



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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State Engineer

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March 1, 1994

MR JESSUP SHELDON
FURNACE DITCH CO.
121 E MAIN
ADAMSVILLE, UT 84713

Dear Mr Sheldon:

Re: Measuring Devices

At the February 9, 1994 annual meeting of the Beaver River Distribution System, the river commissioner, Ronald Roberts indicated he is unable to regulate the water diverted into the Furnace ditch located on the Beaver River, in Section 28, T29S R8W, SLB&M.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ...If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

Therefore, you are hereby notified that the Furnace ditch is to be equipped with a functional and accurate measuring device and lockable headgate prior to **April 15, 1994**. This diversion will be inspected for compliance and if not in compliance it will be tagged by the River Commissioner. The tag will represent an order to cease the use of water. The State Engineer will then direct the Commissioner to close the diversion or proceed to take legal action through a court order requiring that the diversion be closed until such time as the headgate and measuring device are installed. This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

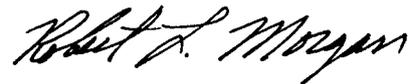


FURNACE DITCH CO.

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Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice please contact Gerald Stoker at 586-4231 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:GA

cc: S Lee Sim
S Gerald Stoker
S John Mabey, Asst. Attorney General
S Ronald Roberts, Commissioner