

LITTLE COTTONWOOD CREEK
WATER RIGHTS

HEARING SUBMITTAL TO
DIVISION OF WATER RIGHTS

Right No.: a 28548 + a 28549
Date: 7/17/2011
Submitter: Applicant
Kevin Tilton

Current rights on Little Cottonwood Creek consist of primary and surplus water rights as decreed in the Morse Decree of June 16, 1910. These include primary rights of 94.79 cfs and surplus rights of an additional 303.57 cfs. The total decreed right is for 398.36 cfs. There is also a surplus right for 5 cfs for Mr. George Kay for the first 5 cfs of surplus flow over the 398.96 cfs total.

George Kay has a decreed surplus water right out of the George Kay Ditch. The George Kay Ditch has never been finished and the water decreed has never been diverted and placed to beneficial use.

Table 2-1 shows the distribution of water rights as contained in the Morse Decree. These rights are further clarified on Table 2-4 and Table 2-5 located in the back of this section. Numbers assigned to water rights are for identification purposes only and refer to Figure 2-2.

Several exchange agreements exist between the original right owners and present-day users. These exchange agreements are all based on decreed irrigation rights. Salt Lake City has acquired rights to approximately 57% of the total flow of Little Cottonwood Creek through either purchase or exchange agreements. Salt Lake City exchanges irrigation water from the East Jordan Extension Canal (Utah Lake Water and Deer Creek Reservoir Water) to the irrigation companies for Little Cottonwood Creek water which they process in their M.W.D. treatment plant and use for culinary purposes. Midvale and Sandy City control approximately 30% of the total flow of Little Cottonwood Creek through either purchase, exchange, or perpetual lease agreements. Murray City has a consumptive right for 1.25 cfs of summer flow from the primary rights on Little Cottonwood Creek acquired from Cahoon and Maxfield Irrigation Company. Their winter right is 0.625 cfs. Salt Lake City is under agreement to deliver this water to Murray City with the provision that if

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Right No.: a 28548 + a 28545

Date: 7/13/2011

Submittee: Applicant

Kevin Tolton

Murray City cannot use the water Salt Lake may use it. Under the current water system it is not possible for Salt Lake City to deliver the water by gravity flow into Murray City's water system so Salt Lake City is using the water. The status of the agreement is uncertain, the old agreement has expired and a new agreement is being negotiated. The West Side Water System (Bennion, Taylorsville, and West Jordan) have a right to a portion of the old Brady #1 ditch. The location of the points of diversion for these rights is shown on Figure 2-2.

Since the Morse Decree, numerous non-consumptive power filings have been approved and certificated. A discussion of these can be found in the publication "Little Cottonwood Water Rights," prepared in 1935 by the Salt Lake City Engineering Department. There also have been appropriations for savings by piping of lost water for 13 cfs by Salt Lake City and Little Cottonwood Water Company. There are rights to storage of 318 acre-feet in White Pine Lake and 280 acre-feet in Red Pine Lake and 60 acre-feet in Lake Flora (Cecret Lake).

The current status of these applications and change applications is shown on the accompanying Water Rights of Record on Little Cottonwood Creek. Pertinent copies from the records of the State Engineer's office are included.

A search of water rights on file in the office of the Utah State Engineer indicated five water rights owned or controlled by Whitmore Oxygen Company (including application numbers A 10980 acquired from Temple Granite Quarries for 20 cfs, A 10595 for 30 cfs, A 10596 for 10.32 cfs, A 8662 for 10 cfs, and A 15976 filed by Rich Whitmore for 15 cfs) for a total of 85.32 cfs. These rights are for different segments of the creek and the water available would be limited to the historic diversion in a given reach of the stream. A portion of these rights are junior to application #10466 for 15 cfs for power production filed by Murray City (application #10980 and #15976). In addition Murray City has other water rights in the area that would be senior to any new water rights filed (see Table 2-2 and Figure 2-1).

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