



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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July 17, 2002

Keith A. Durfey
PO Box 116
Bicknell, UT 84715

Dear Mr Durfey:

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:

DURFEY BROTHERS OUT OF PLEASANT CREEK

The one foot parshall flume at this diversion was in good shape and operating well even though it slopes slightly (about 0.2 inches from side to side). The channel section above the flume was smooth and water was flowing uniformly. Also, the exit conditions were good with nice free flow. The water diverted was measured to be flowing at 4.28 cfs.

Recommendation: None.

SANDY RANCH OUT OF OAK CREEK

The control structure (slide gate) at this diversion was not in a good shape. The water is flowing around it and the head gate cannot be locked by the commissioner.

Recommendation: Diversion control structure needs to be repaired.

DURFEY BROTHERS OUT OF OAK CREEK

The 1 ft parshall flume is out of level by about 0.5 inches in both directions: front to back and side to side. The approach section has a large rock in front of the flume that was making the flows non uniform and caused turbulence. The flows were measured at 1.98 cfs, while the flume chart indicated a flow of 1.1 cfs.

Recommendation: The channel above and below the flume needs to be cleaned out and the rock removed so that the flows will be distributed uniformly across the channel before it enters the flume. The flume also needs to be reset.

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 and lockable headgate or control structure. **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,



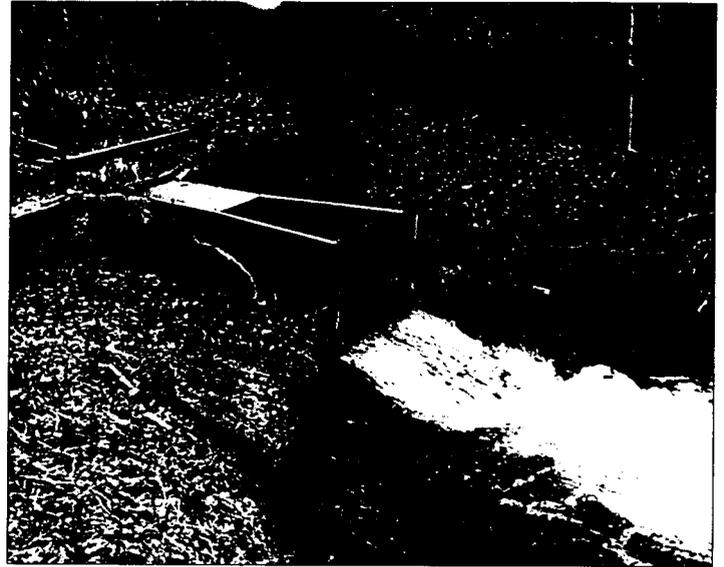
Jerry Olds, P.E.
State Engineer

cc: Lee Sim
Regional Engineer
Distribution System Chairman
Commissioner

LOWER FRONT MONT SYSTEM - DIVERSION PHOTOS (5/8/02)



SANDY RANCH , DURFEY BRO.1 FT FLUME



DURFEY BRO 1' FLUME



SANDY RANCH FROM OAK CRK DIVERSION



DURFEY BRO. 1' FLUME