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Governor

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# 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

DIVISION OF WATER RIGHTS,  
JERRY D. OLDS  
STATE ENGINEER,

Claimant

v.

DOROTHY IVIE  
PO BOX 746  
DUCHESNE, UT 84021

Respondent.

### MEASURING DEVICE NOTICE

No. SEAA 1275

Water Right Number: 43-257

From Knights Ditch

TO: Water User,

The Duchesne Water Commissioner reports that for proper measurement of your water from the Knights Ditch a meter is required on your pump system. Your water right 43-257 allows watering of a maximum 22.77 acres. Measurement of diversions from the diversion canals 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:

**"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the**



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cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."

**Therefore, you are hereby notified that the measuring device must be installed on your pump system.** The measurement devices must be capable of measuring flow rate and total accumulated flow in CFS and AF respectively. (CFS: Cubic Feet Per Second and AF: Acre Feet). **This work must be completed, prior to April 1, 2009.**

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.

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](mailto:MikeSilva@Utah.Gov) or Bob Leake, Regional Engineer, by phone at 435 781-5327 or by e-mail at [BobLeake@utah.gov](mailto:BobLeake@utah.gov).

Dated this 7<sup>th</sup> day of August 2008.



Mike Silva  
Distribution Engineer

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

**SCANNED**