



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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July 17, 2002

Alvin Robinson
Hanksville Canal Co.
P.O. Box 61
Hanksville, UT 84734

Dear Mr. Robinson:

On May 9, 2002, a field inspection of your diversions was made by my staff and the River commissioner, Jan Ellett. The information gathered during the inspection and recommendation for improvements at each of your diversion locations is as follows:

HANKSVILLE CANAL DIVERSION

All the flows in the river were diverted to the ^SNorth Hanksville Canal. The ^NSouth Hanksville diversion was not operational at this flow level because it was silted in. There was no measuring device in the ^NSouth canal. There is a 3-ft flume in the ^SNorth canal downstream from the diversion, but it was completely under water. The condition of the flume could not be observed due to its submergence. The water diverted was measured in the canal next to the flume. The canal was taking 21 cfs of water. The canal was fairly deep and flat.

Recommendation: If water is to be used at this diversion a measuring device should be installed in the ^NSouth ditch. The ^SNorth ditch canal flume should be raised if appropriate or it could be replaced with a device more suited to the situation and circumstances of the canal, i.e., a larger flume or a ramp flume that could handle flat channels. It is important to measure the flows accurately in the canal if they want the commissioner to shut off upstream users.

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 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."

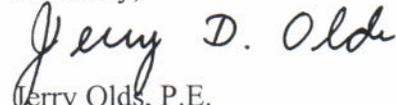
Therefore, you are hereby notified that each of your diversions must be equipped with a functional and accurate measuring device. **These improvements must be completed prior to April 15, 2003.**

Your diversions will be inspected for compliance. If it is not in compliance, it will be tagged by the river commissioner. An order to cease the use of water will be issued and the diversion will be closed and locked. In situations where the diversion cannot be closed, the State Engineer will seek a court order requiring the use of water be ceased until such time as the control structure and measuring device are installed and working properly.

This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Kirk Forbush, Regional Engineer, at (435) 896-4429 or Lee Sim, Assistant State Engineer, at (801) 538-7380.

Sincerely,


Jerry Olds, P.E.
State Engineer

cc: Lee Sim
Regional Engineer
Distribution System Chairman
Commissioner