

## BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of:  <b>Logan Island Irrigation Company</b>  <b>RESPONDENT</b>	<b>MEASURING DEVICE AND CONTROL STRUCTURE NOTICE</b>  SEAA No. 1496 DISTRIBUTION ACCOUNT: 101101  WATER RIGHTS: 25-5023
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### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-4 states in part :

- (1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:*
- (a) each location where water is diverted from a source; and*
  - (b) any other location required by the state engineer.*
- (2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.*
- (3) The state engineer shall approve the design of:*
- (a) the measuring device; and*
  - (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works. ...*
- (6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:*
- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
  - (b) commence enforcement proceedings authorized by Section 73-2-25.*

### II. STATEMENT OF FACTS

1. Respondent diverts surface water within the Logan River Distribution System operated under the direction of the Logan River Water Commissioner appointed by the State Engineer.
2. The flume used by the water commissioner in regulating the quantity of water diverted into the **Logan Island No. 4 Ditch** was removed from service when the ditch was replaced with a new pipeline last year.

3. The conversion to pipeline was done in conjunction with a road construction project involving both Logan City and Respondent.
4. A suitable measuring device is not yet installed that is capable of measuring water delivered to **Logan Island No. 4 Pipeline**.

### III. ACTIONS REQUIRED

1. A suitable measuring device must be installed to enable the measurement of Logan River water delivered to the new **Logan Island No. 4 Pipeline**.
2. Pipeline meters are renowned for their wide variation in meter reliability. It is recommended that only a reliable and proven meter be selected.
3. Other suitable and reliable measuring devices may be used, but meters often work best in pipelines.
4. Please select or construct a meter location that is always full of water regardless of the flow in the pipe. Pipeline meters often fail if the pipe is only partly full of water.
5. The measuring device must also include equipment to telemeter the flow data to the state database OR electronic recording equipment capable of transferring the flow records to the water commissioner's portable computer for data recording and reporting purposes.
6. The measuring Device must be readily and safely accessible to the water commissioner when necessary.
7. **Respondent must complete the installation of a fully functioning measuring device on the Logan Island No. 4 Pipeline Diversion within 20 days of the date of this Notice.**

### IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondent has complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (5).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted without right. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation."

V. FURTHER INFORMATION

If the Respondent has any questions concerning this Notice, state laws and rules, or the required and recommended action, please discuss them with:

Will Atkin  
*Regional Engineer*  
*Northern Region*  
*Utah Division of Water Rights*  
*Logan Office*  
*(435) 752-8755*

Ben Anderson  
*Water Rights Distribution Engineer*  
*Utah Division of Water Rights*  
*(801) 538-7469*  
*1594 W North Temple Ste 220*  
*P.O. Box 146300*  
*Salt Lake City, UT 84104-6300*

Dated this 14<sup>th</sup> day of May, 2014



Ben Anderson, P.E.  
Distribution Engineer  
Utah Division of Water Rights

cc: Will Atkin, Regional Engineer  
Colleen Gnehm, Logan River Water Commissioner  
Bill Young, City Engineer, Logan City

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 14th day of May, 2014, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**Donna Spillet, President  
Logan Island Irrigation Company  
138 West 300 South  
Logan, UT 84321**

USPS TRACKING # **9114 9011 2308 6069 1220 70**  
& CUSTOMER RECEIPT For Tracking or inquiries go to [USPS.com](http://USPS.com)  
or call 1-800-222-1811.

  
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Kelly Horne  
Division of Water Rights  
Field Services Secretary