



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*

*file*

**STATE OF UTAH**  
**DIVISION OF WATER RIGHTS**

DIVISION OF WATER RIGHTS,  
JERRY D. OLDS  
STATE ENGINEER,

Claimant

v.

Sandy Ranch  
c/o Steve Dalton  
P.O. Box 149  
Teasdale, UT 84773

Respondent.

MEASURING DEVICE NOTICE

No. SEAA 1143

RE: Pleasant Creek – Lower Bowns Measuring Device

TO: Steve Dalton,

On May 3<sup>rd</sup>, 2006, representatives from the State Engineers' Division of Water Rights inspected the Lower Bowns – Pleasant Creek Diversion Structure on the east flank of Boulder Mountain. This diversion structure is located off Highway 12, just north of the access road that leads to Lower Bowns Reservoir. Specifically the inspection revealed the need for a measuring device to monitor flows below the diversion into Lower Bowns Reservoir. 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..."**

**Therefore, you are hereby notified that the diversion into Lower Bowns Reservoir must be equipped with a functional and accurate measuring device. These improvements must be completed prior to June 22, 2006.**

The diversion will be inspected for compliance. If it is not in compliance, an Order to Cease the Use of Water will be issued by the State Engineer. 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.

Once the final repairs are completed, please contact the Lower Fremont Water Commissioner, Becky Taft at (435) 425-3206, to conduct a final inspection. Once the work is done to her satisfaction, she will report to the State Engineer and the subject agency action can be formally concluded. Your efforts to comply with the order are strongly encouraged to avoid enforcement actions.

Thank you for your cooperation in attending to this matter in a timely fashion. 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](mailto:MikeSilva@Utah.Gov) or Kirk Forbush, Regional Engineer, by phone at 435 896-4429 or by e-mail at [KirkForbush@utah.gov](mailto:KirkForbush@utah.gov).

Dated this 22<sup>th</sup> day of May 2006



Mike Silva.  
Distribution Engineer

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

**SCANNED**