

From: Kerry Carpenter
To: Daren Rasmussen, Lee Sim
Date: Fri, Oct 15, 1999 11:40 AM
Subject: ILLEGAL "DAM" ON PINTO CREEK

Daren & Lee:

You should have received recently a copy of a letter that I sent to our Distribution Commission, J. Loren Nelson, for the Beryl / Enterprise / New Castle area. I had asked him to investigate a complaint from the New Castle Reservoir Company (Mason Jones) against Irvin/Kay Ence. Today I received a written report from Mr. Nelson, along with some Polaroid photos and a map, confirming that the Ence brothers have in fact built an unauthorized dam on Pinto Creek. I will send Daren the originals of those materials via regular mail and will make copies for my records.

The dam is located about 1-1/4 mile above New Castle Reservoir, approximately South 2400' & West 1400' from the NE Corner of Section 34, T36S, R15W (USGS "New Castle" 7.5' quad). Although the dam was reportedly not intended to impound water (large rock fill with a "dirt" cap for vehicle crossing purposes), it is reportedly backing up water for about 700' above the dam.

The dam was constructed by Kay & Irvin Ence. We have the following addresses for them:

Irvin Ence / 65 East 200 South / IVINS UT 84738
Kay Ence / 80 West 100 South / IVINS UT 84738

Correspondence should also be copied to me and to J. Loren Nelson at PO Box 106 / ENTERPRISE UT 84725.

The Ence brothers are "nice guys", but they knew that a permit was required for this kind of work (Kay admitted that to Loren). However, they had access to equipment and didn't want to wait for the paperwork. I'm afraid we have no choice except to initiate an enforcement action and order them to remove the dam and restore the channel to its natural condition. With all the battles we've had on Pinto Creek, anything short of tripping the full hammer will only lead to further credibility problems for us in the future.

Please advise me if there is anything you believe I need to do in this regard.

Thanks,

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CC: Bob Morgan, John Mabey