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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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Lower Fremont

STATE OF UTAH
DIVISION OF WATER RIGHTS

IN THE MATTER OF:

Hanksville Canal Company
c/o Ronnie Albrecht
P.O. Box 61
Hanksville, UT 84734

Respondent.

MEASURING DEVICE NOTICE

No. SEAA 1319

TO: Hanksville Canal Company,

On April 21, 2009, Division of Water Rights staff conducted an inspection of the recently completed New Hanksville Dam. This inspection indicated that the water measurement facilities in place at the time of the inspection are not adequate for a proper water regulation and distribution by the water commissioner. There is an existing 3ft Parshall flume on the south side diversion and a V-notch weir that measures flow into the new pipe system, however, there are no measuring devices for the diversion on the north side of the river, the flows being sluiced at the de-silting structure, and the flows passing over the fish ladder at the diversion dam. Because of the nature of the Lower Fremont Distribution System, each portion of the newly installed dam and pipe system must be monitored to insure Hanksville is distributed water according to its water rights and at the same time the water users on the upper reaches of the distribution system also receive water according to their water rights.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended by Chapter 311, in the 2008 General Session, states in part:

73-5-4. Controlling works and measuring devices.

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), 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) A 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.

(6) 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.

Due to the remoteness of the area and the significant distances and time involved to monitor flow at the new Dam, fish ladder, de-silting structure, it will require significant effort by the water commissioner to determine and regulate the flow and delivery of water to Hanksville. In order to provide more reasonable and timely access to the water measurement data it is necessary that an automated-real time telemetry system be installed for the measuring points. This system is necessary to provide a more complete and accurate record of diversion amounts and enable better water management on the Lower Fremont River.

Therefore, you are hereby notified that Hanksville Diversion and related system components must be equipped with functional and accurate measuring devices as provided below and with automated telemetry equipment that will suitably interact with the Division of Water Rights automated data gathering system. These improvements must be completed prior to April 1, 2010.

Specifically, two locations on the new Hanksville Dam system are required to have measuring devices and automated systems in place for monitoring:

1. New Dam Structure: The Dam, entrance rack and fish ladder requires a camera or cameras to monitor flow conditions at the dam, fish ladder and pipe entrance.
2. The de-silting or sluice structure: Must have a level sensor to monitor flows over the V notch weir, along with a position sensor for the sluice gate valve in the bottom of the structure.

If Hanksville requires technical assistance to install the required telemetry equipment please contact our office. We have qualified staff that can assist in the installation of necessary equipment and the automation process. The cost of the equipment is the responsibility of the Hanksville Canal Company.

The telemetry system must be capable of automatically transferring data to the Division of Water Rights web site on a real time basis. Water Rights staff have the ability of creating a data repository and photo archive that is publicly accessible on the Water Rights web site. This will create an operating record for your diversion and allow the commissioner and water users to access diversion information on a real time basis, enabling better management of the water commissioner's distribution efforts on the Lower Fremont River.

These improvements must be completed prior to April 1, 2010. If compliance is not achieved by this date, an Order to Cease the Use of Water may be issued by the State Engineer. In this event the diversion will be tagged, closed, and locked by the water commissioner. Removing the tag or tampering with the locked headgate will constitute a violation and enforcement proceedings will be commenced according to sections 73-2-25 and 73-2-26.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Mike Silva, Distribution Engineer by phone at 801-538-7430 or by e-mail at MikeSilva@Utah.Gov or Kirk Forbush, Regional Engineer, by phone at 435 896-4429 or by e-mail at KirkForbush@utah.gov .

Dated this 20th day of July 2009



Mike Silva
Distribution Engineer

cc: Distribution File
Kirk Forbush, Regional Engineer
Rebecca Taft, Water Commissioner