



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

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May 18, 1995

Alan Wood
T-Bone Ranch
P. O. Box 201
Minersville, Ut 84752

Re: Order to Cease Use of Water
Milford Area Distribution System

Dear Mr. Carter:

Further progress has been made with respect to the measurement or well flows in Milford Valley. As a Division we share the concerns of the Milford Valley well pumpers regarding the decreasing well levels in the valley. Once accurate information is obtained, then a proper management program can be put into effect for managing the water resources. In the effort to monitor total withdrawal of ground water, cooperation of each well user is imperative to obtain this information.

Ball valves were installed this spring on each irrigation well in the valley so pitot tube water measurements can be obtained from those well users that desire this service as an alternative to water meters. The pitot tube works well if sufficient pressure and full pipe conditions exist. To sign up for this service fill out the enclosed Release Form and Water Meter Option Form and return these to our office along with the \$75.00 service fee.

An inspection of all irrigation wells in the valley was performed by Division of Water Rights personnel and the water commissioner on April 10, 11, 12, 1995. It was found that you have one well (#89) at S. 1630 Ft., W. 70 Ft., NE corner, Sec. 8, T 29 S, R 10 W, SLB&M., that was found to have defective or no water meter.

Therefore, by authority of Section 73-5-4 of the Utah Code Annotated, 1953 as amended, **you are hereby ORDERED to cease the use of water** at the well or wells described above until such time as an accurate and functional water meter is installed or provisions have been made (according to the rules set forth in the March 17th, 1994 amended notice) for the well(s) to be measured by pitot tube. Compliance with this order will be determined by field inspection within the next week. Those water users whose wells are not in compliance with this Order will be reported to the Attorney General's Office and legal proceedings will immediately be initiated to enforce this order.



This Order is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, as amended, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the request is filed.

If you have any questions concerning this Order, please contact Lee H. Sim, Assistant State Engineer at 538-7380 or Kerry Carpenter, Cedar City Regional Engineer at 586-4231.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:LHS:JSL:cj

cc: Lee H. Sim
Kerry Carpenter
James Mayer
Larry Maycock
John H. Mabey Jr.