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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

JERRY D. OLDS
State Engineer/Division Director

STATE OF UTAH	
DIVISION OF WATER RIGHTS	
<p>IN THE MATTER OF:</p> <p>DIAMOND H FARM, 1 LLC ATTN: BILL HIRSCHI 4685 BERG ST NORTH LAS VEGAS, NV 84720</p> <p style="text-align: center;">Respondent</p>	<p>CEASE AND DESIST ORDER</p> <p>WR. NO. 71-1668, 71-1766, t34653, 71-94, 71-4102 SEAA 1278</p>

RE: EXCEEDING WATER RIGHTS LIMITATIONS

TRANSMITTED BY FACSIMILE
AND CERTIFIED MAIL

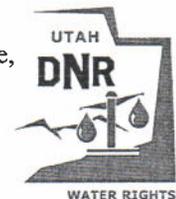
TO: DIAMOND H FARM, 1 LLC:

On September 8, 2008 Division of Water Rights (Division) staff inspected the meter readings on the wells associated with water rights¹ 71-1668, 71-1766, t34653, 71-94, 71-4102. Division staff recorded the meter readings as 286.28 acre-feet (AF) for well #151 and 619.29 AF for well #152. The annual total water rights are 863.25 AF. The total water pumped by the two wells was 905.57 AF, which exceeded the right by 42.32 AF (Table 1).

Table 1

Well	Water Right Numbers	Limit per Irrigation Season	Actual Recorded Use as of 09/08/2008	Amount in Excess
NE Well #151	71-1668; 71-1766; t34653	508.80 AF	286.28 AF	-222.52 AF
SW Well #152	71-94; 71-4102	354.45 AF	619.29 AF	264.84 AF
Total		863.25 AF	905.57 AF	42.32 AF

¹ Water rights 71-94 and t34653 has a period of use starting on March 15; the other rights have a period of use starting on April 01. Water right 71-1766 also allows for year-round stockwatering use, limited to a diversion allowance of 2.80 acre-feet for the requirements of 100 equivalent livestock units.



September 9, 2008

Subject: SEAA 1278 Diamond H Farms 1, LLC

Having exceeded the water use limitations of water rights 71-1668, 71-1766, t34653, 71-94, 71-4102, DIAMOND H FARM, 1 LLC is hereby ordered to cease the use of water from the NE and SW wells on its property in Minersville, UT; also designated by the State Engineer as wells #151 and #152.

If Diamond H Farm, 1 LLC fails to comply with this order, an enforcement action, in accordance with Section 73-2-25 and 26 Utah Code Annotated, 1953 as amended, will be commenced including administrative fines and penalties.

If you have questions concerning this order, please contact Distribution Engineer, Vance Twitchell by phone at (801) 538-7374 or by e-mail at VanceTwitchell@utah.gov or Regional Engineer Kurt Vest by phone at (435) 586-4231 or by e-mail at KurtVest@utah.gov.

DATED THIS 9th day of September 2008



Lee H. Sim, P.E.

Asst. State Engineer for Field Services



Fax: faxed 9/9/08
jn
702-968-0666
emailed 9/9/08 jn
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- pc: Rick Hafen, Attorney for Diamond H Farm 1, LLC (via Email to: rhafen@infowest.com)
- Kurt Vest, P.E. / Regional Engineer
- Kerry Carpenter, Enforcement Engineer
- LaVar Davis / Water Commissioner / PO BOX 483 / MILFORD UT 84751
- April McKeon/ Water Commissioner/ PO BOX 555/ MILFORD UT 84751
- File: Milford Distribution