



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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July 17, 2002

Dr. John T. Alexander  
PO Box 1464  
Rancho Santa Fe CA 92067

Dear Dr. Alexander:

On May 8, 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:

MAT ALEXANDER TEASDALE DIVERSION #1

A small head gate diverts water out the Garkane Canal through a 10-inch culvert that discharges into a concrete box. The concrete box has two rectangular notches at each side that spreads the water into a pasture field. There is no measuring device in this diversion. There was 4.36 cfs diverted at this point.

Recommendation: A measuring device should be installed at this diversion point. A sharp crested weir could work well in this situation. The weir should be equipped with a staff gage. The head gate needs to be lockable and accessible to the Commissioner so that he does not have to get into the water to regulate the flows.

MAT ALEXANDER TEASDALE DIVERSION #2

The same situation was observed in this diversion as in diversion #1. A submerged head gate diverts water through a 10-inch culvert that discharges into a concrete box. A small flume was in the channel downstream from the discharge pipe that seems to have been used previously. However, it was not functioning and was washed out in the channel and under water. About 3cfs of water was diverted at this point.

Recommendation: A measuring device should be installed at this diversion point. A sharp crested weir could work well in this situation. The weir should be equipped with a staff gage. The head gate needs to be lockable and accessible to the Commissioner.

MAT ALEXANDER TEASDALE DIVERSION #3

A submerged head gate diverts water from the Garkane Canal using a 12-inch pipe that discharge into an open channel. No flow measuring device was in place. It was estimated to be flowing at about 0.5 cfs at this diversion.

Recommendation: A measuring device needs to be installed at this diversion point. The head gate needs to be lockable and accessible to the Commissioner.

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 FREMONT SYSTEM - DIVERSION PHOTOS (5/8/02)



JOHN T. ALEXANDER DIV #1 HEADGATE



JOHN T. ALEXANDER DIV #1 DISCHARGE



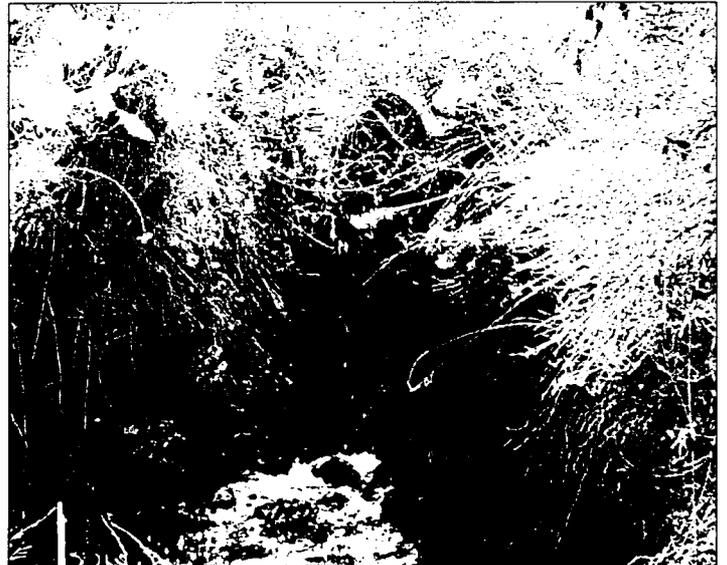
JOHN T. ALEXANDER DIV #2 HEADGATE



JOHN T. ALEXANDER DIV #2 DISCHARGE



JOHN T. ALEXANDER DIV #3 HEADGATE



JOHN T. ALEXANDER DIV #3 PIPE DISCHARGE