



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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BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

RE: Failure to install a water meter) ORDER OF THE
William L. Dalton) STATE ENGINEER
Water Right No. 71-3284)

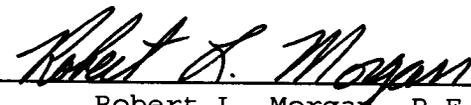
According to the Utah Ann. section 73-5-4, every person using water shall construct and maintain controlling works and measuring devices of the type and design approved by the State Engineer. On February 18, 1997, a notice was sent to you regarding the need for accurate and operational meter to be installed at your well. During a follow-up field inspection made by my staff and the water commissioner on April 9, 1997, it was found that your well does not have a water meter installed.

NOW 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 from your well #96, under the right No.71-3284. This order will stay in effect until a meter in good working condition is installed at your well. Compliance with this order will be determined by a field inspection by the Water Commissioner in the near future. If you use water in violation of this ORDER, legal proceedings will be commenced immediately.

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 provides 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 the 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.

I strongly urge you to give this matter your immediate attention. Should you have questions regarding this ORDER, please contact Kerry Carpenter, Regional Engineer, at 586-4231 or Lee Sim, Assistant State Engineer, at 538-7380.

Dated this 15th day of April, 1997.


 Robert L. Morgan, P.E.
 State Engineer

RLM-JHS:GA:bd



cc: Lee Sim, Kerry Carpenter, John H. Mabey, Jr., Keith James, LaVar Davis