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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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Notom Area Distribution Account Holders:

August 7, 2008

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SUBJECT: SEAA 1144 Notom Flume and Control Gate

RE: Compliance Status

Dear Water Users:

The measuring device and control structure as required by the SEAA 1144 notice on May 22, 2006, was substantially accepted by the Becky Taft, the Lower Fremont Water Commissioner as a functioning device for your diversion. The functioning of the new flume location and control gate arrangement is hereby accepted on a conditional basis noting the following observations and determinations:

OBSERVATIONS:

1. The measuring device and control structure were not installed at the point of diversion from Pleasant Creek, as required in the notice, but approximately 2000 feet downstream of the point of diversion.
2. The new flume appears to function properly as it is now set. However, it may be subject to piping around the edges and washout if excessive flows are experienced. The soil around the flume appears to have been only lightly compacted with no apron or armoring at the entrance. This condition, if not exacerbated by high flows, may in

time correct itself. We recommend that the water user regularly inspect and maintain the flume to prevent the apron and edges from washing out and also to insure the flume remains level.

3. It appears the water users have chosen to install a "return to river" gate instead of a diversion headgate as the control structure to regulate the flow in the ditch.
4. The "return to river" gate is not functional as a control device to regulate the flow in the ditch. It is too heavy to lift by hand since it is obstructed with sediment it cannot be adjusted adequately enough to accurately regulate the flow and it has no useable provision for locking the gate in place. There are also indications that the "return to river" gate may wash out if high flows are maintained in the canal.

DETERMINATIONS:

Based on our observations, we have determined that the new measuring device does not fully meet the requirements of the May 22, 2006 notice. However, the measuring device can be accepted as adequate at the current location if the flow measured by the commissioner at the flume is reduced by the rate of loss in the ditch between the point of diversion and the measuring device. If this is not acceptable to the water users, the flume will need to be relocated to the point of diversion as originally required.

The control structure requirements of the May 22, 2006, notice have not been met. The "return to river" gate as presently constructed is not acceptable as a control structure for the reasons stated above. A mechanical system to operate the gate is required and must be installed whereby the gate can be reliably raised and lowered and locked if necessary. This would require retrofit of a mechanical arrangement (Typically, a hand wheel with a threaded screw is used) to make it fully functional control gate.

It is the determination of the State Engineer that water may continue to be diverted during the 2008 irrigation season. This gate system will be evaluated by the Division and Water Commissioner on a yearly basis for operation. However the installation of the mechanical the control gate is still required. We appreciate your diligence in making the required repairs.

If you have any questions concerning this letter, please contact Mike Silva by phone at (801) 538-7430 or by E-Mail at MikeSilva@utah.gov or Kirk Forbush by phone at (435) 896-4429 or by E-Mail at KirkForbush@utah.gov.

Sincerely,



Mike Silva
Distribution Engineer
Division of Water Rights

pc: Kirk Forbush P.E. / Regional Engineer
Becky Taft / PO Box 154 / Bicknell UT 84715
File: SEAA 1144
Kerry Carpenter/ Enforcement Engineer