

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of: Hoop Lake Reservoir and Irrigation Company Attn: Jon Wilde</p> <p style="text-align: center;">RESPONDENT</p>	<p style="text-align: center;">MEASURING DEVICE NOTICE</p> <p style="text-align: center;">SEAA No. 2095</p> <p style="text-align: center;">DISTRIBUTION ACCOUNT: 103095 WATER RIGHT: 41-1425</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 surface water from Thompson Creek into Hoop Lake under Water Right 41-1425 on the Henrys Fork Tributaries Distribution System operated under the direction of the Water Commissioner appointed by Utah and Wyoming to distribute the waters of Henry’s Fork and Tributaries under interstate compact/agreement.
2. The diverted water is stored in Hoop Lake for later release for irrigation use downstream.
3. A measuring device is necessary below storage reservoirs to measure reservoir outflow and/or storage releases.

4. Respondent's flume at the Hoop Lake outlet is corroded and/or in disrepair to the extent the measurement is not reliable. A portion of the flow bypasses around or under the flume.
5. The flume is located in Utah at approximately N667 W798 E4 09 T2N R16E SLB&M.
6. Flow records at this location are very important in measuring and distributing storage water released from Hoop Lake to the rightful users downstream.

III. ACTIONS REQUIRED

1. A suitable measuring device is required to measure Hoop Lake outflow.
2. The measuring device must be equipped with a stilling well to record the flow rate or the water level at the staff gage location. The stilling well is an important part of the measuring device to enable a recording or record of the flow measurement.
3. The measuring device must provide a "reasonably accurate" flow measurement. Typical measurement in surface streams is using a flume or a weir. The measuring device must also be cleaned and/or maintained by Respondent as necessary to maintain an accurate water measurement.
4. **Respondent must complete the installation of a "properly functioning" measuring device on or before May 1, 2018.**

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, Respondents 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, Respondents may be liable for expenses incurred by the Division in investigating and stopping the violation."

V. FURTHER INFORMATION

If Respondent has questions concerning this Notice, state laws and rules, or the required and recommended action, please discuss them with:

Robert Leake
Regional Engineer
Eastern Region
Utah Division of Water Rights
318 North Vernal Avenue
Vernal, Utah
(435) 247-1514

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 10th day of August, 2017



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

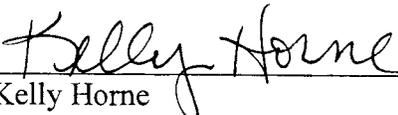
cc: Robert Leake, Regional Engineer, Utah Division of Water Rights
Kevin Payne, Superintendent Water Division IV, Wyoming State Engineer's Office
Reed Thomas, Water Commissioner, Henry's Fork and Tributaries
Wade Stephens, Secretary, Hoop Lake Reservoir and Irrigation Company

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 10th day of August, 2017, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Hoop Lake Reservoir and Irrigation Company
Attn: Jon C Wilde
HC 65 BOX 785
McKinnon, WY 82938-9801

USPS TRACKING # **9114 9999 4423 8701 8655 13**
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RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



Kelly Horne
Division of Water Rights
Field Services Secretary