



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240
801-538-7315 (Fax)

July 3, 1996

TO THE WATER USERS ON THE GREGORY BASIN CANAL

Attached is a copy of a letter that was sent to you on August 1, 1993. We have recently been informed by the commissioner that the distribution problems that made this letter necessary continue to persist on the Gregory Basin Canal. It has also been reported that although there was some effort made to comply with the requirements of the letter, the headgates and measuring device that have been installed do not meet the standards set in the letter. They are not adequate to allow a proper distribution of the water.

The flume installed by the Hoop Lake water users was put in a section of the canal with little fall so it flows submerged most of the time. The flume needs to be moved about a quarter mile downstream to a location that will allow it to operate correctly.

The headgates that were installed on Gino Fioanini's diversions along the canal cannot be locked and are not substantial enough to remain set if they are regulated by the commissioner. Headgates which can be locked and which are substantial enough to remain set if regulated need to be installed at each of Gino's diversions from the canal.

Also, since the 1993 letter, it has become apparent that the measuring flume at the head of the Gregory Basin Canal is in need of maintenance to allow it to operate properly. Work on this flume should be a cooperative effort of all the water users on the canal.

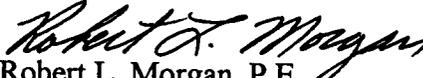
According to Section 73-5-4 of the Utah Code Annotated, 1953 as amended (see attached letter), **you are hereby notified that the above described headgates and measuring device must be installed and maintenance complete by August 1, 1996.** Failure to comply with this notice will result in an order to cease the use of water. The order to cease the use of water will be enforced either by closing diversions or through appropriate legal action in district court.

Once the headgates and measuring devices are installed in a manner acceptable to the division and the commissioner, the division will conduct a seepage test to determine transmission losses in the canal as described in the attached letter.

This notice is in connection with and continues the informal adjudicative proceedings which were commenced by the August 1, 1993 letter. These proceedings are being conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

If you have any questions concerning this notice, please contact Bob Leake (781-5327) or Lee Sim (538-7380).

Sincerely,


Robert L. Morgan, P.E.
State Engineer

cc: Bob Leake
Farren Johnson
Lee Sim
John Mabey
Jade Henderson
John Yarbrough