



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER JERRY D. OLDS
Executive Director *State Engineer/Division Director*

April 23, 2007

John T. Alexander
c/o David Van Dyke
3433 East 7590 South
SLC, UT 84121-5439

Red River Ranch
c/o David Van Dyke
PO Box 005
Teasdale, UT 84773

RE: SEAA 1118, 1114: MEASURING DEVICE NOTICE, COMPLIANCE ACHIEVED

Dear David,

On April 6th, 2006, the State Engineer initiated the referenced agency action and sent you a notice of the statutory requirement to install and maintain an accurate measuring device. A similar notice, on a separate matter, was issued under SEAA 1114, on July 17, 2002.

From our observations and discussion with the Water Commissioner, the metering device appears to be a workable solution to monitoring flow at each of your diversions. We appreciate the diligence both you and LeRoy have made to assist the water commissioner with the monitoring of flows.

This system satisfies the intent of both SEAA's: 1114 and 1118, your efforts to comply with these orders are both commended and appreciated. Be advised that your total diversions must be in accordance with your water rights and cutbacks when necessary. For this purpose I have enclosed a copy of the most recent priority schedule for the Lower Fremont River system to assist you with this.

Please be aware that maintenance of the diversion, headgate and measuring device remains your responsibility. You should consult regularly with Distribution Commissioner, Becky Taft to assure that your diversion and measuring device is operating to her satisfaction.

If you have any questions, please feel free to contact me at (801) 538-7430, or by email at mikesilva@utah.gov.

Sincerely,
Mike Silva
Mike Silva
Distribution Engineer

pc: Kirk Forbush, P.E. / Regional Engineer
Becky Taft / Distribution Commissioner / PO BOX 154 / BICKNELL UT 84715
File: SEAA 1114, 1118