



GARY R. HERBERT  
*Governor*  
SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director*      *State Engineer/Division Director*

Kingston Irrigation Company  
c/o Mr. Nuel Anderson, President  
PO Box 326  
Kingston, UT 84743

Re: Sorenson Diversion Measuring Device Notice

November 21, 2017

Mr. Anderson:

Enclosed is a formal Notice from the State Engineer's Office explaining that Kingston Irrigation Company's Sorenson Diversion needs a measuring device before April 1, 2018.

You are receiving the Notice because the State Engineer's records indicate you are the President of Kingston Irrigation Co, which owns water rights taken at the Sorenson Diversion.

Should you wish to discuss the required repairs or have any questions about this Notice, please feel free to call me at (801) 538-7431.

Regards,

Sue Odekirk, P.E.  
Distribution Engineer

EC:  
Kirk Forbush, Southern Regional Engineer  
Russel Christensen, Water Commissioner



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### BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Kingston Irrigation Co.</p> <p>RESPONDENT</p>	<p>Kingston Irrigation Co.</p> <p>Sorenson Diversion</p> <p><b>MEASURING DEVICE NOTICE</b></p> <p><b>SEAA 2104</b></p> <p>DISTRIBUTION ACCOUNT: 102186</p> <p>WATER RIGHTS: 61-2253, 61-968</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, except as provided by Subsection (4), shall construct or install and maintain ... 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 ... measuring device accessible to the state engineer or water commissioner.*

(3) *The state engineer shall approve the design of:*

- (a) *the measuring device;*

...

(6) *If a water user refuses or neglects to construct or install the ... 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.*

November 21, 2017

Subject: Kingston Irrigation Co. – Sorenson Diversion

## II. STATEMENT OF FACTS

1. The Respondent diverts water from the Sevier River under the above-listed water rights through a head gate at the following location: North 4,466 feet and West 3,247 from the SE corner of Section 10 Township 30S Range 3W Salt Lake Baseline & Meridian.
2. Equitable distribution of water from the Sevier River requires that the respondent's diversion be equipped with an accurate measuring device. April 27, 2016 the diversion was inspected and appeared to be lacking an accurate measuring device located so that all of the water diverted from the River would be measured.

## III. ACTIONS REQUIRED

1. **By April 1, 2018** An accurate measuring device, complete with a stilling well must be installed at the Sorenson Diversion Point so that all of the water diverted from the River can be measured. Prior to commencing the required work and during the construction the Respondent shall consult with the Water Commissioner or Distribution Engineer to assure that the planned installation will satisfy the requirements of this Notice.

**Water should not be diverted after April 1, 2018 unless the above action has been completed.**

The orderly distribution of water from the Sevier River in accordance with existing water rights is a concern to Division as well as to the Respondent. To that end we appreciate and thank you for your cooperation. If you have any questions concerning this Notice please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Russel Christensen, Water Commissioner at (435) 979-2087.

Respectfully,



Sue Odekirk, P.E.

Sevier River Distribution Engineer

November 21, 2017

Subject: Kingston Irrigation Co. – Sorenson Diversion

CERTIFICATE OF MAILING

I, the undersigned, certify that Dated this 21st day of November, 2017, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Kingston Irrigation Company  
c/o Mr. Nuel Anderson  
PO Box 326  
Kingston, UT 84743

*Kelly Horne*

Kelly Horne  
Division of Water Rights  
Field Services Secretary

7002 0510 0002 2228 7783

<b>U.S. Postal Service</b> <b>CERTIFIED MAIL RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>
Postmark Here	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, January 2001	
See Reverse for Instructions	

EC: Kirk Forbush, Russel Christensen