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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.

THATCHER IRRIGATION COMPANY
ATTN: DEAN BERNTSON
125 S 300 W
LOGAN, UT 84321-5138

Respondent.

MEASURING DEVICE NOTICE

No. SEAA 1276

Mr. Bernston:

On August 5, 2008 representatives from the Division of Water Rights inspected the Thatcher Irrigation Company's diversion and measuring device. This inspection revealed that the downstream grate installed by Logan City adversely affects the parshall flume used to measure flow. Trapped debris interferes with flow causing the flume to submerge, and not allow for accurate measurement. In addition, the heavy access panels restrict the access to the flume by the Commissioner.

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.*

(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.*



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(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 changes must be made to assure that the measuring device operates correctly and the access panels must be changed to allow the commissioner easier access to the flume. These improvements must be completed prior to April 1, 2009. We would recommend that you talk with the commissioner to see what she would recommend be installed in your particular situation.

The measuring device will be inspected for compliance. If it is not in compliance, an enforcement action, in accordance with Section 73-2-25 and 26 Utah Code Annotated, 1953 as amended, may be commenced including administrative fines and an Order to Cease the Use of Water. If such an order is issued, the diversion will be tagged, closed, and locked by the water commissioner.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact me by phone at 801-538-7374 or by e-mail at VanceTwitchell@Utah.Gov or Will Atkin, Regional Engineer, by phone (435) 752-8755 ext. 21 or by e-mail at WillAtkin@utah.gov.

Dated this 13th day of August, 2008

Vance Twitchell
Distribution Engineer

cc: Colleen Gnehm / Commissioner / 195 West 1800 North/ Logan UT 84321
Mark Nielsen / Logan City Public Works Director / 255 N Main / Logan UT 84321
Will Atkin, P.E. / Northern Regional Engineer