



From the desk of
Bonnie Duncan

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ESOURCES

August 15, 1995

*Miriam Mason
504 Aspen Dr
Brigham City UT 84302*

5/22/96

Miriam,

As per our telephone conversation
this date.

*Copy of this letter was
sent to her.*

Bonnie



users on the main stem of the upper San Pitch
more water or irrigating more land than allowed
of the diversions in this area earlier this season.
is, the inspection revealed that in most cases there
diversions.

ilities and authority of the State Engineer
the Utah, Code Annotated, 1953, as amended

vided, the water ... among the several
the right of each respectively, and shall
e use of such water by closing or partial
works of any ditch, canal, ... or other means

of diversion as will prevent the waste of water or its use in excess of the quantity to which
any appropriator is lawfully entitled"

This is generally accomplished by organizing a distribution system and appointing a river commissioner to
regulate the water under the direction of the state engineer.

Regarding control structures and measuring devices, Section 73-5-4 of the code 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."

We would strongly encourage you to restrict your water use to the limits described in your water
rights. That type of self regulation may require the installation of a control structure and/or measuring
device. If you have questions concerning your water rights and the amount of water you are allowed to
divert, you should contact the Richfield Regional Office of the Division of Water Rights for assistance.
Their phone number is 896-4429. They may also be able to give you some advice on how best to install a
measuring device in your situation.

