval of the State Engineer. Seconded by Lew Jones, motion carried.

After considerable discussion, A. M. Mellor moved that the following budget for 1950 of salaries, other necessary expense connected with the distribution of water be approved. Seconded by A. T. Black, motion carried. The budget for 1950 is as follows:

Commissioners Salaries	\$7,200.00
Gateman Salaries	870.00
Bonds and Insurance.	110.00
Commissioners Annual Report.	100.00
Office Expense	50.00
State Engineer's Office.	200.00
Telephone	230.00
Commissioners Auto Hire.	1,350.00
Miscellaneous Expense.	580.00
(That includes new recorders and repairs)	
Gaging Station in Circleville Canyon	625.47
(That gaging station is one that we cooperated with the USGS, and they paid a like amount.)	
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Total Budget	\$11,515.47

Lew Jones moved that the rate of pay per mile for the water commissioners be $\frac{6}{7}$, the above expense is to be paid by vouchers approved by Mr. Cole and Mr. Ogden, respectively, Seconded by Lee Callister, and motion carried.

Tom Dodds moved that an assessment be levied against water users in Class I and Class I-A on the basis of acre-feet delivered of such water in 1941 at such rate as will yield a sufficient amount to raise the total of \$11,115.47. Also, that a total assessment of \$400 be levied against Class II users, making a total levy of \$11,515.47. Said Class II assessments to be levied on a second-foot basis weighted according to decreed right, adjusted by water deliveries. Seconded by Black, motion carried.

A. T. Black moved that the State Engineer be required to levy additional assessment of \$700 for the expense of the Association. Said levy to be made against Class I and Class I-A users on the basis of acre-feet of water delivered in 1949. Seconded by Lew Jones, motion carried.

A. M. Mellor moved that Class I-A assessments be $\frac{6}{7}$ of Class I in making up the assessment list and that all assessments levied in 1950 be collected in 1950. Seconded by Lee Callister, motion carried.

Tom Dodds moved that assessment of \$11.35, assessed against Vern E. Day be cancelled as it is an erroneous assessment. Seconded by Mellor, motion carried.

Lew Jones moved that the assessment \$19.22 levied against the Junction Roller Mills be cancelled as it is an erroneous assessment. Seconded by A. T. Black, motion carried.

A lengthy discussion was entered into relative to the distribution of water in the San Pitch drainage area after which the chairman appointed A. M. Mellor and W. C. Cole to act with a like committee chosen by the San Pitch Water Users Association to prepare a budget of expense for such distribution. Meeting adjourned.

MR. PETERSON: What have you to say to the minutes? Are there any corrections to offer, or do you want to add to them? It has been moved and seconded that we accept the minutes as read. All those in favor of them as read, may say, "aye".

: Aye

MR. PETERSON: Contrary, if there be any.

MR. MONSON: Financial statement.

MR. PETERSON: Who do you want to give that?

MR. MONSON: Let Mr. Reese give it.

MR. PETERSON: We'd like to have Mr. Reese give us the financial statement.

MR. TRACY: Mr. Reese' statement will be the financial statement as prepared by the State Engineer. It shows the receipts and expenditures of the system during the year 1950.

MR. REESE: Gentlemen, under cover of a letter of transmittal dated January 6, 1951, with copies to Mr. W. C. Cole, Mr. Joseph F. Peterson, President, Mr. J. Lerue Ogden, and Mr. Archie M. Mellor, Secretary, letter is as follows: (Reads letter of transmittal which accompanied financial report)

Gentlemen, this financial statement is made up in three parts as follows: The first part gives the following information for the Sevier River Distribution System(Reads from report) Oh, at any time in this report, if you have any questions as we move along or afterwards, I'll be glad to answer them.(reads from report). Are there any questions on first general recap of the funds of the Sevier River System? The second portion of this statement concerns the Sevier River Water User's Association.

MR. TRACY: Mr. Reese.

MR. REESE: Yes, sir.

MR. TRACY: . .and Mr. Chairman. Is there a difference between the Sevier River Distribution and the Sevier River Water User's Association?

MR. PETERSON: There is none.

MR. TRACY: Are you the same body?

MR. MONSON: Mr. Tracy, I know what you're getting at. The way that's used in this report is that \$700 that was set up is set up for this committee. The rest of the money is set up to supply the water users association.

MR. TRACY: Well, does this committee have the authority to make assessments against the Sevier River Distribution to cover their expenses? I'm asking you gentlemen that question.

MR. PETERSON: I'd say yes.

MR. KELLOR: Our articles of association gives us the right to assess so much money. We have articles of association filed in your office here.

MR. TRACY: Well that's the reason I thought Mr. Reese gave the final check on this \$900, and I just wondered as to what it was for.

MR. MONSON: Mr. Tracy, there is a question that arose as to whether the State Engineer had a right to collect this assessment. There is no question in particular as to whether the water users had the right to make an assessment, but whether the State Engineer had a right to include in his assessment, was brought up last year or the year before last, and from that time on, they have been held as two separate accounts. Prior to that time, they were all in one account, which partly accounts for it, but as I understand it now, the assessment roll sets up so much for the Water Users Association.

MR. REESE: And so much for the River System Assessments.

MR. MONSON: Yes, and so much for the Committee.

MR. REESE: correct.

MR. TRACY: For the Sevier River Water Users Association?

MR. MONSON: Yes, they have the two of them on the account.

MR. TRACY: Well, the Sevier River Water Users Association represents the Sevier River Distribution, do they not?

MR. MONSON: That's right.

MR. TRACY: And they have certain expense in connection with their operation. Mr. Cole?

MR. COLE: They may not represent them 100%, as I said before, they have about 90% of the water users along the Sevier River. Now when you call your meeting, that doesn't exclude people who are not in the Association from coming to this meeting. They are notified through the paper and the Sevier River Water Users Association would necessarily include all the users on the river.

MR. REESE: They got together and made an association among themselves within the river system.

MR. COLE: Within the river system, and they represent 90% of all the users. There might be a question as to technicality as to whether the other 10% ought to pay on this \$700, but I rather think the \$700 is collected from users in Class I and Class I-A only, and I think that all of those users belong to the association. Isn't that right, Kellor?

MR. REESE: That's where the dues are collected, from I and I-A users.

: Part of that \$700 is collected from I and I-A users.

: And the Association has the right to levy against its members, but rather than them doing it, they have asked the State Engineer to collect for them, so there are two funds there entirely. The one is for the distribution system and the other is for the maintenance of the association.

MR. MONSON: If it came to a question of compelling collection, the State Engineer could compel the collection of the Water Users assessment, but not for the committee.

MR. COLE: Well, that's the interpretation that's been put on it.

MR. REESE: Because of the fact that the State Engineer only is authorized legally to collect water assessments. Then this is an expense of the Association, an internal expense within the association.

MR. TRACY: Well, does not the law, Mr. Monson, provide for all expenses for the distribution of water which may be assessed against the water users?

MR. MONSON: It does.

MR. TRACY: Well, then, that's part of the expense.

MR. MONSON: In the past, it hasn't been considered. It provides for the assessment for the purpose of paying commissioners and their necessary expenses, but it doesn't provide for making an assessment for the committee's maintenance by the Association.

MR. SMITH: It was explained once that the Engineer could force payment or shut off the water for nonpayment of the distribution assessment, but if they refuse to pay the association's assessment, there's nothing we can do about it.

MR. REESE: Simply has to be written off the books, that's all.

MR. MONSON: We're just putting it on our assessment notices as a separate item, for them to pay if they want.

MR. TRACY: Mr. Reese, in the assessment notices you send out, do you segregate the two?

MR. REESE: Yes, sir. We say how much is due against the river system and we put down an additional item, Association Dues, and a specific amount, and on the assessment notice, we total the two items. In other words, if the assessment is \$50.00 and the association assessment is \$5.00, the total on the official receipt would be \$55.00.

MR. SMITH: It's two entirely separate accounts.

MR. TRACY: Well, I think that's in order all right. It's a good thing to keep them separate. That's just what I wanted to clear up.

MR. REESE: Well, gentlemen, there's one more thing on the financial statement, and that's a consolidation of the two accounts of the State Engineer, as furnished you, consisting of the Sevier River Distribution System and the Sevier Water User's Association (Reads from Statement)

Gentlemen, in addition to the financial statement which the State Engineer forwarded to the officers of the Sevier River System and the association officers, we also forwarded a list of the delinquencies amounting to \$614.13 as shown on page one of the financial statement. This particular portion of the report was broken down for the convenience of all concerned by name, page number on the assessment roll where they were listed, whether it was a delinquency against the river system or the association, and the total amount of the delinquency that was set up. In view of the fact that it is rather a lengthy document, I'm sure you have all gone over it, you know who is delinquent on this report of \$614.13, -- I'd like to report to the chairman that since the first of the year, the State Engineer has received \$113.68 delinquency against the Gunnison-Fayette Canal Company, he has received \$100.75 against the McDwan Canal Company, and he has received \$7.71 for Howard Roberts, and he has received \$5.15 against J. A. Yardley of that total delinquency, so that's approximately \$220 - \$225 - somewhere in the neighborhood there. So much for the delinquencies. Are there any questions up to this point, gentlemen?

MR. OGDEN: I'm just wondering if it wouldn't be clearer to leave that consolidation of the two accounts out.

MR. REESE: It's all right with me, I just wanted to prove to all of you what the overall picture would be.

MR. OGDEN: The funds are absolutely for different purposes and collected for different purposes and the funds from one account cannot be expended for purposes under the other, so there is absolutely two different quantities of money. It looks like the consolidation adds just a little bit more confusion.

MR. REESE: We just want to give you as much information as we could. It was not necessary. It took quite a little extra time on our part. We even tried to eliminate the consolidated report.

MR. MELLOR: I'd like to second Mr. Reese on that. The accounts as you have prepared them have been the most concise that we have ever received from the State Engineer's Office.

MR. REESE: Thank you, Mr. Mellor/

MR. MELLOR: We have gone through them, and the Committee has gone over both of these accounts here as well as this delinquency list. We have approved those accounts as a committee, and the delinquencies. We recommend to the State Engineer -- you will find it in our resolutions to the effect -- that we would like to have notices sent to these delinquents and would like to have that money collected.

MR. REESE: Well, thank you very much. I think Mr. Smith over there is due for a lot of credit on keeping the records as accurate as they are kept here. He has been a big help to me to report to the State Engineer.

MR. TRACY; Mr. Chairman, Mr. Reese , what brings Mr. Ogden's comment? Why do you object to segregating the two? Don't you want everybody to know where it goes?

MR. OGDEN: I think they should be segregated, but you have one quantity of money here for certain purposes, and one quantity here for certain purposes. Well, now, why should they be consolidated?

MR. REESE: There's a very good reason there, Mr. Ogden, because the State Engineer has got to account for the collection of that money in total against the Sevier River System. You gentlemen make up two budgets for yourselves, you make up a river budget and you make up an association budget, but that budget total is broken down and calculated and received in this office and deposited in trust under the State Engineer's name, in total.

MR. TRACY: Mr. Reese, let me ask you this question. In the payments you receive from the rolls, does anybody refuse to pay for the Association's assessment?

MR. REESE: Mr. Tracy, I've only been in on the deal about two years, but to my knowledge, no one has refused this assessment. I don't recall of any assessment coming in that had both types of assessment on it that they refused to pay.

MR. TRACY: Then there is no question as to assessment.

MR. REESE: NO, sir.

MR. TRACY: Well, still I don't see what your objection is.

MR. OGDEN: Well it's like saying I've got 5 cows and ten horses. You can't say I've got 15 horses.

MR. REESE: Well, you've got 15 livestock, haven't you?

MR. OGDEN: Mr. Reese, when you first went through those, you took one organization and gave us the details of everything you spent in that, and then you took separately the other.

MR. REESE: Yes, sir.

MR. OGDEN: All right. Then in the third one you just put the two together. Well, I can't see that it should make any difference, because we have been separate up to that point and it's just that more work that we give you to compile the two together.

MR. REESE: We've got the account in our river journals against the Sevier River Association in the bank downtown. We've got to know how much is against each part of those two particular internal accounts down there. We've got the twelve river systems.

MR. SMITH: Well, it's all kept separate anyway.

MR. TRACY: Well, the point is this, Mr. Chairman, the question is as to the legality of the assessment. So in case anything ever came up, don't you think it's better to keep them separate so that we can account for it.

MR. MONSON: Mr. Ogden didn't object to keeping them separate. He wants them separate.

MR. REESE: He just wants to eliminate the consolidation.

MR. TRACY: Well, yes, a consolidated statement is necessary.

MR. MELLOR: There should be a consolidation of these accounts because the State Engineer is responsible for both of them. Now I made the statement a few minutes ago to the effect that these accounts were the same. The thought that I carried there was that we, as a committee, are responsible for both of those accounts. Not that one doesn't represent one purpose and one another, but the committee is responsible for both of those accounts. The State Engineer, as I look at it, is responsible for both of those accounts. You have them separate and as a further precaution, or as a further report, your consolidation of the accounts. It seems to me that that's enough.

MR. CALLISTER: Mr. Chairman, I move that we accept the financial report.

MR. REESE: I wasn't quite through. I had one more thing to bring before you, and then I'll ask you to do that, Mr. Callister. Now, there's one thing left in your financial statement, and that's a complete breakdown spread of the disbursements by the State Engineer during 1950, against your 1950 budget. The State Engineer itemized the expenditures as to whether they happen to be 1949 items or 1950 items. He also went further and gave you a little information mainly for planning purposes as to whether you were planning your budget items within reason or not, by noting whether the individual budget items are over or under what you had set up in your particular budget item. If it is all right with the members here, I think we can dispense with the reading of this mass of detail of your breakdown of your budget. It's entirely up to the chair, as to whether you want to forego that reading or whether you want me to read it out in detail and take up some more time here.

: We have gone over that at the State Engineer's office. If you prefer having it read, it's perfectly all right with us.

MR. CALLISTER: We've gone into that pretty carefully, and we're satisfied.

MR. REESE: O.K. then, Mr. Callister, well, that concludes the State Engineer's financial statement, gentlemen.

MR. PETERSON: Anyone second Mr. Callister's motion?

MR. MELLOR: I'll second the motion.

MR. PETERSON: It's been moved and seconded that we accept the financial report as read by Mr. Reese of the State Engineer's Office. All in favor may say, "aye". Contrary, if there be any. What's the next item that you have there? Do you want each item to itself, or do you want us to give you the recommendations of the thing as a whole?

MR. TRACY: Mr. Monson, won't the adoption of this report cover the whole category?

MR. MONSON: It will.

MR. PETERSON: If that's the case, then we'll have our Secretary read the proposed business budget and the distribution of it.

MR. MELLOR: Mr. Chairman, and Mr. Tracy, the budget and resolutions that we have presented to you were prepared by the Sevier River Committee. We're making the recommendations of Commissioners and a budget of expense to you, beside some others. Some have been gone into here today. Now the resolutions and budget are as follows:

MR. TRACY: It would seem to me to be in order for you to propose the following resolutions.

MR. MELLOR: I was going to do that, Mr. Tracy, after we got through with these resolutions. I'd move the adoption of this.

MR. TRACY: Well, are these resolutions that you're going to read as a whole?

MR. MELLOR: The resolutions and the budget included. I'll make that motion before, if you want me to.

MR. TRACY: No. don't make the motion yet, but you're presenting now a resolution and a budget and recommendations to the State Engineer for the administration of the Sevier River Distribution for the coming year.

MR. MELLOR: That's correct. Salt Lake City, Utah, January 17, 1951, Mr. Joseph M. Tracy, State Engineer, State Capitol, Salt Lake City, Utah. Dear Sir: Relative to Sevier River Distribution. A meeting of the Sevier River Water Users Association, representing a majority of the water users on the Sevier River System, was held in Salt Lake City, Utah, January 17, 1951, at which meeting the following business was transacted: It was moved, seconded and unanimously carried that we recommend to the State Engineer the appointment of W. C. Cole of Delta, Utah and J. LeRue Ogden of Richfield, Utah as Commissioners of the Sevier River System. Their duties shall be equal and coordinate. They shall act jointly in the distribution of water of the Sevier River System, and may, between themselves, as they deem it advisable, specify the duties to be approved, specified, the duties to be performed by each individually or by both jointly, subject to the approval of the State Engineer. The budget for 1951 is as follows:

Commissioners Salaries	\$8,400.00	
Gatemen Salaries	1,100.00	
Bonds and Insurance.	110.00	
Commissioners Annual Report.	150.00	
Office Expense	50.00	
State Engineer's Office.	200.00	
Telephone.	230.00	
Commissioners Auto Hire & Mileage.	1,450.00	
Miscellaneous Expense.	200.00	
<u>Equipment and Supplies</u>		
4 new recorders	\$1,380.00	
Repairs	150.00	
Strip Charts.	110.00	<u>1,640.00</u>
		\$13,530.00

The rate of pay per mile of travel shall be \$.06. The above expenditures are to be paid monthly on vouchers approved by Mr. Cole and Mr. Ogden respectively. It was moved, seconded and unanimously carried that an assessment be levied against water users in Class I and Class IA on the basis of acre-feet delivered on such water in 1950 at such rate as will yield a sufficient amount to raise a total of \$13,130.00. Also, that a total assessment of \$400.00 be levied against Class II users, making a total levy of \$13,530.00. Said Class II assessments to be levied on a second-foot basis, weighted according to decreed rights, adjusted by water delivery. It was moved, seconded and unanimously carried that the State Engineer be requested to levy an additional assessment of \$700.00 for the expense of the association, said levy to be against Class I and Class IA users on the basis of acre-feet of water delivered in 1950. A schedule of assessments to be levied against each user will be presented to you when completed by the Sevier River Commissioners. Class IA assessments to be 6/7ths of Class I in making out the assessment roll. We recommend that all assessments levied in 1951 be collected in 1951. We further recommend that all water users who are delinquent at the present time, be written a letter, asking them to pay their delinquent assessments immediately. It was further recommended that a flow record be kept of all water diverted from the Sevier River and its tributaries at least once each week for the entire year by the Sevier River Commissioners. Also, that an assessment be made beginning January 1, 1951 on all water, including stock water diverted from the Sevier River and its tributaries. Respectfully submitted, Joseph Peterson, President, Archie M. Mellor, Secretary.

Mr. Chairman. Mr. Tracy, do you want to move to the adoption of this now? We are recommending this budget and resolutions to you. If you want it through motion, I'll be glad to make that motion.

MR. TRACY: I think the motion is in order, and the second at this time.

MR. MELLOR: I move that we recommend the adoption of the budget that has just been read along with the resolutions, to the State Engineer.

: I second it.

MR. PETERSON: It has been moved and seconded that we adopt the resolutions as read and recommended to the State Engineer. All those in favor may say, "aye". Contrary, if there be any.

: Mr. Chairman, there is a question on that next to the last recommendation. I don't know whether it's any too clear or not. It seems to me it could be worded just a little differently.

MR. MONSON: The question arose in my mind whether all the assessments are against Class I and Class IA. He said one should be 6/7ths, is that all right?

MR. REESE: Well, that's all right L. C.

MR. MONSON: Does that apply to all the assessments - or does that apply just to this assessment of \$700?

MR. MELLOR: The assessment for the \$700.00 is levied against Class I and Class IA users.

MR. CALLISTER: Well, his question was this. His question was, "Is this only for the \$700.00?"

: Heretofore they've been assessed the same for association purposes.

MR. MELLOR: I think Mr. Callister's question was in the next to the last paragraph, if I may repeat, "It is further recommended that a flow record be kept of all waters diverted from the Sevier River System and its tributaries." I believe in making that up this has been left out as I remember it, Mr. Callister, - that the Commissioners visit the canals or the streams at least once a week for the entire year. It was further recommended that a flow record be kept of all water diverted from the Sevier River and its tributaries at least once each week for the entire year by the Sevier River Commissioners.

MONSON: You should accept San Pitch if you are going to put in "and all its tributaries."

MR. MELLOR: Well, "and its tributaries", now, we're not on San Pitch, - they're out of our territory.

MR. TRACY: Yes, but your statement includes it.

MR. MELLOR: Well, it includes a lot more that they'll never - or several others that they'll never check.

MR. TRACY: Well, then, this should say what you mean. That's like the Cox decree, it doesn't always say what it means.

MR. MELLOR: Well, we've said a heck of a lot.

: Of course, what we have reference to here and what we have in mind is just the tributaries that belong to our own river system organization,

: And you also left a little opening for the judgment of the commissioners, such as the east part. Leave it that way, and then you'll leave it to the judgment of the commissioners on the things they'll omit.

MR. MELLOR: That's right.

: Going to have to put some responsibility on somebody to differentiate between the ones that need it and those that don't need it.

MR. TRACY: Well, what would you suggest would be included in this statement, then?

: Well, the only thought that came to me was . . .

MR. TRACY: Well, spell it out. Spell it out the way you want this to read.

: Well, it's all right like that. It's all right with me because I know what they mean. I know they don't mean San Pitch, but they happened to say, "and all the tributaries," and having been connected with San Pitch a little, I know there's a considerable tributary, and I know I wouldn't want to go up there once a week all summer and all winter. I can see after picking on it why they left it open to the judgment of the commissioners a little. It's all right just as it is as far as I'm concerned.

MR. TRACY: Well, that's quite an order, the way it reads.

: It is, but then maybe we ought to put a statement in there that you'll give a little discretion to the commissioners. I don't know.

MR. TRACY: Well, you could add to it, "at the discretion of the commissioners".

MR. MELLOR: Mr. Chairman, I feel we are getting into technicalities. I don't believe that should be added. Now we discussed this, Mr. Tracy, for some time in our meeting, and you get into class stuff that may get you into trouble, and we just figured that we talked this over with the commissioners and they understand the ones that we would like to have checked and a complete record kept of those the year round, and want this record kept by the commissioners. Now they understand what it is, but if you try to exempt one or another, I just don't believe it would work.

: Well, you might exempt San Pitch, and then when he makes out the --what is it that you give us to show that we're commissioners?

MR. REESE: Your appointment.

: Yes, appointment. You can accept San Pitch on that.

MR. TRACY: Well, we don't like to go against what the committee here recommends.

MR. MELLOR: Well, Mr. Tracy . . .

MR. TRACY: We'd like you to understand that also. In other words, you should indicate to the State Engineer what you want. What had you to suggest, Mr. Monson?

MR. MONSON: I think in this particular statement, they could except San Pitch and give some discretion to the instructions that have been issued to the Commissioners.

MR. PETERSON: Mr. Dodds?

MR. DODDS: Mr. Chairman, I will make the motion that on the next to the last paragraph, that the words be added to that, "except the San Pitch", due to the fact that that isn't in our system. If that meets with the approval, I think that's all right.

MR. PETERSON: Will that be all?

: Second the motion.

MR. PETERSON: Well, then just state what you want added to there.

: In other words, the next to the last paragraph would read as follows: "It was further recommended that a flow record be kept of all waters diverted from the Sevier River System and its tributaries, except the San Pitch River."

MR. PETERSON: All those in favor of that correction

MR. TRACY: You might read the rest of it so that you have a completed statement.

MR. MELLOR: It says at least once each week for the entire year by the Sevier River Commissioners.

MR. TRACY: In other words, the second to the last paragraph will read as follows: "It was further recommended that a flow record be kept of all waters diverted from the Sevier River and its tributaries except the San Pitch River and its tributaries, at least once each week for the entire year by the Sevier River Commissioners".

MR. PETERSON: All those in favor may say, "aye".

: aye

MR. PETERSON: Contrary, if there be any.

MR. TRACY: Well, there's another question I'd like to add. What is the meaning of on the first page, "four new recorders, \$1,380.00?" What's the understanding on that?

: The understanding is that we were going to add 4 new recorders this year to what we have, and we called up the people that sold the recorders -- Cole did, and got an estimate of what they would cost us. Now it doesn't run that high, but we just figured that we would put it just a little higher in case it would cost more than what was recommended to us, and that would cover the four recorders.

MR. TRACY: Then, Mr. Chairman, your commissioners will make all these water measurements and make the installation -- all that cost will be included in the \$1,380, - and the records - did it include the records also - the keeping of the records?

: Mr. Tracy, I might clarify that this way. Some of our clocks on our Sevier River System are becoming obsolete. Oh, some of them are 35 years old, and we don't get an accurate record on them. You know, some years ago, we made the recommendation that we start to replace those clocks at 2 a year, due to the fact that we have the emergency on at the present time, some of the Committee members thought it better if we buy four clocks this year, instead of the two that we have been buying, due to the fact that probably they will not be available next year.

MR. TRACY: That explains the situation. Now, let me ask another question. Have any arrangements been made with the USGS Rain measurements, or any field of USGS in this system?

: Not this year.

: That's usually made between the State Engineer and the USGS. I don't think that this committee has ever participated in any agreement.

MR. TRACY: Well, I have before me here a check in the amount of \$242.00 made payable to the State Engineer by the Consolidated Sevier Bridge and Reservoir Company by Dudley Crafts.

: Well, that's different, Mr. Tracy, entirely. I can explain that.

MR. TRACY: Well, there's nothing like that in this budget, or any understanding whatsoever.

: That's right.

MR. TRACY: We'll discuss this matter then, outside of this meeting. Is that the understanding?

: Yes, that will be perfectly all right.

MR. REESE: Gentlemen, I have one more question. On the very last paragraph of your resolution, "also that an assessment be made beginning January 1, 1951 on all water, including stock water, diverted from the Sevier River and its tributaries", does that imply that there are other water users that are not on the assessment rolls?

: No. In the past we haven't charged any water that had been delivered for stock watering purposes, but we felt that it was no more than right that any water, if it was turned in the canal and used for stock watering purposes, pay their share of the assessment, the same as irrigators pay that on the same basis whether they use it or whether they don't use it. If they don't want to use it, they don't have to. If they want to use it, then we're adding expense that we're put to for our River Commissioners to investigate and keep records of that water, so why shouldn't they pay for it just the same as you would pay for any other water. Our recommendation is that we assess all water, regardless of whether it is for irrigation of whether it is for stockwatering purposes, that's been used in the system.

MR. REESE: Well, that brings up a question in my mind on this, to Commissioner Cole and Commissioner Ogden, - - What change do I make in our calculations for the 51 assessment?

MR. REESE: Will there be new names?

: A little added acre-feet is all.

MR. REESE: Oh, that's all right.

MR. MELLOR: Mr. Chairman, Mr. Reese, take for instance the Gunnison-Fayette Canal Company. They have been paying on the water that was diverted for irrigation, but during the winter season they have a right for so many second feet of water for stock watering and that is the same within the area with all other systems there. Now, the Committee has felt that they should not only pay for what is distributed for irrigation, but also for stock watering purposes, though it be the same individuals.

MR. TRACY: And you want a record kept of that water?

MR. MELLOR: That's right.

MR. REESE: That's right. Next year, if Commissioner Cole and Commissioner Ogden happen to pull up stakes for Florida and California, where will the records be, or how will I get the information on this matter, if it covers everything in your system?

: Well, whoever takes their place will furnish you that information. They'll have to.

MR. OGDEN: Mr. Chairman: If there's any/^{way}to get it to you, we'll send it from Florida.

: Mr. Reese, there's a statement that covers that here. A schedule of assessments to be levied against each water user will be presented to you when completed by the Sevier River Water Commissioners.

MR. REESE: The budget is all clear, there's no side deals in this budget to my knowledge, Mr. Tracy, with USGS for this year.

MR. TRACY: Well, then, Mr. Chairman, as I understand it, the total budget now, the summarized budget is \$13,530.00 for the Sevier River Distribution and \$700.00 for the assessment for the Sevier River Water Users Association, making a total assessment of \$14,230.00.

MR. PETERSON: That's right. All those in favor of that, may say, "aye". Now is there anything further you want to take up with us, Mr. Tracy.

MR. TRACY: Only that you all keep together down there and keep the lawsuits down.

MR. PETERSON: Well, we'll do the best we can.

MR. TRACY: We've got to get along, you know. You can't expect to be spending most of our time in court. I know water's valuable. We appreciate the interest of all you gentlemen in the water situation in Utah, and we want to show you that the Office of the State Engineer is at your service at all times. It is our desire to work with you in a cooperative way. If you have any suggestions at any time, -- any better way we should run it, -- why, we would welcome those suggestions.

MR. PETERSON: I think as far as our committee is concerned, we have been perfectly satisfied with the way the State Engineer's Office has handled this business and also the way that Reese here has handled that financial report. I think it's a mighty fine thing and I think the system is far better than what we've ever had and as far as we're concerned, we want to thank the State Engineer's Office and all those concerned for the services that they have rendered to us in the past. We appreciate it very much.

: Mr. Chairman, Mr. Tracy, there was one statement I made to Mr. Reese a while ago. That is in making up the statement of expense between Mr. Cole and Mr. Ogden, for the cars and the mileage, I see the report is divided 50 - 50. That may not be divided 50 - 50. One may travel farther than the other. One may be put to a bigger expense than the other, and that is for the total, that is for the two of them. One can go farther than the other, and if he does, he is entitled to his mileage.

: Mr. Chairman, I might say that isn't only on travel, you have another thing on the salaries of the gatemen. Mr. Reese put those down three ways. That may not be - those salaries may not be the same price due to the fact that some of them are hired for a longer period than others. The office expense may also be more for one than another and the telephone.

: You see, Reese hasn't held to that. He's taken more for one than for the other.

MR. REESE: That's true, gentlemen. When the budget set up a lump sum, with no previous experience in this matter, I simply took 50% each, to show you how much each commissioner had to spend. I didn't know. However, next year, we will break it down in total against the budget item, and for your information, we'll show that total expenditure designated as to whether it's Cole or Ogden. We'll show it to you in total against the budget item, which I didn't do this time.

: Well, much of my argument was this, that there was just extra work there and it wasn't necessary.

MR. REESE: Oh, no. We've got to keep that. I get the commissioner's vouchers, Cole, he tells me how much telephone expense he has, and Commissioner Ogden tells me. I have to keep it that way, so it's no trouble at all to break it down that way.

: Well, we can appreciate that.

MR. TRACY: Mr. Chairman, I notice here that the Commissioner's salary of each is not designated, and I notice that the gateman's salary is not designated as the individual salary.

MR. PETERSON: That may vary.

MR. TRACY: Well, who fixes that salary?

MR. MELLOR: Mr. Chairman. The gatemen's salary is fixed. The Commissioners have the right to hire these gatemen. We give them that right as a committee, and they might have to pay \$40 to one and \$60 to another.

MR. TRACY: Well then, the salaries of the gatemen are fixed by the Commissioners.

MR. MELLOR: That's right.

MR. TRACY: Who fixes the salaries of the Commissioners?

MR. MELLOR: The salary of the other two individuals by the water commissioners themselves, is each 50% of the budget.

MR. TRACY: Where does it say that?

MR. REESE: It doesn't say that this year, but it did last year.

MR. MELLOR: That's right.

MR. TRACY: Maybe we should reconsider it, and say what the salaries are. There's nothing in here that tells me what each one gets, as I read it. Can you see it, Mr. Monson?

MR. MONSON: I thought I read 50%.

MR. REESE: The boss is right.

: It doesn't really state it in there, but they get the same. Their work is coordinate one with the other and their salaries are exactly the same.

MR. MELLOR: They each get \$4,200.00.

MR. TRACY: Well, I think you should put that in the minutes.

MR. MELLOR: Well, do you think that's necessary, Mr. Tracy?

MR. TRACY: I rather think it is.

MR. MELLOR: Then we add to the budget here \$4,200 for Mr. Cole and \$4,200 for Mr. Ogden, and a total budget for commissioners of \$8,400.00.

MR. TRACY: And that the salaries of gatemen will be as determined by the commissioners, with the consent of the committee. I think you should add that to your resolutions.

MR. MELLOR: Well, I noticed that we hadn't it in here, but we're just taking something for granted, Mr. Tracy, we shouldn't have done. I can see that.

MR. REESE: Can we ask a question. If it's not necessary for you gentlemen to know how much Cole and Ogden are spending against travel and against telephone and against office expense, that you set up for both of them, it will be a lot simpler for us to handle. You set up for instance, Commissioners auto \$1450.00. I can make that one item and we will make all entries that Cole and Ogden send in to us against that one item in lump sum for you, if that's the way you want it. I was just thinking that will help us out a little. The way we've got it set up now, we can tell you exactly how much each of them are spending.

: Well, why shouldn't we know?

MR. REESE: I think you should.

MR. MELLOR: I do too.

MR. SMITH: They have to put it on the voucher anyway.

MR. TRACY: You can find it out at any time without inspecting the vouchers.

: If there isn't any objections, the committee anyway are adding that other to the recommendations of the engineer regarding Cole's and Ogden's salaries.

MR. TRACY: Then the statement on the gatemen's salaries.

: The gatemen's salary is to be . . .

MR. TRACY: . . . fixed by the Commissioners with the approval of the committee.

: I'll second Mr. Mellor's proposal on that.

MR. TRACY: Then you'd want to rewrite this thing, wouldn't you?

: We'll have to rewrite in order to re-sign this.

MR. PETERSON: Well, is there anything further?

MR. TRACY: I think that's all, Mr. Peterson, as far as I know.

MR. PETERSON: Is there anything further as far as the Committee is concerned?

MR. MELLOR: Well, I just want to make one observation here, I'm glad to see the interest the State Engineer has in this thing. There are several things in here that he's new at, but at the same time, he's made some worthwhile suggestions. I appreciate it.

MR. PETERSON: Well, if there isn't, then the meeting stands adjourned.