



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Norman H. Bangertler
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

Southern Area
130 North Main Street
P.O. Box 563
Richfield, Utah 84701-0563
801-896-4429

RECEIVED

NOV 6 1992

WATER RIGHTS
SALT LAKE

November 4, 1992

CERTIFIED MAIL RETURN-REQUESTED
NUMBER P886 805 892

Rodney Baker
1373 South Yank Street
Lakewood, Colorado 80228

RE: 95-4597

Dear Mr. Baker:

It has come to the attention of the State Engineer's office that your diversion under the above referenced water right at this time continues to divert water from U.M. Creek. The total flow of U.M. Creek is being diverted irregardless of the water right limitation.

This right is limited to a flow rate of 1/5 of U.M. Creek up to a maximum of 2.0 cfs and the period of use is April 1 to November 1, for the irrigation of 231.3 acres of land.

Diverting all of U.M. Creek and diverting water beyond the period of use constitutes a violation of Section 73-3-3 Utah Code Annotated, as amended, in that no permanent change shall be made except on the approval of an application by the State Engineer.

Therefore, I am requesting that as soon as possible that this diversion be regulated to allow all of the water to flow in U.M. Creek.

This diversion does not have any visible means of controlling and measuring the quantity of water appurtenant to this water right. Under Section 73-5-4 Utah Code Annotated, as amended, in that every person using water in this State shall construct or install and maintain a substantial head gate 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.

You are required to install a substantial headgate and measuring device so that the quantity of water may be regulated to conform to the limitations of your water right.

Rodney Baker
November 4, 1992
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Should you wish to meet with me concerning this matter to discuss either of these items, I would be happy to do so.

Respectfully yours,



Kirk Forbush, P.E.
Regional Engineer

KF/cr

cc: Lee Sim
Fremont Irrigation Company