



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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June 21, 1994

MR NED WOODFIELD  
SOUTHWICK & MONTGOMERY DITCH  
1808 NORTH 400 EAST  
OGDEN, UT 84404

re: ORDER TO CEASE USE OF WATER

Dear Mr. Woodfield:

On March 14, 1994, a notice was sent to you requiring the installation of a functional and lockable headgate and a measuring device on the Southwick and Montgomery ditch on the North Fork of the Ogden River. During a follow-up field inspection on June 16, 1994, made by my staff and the river commissioner, Blaine Johnson, it was observed that your diversion was not in compliance with the notice. It was also noticed, that there was a slide gate mounted on a concrete pipe sitting on the side of the ditch. This structure, even if installed, is not acceptable since the river commissioner will not be able to lock the slide gate and adequately account for the water diverted.

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 your diversion on the Southwick and Montgomery ditch until such time as an accurate and functional measuring device and lockable headgate are installed. This diversion will be closed and tagged by the river commissioner. The tag will represent the order to cease the use of water.

A follow-up inspection will be made to determine compliance with this order. If the diversion is tampered with after being closed and tagged by the commissioner, the State Engineer will seek a court order requiring that the diversion be closed until such time as the requirement listed above is completed.

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.



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If you have any questions concerning this order please contact John Mann at 538-7397 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.  
State Engineer

cc:  John Mann  
 Blaine Johnson  
 Lee Sim  
 John Mabey