

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. 2126</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. The Henrys Fork Tributaries Distribution System is operated under the direction of the Water Commissioner appointed by Utah and Wyoming to distribute the waters of Henry's Fork and Tributaries under the interstate compact/agreement.
2. Respondent releases storage water from Hoop Lake to be measured as it enters the natural stream. The water is measured again downstream at the Gregory Basin Canal Diversion on East Beaver Creek, less the customary transmission loss.
3. The Gregory Basin Canal splits into a two parallel canals about 1.5 miles downstream from the Diversion. The left branch is used for irrigating adjacent land. The right branch

doesn't have any turnouts, and conveys Hoop Lake Reservoir storage to Burnt Fork. There is an irrigation turnout within the first 1.5 miles of canal, which complicates the regulation requiring a flume at the turnout.

4. There is a flume at the head of the Gregory Basin Canal. There is a flume at the splitter structure on the left branch. There is not a flume on the right branch. We cannot expect the water commissioner to properly distribute the water unless both branches have reliable measuring devices.
5. A flume was originally installed on the right branch, however, it didn't perform well and was removed.
6. Water users are responsible for the operation and maintenance of the facilities necessary to deliver the water to rightful downstream users.
7. Flow measurement in the right branch are important to document storage water deliveries to Burnt Fork shareholders.
8. The transmission loss along the Gregory Basin are important to quantify, which can be done only if all the required measuring devices are installed and working properly.

III. ACTIONS REQUIRED

1. A suitable measuring device is required to measure Hoop Lake storage to the right branch of the Gregory Basin Canal. The measuring device must be located within the first 200 yards of the right branch below the splitter control gates, which are located about 1.5 miles downstream from the point of diversion on East Beaver Creek.
2. 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.
3. **Respondents must complete the installation of a "properly functioning" measuring device on or before November 1, 2018.**

IV. ADDITIONAL AGENCY ACTION

1. The Respondents are 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 7th day of August, 2018



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 7th day of August, 2018, 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

Kelly Horne

Kelly Horne
Division of Water Rights
Field Services Secretary

Hoop

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U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here 8/7/18	
Sent To Hoop Lake Resd Irr Co	
Street, Apt. No. or PO Box No.	
City, State, ZIP+4	

PS Form 3800, January 2001 * See Reverse for Instructions