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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director*      *State Engineer/Division Director*

July 22, 2014

Lynn Anderson  
President  
Cottonwood Gooseberry Irrigation Co.  
PO BOX 425  
Fairview, Utah 84629

Re: Fairview Lakes Flume

Dear Mr. Anderson:

I appreciate the time you and Matt spent with us June 9<sup>th</sup>. It's helpful that we better understand how the Irrigation Company operates Fairview Lakes and releases water through the Fairview Canyon tunnel.

#### **Regulation**

A copy of the Memorandum Decision Approving change a4448 is appended for your records. The Memorandum clarifies:

The Price River commissioner must regulate such that water diverted through the Fairview Canyon tunnel is less than or equal to (depending on presence of transmission losses) the water released from Fairview Lakes.

It follows that when water is not being released from Fairview Lakes, no water can be diverted into the Fairview tunnel. As can be seen on the aerial photo below, lots of runoff potentially enters the Fairview tunnel and the canal cannot be completely shut off in its current configuration. In order that tunnel diversions may be properly regulated, we propose relocating the flash board structure from its current location to a point quite close to the tunnel entrance. The structure could be used to regulate flow into the Fairview tunnel and to route excess water around the tunnel entrance and down the Price River drainage.



The Fairview Lakes flume is in a good location. The flume needs to be horizontally leveled in order to measure accurately. The flume measuring water at the tunnel is not in a good location. The USGS agreed to relocate the measurement to the tunnel opening. The tunnel opening is a better location for the measurement and the accuracy of the measure should also be greatly improved.

### **Automation**

Most water users on the Price River have installed automated measurement equipment during the past 3-4 years. Measurements are taken every 10 minutes and are displayed on the Division website:

[http://waterrights.utah.gov/cgi-bin/dvrtview.exe?Modinfo=Collection\\_Sysview&SYSTEM\\_NAME=PRICE+RIVER](http://waterrights.utah.gov/cgi-bin/dvrtview.exe?Modinfo=Collection_Sysview&SYSTEM_NAME=PRICE+RIVER)

Automated measurement enables better regulation without increasing the commissioner's hours. Water users are able to see the amount of water available in their waterway at any given time and adjust their needs accordingly. Having the water measurement data available publicly also helps prevent conflicts between different water entities by providing a transparent record of water use.

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The Division of Water Rights would like the Fairview Lakes Flume to also have automated measurement.

The Division is able to participate in automating the Fairview Lakes Flume by:

- Providing 67% of the original equipment purchase cost. The Irrigation Company would be responsible for 33% of the original equipment purchase cost.
- Providing labor to assist with maintenance and will provide technical support to maintain the monitoring network. Future maintenance costs (not labor) will be up to the Company. These costs are projected to be minimal and typically include a replacement battery, solar panel, solar controller, etc. The lifespan for these items can range from 3 to 10+ years.
- Paying the cost of monthly data plan for cell modem.
- Providing labor to install the telemetry equipment at the flume.

A detailed estimate of equipment costs is appended.

The Division of Water Rights is committed to providing accurate, reliable and timely water records throughout the state and believes that automation of the Fairview Lakes flume will be a great asset to the water users. If the Company is amenable to automating the Fairview Lakes flume, please respond with a letter indicating your commitment to this arrangement. If you have any questions or comments please contact Aaron Hunt at 435-752-8755 or Sue Odekirk at 801-538-7431.

Regards,



Sue Odekirk, P.E.

Price River Distribution Engineer

(801) 538-7431

[susanodekirk@utah.gov](mailto:susanodekirk@utah.gov)

**Fairview Lakes**

| <b><u>Equipment</u></b> | <b><u>#</u></b> | <b><u>Unit<br/>Cost</u></b> | <b><u>Cost</u></b> |            |
|-------------------------|-----------------|-----------------------------|--------------------|------------|
| Cell Modem              | 1               | 485                         | 485                |            |
| Radio                   | 2               | 300                         | 600                |            |
| Shaft encoder w/acc.    | 1               | 985                         | 985                |            |
| Sidekick                | 1               | 335                         | 335                |            |
| Analog card             | 1               | 129                         | 129                |            |
| Peripheral card         | 1               | 65                          | 65                 |            |
| Cell antenna            | 1               | 89                          | 89                 |            |
| Yagi antenna            | 2               | 45                          | 90                 |            |
| 10W panel & mount       | 2               | 190                         | 380                |            |
| Solar controller        | 2               | 50                          | 100                |            |
| Battery                 | 2               | 85                          | 170                |            |
| Weatherproof box        | 2               | 100                         | 200                |            |
| Bulletproof box         | 2               | 350                         | 700                |            |
| Stilling well           | 1               | 250                         | 250                | If needed? |
| Post                    | 2               | 50                          | 100                |            |
|                         |                 | <b>Total</b>                | <b>\$4,193.00</b>  |            |

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE )  
APPLICATION NO. a-4448 )

MEMORANDUM DECISION

Change Application No. a-4448 was filed by the Cottonwood-Gooseberry Irrigation Company to change the points of diversion and manner of use of water rights claimed under Diligence Claim No. 197. Under this claimed right water has been diverted from Boulger Creek, a tributary of Huntington Creek, and from Gooseberry Creek, a tributary of the Price River, and has been stored in the Fairview Lakes Reservoirs from which it has been released and conveyed by canal and discharged into the Cottonwood Creek Drainage, tributary to the San Pitch River, where it has been used for supplemental irrigation purposes. The company now proposes to release the water from the lakes and discharge it into a natural channel, tributary to Gooseberry Creek, in which it will be conveyed approximately  $1\frac{1}{2}$  miles where it will be rediverted and conveyed by ditch and tunnel and discharged into Cottonwood Creek where it will be used as before.

This change application was protested by a group of municipalities and irrigation companies holding rights to water of the Price River. A hearing regarding their protests was held at Manti, Utah, July 15, 1964.

From the written material submitted and the information presented at the hearing, the protests of the Price River interests may be summarized as follows:

1. The diligence claim on which this change application is based appears to be indefinite and excessive with regard to the quantity of water beneficially used. Water supply records of the trans-mountain canal for the period 1949-1963 indicate that the maximum quantity diverted during that period is 2410 acre-feet per year with the minimum being 596 acre-feet per year. The protestants request that the change application not be allowed until the water rights have been definitely determined or that the change, if allowed, be made subject to limitations which would not allow for the enlargement of past uses.
2. The protestants object to the applicant being allowed to divert through the proposed tunnel the quantity of water which they physically can measure into the natural channel from their canal. They claim that this right should be subject to reduction by reason of the past seepage losses from the trans-mountain canal, which losses they claim have returned to the drainage of the Price River and have become part of their available water supply.

This office has given careful consideration to these objections and it appears that the change application can be approved and the changes proposed made without interference with established rights provided certain limitations are placed thereon.

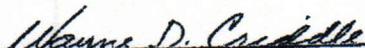
It is, therefore, ordered and Change Application No. a-4448 is hereby APPROVED, subject to the following conditions:

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1. The applicant shall install water measuring devices of a type approved by this office at the point where the water from the canal will be discharged into the natural channel, and at the point where the water is again to be rediverted from the natural channel into the canal and tunnel.
2. The quantity of water which may be rediverted from the natural channel tributary to Gooseberry Creek may not exceed the quantity delivered into the channel from the canal.
3. This diversion shall be subject to regulation by the duly appointed water commissioner. *g*
4. The section of canal which is to be abandoned by reason of this change is to either be filled in or broken at such points as will allow water to flow to the natural drainage tributary to the Price River.
5. The approval of this change application does not validate or establish the right claimed under Diligence Claim No. 197) but the right granted by this approval shall at all times be subject to the final determination of said diligence right.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from date hereof.

Dated this 24th day of August, 1964.

  
Wayne D. Criddle, State Engineer

RKH:bps

CC: Mr. Arthur H. Nielsen  
Attorney at Law  
Newhouse Building  
Salt Lake City, Utah

CC: Mr. E. J. Skeen  
Attorney at Law  
Newhouse building  
Salt Lake City, Utah

CC: Mr. Luke Pappas  
Attorney at Law  
23 South Carbon Avenue  
Price, Utah

CC: Mr. Stanley V. Litizette  
Attorney at Law  
178 South Main  
Helper, Utah

CC: Utah Power and Light Company  
c/o Robert B. Porter  
1407 West North Temple  
Salt Lake City, Utah

CC: Utah State Dept. of Fish and Game  
c/o Jay R. Udy  
1596 West North Temple  
Salt Lake City, Utah

CC: Utah Water and Power Board  
c/o Jay Bingham  
425 State Capitol  
Salt Lake City, Utah

Original sent to:  
Cottonwood Gooseberry Irrigation Co., Inc.  
Fairview, Utah

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CC:

Marc Stilson, SE Regional Engineer

Kirk Forbush, S Regional Engineer

Bob Davis, Price River Commissioner

Aaron Hunt, Automation Engineer