



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240

June 16, 1989

*use to reply
to furnish
ditch problem*

Mr. Homer Hall
3053 So. 2000 West
Syracuse, Utah 84075

Dear Mr. Hall:

This letter is written in response to our meeting on May 31, 1989 and your letter dated June 4, 1989. It is my opinion that there are two issues involved: 1. The irrigators not using and controlling their water and 2. The capacity of the storm drainage system being exceeded by runoff and unused irrigation water.

The question of surplus irrigation water that is not being used must be handled through the adjudication process in the District Courts. This procedure is slow and will not give you immediate relief.

I have attached for your information a page from the Utah Code. It provides some answers for your flooding problem. Sections 73-1-6 and 73-1-7 allow owners and operators to cross private lands with just compensation to the land owner and to enlarge ditches for joint use. The users of the ditch are bound by section 73-1-8 to keep the ditch in good operating condition and prevent overflowing. It would be my opinion that the owners of the ditch in front of your home have a legal obligation to prevent flooding.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

/jl

cc: Jim Riley, Area Engineer
Lee Sim, Distribution Engineer
John Mabey, Assistant Attorney General