



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156
801-538-7240
801-538-7467 (Fax)

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TO THE BIG SAND WASH DISTRIBUTION SYSTEM WATER USERS:

During the annual water users meeting held on March 15, 1994 concerns were expressed on the boundaries of the Big Sand Wash Distribution System. Civil No. 5723 stipulates that the duties of the commissioner are limited to the distribution of water through the segment of the Sand Wash between Big Sand Wash Reservoir and the Sand Wash Irrigation Co. headgates. A subsequent public meeting was held on March 29, 1994 to consider expanding the boundaries of the system to include the entire drainage of the Big Sand Wash. After some discussion, it was agreed to expand the Big Sand Wash to include the whole drainage area. It was further agreed to appoint Bill Christensen the water commissioner for the system.

Concern was also expressed at these meetings regarding improper measuring devices and the lack of lockable headgates at some diversions on the Big Sand Wash. To properly administer and distribute the water, functional headgates and measuring devices need to be installed and maintained throughout the whole system.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

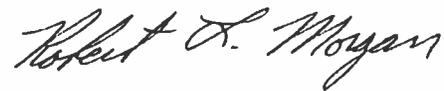
"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ...If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, 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."

Therefore, you are hereby notified that all diversions within the Big Sand Wash Distribution System are to be equipped with functional and accurate measuring devices and lockable headgates prior to **May 15, 1994** so accurate and reliable water measurements can be obtained. 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 headgates will be closed and locked.

In situations where the headgate or diversion can not be closed the State Engineer will seek a court order requiring that the use of water be ceased until such time as the measuring devices and headgates 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 Bob Leake at 781-5327 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:GA

cc: S Lee Sim
S Bob Leake
S John Mabey, Asst. Attorney General
S Bill Christensen, Commissioner