

August 4, 1966

Mr. Wilmer Parrish  
131 So. 3 East  
Roosevelt, Utah 84066

RE: S/E Acct. No. 5

Dear Mr. Parrish:

There are still some problems with your diversion on Deep Creek. They are as follows: (1) The embankment where the headgate was removed has never been completely repaired (2) The headgate that was installed leaks. The leakage makes it impossible to completely stop the water and could cause unseen erosion to the embankment (3) The measuring device as it is will not give accurate measurement.

The design, installation and repair of these structures and devices are your responsibility. However, they must be installed and repaired in such a manner as the State Engineer may approve as stated in Section 73-5-4, Utah Code Annotated, 1953, states: "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."

The repairs to your headgate, measuring device and the disturbed areas of the embankment renovation must be made within thirty (30) days of receipt of this order. Your water commissioner is directed to inspect the repairs for compliance with this order and to post and close your diversion if your diversion and measuring device are not in proper working order and repairs made to the embankment. Section 73-5-4, Utah Code Annotated, 1953, further states: "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 this requirement."

You are further advised that Section 73-1-14, Utah Code Annotated, 1953, states: "Any person who in any way unlawfully interferes with, injures, destroys, or removes any dam, headgate, weir, casing, valve, cap or other appliance for the diversion, apportionment, measurement, or regulation of water while in the discharge of his duties, is guilty of a misdemeanor, and is also liable in damages to any person injured by such unlawful act."

"If you have any questions, contact Kent Jones, Distribution  
Engineer, 533-7228, or Bob Leake, Area Engineer, 781-0770, Ext. 330.

Sincerely yours.

Robert L. Morgan, P. E.  
State Engineer

RLM:KJ

cc: Bob Leake  
Chairman Justice  
Kent Jones