September 1, 1943

Mr. Leroy Wood
Cedar City, Utah

Dear Sir: Re: COAL CREEK DISTRIBUTION

Information has come to the state engineer to the effect that, prior to June 8, 1943, you constructed on one of the tributaries of Coal Creek in Iron County, a reservoir, the impounding dam of which is in excess of 10 feet in height, without having filed in this office plans and specifications for the dam.

This act is in violation of Section 100-5-5, Utah Code Annotated, 1943, which provides as follows:

"Duplicate plans, drawings and specifications for any impounding dam 10 feet or more in height, or any dam less than 10 feet in height which will impound more than 100 acre-feet of water, shall be submitted to the state engineer for his approval, thirty days before construction thereof shall begin. He shall examine such plans, drawings and specifications and, if he approves the same, he shall return one copy of each of such plans, drawings and specifications with his approval, to the person submitting the same, and file the other in his office. If the state engineer disapproves such plans, drawings, or specifications, or any part thereof, he shall return the same for correction and revision. Until the approval of plans, drawings and specifications has been obtained, the construction and use of such dam is prohibited. The state engineer may keep an inspector on any such dam during the construction or repair thereof to see that the work is done in accordance with the plans, drawings and specifications, and he may require the person constructing the same to make any additions or alterations during the construction which he considers necessary for the security of the work, the safety of persons, or the protection of property. Any person beginning the construction of any such dam before the plans, drawings and specifications shall have been approved by the state engineer, or proceeding with such work without first having given the state engineer thirty days' notice thereof, or proceeding with such construction work in the absence of an inspector appointed by the state engineer, should one be required by him, or without complying with the requirements made by the state engineer in pursuance of this section, is guilty of a misdemeanor, and each day of violation of this section shall

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constitute a separate offense, and be separately punishable. The applicant shall pay to the state engineer all expenses incident to the necessary examination. Whenever such an inspector has been appointed by the state engineer, the applicant shall pay to the state engineer monthly in advance a sum sufficient to pay the salary and expenses of keeping such inspector on such dam during the construction thereof. This section shall apply to new construction and to repair and alteration of old structures. The provisions of this section relating to approval of plans, drawings and specifications and inspection of dams shall not apply to works constructed by the United States Bureau of Reclamation; provided, however, that such bureau shall file duplicate plans, drawings and specifications with the state engineer."

Records show that you are not an applicant to appropriate water which is reported to be stored in said reservoir. This is also a violation of the law. Therefore, this is notice to you that you are to cease storing water in this reservoir until such time as you will have submitted plans and specifications for the dam and received approval of them.

An examination of the dam referred to, made on June 8, 1943, discloses that it is not in a safe condition. Therefore, in accordance with Section 100-5-6, Utah Code Annotated, 1943, you are forbidden from storing water in this reservoir. This section in part provides as follows:

".....Whenever the state engineer finds that such dam or diverting works is in an unsatisfactory or unsafe condition, he may limit the amount of water to be stored thereby, he may order the release of all or any part of the water impounded and he may regulate future storage or forbid it entirely until the dam is repaired or reconstructed pursuant to the provisions of section 100-5-5. If any person, firm, copartnership, association or corporation refuses or neglects to comply with such orders of the state engineer he may bring action in the name of the state in the district court to enforce them."

Yours very truly,

Ed. H. Watson
STATE ENGINEER

FWC/nty
cc: Mr. J. T. Leigh,
Water Commissioner
Cedar City, Utah
cc: Mr. Roice B. Nelson, Chairman
Coal Creek Water Users' Committee
Cedar City, Utah.