



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

January 27, 2003

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Jerry D. Olds  
State Engineer

1594 West North Temple, Suite 220  
PO Box 146300  
Salt Lake City, Utah 84114-6300  
(801) 538-7240 telephone  
(801) 538-7467 fax  
www.nr.utah.gov

Arlene Tucker  
Graveyard Ditch Diversion  
P.O. Box 393  
Fairview, UT 84629

Dear Tucker:

During the 2003 annual meeting of the Upper San Pitch River the water commissioner, Larry Rawlings, indicated that he was unable to fix the 18-inch flume at your diversion because it was cemented in and he did not have the equipment necessary to reset the flume to accurately measure the flows at the diversion.

On June 11, 2002, a field inspection of your diversion was made by my staff and the River Commissioner, Larry Rawlings. The information gathered during the inspection and recommendation for improvements at each of your diversion locations is as follows:

**The Graveyard Ditch Diversion**

The 18-inch flume in this diversion is operating with free flow conditions. The flume is level from side to side but slightly sloping downward by approximately one inch. The channel is clean and free of debris. The staff gage indicated a flow of 1.64 cfs while the measurements that were taken show a flow of 1.56 cfs. The water commissioner indicated that he would raise this flume to make it level.

**Recommendation:** The flume needs to be reset in the channel to accurately measure the flows in the canal.

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. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... 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**

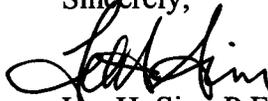
thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."

Therefore, you are hereby notified that your diversion must be equipped with a functional and accurate measuring device. **These improvements must be completed prior to April 15, 2003.**

Your diversion will be inspected for compliance. If it is not in compliance, it will be tagged by the river commissioner. An order to cease the use of water will be issued and the diversion 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.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Kirk Forbush, Regional Engineer, at (435) 896-4429 or Gertrudys Adkins at (801) 538-7384.

Sincerely,



Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Kirk Forbush, Regional Engineer  
Frank Eliason, Distribution System Chairman  
Larry Rawlings, Water Commissioner