

May 27, 1970

MEMO

TO: DONALD C. NORSETH

FROM: KENWARD H. MCKINNEY, SOUTHEASTERN AREA OFFICE

RE: BLUE MOUNTAIN DISTRIBUTION SYSTEM - MONTICELLO, UTAH

On May 18th and 19th, 1970, LaMond Gardner and I went to Monticello at the request of the Blue Mountain Distribution System River Commissioner, Don Rogers. We went over a portion of the system on which Mr. Rogers was having problems. Mr. Rogers indicated that he was having problems with one diversion in particular. We examined this diversion as well as others in the vicinity. The problem at the one diversion was that there appeared to be a difference of opinion as to the interpretation of the decree and a difference of opinion as to when a reservoir was filled.

We examined the reservoir and told Mr. Rogers that we considered the reservoir to be filled. There was no spillway as such on the reservoir but there was a gated overflow pipe on the upper right of the dam below the crest. The gate was closed and the water was over the top of the overflow pipe. We said we considered that full. Mr. Rogers said that the owners of the reservoir did not consider it filled until the water was 3/4 to 1 foot above the top of the pipe. We told Mr. Rogers that if anyone argued the point to tell them that the bottom of the pipe might be interpreted to be the level at which the reservoir was full. We also pointed out that any additional water in the reservoir would reduce the freeboard to below allowable limits. Having declared the reservoir full made additional water available at the diversion where Mr. Rogers was having problem.

Mr. Alfred Frost called me on the telephone the evening of the 18th and indicated that Mr. Rogers indicated we were going to tour the system the next day. I told Mr. Frost that we were going to do some surveying on Verdure Creek portion of the system but that we could meet with him if he wished. He then indicated that he was having problems and that they were in connection with the diversion Mr. Rogers was having problems with. I indicated that until we had gone through the Sheley Determination and made a priority schedule we were in no position to rule on specific rights. Mr. Frost then asked when this priority schedule could be prepared. I then indicated it would take some time to prepare such a schedule and that this was possibly one reason that we had not rushed in to prepare a full distribution system program. He then asked if such a schedule could be prepared in time for next years irrigation system. I said that the priority schedule could be ready. Mr. Frost then indicated that it was not necessary for us to meet with him.

We then went out and surveyed the location of the 3 reservoirs on the Blue Mountain Guest Ranch property owned by Mr. Eugene Porter. The users on Verdure and Mr. Porter had been having a running controversy about these three reservoirs for years. At a meeting held in Monticello on February 19, 1970 it was agreed by those present that the dam on Verdure

Creek could stay if water overflowing the dam were returned to Verdure Creek and not conveyed to the other two reservoirs. We were surveying the location of the reservoirs so that we would have a map to include with the agreement that was to be drawn up. We finished the traverse and went on to Blanding. When we returned to Monticello we again met Don Rogers and he indicated that the owner of the diversion where he was having problems was now at his ranch and requested us to see him. We did. We explained to him that Mr. Rogers was the Water Commissioner and that he and only he could make adjustments at the diversions. We told him that if he did not like what the commissioner was doing and thought that the commissioner was incorrect in his interpretation of the decree, to call the office but to not interfere with the diversions.

We asked him what seemed to be the problem and he told us the story of the reservoir. We told him that we had declared the reservoir to be full and that part of the disagreement had been taken care of for this year and that by next year we would have a priority schedule. He agreed to call us in the event of problems in the future.

We then left the area.

WYK