

**BEFORE THE DIVISION OF WATER RIGHTS**

<p>In The Matter Of:</p> <p style="text-align: center;"><b>Welch Field Ditch Company</b> <b>Susan Ralston, President</b></p> <p style="text-align: center;"><b>Dee Waldron, Water User</b></p> <p style="text-align: center;"><b>RESPONDENTS</b></p>	<p style="text-align: center;"><b>MEASURING DEVICE AND CONTROL STRUCTURE NOTICE</b></p> <p style="text-align: center;">SEAA No. 2053</p> <p style="text-align: center;">Assessment Account No. 103320 WATER RIGHT No. 35-8347</p>
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**I. AUTHORITY**

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

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. This Notice enforces the October 5<sup>th</sup>, 2015 letter requesting installation of a stilling well and establishes a due date for completion of the required work.
2. Respondent diverts East Canyon Creek in Welch Field Ditch under Water Right 35-8347 for 5.32 cfs (Flood Flow) and 1.99 cfs (Low Flow) designated for irrigation use.
3. Respondent also diverts storage water into Welch Field Ditch for supplemental use.
4. Welch Field Ditch is regulated and reported under the direction of the Weber River Water Commissioner and Deputy Commissioner appointed by the State Engineer.
5. A stilling well is required to enable automated reporting and recordkeeping.

6. Respondent Dee Waldron attended the field inspection held August 5, 2015, and the property owner, Mr. Lee Dickson, attended the field inspection held May 12, 2016.
7. The measuring device is in need of repair and upgrades to present standards.
8. Mr. Dickson doesn't object to the flume location, but requested the following be provided to him before any further work is done:
  - o A letter from Respondents requesting the necessary improvements at the flume.
  - o A court order authorizing Respondent and/or State Engineer to install and maintain the telemetry equipment on Respondent's Right of Way at the flume.
9. The headgate structure, ditch channel, and flume all require periodic maintenance to control, measure, and transport water to shareholders.
10. The Division of Water Rights is willing to make reasonable efforts to reduce the footprint and profile of the planned improvements if necessary to install the telemetry.
11. The telemetry is part of a coordinated multi-agency project. Participants include, but are not limited to, Weber River Water Users' Association, United States Bureau of Reclamation, Utah Division of Water Rights, Weber River Commissioner and deputies, and other water users. Similar electronic recording equipment exists at many similar flumes throughout Utah.
12. Telemetry enables remote access to real-time water measurement. It also automatically records daily average flow for water commissioners and deputies, helping them become more efficient in distributing and reporting the water.

### III. ACTIONS REQUIRED

1. Respondent must provide an approved measuring device with flow recording ability to accurately measure and record the flow delivered to Welch Field Ditch. There are two options outlined below. Respondent must complete **either a. or b.** to satisfy the state's water measurement requirements:
  - a. Maintain and improve existing flume at its present location:
    - i. Clean or replace the staff gage so an accurate reading can be visually observed on the staff gage itself.
    - ii. Obtain verbal or written permission from the property owner to install a stilling well and telemetry at the existing flume. If permission is denied, obtain other supporting documentation such as a court order or easement documents authorizing Respondent to complete the installation of electronic recording equipment, including a stilling well and telemetry, at the existing flume before proceeding with installation as required.
    - iii. After obtaining any necessary authorization, excavate the exterior side of the flume near the staff gage and install the stilling well as instructed, coordinating activity with the Division of Water Rights. The stilling well excavation and installation are Respondents' responsibility, but the Division is willing to assist Respondent with field installation if needed.
    - iv. **The work must be completed on or before June 30, 2016.**
  - b. Install a suitable measuring device at some other suitable location. This typically requires the following:
    - i. Pre-approval of flume location and design by Division of Water Rights.

- ii. Authorization to install telemetry at the flume location if needed.
- iii. **The work must be completed on or before June 30, 2016.**

#### 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 (6).
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.
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, 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:

Ross Hansen  
*Regional Engineer*  
*Western Region*  
*Utah Division of Water Rights*  
*Weber Office*  
*1594 W North Temple Ste 220*  
*P.O. Box 146300*  
*Salt Lake City, UT 84114-6300*  
*(801) 538-7240*

or

Ben Anderson  
*Distribution Engineer*  
*Utah Division of Water Rights*

1594 W North Temple Ste 220  
P.O. Box 146300  
Salt Lake City, UT 84114-6300  
(801) 538-7240

Dated this 24th day of May, 2016



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

CERTIFICATE OF MAILING

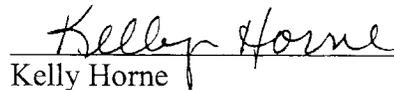
I, the undersigned, certify that on this 24th day of May, 2016, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**Welch Field Ditch Company**  
**Attn: Susan Ralston, President**  
**PO BOX 668**  
**Morgan, UT 84050**

USPS TRACKING # **9114 9999 4423 8701 8651 62**  
& CUSTOMER For Tracking or inquiries go to USPS.com  
RECEIPT or call 1-800-222-1811.

**Dee Waldron, Water User**  
**710 West 1550 South**  
**Morgan, UT 84050**

USPS TRACKING # **9114 9999 4423 8701 8651 48**  
& CUSTOMER For Tracking or inquiries go to USPS.com  
RECEIPT or call 1-800-222-1811.



Kelly Horne  
Division of Water Rights  
Field Services Secretary

cc: Ross Hansen, Regional Engineer  
Cole Panter, Water Commissioner