



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*

McEwen Ditch Company  
c/o, Jerad Whittwer President  
3394 East 2000 South  
St. George UT 84790

McEwen Ditch Company  
c/o, Delin Roundy Secretary  
PO Box 34  
Panguitch UT 84759

Re: SEAA 2106 - McKewen Ditch Measuring Device Notice

December 20, 2017

Mr. Whittwer and Mr. Roundy:

Enclosed is a formal Notice from the State Engineer's Office explaining that McKewen Ditch Company's Diversion from the Sevier River needs an accurate measuring device with a stilling installed prior to diverting water into the ditch next spring.

The existing flume can be re-set so that it is level, has a stilling well and so that there is a pool to slow the water down upstream of the flume. Alternatively, the existing flume can be replaced with a ramp flume or other measuring device approved by the Commissioner.

You are receiving the Notice because the State Engineer's records indicate you are the President and Secretary respectively of the McKewen Ditch Co, which owns the water right taken into the ditch.

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, River Commissioner



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## BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>McEwen Ditch Company</p> <p>RESPONDENT</p>	<p><b>McEwen Ditch</b></p> <p><b>MEASURING DEVICE NOTICE</b></p> <p><b>SEAA 2106</b></p> <p>DISTRIBUTION ACCOUNT: 102196</p> <p>WATER RIGHTS: 61-2018</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 ...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 accesible 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.*



December 19, 2017

Subject: Re: McEwen Ditch Company Measuring Device Notice

## II. STATEMENT OF FACTS

1. The Respondent diverts water from the South Fork of the Sevier River under the above-listed water right into the McEwen Ditch at the following location: South 70 feet and East 1,400 feet from the NW corner Section 9, Township 34 South, Range 5 West, Salt Lake Baseline & Meridian.
  - a. The flume at the head of the McEwen Ditch doesn't measure water diverted into the canal accurately. The flume is not level longitudinally and horizontally. Water is not able to pool and slow down upstream of the flume. Because the flume is not properly level and because the water is not calm and smooth as it enters the flume, the flume cannot measure accurately.
2. Equitable distribution of water requires that the Respondent's diversion be equipped with an accurate measuring device.

## III. ACTIONS REQUIRED

1. **By March 15, 2018** the Respondent shall either:
    - a. Reset the existing flume so that it is level both length wise and widthwise and provide a pooling space or other mechanism to slow the water so that the water surface is smooth entering the flume. A stilling well must also be added to the flume. Stilling well specifications are enclosed.
- OR
- b. Install a new accurate measuring device, complete with a stilling well, near the head of the canal.
2. 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 March 15, 2018 unless the above actions have 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

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please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Russel Christensen, River Commissioner at (435) 979-2087.

Respectfully,



Sue Odekirk, P.E.  
Sevier River Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 20th day of December, 2017, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

McEwen Ditch Company  
c/o, Jerad Whittwer President  
3394 East 2000 South  
St. George UT 84790

McEwen Ditch Company  
c/o, Delin Roundy Secretary  
PO Box 34  
Panguitch UT 84759

  
Kelly Horne  
Division of Water Rights  
Field Services Secretary

7002 0510 0002 2228 7776

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark Here

Send To

Street, Apt. No. or PO Box No.

City, State, ZIP-4

PS Form 3800, January 2001 See Reverse for Instructions

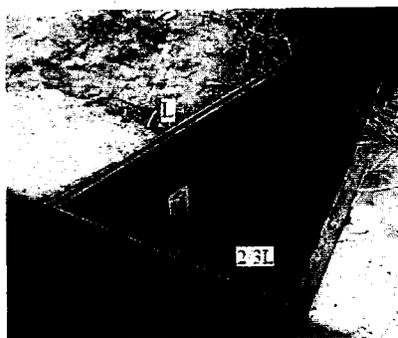
**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

# McKewen Diversion

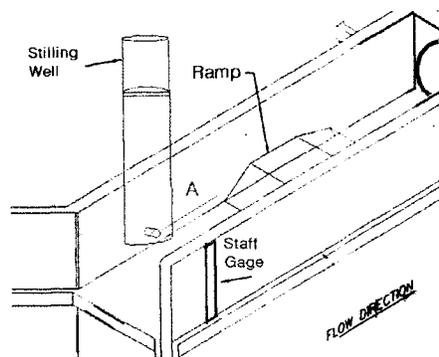
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## *Stilling Well Specifications*

- 12" diameter minimum
- Half circle shelf attached 1' down from the top of the stilling well
- Need at least 1' of height between top of flume and shelf (if the flume is 2' high then stilling well should be at least 4')
- Floor that is sealed (water tight)
- Lid that can be locked
- Stilling well inlet and staff gage need to be properly located in the flume.
  - Parshall Flume – Inlet must be at  $\frac{2}{3}$  of the converging section length (away from the throat)



- Ramp flume – Inlet must be upstream of the ramp at least 2 times the height of the water over the ramp sill.



- The stilling well is typically connected to the flume by a small diameter pipe. Want to use a pipe at least .75" in diameter and ensure that it's sealed (water tight). 2" pipe is ideal because it's big enough to flush sediment out.

- The pipe connection between the stilling well wall and flume wall should be perpendicular and carefully cut flush with the inside walls of the well and flume.
- The pipe opening should also be located close to the floor of the flume so that small flows through the flume are still measurable in the stilling well.