



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

July 20, 2017

Red Stone Ranch LLC
845 Holdroyd Dr
PO Box 803
South Ogden, UT 84403

Arilla Maxfield Williamson & Arvin Maxfield c/o Taft
PO Box 12
Bicknell, UT 84715

Dear Maxfields',

Since 2014 there has been Agency Action regarding the lack of a functioning meter at your diversion from the Lower Fremont River. Previous correspondence (attached) covers the requirements previously addressed. The requirements addressed in the attached, have not changed, and no functioning meter has been provided since this action started 3 years ago.

Since it is ultimately the Water Right holder's responsibility to have an operational meter and one has not been provided within a reasonable time period, I have instructed the Water Commissioner to close your gate, and turn off water at your diversion, whenever the Lower Fremont River is under regulation.

When a functioning meter is provided, inspected and accepted by the Water Commissioner, the diversion will be turned on again. If you, or your lessee, encounters your diversion gate shut and chained (with or without a regulation tag), do not make attempts to remove said locks and turn the diversion back on again, in doing so you, you as the water right holder will be subject to significant monetary fines. The requirement is simple in that a functioning meter must be provided to divert water.

If you have any questions please contact the Water Commissioner, Randy Bradbury at (435) 633-5897 or me at (801) 538-7430 or by email at MikeSilva@utah.gov

Sincerely,

Mike Silva
Distribution Engineer

Enclosure: SEAA 1502 Previous Correspondence

cc:

Andy Taft, PO Box 12, Bicknell, UT 84715
Southern Regional office- Richfield
Randy Bradbury, Water Commissioner
File (Lower Fremont Assessments)





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

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

July 23, 2014

RE: SEAA 1502

TO: Andy Taft & Maxfields

The Lower Fremont Water Commissioner: Randy Bradbury has notified my office that your irrigation practices involving gates and turnouts do not have functioning measuring devices. In order to properly measure and apportion this water, a reliable and functioning measuring device is required on each turnout where water is taken. The headgate and measuring device is a state statute requirement and is the responsibility of the water users to fulfill as a basic condition and use of their respective water rights.

Attached is a State Engineer Agency Action formalizing the requirement to install lockable gates and functioning measuring devices at all of the diversions being used. If this is not done within the 10 day allowance, a notice to cease use of water will be issued and will remain in effect until proper and acceptable headgates and measuring devices are installed and functioning.

Thank you for your cooperation in attending to this matter in a timely manner, since we are in the middle of the irrigation season I have provided a short 10 day notice for response and compliance.

After reviewing the attached State Engineer's Agency Action, (SEAA) If you have any questions concerning this notice, please contact the Water Commissioner: Randy Bradbury at 435 633-5897 to discuss your planned installations and follow up inspection. You may also contact Mike Silva, Distribution Engineer by phone at (801) 538-7430 or by email at MikeSilva@Utah.Gov.

Sincerely,

Mike Silva
Distribution Engineer

cc: Kirk Forbush, Regional Engineer
Randy Bradbury, Lower Fremont River Commissioner
Distribution File: Lower Fremont River
SEAA 1502 Correspondence file



BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>WILLIAMSON ARILLA MAXFIELD, DIVERSION C/O ANDY TAFT, PO BOX 12 BICKNELL, UT 84715</p> <p>RESPONDENT</p>	<p>CONTROL STRUCTURE AND MEASURING DEVICE NOTICE</p> <p>SEAA No. 1502 DISTRIBUTION ACCOUNT: 100744 WATER RIGHTS: 95-4682, 95-4684</p>
---	--

I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

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, 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.**
- (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. The Respondent is the water user under the captioned distribution account and owner of the captioned water rights. Water under said rights is distributed to the Respondent through a headgate diversion on the Fremont River at a point along the Torrey Canal.
2. Distribution Commissioner A. Randy Bradbury has affirmed that the headgate at this diversion is adequate in that it is compatible with an adequate locking device.
3. In addition, Commissioner Bradbury reports there is no measuring device below the headgate. In addition the pipe meter remains non-functional or is out of calibration.
4. In order for the Commissioner to properly administer the delivery of water to the Respondent, the condition of the Respondent's facilities require corrective action.

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the Respondent's facilities must be repaired or replaced in a manner that will provide the Commissioner ability to adequately and accurately measure and control the diversion of water at each turn out being utilized.
2. The Respondent's facilities are to be perpetually maintained in good working order as described above.
3. Prior to commencing the required work and during the construction and repairs, the Respondent shall consult with the Commissioner to assure that the planned improvements will satisfy the requirements of this Notice.
4. The required work must be completed and the Commissioner notified of said completion within 10 days of the date of this Notice, being no later than August 4, 2014.

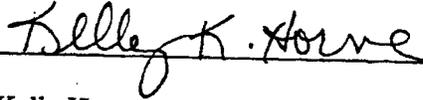
IV. ADDITIONAL AGENCY ACTION

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 (5).
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 (2008).

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 23th day of July 2014, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

ANDY TAFT
PO BOX 12
BICKNELL, UT 84715



Kelly Horne
Division of Water Rights
Field Services Secretary

USPS TRACKING # **9114 9011 2308 6069 1221 00**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



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 responsibly 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

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

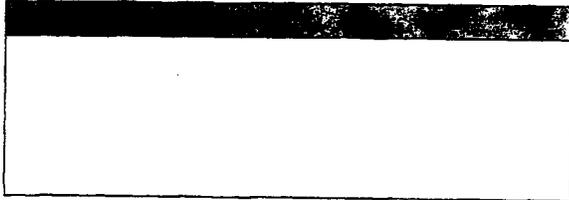
7003 East 47th Ave
 Unit A-1200
 Denver, CO 80216

QUOTATION

Quote Number: 3018
 Quote Date: Apr 21, 2015
 Page: 1

Voice: 877-742-5477
 Fax: 866-590-6644

CONTACT STEPHANIE CRAWFORD



MISC	5/21/15	Prepaid	SJC
------	---------	---------	-----

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
		FREIGHT will be added to this when shipped. Lead time is 2 weeks as we do not stock the "paddlewheel" style meters. Thank you. Stephene		
			Subtotal	1,137.00
			Freight	



Mike Silva <mikesilva@utah.gov>

Maxfield's water under your management SEAA 1502

1 message

Mike Silva <mikesilva@utah.gov>

Tue, Jun 2, 2015 at 10:11 AM

To: andrewgtaft@yahoo.com

Cc: Kim Bradbury <fremontriveroutfitters@gmail.com>, "Forbush, Kirk" <kirkforbush@utah.gov>

Andy,

Per our discussion this morning you will be turning on Maxfield water and will propose an alternate method of water measurement that will be qualified by an inventory of the gated pipe and flow amounts by section along with a map that will be verified by the Water Commissioner. This must be documented in writing, both to the Water Commissioner and my office for acceptance as a temporary alternate measurement method. Measurement Requirements detailed in the SEAA 1502 are still in effect. This email and future correspondence will become part of the public record regarding the SEAA.

This is only a temporary operating measurement method pending the repair or replacement of the Seametrics meter device that is not operational. I have provided contact information from the Mfg Rep about the Meter (below) ,and recommend you contact them about what needs to be done to get the meter functional. Be it repair, cleaning or replacement of the existing meter. Since This has been the measurement method for this turn out for over 7 years and we would like to see this back operational. Please be diligent in getting this measurement re-established as it was.

Since the Measurement of gated pipe flows is highly variant due changes in head pressure, this inventory system mentioned above is only a temporary fix allowed for this year (2015). Once evaluated and checked, the diversion amount will be considered "fully on" when watering. Please advise the water Commissioner when you are shut off and not operating. He will also be in touch when there is regulation and cut backs are in effect, usually due to low water conditions. So he may advise you on percentage of water available when these low water conditions are in effect. I expect this will be the operating scenario in about the July time frame as things dry out this summer.

Maxfield's water rights numbers and amounts are shown under the under the 1935 Bates Decree as "A Water" with the following limits, when at 100%:
95-4682 for 1.67 cfs or 751.5 GPM, and
95-4684 for 1.0 cfs or 450 GPM
Total is 2.67 cfs and 1201 GPM

I have attached the last few years of diversion records for your information and review.

I appreciate your diligence in contacting me today and hope that you progress in getting reliable measurement established on this diversion. Thanks for being a responsible water manager.
Please confirm by return email that you have received this email trx.

I can be reached at 801 538-7430

Mike Silva
Distribution Engineer
Division of Water Rights

Seametrics Contact:

Stephene Crawford
Innovative Power Systems
(303) 377-6300
(303) 377-6644 (fax)
(303) 916-5990 (cell)

8/2/2015

Mail - Maxfield's water under your management SEAA 1502

www.seametrics.com

On the home page at the very bottom, click on K-Factor Calculator for the programming guide for that seametrics meter

They may also be able to advise you on someone locally that can help.

-end



20150602075106286.pdf

218K

THIS WORK WAS NEVER DONE
+ NO LONGER ACCEPTABLE



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

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

Maxfield/ Williamson, (& Hand Delivery)
Red Stone Ranch L.L.C.
845 Holroyd Dr.
South Ogden, UT 84403

April 5, 2016

RE: SEAA 1502
TO: Andy Taft & Williamson/Maxfields

The Lower Fremont Water Commissioner: Randy Bradbury has notified my office that your irrigation practice involving gates and turnouts does not have a functioning measuring device, as required by State Laws governing the use and regulation of water. In order to properly measure and apportion this water, a reliable and functioning measuring device is required on location out where water is taken. The headgate and measuring device is a state statute requirement and is the responsibility of the water users to fulfill as a basic condition and use of their respective of water rights.

The current enforcement State Engineer's Agency Action (SEAA) has been in place since July of 2014, and the basic requirement to provide a functioning measuring device has not been rectified by the water user(s). The Division of Water Rights (Division) worked with the water commissioner to install a battery in the current meter, this revealed that the existing meter was still not functioning. After that time, a watering plan was requested and not provided. The division will no longer provide any assistance towards installation of a meter, or provide any further assistance for your diversion, since this will only further delay implementation of the measuring device requirement, as required on the Water Users' part. The Division recommends that an outside vendor be contacted by the water user, to provide that service. The division and staff cannot make any recommendations or endorsements for a provider and suggests contact with a local irrigation specialist or the NRCS to assist the water user in rectify the lack of a measuring device.

Typically this office will allow for up to 30 days for a remedy to be in place before diversions may continue however fulfilling this requirement has been long overdue nearly to two years. Due to a lack of a functioning measuring device the Water Commissioner has been instructed to close and lock your gates until a diversion measurement device has been installed. To satisfy the requirements of this SEAA a functioning measuring device must be installed. Until such time, your gate will remain closed and locked. **Attached is: ORDER FORBIDDING USE OF WATER, which will remain in force until the requirement for a functioning measuring device has been met. Until that time the subject diversion(s) will remain locked and out of service.**

If you have any questions concerning this notice, please contact the Water Commissioner: Randy Bradbury at (435) 633-5897, after your installation is complete and to schedule a follow up inspection. If you have further questions, contact Mike Silva, Distribution Engineer by phone at (801) 538-7430 or by email at MikeSilva@Utah.Gov.

Sincerely,


Mike Silva
Distribution Engineer

cc: Kirk Forbush, Regional Engineer
Randy Bradbury, Lower Fremont River Commissioner
Distribution File: Lower Fremont River & SEAA 1502 Correspondence file



BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>WILLIAMSON ARILLA MAXFIELD, ARVIN MAXFIELD, c/o ANDY TAFT</p> <p>RESPONDENTS</p>	<p>ORDER FORBIDDING USE OF WATER</p> <p>SEAA No. 1502 DISTRIBUTION ACCOUNT NO. 100744 WATER RIGHTS: None of Record, See Bates Decree</p>
--	---

I. STATEMENT OF LAW AND JURISDICTION

1. The Division of Water Rights (“Division”) issues this Order Forbidding Use of Water (“Order”) under UTAH CODE ANN. § 73-5-4. This Order is exempt from the Utah Administrative Procedures Act in accord with UTAH CODE ANN. Subsection 63G-4-102(2).
2. The State Engineer, as the director of the Division, is charged with the general administrative responsibility over the waters of the State. UTAH CODE ANN. § 73-2-1.
3. The Division administers the waters of the state under the direction of the State Engineer. UTAH CODE ANN. §§ 73-2-1 and 73-2-1.1.
4. The State Engineer is authorized to enact rules governing water distribution systems, water commissioners, water measurement and reporting that are consistent with UTAH CODE ANN. Chapter 73-5, “Administration and Distribution.” UTAH CODE ANN. § 73-2-1(5)(a) and 73-2-1(5)(b).
5. “Distribution Order” means an Order of the State Engineer interpreting the water rights included within a Distribution System, confirming priorities of water rights, giving instruction or direction regarding the regulation, distribution, and/or measurement of water based on those water rights, and may order the installation or repair of measuring devices, head gates, and control structures as authorized by UTAH CODE ANN. Chapter 73-5. Distribution Orders are enforceable under the provisions of UTAH CODE ANN. §§ 73-2-25 and 73-2-26. UTAH ADMIN. CODE R. 655-15-4 (e).
6. “Enforcement Tag” means an orange tag attached by a water commissioner to or near a control structure or water measuring device in situations where the water user is ordered to comply with the water commissioner’s regulation and distribution of water. An

enforcement tag constitutes a distribution order and is enforceable in the same manner. UTAH ADMIN. CODE R. 655-15-4 (j).

7. "Point(s) of Diversion" means that location or locations where water is delivered and regulated to the water user in the Distribution System; which point(s) is associated with a Distribution Account. The Distribution Account holder of record is deemed to be the current water user at the Point(s) of Diversion.
8. "Respondent" means any person to whom the Division issues a Notice or Order pursuant to authority granted under UTAH CODE ANN. Chapter 73-5.
9. "Violation," as used in this Order, means any action taken by the Respondent, the Respondent's agent, or any person acting under the direction or authority of the Respondent, intended to circumvent or avoid the restrictions on water use ordered herein. Such action may include but is not limited to removal or alteration of an Enforcement Tag placed by a duly appointed official of the Division.
10. UTAH CODE ANN. § 73-5-4 (6) states in part: *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..*
11. This Order constitutes a Distribution Order in accord with the provisions of UTAH ADMIN. CODE R655-15-4.
12. UTAH CODE ANN. § 73-2-25 states, in part: *The state engineer may commence an enforcement action under this section if the state engineer finds that a person violates a written distribution order from the state engineer.*

II. STATEMENT OF FACTS

1. The Respondent is the Distribution Account holder.
2. On JULY 23, 2014 a MEASURING DEVICE Notice ("Notice") was mailed to the Respondent at the address of record.
3. The Notice recited certain facts pertaining to the [measuring device / control structure] at the Point(s) of Diversion, which facts are herewith incorporated into this Order.
4. The Notice directed the Respondent to correct certain deficiencies associated with the

facilities used to divert and/or measure water at the Point(s) of Diversion within 30 days of the date of the Notice.

5. The Notice informed the Respondent that if the required deficiencies were not corrected within the time allowed, the Division would issue an Order Forbidding the Use of Water until the corrections were made.
6. An inspection of the control/ water measurement facilities at the Point(s) of Diversion was conducted on July 23, 2014.
7. As of the date of this Order, the Respondent has not corrected the deficiencies associated with the facilities used to divert and/or measure water at the Point(s) of Diversion as directed in the Notice.

III. ORDER

On the grounds and for the reasons summarized herein, and pursuant to the authority of UTAH CODE ANN. §73-5-4, the Respondent is hereby ordered to comply with the following requirements:

1. The Respondent is hereby **ORDERED TO CEASE THE USE OF WATER** at the Point(s) of Diversion as described in the Notice and as described in the water rights listed above. UTAH CODE ANN. Subsections 73-5-4(5)(a) and 73-5-9(3).
2. This ORDER shall remain in effect until the deficiencies in the control and/or measurement devices at the Point(s) of Diversion as described in the Notice have been resolved.
4. Before attempting to take any water at the Point(s) of Diversion, the Respondent shall advise the Water Commissioner of having complied with the requirements of the Notice.
5. The Water Commissioner shall confirm satisfactory compliance with the Notice before any water is distributed at the Point(s) of Diversion described in the Notice.

IV. ADDITIONAL AGENCY ACTION

1. If there is a violation of this Order, as defined herein, the Division may commence an enforcement action in accordance with UTAH CODE ANN. § 73-2-25.
2. If determined to be in violation of this Order, the Respondent will be subject to administrative penalties in accordance with UTAH CODE ANN. § 73-2-26 and for replacement of water taken in violation of the Order. In addition, the Respondent may be liable for reimbursement of all expenses incurred by the Division in investigating and

stopping the violation.

V. RESPONDENT PARTICIPATION

1. To participate in this proceeding, you must comply with each and all of the requirements listed in Section III. ORDER, herein, *or*:
2. Submit *written* information and evidence documenting that the Respondent named is neither the party owning the captioned water right nor the holder of the referenced Distribution Account.
 - a. The *written* information must provide facts supporting the Respondent's allegations or defenses and must identify the party to whom water right ownership and Distribution Account responsibility was transferred; and
 - b. Must be received by the Division **within fourteen (14) days of the date of this Order.**

VI. RESPONDENT FILINGS

All Respondent's filings concerning this action, whether to document compliance with the Order or to provide information and evidence, shall be directed to the Division. Such filings shall reference the SEAA number noted herein and may be submitted in either of two ways:

1. Filings submitted *only* by mail must be *received* in the office of the State Engineer by the designated due date. All filings submitted by mail should be directed to:

Division of Water Rights
Attn: Mike Silva
1594 West North Temple St, Suite 220
PO Box 146300
Salt Lake City, UT 84114-6300

2. Filings submitted by telephone facsimile transmission (fax) must be addressed as for mailing and must be *received* in the office of the State Engineer by the designated due date by transmission to: **(801) 538-7467.**

The receiving fax machine will imprint a time/date stamp on the received document, but no confirmation of receipt will be provided to the sender. **The signed original documents must also be submitted to the Division by regular mail using the address information above. The signed original documents must be *postmarked* no later than the designated due date.**

VII. FURTHER INFORMATION

Questions concerning this ORDER should be referred to:

*Mike Silva, Distribution Engineer
(801) 538-7430
mikesilva@utah.gov
PO Box 146300
Salt Lake City, UT 84114*

Dated this 5th day of April, 2016



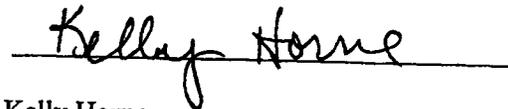
Mike Silva
Distribution Engineer

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5th day of April, 2016, I mailed a copy of the foregoing Order by U.S. Priority Mail Service, Delivery Confirmation requested, to the following:

Maxfield/ Williamson, (& Hand Delivery)
Red Stone Ranch L.L.C.
845 Holroyd Dr.
South Ogden, UT 84403

USPS TRACKING # **9114 9999 4423 8701 8651 17**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

A handwritten signature in cursive script that reads "Kelly Horne". The signature is written in black ink and is positioned above a solid horizontal line.

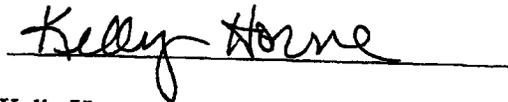
Kelly Horne
Division of Water Rights
Field Services Secretary

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5th day of April, 2016, I mailed a copy of the foregoing Order by U.S. Priority Mail Service, Delivery Confirmation requested, to the following:

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

USPS TRACKING # **9114 9999 4423 8701 8651 31**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



Kelly Horne
Division of Water Rights
Field Services Secretary