

THE STATE



OF WYOMING

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JIM GERINGER
GOVERNOR

DIVISION OF WATER RIGHTS
VERNAL, UTAH

GORDON W. FASSETT
STATE ENGINEER

Board of Control

110 Pine Street, PO BOX 277
COKEVILLE, WY 83114
(307) 279-3441
FAX (307) 279-3217

FRANCIS CARR
ADMINISTRATOR

WILLIAM JONES, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
CRAIG COOPER, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

31 May 1995

Bob Leake, Utah Regional Engineer
Eastern Area Water Rights, Natural Resources
152 East 100 North
Vernal, UT 84078-2110

Re: West Beaver Creek

Dear Bob:

Yesterday, John Yarbrough & I walked the Utah portion of West Beaver Creek with Water Commissioner Farren Johnson. Several diversions are inconsistent with regulation schedules.

Unpermitted Diversions

While no water was currently being diverted illegally because of low creek flows, there was evidence of man-made dams with orange tarps in 4 locations where diversions are NOT permitted:

- From the east bank, across from "J&E Hickey" and Hickey-Buckley-Smith Ditches in Section 19.
- From the east bank, about ½ mile further upstream in Section 19.
- From the west bank, in the same vicinity in Section 19.
- On the east bank, below the East Hickey diversion, to artificially keep water spread by beaver dams from getting back into the channel.

The irrigation that takes place from these east bank diversions appears to be on lands that for the most part have no water rights.

Farren will be checking these points to see that water is not diverted. But he needs some direction from you about Utah's procedures for dealing with illegal diversions, notifying the landowner, and enforcing the law.

It is interesting that 3 permitted diversions in a row (Upper H&M Buckley, Hickey-Buckley-Smith, "J&E Hickey" in Section 19) are now too high on the bank to divert from the lower stream channel. Perhaps the owners are trying to take these rights through other points; but it seems to us that if not diverted at their permitted points, the

flow for these rights should not be delivered at all until a formal change is approved by you.

Headgates & Measuring Flumes

- The 2 J&E Hickey Ditches (Lower & Upper) in Section 18 do not have headgates or Parshall flumes.
- The Carter Ditch measuring flume needs repair.

As I understand your procedures, the owners should be sent notices from your office that require installation or repair. Again, Farren needs some direction from you on Utah's procedures for enforcement.

Water Right Missing From Delivery Schedule

The "J&E Hickey" Ditch in Section 19 is shown on your USGS Quad Map, but does not appear on the new 1/50 delivery schedule. We assume that the J&E Hickey (Lower) Ditch and the J&E Hickey (Upper) Ditch are those in Section 18.

Non-existent Diversion Point

We have been unable to locate the Parley Madson diversion. It appears that they have taken ^{the} 2.75 cfs right through the New Hickey Ditch. But without formally changing the point of diversion, it appears that Farren should deny delivery of this 2.75 cfs.

Bob, it was interesting for us to note that many of what have been alleged as illegal diversions are in actuality braids of the West Beaver Creek channel, with branches that split off and then come back in again. This was also what we found last year on Burnt Fork.

Thank you for your efforts to support & educate us on Utah procedures. Farren would like to proceed without delay, and your guidance will be appreciated.

Best regards,



Jade Henderson
Water Division IV Superintendent

JH/lf

copy: Farren Johnson, Water Commissioner
PO Box 429
Mountain View, WY 82939
(307)782-3149

John Yarbrough, Lead Hydrographer
PO Box 1208
Lyman, WY 82937
(307)787-3729