

BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of: Wellsville Mendon Irrigation Canal Co. Attn: Quinn Murray RESPONDENT	MEASURING DEVICE AND CONTROL STRUCTURE NOTICE SEAA No. 2130 WATER RIGHT: 25-1945 DISTRIBUTION ACCOUNT: 100825
------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------

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 within the Little Bear River Distribution System operated under the direction of the Water Commissioner appointed by the Utah State Engineer.
2. According to Division records, Respondent uses water in the Wellsville Mendon Canal and the Pump Canal under Water Right 25-1945.
3. Provisional flow records on August 22, 2018, are as follows, illustrating a sum of 147 cfs with only 93 cfs delivered from the reservoir. The reported flows are obviously much higher than the actual flows. The Capacity of the Wellsville Mendon Canal is thought to be about 85 cfs.

- Delivery from Hyrum Dam 93 cfs
- Wellsville Mendon Canal 106 cfs
- Pump Canal 3 cfs
- Wellsville East Field Canal 38 cfs
- Little Feeder Pipeline 0 cfs

4. The measuring devices are fairly reliable at the beginning of irrigation season when flows are low and aquatic vegetation is not established. However, the measurements are not very reliable later in the season when flows are higher and vegetation is abundant, restricting the flow and causing water levels to increase upstream at the flumes.

III. ACTIONS REQUIRED

1. A suitable measuring device must record the flow accurately to enable the water commissioner and/or deputy commissioner to regulate and measure the water delivered to the Wellsville Mendon Canal and delivered to the Pump Canal throughout the entire irrigation season.
2. Existing ramp flumes must be improved in order to obtain accurate and reliable flow measurements. Such improvements may include, but are not limited to, the following:
 - Increasing the height of the ramps in the flumes so the normal canal water surface elevations do not increase the flume gage readings.
 - Deepening or lowering the bed of the canal so the normal canal water surface elevations do not increase the flume gage readings.
 - If the ramp height is increased or other geometry is changed, a new rating table may be required.
3. **The above work must be completed on or before June 1, 2019.**
4. Verify flume measurements by conducting monthly field calibration checks at a minimum of once per month during the 2019 irrigation season. Results of the measurements should be reported to the Division.

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, Respondent 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, Respondent 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:

Will Atkin
Regional Engineer, Logan Office
Utah Division of Water Rights
1780 N Research Parkway, Ste 104
North Logan, UT 84341
(435) 752-8755

or

Ben Anderson
Distribution Engineer
Utah Division of Water Rights
1594 W North Temple Ste 220
Salt Lake City, UT 84114-6300
(801) 538-7240

Dated this 17th day of September, 2018



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

cc: Will Atkin, Regional Engineer
Clint Hansen, Little Bear River Water Commissioner

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 17th day of September, 2018, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**Wellsville Mendon Irrig. Canal Co
c/o Quinn Murray
691 South 200 West
Wellsville, UT 84339**

Kelly Horne

Kelly Horne
Division of Water Rights
Field Services Secretary

7002 0510 0002 2228 7684

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	\$
PS Form 3800, January 2001 * See Reverse for Instructions	
Sent To: <i>Wellsville UT 84339</i>	
Street, Apt. No. or P.O. Box No. <i>691 South 200 West</i>	
City, State, ZIP+4	