



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

EARL M. STAKER
DEPUTY

200 EMPIRE BUILDING
231 EAST 400 SOUTH
SALT LAKE CITY, UTAH 84111
(801) 533-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
STANLEY GREEN
ROBERT L. MORGAN

June 26, 1979

Modesto Mendecoa
Theron Wilde
Don Stoll

Gentlemen:

RE: BURNT FORK DISTRIBUTION
BALLY SPRINGS DITCH

It has been reported that your ditch (The Bally Springs Ditch) is not in condition to properly control and measure your water use in that it lacks headgates and measuring devices.

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..."

A headgate and Parshall Flume in your diversion from Burnt Fork; and a headgate, Parshall Flume, and turnout in the Bally Springs Ditch must be installed. The turnout is to return Bally Springs water to Burnt Fork in the winter.

The installation of your Parshall Flumes and headgates must be made within thirty (30) days of receipt of this order. Your commissioner is directed to inspect your compliance with this order and to post and close your diversions, if your diversions for controls are not in proper working order.

Section 73-5-4, Utah Code Annotated 1953, further provides:

"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 requirements..."

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, or who interferes with any person authorized to apportion 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 concerning the problem with your meters, please contact your commissioner, LaRay Sadlier, or the Area Engineer for your area, Robert Guy in Vernal, or me at once.

Yours truly,


DEE C. HANSEN
State Engineer

DCH:if

cc: John Teichart
PO Box 347
Cokeville WY 82114

Marvin Bollschweiler
PO Box 668
Evanston WY 82930

Robert Guy, Area Engineer
Vernal Area Ofc.

LaRay Sadlier
McKinnon WY 82938