



STATE OF UTAH
NATURAL RESOURCES
Water Rights

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

1636 West North Temple • Suite 220 • Salt Lake City, UT 84116-3156 • 801-533-6071

September 5, 1986

HUNTSVILLE SOUTH BENCH CANAL CO.
c/o Max Dalton
4267 Porter Avenue
Ogden, Utah 84403

Dear Mr. Dalton:

During June 1986, a field investigation was made on the Ogden River Distribution system by representatives of the Division of Water Rights and the River Commissioner. It was observed that your measuring device or headgate, or both, were not adequate to allow the commissioner to regulate and measure the flow of water into your ditch. You are required by law to have adequate headworks and measuring devices as approved by the state engineer.

According to Section 73-5-4 of the Utah Code annotated, 1953,

"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 in determining the amount of water that is to be diverted into his ditch from the stream or water source, or taken from it by the various users."

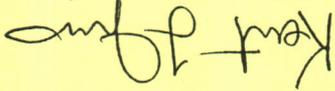
The Statute further states that,

"If the owner of irrigation works, canals, reservoirs, wells, pumps, or tunnes 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 or the state engineer may proceed to construct or install or cause to be constructed or installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring action in the name of the state to foreclose such lien."

To comply with the law and allow the commissioner to regulate and measure your water, you are hereby ORDERED to install, repair or maintain your headgate and measuring device, as required, prior to May 1, 1987. The improvements must be made by that time or your use of water will be prohibited until such time as the improvements are made. The improvements should be made to the approval of the state engineer and coordinated with the river commissioner.

Should you have any questions, please contact Kent L. Jones of our Salt Lake Office or E. Blaine Johnson, river commissioner at 1615 East Shadow Valley Drive, Route 6, Box 892, Ogden, Utah 84403 (479-5794).

Sincerely Yours,



Kent L. Jones, P. E.
Directing Engineer, Distribution
for Robert L. Morgan, P. E.
State Engineer

RLM:KLJ

HUNTSVILLE SOUTH BENCH CANAL CO.
c/o Max Dalton
4267 Porter Avenue
Ogden, Utah 84403
Mr. Dalton

MONTGOMERY BROS.
c/o Mark P. Montgomery
Liberty, Utah
84310
Mr. Montgomery

ROLLOW JOHNSON DAVIS DITCH CO.
c/o Eugene L. Knight
Box 232
Huntsville, Utah 84317
Mr. Knight

DINSDALE DITCH WATER CORP.
c/o John Henderson
220 West 17th St.
Ogden, Utah 84404
Mr. Henderson

BERTINOTTI DITCH IRRIGATION CO.
c/o T. Clyde Montgomery
249 W. Second St.
Ogden, Utah 84404
Mr. Montgomery

MOUND FORT SYSTEM #6
c/o Dr. Rex Alvord
924 24th St.
Ogden, Utah 84403
Mr. Alvord

NORTH SLATERVILLE IRRIGATION CO.
c/o Ned. L. Allred
2503 West Pioneer Road
Ogden, Utah 84404
Mr. Allred