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Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240

February 23, 1988

file PRO/007/033 #2
cc. J. Whitehead

John J. Whitehead
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center
Suite 350
SLC, UT 84180-1203

Re: Andalex Resources, Wildcat Loadout, PRO/007/033, Folder #2,
Carbon County

Dear Mr. Whitehead:

We have reviewed the permit application package for the above-referenced project. It seems that water rights for the project are in order and the applicant needs only to submit proof of appropriation to finalize their water right. We note that sedimentation ponds have been constructed for the project and that sediment pond E is to be altered. As a matter of policy, we do not approve dams or embankments which are constructed prior to our review and approval of plans and specifications for the dam. We will retain the permit application package for our records. Since these structures are small and pose little or no threat to life or property, we do not object to their continued use for sedimentation purposes. However, we request that a Form R-69 "Application to Construct a Dam Impounding less than 20 acre-feet" be filed with our office prior to constructing future water retention embankments. We have enclosed two copies of our Form R-69.

Thank you for your efforts in this matter. If you have further questions or comments, please feel free to contact John Mann of our Dam Safety Section.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Morgan".

Robert L. Morgan, P.E.
State Engineer

RLM:RBH:jrm

Enclosures (2)

cc: Mark Page, Price Area Engineer
John Mann, Dam Safety

**INSTRUCTIONS FOR
APPLICATION TO CONSTRUCT
A DAM IMPOUNDING LESS
THAN 20 ACRE-FEET**

Section 73-5-12 of the Utah Code Annotated 1953, as amended, requires persons proposing to construct reservoirs, which have the capability of holding less than 20 acre-feet, to provide the State Engineer with pertinent data on the proposed dam and reservoir. The accompanying "Application to Construct a Dam Impounding Less Than 20 Acre-Feet" lists the information required.

In reviewing the application, the State Engineer will make a determination as to the proposal's potential to cause significant property damage or loss of human life in the event of a failure. If the potential for loss of human life or significant property damage exists, the State Engineer may require plans and specifications be submitted pursuant to Section 73-5-5 of the Utah Code Annotated 1953 as amended.

If the proposed reservoir and dam will alter a natural stream, the State Engineer may require the applicant to file an "Application to Alter a Natural Stream" pursuant to Section 73-3-29 of the Utah Code Annotated 1953 as amended.

Before approval of the accompanying application can be given, it is mandatory that the water rights for the proposed structure are in order. Reservoirs used to store irrigation water, stock ponds, and ponds used for recreation including aquatic habitat must have a water right to satisfy the uses and/or the increased evaporation. New diversion dams will normally require a new water right or a change in point of diversion of an existing right.

It is important that in identifying the water right involved that it be referenced by a number on record in the State Engineer's office. This number may be a Diligence Claim Number, an Underground Water Claim Number, an Approved Application Number, a Certificate Number, a Water Users Claim Number, or a Case Number and Title of Decree in a District Court. If it is proposed to build a regulating reservoir based on ownership of stock in a water company, it will be necessary to attach a letter from the water company involved, stating they have no objection to construction of the regulating reservoir, and referencing the stock owned by the applicant.

It is imperative the accompanying form be complete and accurate. If assistance is needed to complete the form, contact the Utah Division of Water Rights at (801) 533-6071.

APPLICATION TO CONSTRUCT
A DAM IMPOUNDING LESS
THAN 20 ACRE-FEET

STATE OF UTAH

Application No. _____
Received _____
Entered _____

The following application is submitted, pursuant to Section 73-5-12 of the Utah Code Annotated 1953, to obtain the authority to build a dam which will create a reservoir impounding less than 20 acre-feet

1. APPLICANT INFORMATION

NAME _____
ADDRESS _____
CITY _____ COUNTY OF DAM _____
STATE _____ ZIP _____

2. PURPOSE OF DAM

STOCK POND _____ REGULATING RES. _____ DIVERSION DAM _____
IRRIGATION _____ DEBRIS BASIN _____ FLOOD CONTROL _____
SEDIMENTATION _____ TAILINGS POND _____ RECREATION _____
OTHER (describe) _____

3. LOCATION OF DAM

QUARTER/QUARTER (i.e. NESW) _____ SECTION _____
TOWNSHIP _____ RANGE _____ BASE & MERIDIAN _____

4. PROPOSED DAM

DAM HEIGHT (vertical distance) _____ FEET
CREST LENGTH (length of top of dam) _____ FEET
CREST WIDTH (width of top of dam) _____ FEET
UPSTREAM SLOPE _____ VERTICAL ON _____ HORIZONTAL
DOWNSTREAM SLOPE _____ VERTICAL ON _____ HORIZONTAL
WATER SURFACE AREA AT SPILLWAY CREST _____ ACRES
RESERVOIR CAPACITY AT SPILLWAY CREST _____ AC.FT.
TYPE OF DAM (i.e. earthfill, concrete, etc.,) _____

5. PROPOSED OUTLET

INSIDE DIAMETER _____ INCHES LENGTH _____ FEET
TYPE OF PIPE (i.e. concrete, steel, etc.,) _____
TYPE OF GATE OR VALVE _____
LOCATION OF GATE (upstream, downstream, center, etc.,) _____

6. PROPOSED SPILLWAY

CREST LENGTH (width of bottom of spillway) _____ FEET
DEPTH (from bottom of spillway to top of dam) _____ FEET
TYPE (i.e. earth channel, pipe, etc.,) _____

CONTROL (i.e. gates, flashboards, etc.,) _____

7. WATER RIGHTS

DESCRIBE (See Instructions) _____

8. COMMENTS

9. PLANS

Attach any plans sketches or diagrams which will clarify the information given on this application.

The undersigned acknowledge they have read the instructions included with this application, and are aware no construction is to begin until this application has been approved by the Utah State Engineer

Date Signature of Applicant

Water Rights in Order By _____ Date _____
Area Engineer's Hazard Rating _____
Reviewed by Dam Safety By _____ Date _____
Comments _____

Date of Approval _____

Robert L. Morgan, P.E.
State Engineer

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