



**State of Utah**  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF WATER RIGHTS

June 27, 1996

Michael O. Leavitt  
 Governor

Ted Stewart  
 Executive Director

Robert L. Morgan  
 State Engineer

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Keith Vincent  
 2583 West Main Canyon Road  
 Wallsburg, UT 84082

Dear Mr. Vincent:

Concern has been expressed about the distribution of water in your area and my staff have made a field inspection to investigate the situation. A written request has been made to have your area included in the Provo River Distribution System so distribution would be regulated by the river commissioner. It appears from the field inspection that regulation by a commissioner would be helpful. Therefore you are hereby notified that your area will be included in the Provo River Distribution System and your diversion will be regulated by the commissioner beginning in 1997.

The following description of the distribution system organization is given to help explain how distribution systems operate. A distribution system committee is set up with the responsibility to represent the water users in the operation of the system and in any meetings with the state engineer. The members of the Provo River Distribution Committee are:

Ed Ure .....	Group 1	Kamas Valley Canals
Sherm Giles .....	Group 2	East Heber Valley
Harvey Van Wagoner .....	Group 3	West Heber Valley
Carl Carpenter .....	Group 4	Provo City Canals
Boyd Rollins .....	Group 5	East Provo Canals
Jack Jones .....	Group 6	Provo Bench Canals
Russ Brown .....	Group 7	Provo Reservoir W U C
Reed Jensen .....	Group 8	Provo River W U A
Ferrell Knight .....	Group 9	Upper Provo Ind. Users
Daryl Devey .....		Central Utah Water C D

The water users in your area would be represented by Sherm Giles. Each year the committee recommends to State Engineer who the commissioner should be and sets the budget for the distribution system. The budget includes the compensation for the commissioner, the operating expenses for the system, and any equipment purchases that may be needed. Each water right holder is assessed on a prorated basis to pay the expenses in the budget set by the committee. The assessment is sent out each year before April 1.

The state engineer has the authority and responsibility to determine the boundaries of the system; determine the types of rights to be included; hold annual meetings with the water users; appoint the commissioner; determine the basis of the assessment; collect the assessments; pay the commissioner salary & system expenses; give direction to the commissioner; and oversee the distribution of water.

The commissioner's duties generally are to measure water; regulate and distribute water according to instructions from the state engineer; inspect headgates and measuring devices; assist the state engineer



in enforcement issues; and prepare an annual report to the state engineer and the water users.

Assessments will be made to the water users in your area on the same basis as the irrigation assessments for the rest of the Provo River System. We will try to set the assessments to match the costs of distribution for this area.

As part of the Provo River Distribution System, you will be required to install and maintain headgates and measuring devices. 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. ... 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, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."

Therefore, you are hereby notified that, on Spring Creek, the Roundy Ditch diversion and the Vincent diversion must each be equipped with a functional and accurate measuring device and lockable headgate or control structure. On the Roundy Ditch, headgates must be installed on the individual turnouts. **These improvements must be completed prior to April 15, 1997.** Each diversion will be inspected for compliance and those diversions not in compliance will be tagged by the river commissioner. An order to cease the use of water will be issued to those water users and their diversions will be closed and locked. In situations where the diversion cannot be closed, the State Engineer will seek a court order requiring the use of water be ceased until such time as the control structure and measuring device are installed and working properly. This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Jim Riley, Regional Engineer, at 538-7400 or Lee Sim, Assistant State Engineer, at 538-7380.

Sincerely,



Robert L. Morgan, P.E.  
State Engineer

cc: Lee Sim  
Jim Riley  
John Mabey, Asst. Attorney General  
Ed Ure, Chairman  
Stan Roberts, Commissioner