

March 18, 2014

To all SMWOA water rights owners

Claude Mulholland has been appointed water commissioner for North Meadow Creek for the 2014 irrigation season. He is going to concentrate on the north end of North Meadow Creek and Nugget ditch. He would like to know if you plan to use water this year. **Please call or mail him to indicate that you will be using water during the 2014 irrigation season.**

You can contact Claude at 406-682-4886, 406-220-0069(cell) or send a letter to Claude Mulholland, PO Box 322 Ennis MT 59729

Claude would like to remind everyone intending to use water for this water year that they must have a head gate and a measuring device in order to use water as outlined in Claude's letter last year. Water users have had a whole year to get these devices in place and this year Claude **will** enforce the law. **All water users are required to have a head gate and a measuring device at the location where they divert water from Nugget ditch.** Any point of diversion off of Nugget ditch that is found to not have a secured head gate and measuring device will be filled in or closed by the commissioner until it is in compliance with MCA85-5-302 (*see below).

Nugget ditch has one main head gate and several measuring devices. It is the responsibility of all water users on Nugget ditch to contribute to the maintenance of these devices as well as the cleaning of the ditch.

***MCA85-5-302. Maintenance of head gates and measuring devices.** All persons using water from any stream or ditch for which a water commissioner is appointed are required to have suitable head gates at the point where a ditch taps a stream and shall also, at some suitable place on the ditch and as near the head as practicable, place and maintain a proper measuring box, weir, or other appliance for the measurement of the waters flowing in the ditch. If a person fails to place or maintain a proper measuring appliance, it is the duty of the water commissioner not to apportion or distribute any water through the ditch. The commissioner shall notify all parties interested by certified mail or in person 1 week before making the annual repair or cleaning of a stream or ditch or performing necessary labor or expenses to divert water to a ditch. The sending of a certified letter to the last-known post-office address of any interested party is prima facie evidence of the fact that the party was duly notified. Any work in the way of repairing a ditch made necessary by an emergency may be done without notice when injury would result from a delay.

History: En. Sec. 7, Ch. 64, L. 1905; re-en. Sec. 4890, Rev. C. 1907; re-en. Sec. 7151, R.C.M. 1921; and. Sec. 6, Ch. 125, L. 1925; re-en. Sec. 7151, R.C.M. 1935; R.C.M. 1947, 89-1016; amd. Sec. 4, Ch. 432, L. 1989; amd. Sec. 2778, Ch. 56, L. 2009.

Sincerely, SMWOA Board of Directors at the request of Claude Mulholland, court appointed water commissioner