



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

STATE OF UTAH

DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,
KENT L. JONES
STATE ENGINEER,

Claimant

v.

Gary Stringham
WPPBB Pipe & Irrigation
PO BOX 332
TABIONA, UT 84072

Respondent.

MEASURING DEVICE NOTICE

No. SEAA 1397

Water Right Number:
43-266 43-396, 401, 265,

Distribution Account #:
100628

TO: Water User,

The Duchesne Water Commissioner reports that for proper measurement of your water from the combined WPPBB irrigation diversion, a reliable and functioning meter is required on your pipe system. Our understanding is the meters being used, operate only for a short period and are negatively affected by immersion and local power lines. Therefore it is your responsibility to install a reliable and functional meter that will insure continued operation and operate under these adverse conditions. Relocation of the measurement device location may be required. Measurement of water diversions from the Duchesne Distribution System is required for system operation and provides order and certainty for the equitable distribution of water. The metering device is the responsibility of the water right owners. Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

73-5-4. Controlling works and measuring devices.

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the state engineer.

(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.

(3) The state engineer shall approve the design of: (a) the measuring device; and (b) controlling works so that the state engineer or a water commissioner may



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regulate and lock the works.

(b) The state engineer shall approve the design and location of the measuring device.

(c) The owner or manager shall make the measuring device accessible to the state engineer or water commissioner.

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may: (a) forbid the use of water until the user complies with the state engineer's requirement; and (b) commence enforcement proceedings authorized by Section **73-2-25**.

Therefore, you are hereby notified that the measuring device must be installed on your pipe system. The measurement devices must be capable of measuring flow rate and total accumulated flow in and must be telemetry compatible. **This work must be completed, within 30 days from the date of this letter, prior to August 28, 2010.**

If it is not in compliance, an Order to Cease the Use of Water will be issued by the State Engineer. The water commissioner will tag the diversion and close and lock the headgate. Removing the tag or tampering with a locked headgate will constitute a violation and enforcement proceedings will be commenced according to sections 73-2-25 and 73-2-26.

You must contact the Water Commissioner, John Swasey, at (435) 822-5105 to coordinate installation, functionality and telemetry operations.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Mike Silva, Distribution Engineer by phone at 801-538-7430 or by e-mail at MikeSilva@Utah.Gov or Bob Leake, Regional Engineer, by phone at 435 781-5327 or by e-mail at BobLeake@utah.gov.

Dated this 27th day of July 2010.



Mike Silva
Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner
Distribution File: Duchesne River

Mailing Address:
Gary Stringham
WPPBB Pipe & Irrigation
PO BOX 332
TABIONA, UT 84072