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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

May 14, 2015

Floyd & Calvin Yardley
PO Box 107
Beaver, UT 84713-0107

RE: SEAA 1110 MEASURING DEVICE NOTICE, MORRIS LEVI DITCH

Dear Floyd & Calvin:

As reported earlier this week to the State Engineer by Steve Gale, the Beaver River Water Commissioner, a suitable measuring device and headgate has been installed as required to address issues identified by the subject agency action. He also described that the installation was well-done and complimented your efforts. The Division appreciates these efforts in gaining compliance with the subject agency action order.

These all constitute positive steps towards compliance with the enforcement actions. Before the matter can be official concluded, a stilling basin must be installed with the measuring device to make it compatible with the telemetry requirements. The Division of Water Rights recognizes that a suitable measuring device now exist on the Morris Levi ditch as required by state law, however the device is not currently compatible with real time monitoring and telemetry that is now required. These telemetry requirements have been imposed and exist for all ditches below the Patterson Dam, and the Morris Levi is not excluded from this requirement. Once the details covered in the following paragraph are addressed, and accomplished, this action will then be formally concluded and closed out.

In addition to this recently completed work, the Division is now requiring a stilling well be installed that is compatible with real time monitoring and telemetry. This requires the installation of a 12" or 18" diameter stilling well, consisting of a vertical pipe with the bottom set in concrete, located next to the existing Parshall flume. The bottom elevation of this pipe must be 6" below the entrance floor of the flume. The stilling well must be sealed and connected to the flume using a minimum 1.25" diameter cross-pipe. Once this device is installed, the Division plans to install an automated measuring and telemetry system to provide real time flow monitoring at your diversion.

This work must be completed within 30 days of the date of this letter. If not completed within 30 days (June 15, 2015) the State Engineer will forbid the use of water until compliance with these requirements is accomplished.



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Subject: Morris Levi Ditch Stilling Basin Requirements

One additional item regarding the Morris Levi ditch deserves some discussion. Recent action on your part has brought our ownership records up to date for most of the water rights in this ditch. Ownership of Water Rights 77-685 and 77-686, however, is somewhat ambiguous.

In the future you may wish to clarify ownership of these water rights by submitting an ROC to this office. (See the March 3, 2000 letter from Kerry Carpenter for more information.) For current purposes, however, there appears to be enough evidence to distribute to you the water under the two above-mentioned water rights through the Morris Levi ditch.

If you have any questions or comments on this matter, please contact me at (801) 538-7430 or by email at MikeSilva@utah.gov

Sincerely,



Mike Silva
Distribution Engineer

pc: G. Kurt Vest, P.E. / Southwestern Regional Engineer
Steve Gale / Water Commissioner / PO Box 855 / Beaver UT 84713
File: SEAA 1110