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GARY D. STOTT, ASSOCIATE

December 15, 1969

RECEIVED

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OFFICE OF
ATTORNEY GENERAL

Mr. Hubert C. Lambert
State Engineer
State Capitol
Salt Lake City, Utah

Provo River

Dear Mr. Lambert:

I know that your office is aware of the arrangement which the Timpanogos Canal Company has for taking its water from the Provo River. For many years it has diverted the water out of the river at a place in the river which is below the place at which Utah Power & Light Company empties water which is used for generation of power at Olmstead into the bed of Provo River.

It has been the practice for a long time of Timpanogos Canal Company to put a tight dam in the river for the purpose of diverting the water from the river when the water which is running through Utah Power & Light's Olmstead Plant was not returned to the river.

On September 12 of this year the Canal Company had a tight dam in the river. On the 12th, Utah Power & Light, which had had the water diverted from the river bed, returned the flow from the Olmstead Plant into the river. As a consequence a large volume of water was diverted into the canal and the bank of the canal was washed out a short distance below Olmstead.

The canal has been repaired by the Canal Company. One item which resulted from the break of the canal bank has not been remedied. When the bank of the canal broke, gravel and rocks were washed from the side of the hill along which the canal runs into an orchard below the canal. The debris which was deposited in the orchard has not been cleaned, but that task must be accomplished.

At the present time it appears that the total cost resulting from the flooding of the canal bank will be slightly less than \$1,500.00.

Complete records have been maintained of all costs involved in repairing the damage. Estimates have been obtained but the work has not been done with respect to the debris which must be removed from the orchard.

The purpose of this letter is to give notice of a claim to the State

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Engineer's Office pursuant to Title 63-30-12, Utah Code Annotated.

The Board of Directors of the Canal Company have heretofore directed me to communicate with Utah Power & Light Company. Utah Power & Light takes the position that the Provo River Water Commissioner was informed of the plans of Utah Power & Light Company to return the water to the river channel.

It is not disputed that the River Commissioner did not notify the Timpanogos Canal watermaster of the plans of Utah Power & Light Company.

It appears that the fault for the flooding lies with the office of the River Commissioner. It is my understanding that the River Commissioner is an employee of the State Engineer and it is for that reason that this notice is given to the office of the State Engineer.

I will shortly furnish you copies of the invoices of the work done and the charges incurred thus far as a result of this unfortunate accident.

I would appreciate hearing from you after you have had a chance to verify the information contained in this letter. As indicated, I will at the same time be gathering additional information for you.

Very truly yours,

DALLAS H. YOUNG, JR.

DHYjr:mh
cc: Attorney General, State of Utah

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