

U4JR

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>East Jordan Irrigation Company</p> <p style="text-align: center;">RESPONDENT</p>	<p style="text-align: center;">MEASURING DEVICE NOTICE</p> <p style="text-align: center;">SEAA No. 1299 DISTRIBUTION ACCOUNT: 102377 WATER RIGHT: 57-7637</p>
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I. AUTHORITY

The Division of Water Rights (“Division”) issues this Notice under UTAH CODE ANN. § 73-5-4 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-4 states in part :

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.

(3) The state engineer shall approve the design of:

- (a) the measuring device; and*
- (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works. ...*

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

II. STATEMENT OF FACTS

1. The Respondent is responsible for the maintenance of the measuring device used to measure the water deliveries into the East Jordan Canal.

SCANNED

2. The measuring device is a rectangular concrete rated section with gauging station located at or near the point South 1550 feet and West 480 feet from the N4 corner of section 26, township 4S range 1W, SL b&m.
3. The equipment in the gauging station records the stage of the canal. The equipment appears to be functioning satisfactorily and the stilling well has recently been cleaned, but the station itself is in disrepair.
4. It was reported that the station is not weather-tight, insects have access, and the stairway to the station is in need of repair in order to provide reasonable and safe access.
5. The safety of the commissioner and others is important in the operation of the Utah Lake/Jordan River Distribution System and safe access is required.

III. ACTIONS REQUIRED

1. The gauging station structure needs maintenance or replacement to keep the equipment secure and working in good condition.
2. The stairway at the gauging station needs to be repaired or replaced so the commissioner and operators have safe access.
3. The stilling-well should be inspected annually and sediment should be cleared as needed in order to help the station operate properly. It was reported that the stilling well was cleaned after the last irrigation season and this is a recommendation for future years.
4. Care should be taken to protect the equipment when performing the maintenance.
5. The water commissioners must have safe access to the control structure facility in order to safely inspect and check the station.
6. The maintenance or replacement should be properly completed and functioning before March 31, 2009.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondent has complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (5).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted without right. In

addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation.”

V. FURTHER INFORMATION

If the Respondent has any questions concerning this notice, state laws and rules, or the required and recommended action, please discuss them with:

John Mann
Regional Engineer
Utah Division of Water Rights
(801) 538-7224

Ben Anderson
Water Rights Distribution Engineer
Utah Division of Water Rights
(801) 538-7469

1594 W North Temple Ste 220
P.O. Box 166300
Salt Lake City, UT 84104-6300

Dated this 15th day of January, 2009

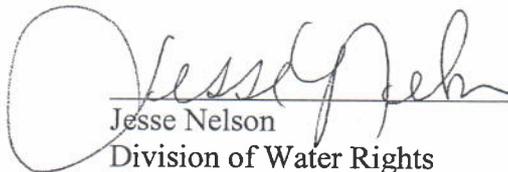


Ben L. Anderson, P.E.
Water Rights Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 15th day of January, 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**East Jordan Irrigation Company
c/o Bill Marcovecchio
29 S NORTHRIDGE WAY
SANDY, UT 84092**



Jesse Nelson
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt

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(See Re.)