

MEMORANDUM

TO: Water Right File 85-248
Richard Hall, Assistant State Engineer – Dam Safety
Lee Sim, Assistant State Engineer – Distribution

FROM: Kerry Carpenter, Southwestern Region Engineer

DATE: 11 July 2003

RE: Letter / Photographs received 09 July 2003

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AUG 11 2003
WATER RIGHTS
SALT LAKE

The dam and reservoir associated with Water Rights 85-248 & 249 have the source of ongoing disputes for an extended period of time. The most recent events are documented in correspondence contained on the Water Right file for 85-248.¹

The referenced correspondence and photographs were received from Bruce S. Bunting on the date referenced above. Mr. Bunting had called earlier in the week and reported that the embankment was evidencing substantial erosion – apparently due to leakage in the outlet conduit within the embankment – and was likely going to fail if not repaired in the near future. The degree to which the failure is imminent is difficult to assess based on the photos provided. The problem causing the erosion is not a recent occurrence and may or may not have worsened in the recent past.

In a letter dated 13 January 2003, the current owner of the associated water right, TLB, Ltd., was advised that the size and capacity of the reservoir did not appear to be justified by the underlying water rights. They were advised that they should either reconfigure the reservoir to a more reasonable size and capacity, or should file the necessary applications (Stream Alt., Small Dam and Change) to legitimize the reservoir. To date, there has been no response from the owner.

As is stated in the letter from the Bunting group, they are petitioning our office to withhold approval of any authority to rebuild or repair the dam until the water right issue is brought into compliance. I advised Mr. Bruce Bunting that their letter would likely be sent to TLB, Ltd., and a period of time allowed for a response, but that I could not offer any assurances as to where the matter might go from there. If you concur with this action, please send the correspondence to TLB as indicated and provide me with a copy of the cover letter.

NEVER MIND - DID IT MYSELF - KRC 08/09/03

¹Due to the reference to the subject reservoir as “The Duck Pond” by the parties involved, it was mistakenly believed that the water right involved was 85-250, a right on Duck Pond Spring. It was subsequently determined that the reservoir, in fact, impounds flows from Skutum Springs #1 and #2, being the defined sources for 85-248 and 85-249. Some of the earlier correspondence on this matter is, therefore, jacketed on file 85-250.