



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

May 21, 1993

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240
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Mr. Gino Fioanini
Lyman, WY, 82937

RE: **ORDER TO CEASE USE OF WATER**
Gregory Basin Canal headgate diversion

Dear Mr. Fioanini:

On June 9, 1992, you were mailed a notice requiring the installation of an acceptable lockable control device at the diversion of water out of the East Beaver Creek at the Gregory Basin Canal near Hole-in-the-Rock. We have received a report from the river commissioner that an acceptable lockable control device has not been installed as required and that water is being diverted.

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 headgate, 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 or install 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 his requirement."

Therefore, you are hereby **ORDERED** to cease the use of water until such time as an acceptable lockable control device has been installed. The diversion will be inspected and will be tagged by the river commissioner. The tag will be a further representation of this order to cease the use of water. Non-compliance with this order will result in legal action where the State Engineer will seek a court order requiring that the diversion be closed until such time as an acceptable lockable control device is installed.



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If you have any questions concerning this order, please contact Bob Leake at 781-5327 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:LHS:bd

cc: Bob Leake
Jim Hickey
Lee Sim
John Mabey