



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

April 23, 2015

Maxfield's Diversion c/o Andy Taft  
PO Box 12  
Bicknell, UT 84715

Enforcement and Regulation SEAA 1502

Dear Andy,

State Water Statues, specifically 73-5-4 requires diversions to have functional and accurate measuring devices at locations where the water is taken. This responsibility lies with the water rights owner/user. Last July (2014) we identified the meter associated with the Maxfield Diversion where you take water was no longer functioning. After you obtained a replacement battery, the Water Commissioner worked on programming the meter without success. He reported the meter would not accept one of the input parameter-programing "Factors" needed for it to operate properly.

I contacted the manufacturer's representative with the numbers found on the housing, and provided them with your meter info. The Meter appears to be a Paddlewheel meter, with remote wall mount readout. Most likely the paddlewheel needs to be taken out, cleaned or replaced to function. The readout lights up with the new battery, so that appears to function, although it will not accept the programming that calibrates for the pipe size. It is your responsibility to work on getting the meter functioning. The water commissioner and division staff has gone beyond their responsibilities to identify and remedy this. Action is required on your part to insure you have an accurate and functional measuring device.

The Manufacture Representative also returned a quote which is attached. I encourage you to contact them directly to discuss possible remedy needed and help with programming or fixing the meter. For your reference, meter information is below:

**SEAMETRICS Adj Depth Insertion Paddlewheel Meter, Brass 12"-40" IP2 10B-04,  
S/N:03020520**

**SEAMETRICS: Flow Meter Indicator, Wall Mount Readout, , 1000's of gallons totalizer,  
Model: FT 415 M, Serial number: 07030957 Battery Powered**

**Battery type (not needed): 100373, Lithium Battery, 3.6V, 8.5Ah, C size for FT415 Meter Mount**

There was a similar meter at another location, which required a battery replacement, this is the first item on the quote, I have left it for reference since I believe it to be the same battery required for your meter if you need another in the future.

The measurement requirement is one of the basic tenets of state water law and that responsibility is on the water users to have functional and accurate measuring devices as



Maxfield's Diversion c/o Andy Taft  
SEAA 1503 Measuring Device Requirement

part of their diversions. I look forward to having this meter functional. Since irrigation season has already started, this must be done as soon as possible. If a functioning meter requirement has not been completed in a timely manner, (next 30 days), an enforcement order will be forthcoming, this will restrict the use of water at this diversion, and locking of gates until this situation is corrected.

There was some mention of counting amounts released by the gated pipe, however this is not acceptable. Flow amounts cannot be reliably measured in this manner, due to fluctuations and variations associated with gate and pipe head pressure. This is not an approved design for measurement.

If you have any questions or comments please contact me at 801 538-7430 or by email at [MikeSilva@utah.gov](mailto:MikeSilva@utah.gov)

Sincerely,



Mike Silva  
Distribution Engineer

Encl: 73-5-4 State Statute: Controlling Works and Measuring Devices  
Quote attached from Innovative Power Systems Inc. - Denver

cc: Southern Regional office- Richfield  
Randy Bradbury, Water Commissioner

**Utah Code: for Water and Irrigation: Administration and Distribution**

**73-5-4 Controlling Works and Measuring Devices.**

- (1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), 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.
- (4) A person using water as an instream flow:
  - (a) shall install and maintain a measuring device or stream gauging station in the section of the stream within which the instream flow is maintained; and
  - (b) is not required to install controlling works unless the state engineer's order approving the application requires the installation because controlling works are necessary to achieve the purpose of the application.
- (5)
  - (a) An owner or manager of a reservoir shall construct and maintain a measuring device as directed by the state engineer to measure the inflow, storage content, and outflow from the reservoir.
  - (b) The state engineer shall approve the design and location of the measuring device.
  - (c) The owner or manager of a reservoir shall make the measuring device accessible to the state engineer or water commissioner.
- (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.

Amended by Chapter 311, 2008 General Session

# Innovative Power Systems, Inc

7003 East 47th Ave  
 Unit A-1200  
 Denver, CO 80216

# QUOTATION

Quote Number: 3018  
 Quote Date: Apr 21, 2015  
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Voice: 877-742-5477  
 Fax: 866-590-6644

CONTACT STEPHANIE CRAWFORD



Order Type	Good Thru	Payment Terms	Sales Rep
MISC	5/21/15	Prepaid	SJC

Quantity	Part	Description	Unit Price	Amount
1.00	100373	Battery, Lithium, 3.6V, 8.5Ah, C Size for FT415 meter/wall mount Indicators	56.00	56.00
1.00	IP210B-04	Adj Depth Insertion Paddlewheel Meter, Brass, 12"-40"	585.00	585.00
1.00	FT415W - BATTERY NOT NEEDED	Flow Meter Indicator, Wall Mount, Battery-Powered, 1000's of gallons totalizer	496.00	496.00
<p>FREIGHT will be added to this when shipped. Lead time is 2 weeks as we do not stock the "paddlewheel" style meters.                      Thank you.                      Stephenne</p>				
Subtotal				1,137.00
Freight				
<b>TOTAL</b>				<b>1,137.00</b>