

**BEFORE THE DIVISION OF WATER RIGHTS**

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| <p>In The Matter Of:</p> <p><b>New Field and North Bench Canal</b></p> <p><b>RESPONDENT</b></p> | <p><b>MEASURING DEVICE AND CONTROL<br/>STRUCTURE<br/>NOTICE</b></p> <p>SEAA No. 2062<br/>DISTRIBUTION ACCOUNT: 103277<br/>WATER RIGHTS: 35-8611, 35-8618. 35-<br/>8654, 35-8655, 35-8665, 35-8731</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. Respondent diverts water from the Weber River under the above-referenced water rights.
2. Respondent’s diversion is regulated and reported by the Deputy Water Commissioner and Water Commissioner under the direction of the Utah State Engineer/Division of Water Rights.
3. Respondent owns and/or operates three measuring devices.
4. Based on field inspection testing, these devices are not working properly.

5. The approach channel at the New Field Flume is too shallow and the flume was not level, both of which contribute to measurement errors.
6. The approach channel at the North Bench Flume is not centered properly, directing the flow more towards the north side where it creates a wave in the flume.
7. The staff gage on the North Bench Flume does not reference the floor of the flume.
8. The upstream ramp flume submerges under the anticipated normal operating flows.
9. The official record is the combined flows, not necessarily individual canals.

### III. ACTIONS REQUIRED

1. The company must repair either the upstream ramp flume (a) or the two downstream Parshall flumes (b) and (c).
  - a. To obtain a reliable measurement at the upstream Ramp Flume, Respondent must increase the ramp crest elevation to a suitable height to prevent submergence. (The Division of Water Rights may assist in the selection and review of proposed ramp designs and create the rating table. Our review/approval doesn't prevent all potential errors, but it often helps reduce the costs and prevent most errors.)
  - b. To obtain a reliable flow measurement in the New Field Canal, the flume must be level in both directions. The flume entrance must be cleared of cobbles and sediment to enable the flow to be uniform and reasonably level and slowed where it enters the flume.
  - c. To obtain a reliable flow measurement at the North Bench Canal Flume:
    - i. The flume entrance channel must be cleaned/modified so the flow enters parallel to the flume. Steel or concrete wing walls, straight or curved, are often necessary to help direct the flow and prevent some of the erosion problems evident. The end result is similar water depths and velocities across the channel at the entrance to the flume.
    - ii. The staff gage reference elevation should be the floor of the flume. The measured water level in the flume on August 16 was 0.17 feet higher than the staff gage reading in the still well. This is corrected by lowering the gage 0.17 feet.
2. **The work must be completed on or before October 15, 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 18<sup>th</sup> day of August, 2016



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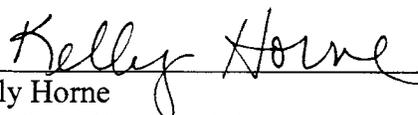
Ben L. Anderson, P.E.  
Distribution Engineer  
Utah Division of Water Rights

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 18<sup>th</sup> day of August, 2016, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**Ed Sorenson, President  
New Field & North Bench Irrigation Company  
PO Box 275  
Oakley, UT 84055**

USPS TRACKING # **9114 9999 4423 8701 8652 23**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

  
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Kelly Horne  
Division of Water Rights  
Field Services Secretary

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