



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

JERRY D. OLDS
State Engineer/Division Director

STATE OF UTAH

DIVISION OF WATER RIGHTS

<p>DIVISION OF WATER RIGHTS, JERRY D. OLDS STATE ENGINEER,</p> <p style="text-align: right;">Claimant</p> <p>v.</p> <p>Jay Abbott</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">DISTRIBUTION ORDER</p> <p style="text-align: center;">No. SEAA 1218</p> <p style="text-align: center;">Water Right Nos. 43-198 and 43-9213</p>
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TO: Jay Abbott

Our records indicate that your water rights on the Duchesne River are as follows:

43-198 allows the irrigation of 77 acres from the following points of diversion
 Unnamed diversion located 1238 feet North and 1121 feet East of the SW corner of
 Section 35, T3S, R4W, USBM
 Rocky Point Canal Diversion
 Mecham Ditch Diversion
 A pump located on the river 300 feet East of the S ¼ corner of Section 35, T3S, R4W,
 USBM

43-9213 allows the irrigation of 15.49 acres from the following point of diversion
 Rocky Point Diversion

The Duchesne River Water Commissioner reports there is no measuring device on the
 Mecham Ditch Diversion, the unnamed diversion or the pump diversion listed above. The
 commissioner further reports that he is unable to adequately regulate and keep track of your
 diversions because the water is being moved from diversion to diversion so often.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

(1) To assist the state engineer or water commissioner in the regulation, distribution, and
 measurement of water, each person using water in this state 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.

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(2) Each 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 regulate and lock the works.

(5) 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 you have 30 days from the date of this order to install at the Mecham Ditch Diversion, the unnamed diversion and at the pump diversion measuring devices of a type and in a location approved by the water commissioner and control works that will provide for adequate regulation and that can be locked by the water commissioner.

You are further notified that you have 7 days from the date of this order to submit to the water commissioner in writing a schedule for the remainder of the irrigation season indicating what portion of your water will be taken through each of the points of diversion and at what times.

Failure to comply with this order will constitute a violation. An Order to Cease the Use of Water will be issued and enforcement proceedings will be commenced according to Utah Code Annotated sections 73-2-25 and 73-2-26.

The requirement to submit a schedule of water use also applies to each succeeding year from this year forward. Before the start of irrigation each year, you are required to submit to the water commissioner in writing a schedule for the irrigation season indicating what portion of your water will be taken through each of the points of diversion and at what times. If you fail to comply with this requirement, an Order to Cease the Use of Water will be issued.

If you have any questions concerning this order, please contact me by phone at (801)538-7380 or by e-mail at LeeSim@utah.gov or Bob Leake, Regional Engineer, by phone at (435)781-5327 or by e-mail at BobLeake@utah.gov.

Dated this 5th day of July, 2007


Lee H. Sim, P.E.
Assistant State Engineer

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