



GARY R. HERBERT  
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Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

October 17, 2016

Dale & Vilate Terry

1290 E. 300 N.

Price UT 84501

## RE: UNAUTHORIZED POND NEAR ARGYLE CREEK, DUCHESNE COUNTY

Mr. & Mrs. Terry:

August 17<sup>th</sup>, 2016 on your property located North 488 feet and West 552 feet from the SE Corner of Section 25, Township 11S, Range 13E, SL B&M, Division of Water Rights staff observed a small pond has been constructed and water stored in the pond.

The Division's records don't show any water rights authorizing the impoundment of water at this location. Additionally, Division records do not show that an application for a small dam permit has been filed for this pond.

Prior to legally impounding water in the pond:

1. A water right authorizing storage in the pond must be established.
- and
2. A small dam permit for the constructed embankment is required.

Because it may take an extended period of time to get the water right and permit in place, any impounded water must be released from the pond, and the valve associated with the pond outlet must be fully open and secured against unauthorized closure.

If water is impounded without a water right for storage and a small dam permit, the pond owner may be subject to enforcement action including the imposition of



Terry Pond on Argyle Creek

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finest and penalties per ¶ 73-2-25, Utah Code Annotated and Administrative Rule R655-14.

For Water Rights assistance and for assistance with a small dam permit, please contact Marc Stilson, Region Engineer, Southeast Region Office, 319 N. Carbonville Road Suite B PO BOX 718, Price UT 84501 / (435) 613-3750.

You may contact me at your convenience if you have questions regarding this letter.

Sincerely,



Sue Odekirk, P.E.

Distribution Engineer

(801) 538-7431

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ec: Marc Stilson