



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

April 21, 1995

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RE: Silver Springs Stream Diversions

Brian:

Recently, our Hydrologist, Matt Lindon, was invited to review some stream channel problems in the Silver Springs Subdivision. I would like to reiterate and clarify some of the points made in his discussions.

The latest complaint was over the diversion structure that splits Willow Creek where it leaves the Snyders Mill Subdivision and enters the south border of Silver Springs. Local homeowners have been adjusting the diversion, improving the ditches, and implementing personal flood control philosophies at this junction. A second situation exists where a developer has severely inhibited flow to the upper lake from the Willow Creek Diversion. The new land owner needs to be informed of this situation and work with the responsible developers, the homeowners and yourself to rectify this situation.

As far as the State Engineer's Office is concerned, most of the streams in Silver Springs are not considered natural streams but are diversion canals and are not covered under our Stream Alteration Authority (with the exception of the Spring Creek behind the Blue Roof Market and the 2 streams that drain from the lower lake). As diversion canals, these waterways constitute prescribed easements and it is the responsibility and the right of the water right holder to maintain them, even where they pass through private property. These historical diversions must be maintained to preserve the distribution within your subdivision and the delivery of water to downstream water right holders. Since the title to the water right, which is used in this subdivision, is in your name, it is your responsibility to maintain the various diversions and delivery systems.

Recently, there has been disagreement among property owners, homeowner associations, developers, and surrounding land owners over who should control and be responsible for the surface waters in Silver Springs. We encourage you to assert your responsibility and right, by organizing the various interests. The surface waters including the lakes, dams, natural streams, fish ladders, ditches, and diversion structures are a community system, as is the culinary delivery system, and must be administered accordingly.