



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

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.

Hickman Valley Pipe Water Users:

E. Kankainen
K. Kenal
D. Morrison
H. Burnett
J. Crowther
C. Clapp
K. Hickman
J. McCullough
H. Mitchell
C. Mehling
E. White
C. Callis
R. Poulton
A. Tavern
G. Daub

Torrey, UT 84775

Respondents.

MEASURING DEVICE NOTICE

No. SEAA 1270

TO: Hickman Valley Pipe Water Users,

On July 29, 2006, representatives from the Division of Water Rights conducted an inspection of the Lower Fremont River Distribution System. This inspection covered the Garkane canal area along with the Hickman Valley Pipe System. Near the end of the canal, near the return flow structure to the river, water enters the Hickman Valley Pipe System where it continues east to a number of users herein named on the Respondent list. There were no measuring devices observed on this diversion, nor on the

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individual diversions from the Hickman Valley Pipe System. Measurement of diversions from the Lower Fremont River and Garkane canal is required for system operation and provides order and certainty to the equitable distribution of water. This is the responsibility of the water right owners. 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 collectively notified that the Hickman Valley Pipe System main diversion must be equipped with functional and accurate measuring device. The State Engineer's Office and Water Commissioner must first approve of the planned improvement prior to installation. The work must be completed and in place, prior to April 1, 2009.

If it is not in compliance, an Order to Cease the Use of Water will be issued by the State Engineer. The water commissioner will tag the diversion and close and lock the headgate. Removing the tag or tampering with a 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 7th day of August 2008



Mike Silva
Distribution Engineer

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

SCANNED

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8460 S 935 E
SANDY, UT 84094

K. HICKMAN
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REMARKS: 0.0668 CFS, 2.86 ACRES

K. KENAL
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SCANNED