



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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Earl Fillmore
P.O. Box 543
Huntington, Utah 84528

Dear Mr. Fillmore:

I received a note that you would like a copy of our book on the duties of water commissioners. Unfortunately we do not have such a book. The duties of commissioners vary somewhat among the different distribution systems that have been organized but generally their responsibilities and authority are based on the following section of the Utah Code Annotated.

73-5-3. Control by engineer of division and distribution under judgments.

The state engineer and his duly authorized assistants shall carry into effect the judgments of the courts in relation to the division, distribution or use of water under the provisions of this title. The state engineer shall divide, or cause to be divided, the water within any district created under the provisions of this title among the several appropriators entitled thereto in accordance with the right of each respectively, and shall regulate and control, or cause to be regulated and controlled, the use of such water by such closing or partial closing of the head gates, caps, valves or other controlling works of any ditch, canal, pipe, flume, well or tunnel or other means of diversion as will prevent the waste of water or its use in excess of the quantity to which any appropriator is lawfully entitled, and shall regulate, or cause to be regulated, the controlling works of reservoirs in accordance with the provisions of this title. Whenever in pursuance of his duties the state engineer regulates or causes to be regulated any head gate, cap, valve or other controlling works of any ditch, canal, pipe, flume, well or tunnel or other means of diversion or the controlling works of any reservoir, he may attach to such controlling works a written notice, properly dated and signed, setting forth that such controlling works have been properly regulated and are wholly under his control, and such notice shall be a legal notice as to the facts therein contained to all parties interested in the division and distribution of the water of such ditch, canal, pipe, flume, well or tunnel or other means of diversion or reservoir. Whenever the state engineer is required to enter upon private property in order to carry out the provisions of this title and is refused by the owner or possessor of such property such right of entry, he may petition the district court for an order granting such right, and after notice and hearing the court may grant such permission, on security being given to pay all damage caused thereby to the owner of such property.

The state engineer appoints a water commissioner to help him carry out these responsibilities. Distribution decisions made by the state engineer are based on water rights of record as approved by the state engineer's office or decreed by the court

The state engineer gives the commissioner the guidelines for distribution and the commissioner makes the day to day decisions on how to distribute water to stay within those guidelines and to keep distribution according to water rights.

The commissioner is also responsible to take measurements to document the distribution of water and submit an annual report to the state engineer concerning the distribution and regulation of water on the distribution system.

I hope this information will be helpful to you. If you have further questions, please contact me by phone at (801)538-7380 or by e-mail at LEESIM@UTAH.GOV.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee H. Sim', written in a cursive style.

Lee H. Sim, P.E.

Assistant State Engineer for Distribution