June 27,1935

Mr. W.S. Carpenter,
Glendale, Utah.

LONG VALLEY DIST.

Dear Sir:

I am this morning in receipt of your letter of June 24th, setting forth that Guy Chamberlain has built a reservoir dam and during the flood season of the creek, has held water behind said dam. You then ask whether or not he has a right to do this without making application through the State Engineer's office. Further, you inquire if it will be necessary for him to install gates to measure the natural flow of the creek above and below the reservoir and at the intake on Mr. Chamberlain's canal.

In answering these questions, I wish to refer to the compiled laws of Utah 1933 as amended by the Session Laws of 1935, a copy of which was forwarded to you Monday last. You will note under Sec. 100-5-5 and 6, what is required before a person can commence the construction of a dam 10 feet or more in height or a dam less than this height, which will impound 100 ac. ft. or more, of water. Sec. 100-5-4 outlines in detail what is required relative to the installing of headgates and measuring devices. If, as a result of Mr. Chamberlain's dam, it is necessary to measure the water before it enters the reservoir and after, Mr. Chamberlain must provide this means and do likewise at his point of diversion. However, I think you must be very careful and not single out any one individual,relative to this matter, if his case is no different than that of the other water users on the system. Of course, if it is absolutely necessary to determine the amount of water to be released from the reservoir to measure the quantity coming in, Mr. Chamberlain must provide the required measuring devices.

Relative to the right Mr. Chamberlain has to store the water without an application, I wish to state that inasmuch as

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this water was stored during the high water season, it probably did not interfere with any of the existing rights, but this act by Mr. Chamberlain, has not in any way established for him, a right to continue to store water. You will note under Sec. 100-3-1~~9~~2 of your laws, the procedure that is necessary before Mr. Chamberlain can acquire the legal right to store water in his reservoir.

Yours very truly,

T. H. Humpherys,
STATE ENGINEER.

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