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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

March 28, 2018

RE: Mound Fort System No. 2 Irrigation Company

I have been informed and confirmed that the water being diverted by Mound Fort System No. 2 Irrigation Company is being wasted and lost through damaged infrastructure within the existing ditch causing private property damage. Per Utah Code 73-5-9, and in accordance with Utah Admin. Code R. 655-15:

73-5-9. Powers of state engineer as to waste, pollution, or contamination of waters.

- (1) *To prevent waste, loss, pollution, or contamination of any waters whether above or below the ground, the state engineer may require the repair or construction of head gates or other devices on ditches or canals, and the repair or installation of caps, valves, or casings on any well or tunnel or the plugging or filling thereof to accomplish the purposes of this section.*
- (2) *Any requirement made by the state engineer in accordance with this section shall be executed by and at the cost and expense of the owner, lessee or person having control of such diverting works affected.*
- (3) *If within 10 days after notice of such requirement as provided in this section, the owner, lessee or person having control of the water affected, has not commenced to carry out such requirement, or if he has commenced to comply therewith but shall not thereafter proceed diligently to complete the work, the state engineer may forbid the use of water from such source until the user thereof shall comply with such requirement.*
- (4) *Failure to comply with any requirement made by the state engineer under this section is a crime punishable under Section 73-2-27 if the failure to comply is knowing or intentional.*
- (5) *Each day that such violation is permitted to continue shall constitute a separate offense.*

Prior to diverting water Mound Fort System No. 2 should adhere to the Utah State Code and Administrative Rule. If you have any questions, contact me directly.

Sincerely,

Cole Panter
Weber River Water Commissioner
(801) 791-5529
webercommissioner@outlook.com

cc: Ben Anderson, Distribution Engineer
Mike Drake, Regional Engineer

