

DUP

# APPLICATION FOR PERMANENT CHANGE OF WATER

JUN 2 1992

## STATE OF UTAH

Rec. by NT  
Fee Paid \$ 30.00  
Receipt # 624923  
Microfilmed \_\_\_\_\_  
Roll # \_\_\_\_\_

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

\*WATER RIGHT NO. 57-8973 \*APPLICATION NO. a 16839  
10009

Changes are proposed in (check those applicable)  
\_\_\_\_\_ point of diversion. \_\_\_\_\_ place of use. \_\_\_\_\_ nature of use. \_\_\_\_\_ period of use.

### 1. OWNER INFORMATION

Name: Salt Lake City Corporation (Department of Public Utilities) \*Interest: \_\_\_\_\_%  
Address: 1530 South West Temple  
City: Salt Lake City State: Utah Zip Code: 84115

2. \*PRIORITY OF CHANGE: \_\_\_\_\_ \*FILING DATE: \_\_\_\_\_

\*Is this change amendatory? (Yes/No): No

3. RIGHT EVIDENCED BY: C. W. Morse Decree for Little Cottonwood Creek, Third District Court, Civil #4802, Water Right No. 57-8973

Prior Approved Change Applications for this right: \_\_\_\_\_

\*\*\*\*\* HERETOFORE \*\*\*\*\*

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or 1.326 ac-ft.

5. SOURCE: Little Cottonwood Creek

6. COUNTY: Salt Lake

7. POINT(S) OF DIVERSION: See Attached Sheet

**HEARING SUBMITTAL TO DIVISION OF WATER RIGHTS**

Right No.: 928548 & 28545

Date: 7/13/2011

Submittee: Applicant  
Kevin Tolton  
27K pages

Description of Diverting Works: \_\_\_\_\_

### 8. POINT(S) OF REDIVERSION

The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

### 9. POINT(S) OF RETURN

The amount of water consumed is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water has been returned to the natural stream/source at a point(s): \_\_\_\_\_

\*These items

the Division of Water Rights.

JK/27 JS

Permanent Change

20. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_\_\_ to \_\_\_\_\_
Stockwatering: From \_\_\_\_\_ to \_\_\_\_\_
Domestic: From \_\_\_\_\_ to \_\_\_\_\_
Municipal: From January 1 to December 31
Mining: From \_\_\_\_\_ to \_\_\_\_\_
Power: From \_\_\_\_\_ to \_\_\_\_\_
Other: From \_\_\_\_\_ to \_\_\_\_\_

21. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.
Stockwatering (number and kind): \_\_\_\_\_
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.
Municipal (name): Salt Lake
Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine.
Ores mined: \_\_\_\_\_
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_
Other (describe): \_\_\_\_\_

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): See Explanatory
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.
Height of dam: \_\_\_\_\_ feet.
Legal description of inundated area by 40 tract(s): \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of same size if necessary):
See Attachment
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

\*\*\*\*\*

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

Signature of Applicant(s)
[Handwritten Signature]

2K/27 [Handwritten Initials]

ITEM 7, POINTS OF DIVERSION:

Attachment #1

1. Little Cottonwood Tanner Ditch Company: S 234 ft and E 102 ft from the W 1/4 Corner Section 28, Township 2 South, Range 1 E, Salt Lake Base and Meridian.
2. Cahoon and Maxfield Irrigation Company: N 77 ft and W 663 ft from the E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
3. Walker Ditch Company: N 1363 ft and W 1143 ft from E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
4. Richards Irrigation Company: S 1800 ft and E 707 ft from N 1/4 Corner Section 34, Township 2 South Range 1 East, Salt Lake Base and Meridian.
5. Murray City Power Plant Diversion: S 838 ft and E 4512 from W 1/4 Corner Section 7, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
6. Little Cottonwood Creek Diversion Dam: N 2309 ft and W 743 ft from E 1/4 Corner Section 11, Township 3 S, Range 1 East, Salt Lake Base and Meridian.

ITEM 17, POINT OF DIVERSION:

1. Tanner Flat Campground: S 1500 ft and E 500 ft from NW Corner Section 11, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
2. Albion Guard Station: W 1700 ft from SE Corner Section 32 Township 2 South, Range 3 East, Salt Lake Base and Meridian.
3. Albion Basin Campground: S 550 ft and W 700 ft from NE Corner Section 9, Township 3 South, Range 3 East, Salt Lake Base and Meridian.

ITEM 22, PLACE OF USE:

1. Tanners Flat Campground: NW 1/4 Section 11, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
2. Albion Guard Station: E 1/2 NW 1/4, Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian.
3. Albion Basin Campground: NE 1/4, Section 9, Township 3 South, Range 3 East, Salt Lake Base and Meridian.

3K/27 JS

**ITEM 24, EXPLANATORY:**

This change application is based on rights in Little Cottonwood Tanner Ditch company, Cahoon and Maxfield Irrigation Company, Walker Ditch Company and Richards Irrigation Company. The rights are shown in the C.W. Morse Decree on Little Cottonwood Creek, Civil No. 4802, Dated June 16, 1910. The use of these rights is defined further by a statement of Water Users Claim No. 57-8973 entered in the proposed determination of water rights.

The balance of the rights will continue to be used for municipal purposes by Salt Lake City.

A contract has been made between Salt Lake City Corporation and the USDA, Forest Service, for the Forest Service to divert up to 0.442 acre-feet of water annually at each of the three locations shown in Little Cottonwood Canyon for recreational and incidental purposes.

4K/27 JS

# STATEMENT OF OWNERSHIP SEGREGATION

Perfected Water Right  
STATE OF UTAH

Prepared by \_\_\_\_\_  
Date Prepared \_\_\_\_\_  
Microfilmed \_\_\_\_\_  
Roll # \_\_\_\_\_

For the purpose of informing the State Engineer of the acquisition of a portion of a perfected water right, this statement is hereby made, based upon the following showing of facts.

WATER RIGHT #: 57-10009      APPLICATION #:      Priority Date:

WATER RIGHT SEPARATED FROM: 57-8973 (Decree)  
(Contract: F.S for Tanners Flat & Albion Basin Campgr. & Albion Guard St.a16839)  
\*\*\*\*\*

1. OWNERSHIP INFORMATION:

A. NAME: Salt Lake City Corp.  
Department of Public Utilities  
ADDRESS: 1530 South West Temple, Salt Lake City, UT 84115

2. SOURCE INFORMATION:

- A. QUANTITY OF WATER: 1.326 acre-feet
- B. DIRECT SOURCE: Little Cottonwood Creek      COUNTY: Salt Lake
- C. DRAINAGE AREA: Lower Jordan River-East
- D. COMMON DESCRIPTION:
- E. POINTS OF DIVERSION -- SURFACE:
  - (1) S 234 feet E 102 feet from W $\frac{1}{4}$  corner, Section 28, T 2S, R 1E, SLBM  
DIVERT WORKS: Little Cottonwood Tanner Ditch
  - (2) N 77 feet W 663 feet from E $\frac{1}{4}$  corner, Section 29, T 2S, R 1E, SLBM  
DIVERT WORKS: Cahoon & Maxfield Ditch
  - (3) N 1363 feet W 1143 feet from E $\frac{1}{4}$  corner, Section 29, T 2S, R 1E, SLBM  
DIVERT WORKS: Walker Ditch
  - (4) S 1800 feet E 707 feet from N $\frac{1}{4}$  corner, Section 34, T 2S, R 1E, SLBM  
DIVERT WORKS: Richards Ditch
  - (5) N 2309 feet W 743 feet from E $\frac{1}{4}$  corner, Section 11, T 3S, R 1E, SLBM  
DIVERT WORKS: Little Cottonwood Div. Dam
  - (6) S 838 feet E 4512 feet from W $\frac{1}{4}$  corner, Section 7, T 3S, R 2E, SLBM  
DIVERT WORKS: Murray City Power Plant

SK/af 

# APPLICATION FOR PERMANENT CHANGE OF WATER STATE OF UTAH

Rec. by KKIT  
Fee Rec. 75  
Receipt # 02-020

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated, as amended.

\*WATER RIGHT NO. 57-1029.1 \*APPLICATION NO. 26764  
Changes are proposed in (check those applicable)  
 point of diversion.  place of use.  nature of use. \_\_\_\_\_ period of use.

**1. OWNER INFORMATION**

Name(s): Salt Lake City Corporation (Department of Public Utilities) \*Interest: \_\_\_\_\_ %  
Address: 1530 South West Temple Street  
City: Salt Lake City State: Utah Zip Code: 84115

2. \*PRIORITY OF CHANGE: 6-13-02 \*FILING DATE: 6-13-02  
\*Is this change amendatory? (Yes/No): \_\_\_\_\_

3. RIGHT EVIDENCED BY: C.W. Morse Decree for Little Cottonwood Creek (Union & East Jordan v. Richards, Third District Court Civil No. 4802, June 16, 1910); 57-8973 (See attached Sheet 1).  
Prior Approved Change Applications for this right: See attached Sheet 1.

\*\*\*\*\*HERETOFORE\*\*\*\*\*

4. QUANTITY OF WATER: 481.835 cfs and/or 35,000 ac-ft.  
5. SOURCE: Little Cottonwood Creek  
6. COUNTY: Salt Lake  
7. POINT(S) OF DIVERSION: See attached Sheet 1.

Description of Diverting Works: \_\_\_\_\_

**RECEIVED**  
JUN 13 2002  
WATER RIGHTS  
SALT LAKE

8. POINT(S) OF REDIVERSION  
The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

9. POINT(S) OF RETURN  
The amount of water consumed is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.  
The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.  
The water has been returned to the natural stream/source at a point(s):  
Jordan River

\* These items are to be completed by the Division of Water Rights

Permanent Change

GK/27 *JS*

10. NATURE AND PERIOD OF USE

Irrigation:	From	April 1	to	October 15
Stockwatering:	From		to	
Domestic:	From		to	
Municipal:	From	January 1	to	December 31
Mining:	From		to	
Power:	From		to	
Other:	From		to	

11. PURPOSE AND EXTENT OF USE

Irrigation: 1487.93 \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
 Stockwatering (number and kind): \_\_\_\_\_  
 Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.  
 Municipal (name): Salt Lake City and its water service area.  
 Mining: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.  
 Ores mined: \_\_\_\_\_  
 Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_  
 Other (describe): \_\_\_\_\_

12. PLACE OF USE

Legal description of place of use by 40 acre tract(s):  
 Municipal uses within Salt Lake City and its service area. Irrigation of lands served by the Little Cottonwood Trencher Ditch Company (WR 57-10061, E2919); Cottonwood Irrigation Company (WR 57-10062, E2920); Walker Ditch Company (WR 57-10063, E2921); and Richards Irrigation Company (WR 57-10064, E2922).

13. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
 Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres  
 Height of dam: \_\_\_\_\_ feet.  
 Legal description of inundated area by 40 acre tract(s): \_\_\_\_\_

\*\*\*\*\*THE FOLLOWING CHANGES ARE PROPOSED\*\*\*\*\*

14. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or 133.80 \_\_\_\_\_ ac-ft

15. SOURCE: Little Cottonwood Creek Drainage and 2 unnamed springs.  
 Balance of the water will be abandoned: \_\_\_\_\_, or will be used as heretofore: \_\_\_\_\_

16. COUNTY: Salt Lake

17. POINT(S) OF DIVERSION: Same as heretofore from the 6 points of diversion identified as Nos. 1 through 6 under the above paragraph 7 and adding the 8 points of diversion identified as Nos. 7 through 14 on attached Sheets 2 and 3 under paragraph 17.

Description of Diverting Works: \_\_\_\_\_  
 \*COMMON DESCRIPTION: \_\_\_\_\_

18. POINT(S) OF REDIVERSION

The water will be redirected from Little Cottonwood Creek \_\_\_\_\_ at a point: \_\_\_\_\_  
 See 6 points of diversion in paragraph 17 above.

Description of Diverting Works: \_\_\_\_\_

FK/27 JS

19. POINT(S) OF RETURN

The amount of water to be consumed is \_\_\_\_\_ cfs or 33.14 \_\_\_\_\_ ac-ft.  
The amount of water to be returned is \_\_\_\_\_ cfs or 100.66 \_\_\_\_\_ ac-ft.

The water will be returned to the natural stream/source at a point(s):  
Along the natural channel of Little Cottonwood Creek above the points designated as Nos. 6 and 6 under paragraph 17 above.

20. NATURE AND PERIOD OF USE

Irrigation:	From	April 1	to	Oct. 15, Incl.
Stockwatering:	From		to	
Domestic:	From	January 1	to	Dec. 31, Incl.
Municipal:	From	January 1	to	Dec. 31, Incl.
Mining:	From		to	
Power:	From		to	
Other:	From	October 1	to	Jan. 31, Incl.

21. PURPOSE AND EXTENT OF USE

Irrigation: 1,487.33 acres. Sole supply of (same as heretofore, see paragraph 11) \_\_\_\_\_ acres.

Stockwatering (number and kind): \_\_\_\_\_

Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons

Municipal (name): Salt Lake City and its water service area and now including Alta Ski Resort as specified by Agreement and noted herein.

Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine.

Ores mined: \_\_\_\_\_

Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_

Other (describe): \_\_\_\_\_

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s):  
Same as heretofore within Salt Lake City water service area and now including Alta Ski Resort as specified by Agreement and noted herein.

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_

Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.

Height of dam: \_\_\_\_\_ feet.

Legal description of inundated area by 40 acre tract(s): \_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of the same size if necessary):

See attached Sheet 3.

\*\*\*\*\*  
The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

Erin W. Booth  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

8K/27 AS

CHANGE APPLICATION \_\_\_\_\_  
 WATER RIGHT \_\_\_\_\_

SALT LAKE CITY  
 DEPARTMENT OF PUBLIC UTILITIES

**Paragraph 3 - Continued**

Also, in part evidenced by approved Exchange Application Nos. 57-10061 (E2919); 57-10062 (E2920); 57-10063 (E2921); 57-10064 (E2922). Salt Lake City entered into an "Agreement and Water Supply Permit for Snowmaking" with Alta Ski Lifts Company dated April 12, 1993, as amended by First Amendment dated March 15, 1994, Second Amendment dated April 13, 1996, Third Amendment dated December 2, 1998, and Fourth Amendment dated October 4, 2000, covering 40,000,000 gallons per year (122.76 acre feet) for snow making purposes.

In addition, Salt Lake City entered into a Water Supply Agreement with Alta Ski Lifts Company dated March 15, 1997 for diversion from 2 springs for domestic and culinary purposed at the Watson Shelter and Alpenglöw Shelter totaling 3,600,000 gallons per year (11.05 acre feet) and as Amended December 2, 1998 to allow connections to snow making water supply lines. Copies of the above Water Supply Agreements and Amendments are attached hereto.

**Approved Change Applications:**

57-10009 (a16839); 57-10010 (a16841); 57-10011 (a16842); 57-10012 (a16843); 57-10013 (a16844); 57-10014 (a16845), and 57-10015 (a16846), totaling 2,685.64 acre feet per year, leaving 32,314.361 acre feet under Water Right No. 57-8973.

**Paragraph 7 - Continued**

1. Little Cottonwood Tanner Ditch Company: South 234 ft. and East 102 ft. from the West Quarter Corner, Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
2. Cahoon and Maxfield Irrigation Company: North 77 ft. and West 663 ft. from the East Quarter Corner, Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
3. Walker Ditch Company: North 1363 ft. and West 1143 ft. from East Quarter Corner, Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
4. Richards Irrigation Company: South 1800 ft. and East 707 ft. from North Quarter Corner, Section 34, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
5. Murray City Power Plant Diversion: South 838 ft. and East 4512 from West Quarter Corner Section 7, Township 3 South, Range 2 East, Salt Lake Base and Meridian.

**CHANGE APPLICATION \_\_\_\_\_  
WATER RIGHT \_\_\_\_\_**

**SALT LAKE CITY  
DEPARTMENT OF PUBLIC UTILITIES**

6. Little Cottonwood Creek Diversion Dam: North 2309 ft. and West 743 ft. from East Quarter Corner, Section 11, Township 3 South, Range 1 East, Salt Lake Base and Meridian.

**Paragraph 17 – Continued**

1. Little Cottonwood Tanner Ditch Company: South 234 ft. and East 102 ft. from the West Quarter Corner, Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridan.
2. Cahoon and Maxfield Irrigation Company: North 77 ft. and West 663 ft from the East Quarter Corner, Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
3. Walker Ditch Company: North 1363 ft. and West 1143 ft. from East Quarter Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
4. Richards Irrigation Company: South 1800 ft. and East 707 ft. from North Quarter Corner, Section 34, Township 2 South, Range 1 East, Slat Lake Base and Meridian.
5. Murray City Power Plant Diversion: South 838 ft. and East 4512 from West Quarter Corner, Section 7, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
6. Little Cottonwood Creek Diversion Dam: North 2309 ft. and West 743 ft. from East Quarter Corner, Section 11, Township 3 South, Range 1 East, Salt Lake Base and Meridian.
7. Little Cottonwood Creek near Jump Hill – North 700 ft. & East 1150 ft. from Center Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian- snow making.
8. Hecla Mine Tunnel – South 300 ft. & West 950 ft. from Center Section 5, Township 3 South, Range East, Salt Lake Base and Meridian – snow making.
9. Quincy Mine Tunnel – South 500 ft. & West 350 ft. from Center Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian – snow making.
10. Cecret Lake – South 900 ft. & East 550 ft. from West Quarter Corner, Section 9, Township 3 South, Range 3 East, Salt Lake Base and Meridian – snow making.
11. Detention Pond -- South 1984 ft. & East 1041 ft. from Northwest Corner Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian -- snow making.

CHANGE APPLICATION \_\_\_\_\_  
WATER RIGHT \_\_\_\_\_

SALT LAKE CITY  
DEPARTMENT OF PUBLIC UTILITIES

12. Tom Moore Mine, South 1035 feet and East 283 feet from the North Quarter Corner of Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian.
13. Watson Shelter: South 950 ft. and West 400 ft. from North Quarter Corner of Section 8, Township 3 South, Range 3 East, Salt Lake Base and Meridian.
14. Apenglow Shelter: South 175 ft. and West 450 ft. from North Quarter Corner of Section 9, Township 3 South, Range 3 East, Salt Lake Base and Meridian.

**Explanatory -- Continued**

The purposes of the change application are to provide Alta Ski Lifts Company with snow making water from October 1 through January 31, inclusive, and culinary and domestic water from January 1 to December 31, inclusive, for the Watson Shelter and Apenglow Shelter, all pursuant to the attached Water Supply Agreements and amendments. Of the total 133.80 AF per year covered by this change application, 122.76 AF per year will be diverted for snow making purposes, of which 22.10 AF per year will be consumed and 100.66 AF per year will find its way into the natural channel of Little Cottonwood Creek above Salt Lake City's existing points of diversion and 11.05 AF per year will be used at the Watson Shelter and Apenglow Shelter for culinary and domestic purposes.

This change application is based in part on Salt Lake City's rights in Little Cottonwood Creek awarded to Little Cottonwood Tanner Ditch Company, Cahoon & Maxfield Irrigation Company, Walker Ditch Company and Richards Irrigation Company. Under the C.W. Morse Decree on Little Cottonwood Creek, Civil No. 4802, dated June 16, 1910, and the four approved exchange applications with each of those four companies. The use of the waters under these rights is defined further by a Statement of Water Users Claim No. 57-8973 entered in the Proposed Determination of Water Rights.

# APPLICATION FOR PERMANENT CHANGE OF WATER

RECEIVED  
JUN 23 1992

STATE OF UTAH

Rec. by NT  
Fee Paid \$ 30.00  
Receipt # 62492  
Microfilmed \_\_\_\_\_  
Roll # \_\_\_\_\_

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-5 Utah Code Annotated 1953, as amended.

\*WATER RIGHT NO. 57-8973 \*APPLICATION NO. a 16842  
10011

Changes are proposed in (check those applicable)

\_\_\_\_\_ point of diversion. \_\_\_\_\_ place of use. \_\_\_\_\_ nature of use. \_\_\_\_\_ period of use.

### 1. OWNER INFORMATION

Name: Salt Lake City Corporation (Department of Public Utilities) \*Interest: \_\_\_\_\_%

Address: 1530 South West Temple

City: Salt Lake City State: Utah Zip Code: 84115

2. \*PRIORITY OF CHANGE: \_\_\_\_\_ \*FILING DATE: \_\_\_\_\_

\*Is this change amendatory? (Yes/No): No

3. RIGHT EVIDENCED BY: C. W. Morse Decree for Little Cottonwood Creek, Third District Court, Civil #4802, Water Right No. 57-8973

Prior Approved Change Applications for this right: \_\_\_\_\_

\*\*\*\*\* HERETOFORE \*\*\*\*\*

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or 0.442 ac-ft.

5. SOURCE: Little Cottonwood Creek

6. COUNTY: Salt Lake

7. POINT(S) OF DIVERSION: See Attached Sheet

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

### 8. POINT(S) OF REDIVERSION

The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

### 9. POINT(S) OF RETURN

The amount of water consumed is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water has been returned to the natural stream/source at a point(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

12K/27 JS

20. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_\_\_ to \_\_\_\_\_  
Stockwatering: From \_\_\_\_\_ to \_\_\_\_\_  
Domestic: From \_\_\_\_\_ to \_\_\_\_\_  
Municipal: From January 1 to December 31  
Mining: From \_\_\_\_\_ to \_\_\_\_\_  
Power: From \_\_\_\_\_ to \_\_\_\_\_  
Other: From \_\_\_\_\_ to \_\_\_\_\_

21. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Stockwatering (number and kind): \_\_\_\_\_  
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.  
Municipal (name): Salt Lake City  
Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine  
Ores mined: \_\_\_\_\_  
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Other (describe): \_\_\_\_\_

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): NW1/4 SW1/4 Section 12, T3S, R1E, SLB&M  
\_\_\_\_\_  
\_\_\_\_\_

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.  
Height of dam: \_\_\_\_\_ feet.  
Legal description of inundated area by 40 tract(s): \_\_\_\_\_  
\_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplement water rights used for the same purpose. (Use additional pages of same size if necessary): \_\_\_\_\_  
See Attachment  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*  
The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

L. Doyl Hooten  
Signature of Applicant(s)

13K/27 JS

## ITEM 7, POINTS OF DIVERSION:

1. Little Cottonwood Tanner Ditch Company: S 234 ft and E 102 ft from the W 1/4 Corner Section 28, Township 2 South, Range 1 E, Salt Lake Base and Meridian.
2. Cahoon and Maxfield Irrigation Company: N 77 ft and W 663 ft from the E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
3. Walker Ditch Company: N 1363 ft and W 1143 ft from E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
4. Richards Irrigation Company: S 1800 ft and E 707 ft from N 1/4 Corner Section 34, Township 2 South Range 1 East, Salt Lake Base and Meridian.
5. Murray City Power Plant Diversion: S 838 ft and E 4512 from W 1/4 Corner Section 7, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
6. Little Cottonwood Creek Diversion Dam: N 2309 ft and W 743 ft from E 1/4 Corner Section 11, Township 3 S, Range 1 East, Salt Lake Base and Meridian.

## ITEM 24, EXPLANATORY:

This change application is based on rights in Little Cottonwood Tanner Ditch company, Cahoon and Maxfield Irrigation Company, Walker Ditch Company and Richards Irrigation Company. The rights are shown in the C.W. Morse Decree on Little Cottonwood Creek, Civil No. 4802, Dated June 16, 1910. The use of these rights is defined further by a statement of Water Users Claim No. 57-8973 entered in the proposed determination of water rights.

The balance of the rights will continue to be used for municipal purposes by Salt Lake City.

A contract has been made between Salt Lake City Corporation and Charlotte Sturdy for her to divert 0.442 acre-feet of water annually for domestic requirement, only, for use in a duplex.

# APPLICATION FOR PERMANENT CHANGE OF WATER

Rec. by NT

Fee Paid \$ 30.00

Receipt # 624123

Microfilmed \_\_\_\_\_

Roll # \_\_\_\_\_

## STATE OF UTAH

JUN 2 1992

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

\*WATER RIGHT NO. 57-~~2973~~<sup>10015</sup> \*APPLICATION NO. a 916846

Changes are proposed in (check those applicable)  
\_\_\_\_\_ point of diversion. \_\_\_\_\_ place of use. \_\_\_\_\_ nature of use. \_\_\_\_\_ period of use.

### 1. OWNER INFORMATION

Name: Salt Lake City Corporation (Department of Public Utilities) \*Interest: \_\_\_\_\_%  
Address: 1530 South West Temple  
City: Salt Lake City State: Utah Zip Code: 84115

2. \*PRIORITY OF CHANGE: \_\_\_\_\_ \*FILING DATE: \_\_\_\_\_

\*Is this change amendatory? (Yes/No): No

3. RIGHT EVIDENCED BY: C. W. Morse Decree for Little Cottonwood Creek, Third District Court, Civil #4802, Water Right No. 57-8973

Prior Approved Change Applications for this right: \_\_\_\_\_

\*\*\*\*\* HERETOFORE \*\*\*\*\*

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or 15.75 ac-ft.

5. SOURCE: Little Cottonwood Creek

6. COUNTY: Salt Lake

7. POINT(S) OF DIVERSION: See Attached Sheet

Description of Diverting Works: \_\_\_\_\_

### 8. POINT(S) OF REDIVERSION

The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

### 9. POINT(S) OF RETURN

The amount of water consumed is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water has been returned to the natural stream/source at a point(s): \_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

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10. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_\_\_ to \_\_\_\_\_
Stockwatering: From \_\_\_\_\_ to \_\_\_\_\_
Domestic: From \_\_\_\_\_ to \_\_\_\_\_
Municipal: From January 1 to December 31
Mining: From \_\_\_\_\_ to \_\_\_\_\_
Power: From \_\_\_\_\_ to \_\_\_\_\_
Other: From \_\_\_\_\_ to \_\_\_\_\_

11. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.
Stockwatering (number and kind): \_\_\_\_\_
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.
Municipal (name): Salt Lake City
Mining: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.
Ores mined: \_\_\_\_\_
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_
Other (describe): \_\_\_\_\_

12. PLACE OF USE

Legal description of place of use by 40 acre tract(s): \_\_\_\_\_

13. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.
Height of dam: \_\_\_\_\_ feet.
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

\*\*\*\*\* THE FOLLOWING CHANGES ARE PROPOSED \*\*\*\*\*

14. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or 15.75 ac-ft.
15. SOURCE: (1) Spring and (2) Mine Tunnel
Balance of the water will be abandoned: \_\_\_\_\_, or will be used as heretofore: X
16. COUNTY: Salt Lake
17. POINT(S) OF DIVERSION: (1) N 412 ft. and W 833 ft., (2) S 230 ft. and W 900 ft., both from NE Corner Section 9, T3S, R3E, SLB&M

Description of Diverting Works: \_\_\_\_\_
\*COMMON DESCRIPTION: \_\_\_\_\_

18. POINT(S) OF REDIVERSION

The water will be rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_
Description of Diverting Works: \_\_\_\_\_

19. POINT(S) OF RETURN

The amount of water to be consumed is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.
The amount of water to be returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.
The water will be returned to the natural stream/source at a point(s): \_\_\_\_\_

Handwritten signature or initials at the bottom right of the page.

20. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_\_\_ to \_\_\_\_\_
Stockwatering: From \_\_\_\_\_ to \_\_\_\_\_
Domestic: From \_\_\_\_\_ to \_\_\_\_\_
Municipal: From January 1 to December 31
Mining: From \_\_\_\_\_ to \_\_\_\_\_
Power: From \_\_\_\_\_ to \_\_\_\_\_
Other: From \_\_\_\_\_ to \_\_\_\_\_

21. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.
Stockwatering (number and kind): \_\_\_\_\_
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.
Municipal (name): Salt Lake City
Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine.
Ores mined: \_\_\_\_\_
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_
Other (describe): \_\_\_\_\_

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): NW1/4 NE1/4, NE1/4 NE1/4, SE1/4 NE1/4,
Section 9, T3S, R3E, SLB&M

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.
Height of dam: \_\_\_\_\_ feet.
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of same size if necessary):
See Attached Sheet

\*\*\*\*\*

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

Handwritten signature: [Signature]
Signature of Applicant(s)

12K/27 AS

ITEM 7, POINTS OF DIVERSION:

Attachment #1

1. Little Cottonwood Tanner Ditch Company: S 234 ft and E 102 ft from the W 1/4 Corner Section 28, Township 2 South, Range 1 E, Salt Lake Base and Meridian.
2. Cahoon and Maxfield Irrigation Company: N 77 ft and W 663 ft from the E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
3. Walker Ditch Company: N 1363 ft and W 1143 ft from E 1/4 Corner Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian.
4. Richards Irrigation Company: S 1800 ft and E 707 ft from N 1/4 Corner Section 34, Township 2 South Range 1 East, Salt Lake Base and Meridian.
5. Murray City Power Plant Diversion: S 838 ft and E 4512 from W 1/4 Corner Section 7, Township 3 South, Range 2 East, Salt Lake Base and Meridian.
6. Little Cottonwood Creek Diversion Dam: N 2309 ft and W 743 ft from E 1/4 Corner Section 11, Township 3 S, Range 1 East, Salt Lake Base and Meridian.

ITEM 24, EXPLANATORY:

This change application is based on rights in Little Cottonwood Tanner Ditch company, Cahoon and Maxfield Irrigation Company, Walker Ditch Company and Richards Irrigation Company. The rights are shown in the C.W. Morse Decree on Little Cottonwood Creek, Civil No. 4802, Dated June 16, 1910. The use of these rights is defined further by a statement of Water Users Claim No. 57-8973 entered in the proposed determination of water rights.

The balance of the rights will continue to be used for municipal purposes by Salt Lake City.

A contract has been made between the Little Cottonwood Water Company and Canyonlands Inc., for Canyonlands to divert up to 15.75 Acre-feet of water annually for domestic requirement, only, for 35 homes in the Albion Basin Subdivision.

18K/27 OS

STATE ENGINEER'S ENDORSEMENT

CHANGE APPLICATION NUMBER: a16846

WATER RIGHT NUMBER: 57 - 10015

1. June 24, 1992            Change Application received.
2. June 24, 1992            Priority of Change Application.
3. March 23, 1993            Application reviewed and approved for advertising by JER.  
   April 15, 1993            Publication began in Deseret News.  
   June 14, 1993            Publication completed and verified by DD.
4. May 29, 1993            End of protest period.  
                                  Application protested: YES (see comments below.)
5. September 25, 1996      Application designated for APPROVAL by JER and KLJ.
6. Comments:

\_\_\_\_\_  
\_\_\_\_\_

Conditions:

This application is hereby APPROVED by Memorandum Decision, dated January 15, 1997, subject to prior rights and the following conditions:

- a. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
- b. Proof of beneficial use shall be submitted to the State Engineer's Office by April 30, 2000.

  
Robert L. Morgan, P.E.  
State Engineer

Time for making proof of beneficial use extended to \_\_\_\_\_

Proof submitted \_\_\_\_\_

19K/27    OS

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h7 JUN 01 1993  
WATER RIGHTS  
SALT LAKE

E. J. SKEEN, No. 2969  
Attorney for Protestants  
536 East 400 South  
Salt Lake City, Utah 84102  
Telephone: (801) 359-2329

IN THE OFFICE OF THE STATE ENGINEER OF UTAH

IN THE MATTER OF APPLICATION NO.)  
57-10010 (a16841) FILED BY SALT )  
LAKE CITY CORPORATION TO CHANGE )  
THE POINT OF DIVERSION AND PLACE)  
OF USE OF 167.9 AC-FT. OF WATER.)  
\_\_\_\_\_)

P R O T E S T

THE UNDERSIGNED hereby protests the above-numbered change application for the following reasons:

1. The applicant does not own the water right sought to be changed. Such water right is owned by the undersigned protestant, by the Little Cottonwood Tanner Ditch Company, a corporation, by Walker Ditch Company, a corporation, and by Richards Irrigation Company, evidenced by the C. W. Morse Decree on Little Cottonwood Creek, on file in the office of the Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, Civil No. 4802.

2. The approval of the change application will impair the vested water rights without just compensation and will prove detrimental to the public welfare. A hearing is requested.

DATED this 28<sup>th</sup> day of May, 1993.

CAHOON AND MAXFIELD IRRIGATION COMPANY

By: Anton P. Rezac  
Anton P. Rezac, President

E. J. Skeen  
E. J. SKEEN, No. 2969  
Attorney for Protestant

20K/127 AS

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JUN 01 1993  
WATER RIGHTS  
SALT LAKE

E. J. SKEEN, No. 2969  
Attorney for Protestants  
536 East 400 South  
Salt Lake City, Utah 84102  
Telephone: (801) 359-2329

IN THE OFFICE OF THE STATE ENGINEER OF UTAH

IN THE MATTER OF APPLICATION NO.)  
57-10012 (a16843) FILED BY SALT )  
LAKE CITY CORPORATION TO CHANGE )  
THE POINT OF DIVERSION AND PLACE)  
OF USE OF 2000.0 AC-FT. OF WATER)  
\_\_\_\_\_)

P R O T E S T

THE UNDERSIGNED hereby protests the above-numbered change application for the following reasons:

1. The applicant does not own the water right sought to be changed. Such water right is owned by the undersigned protestant, by the Little Cottonwood Tanner Ditch Company, a corporation, by Walker Ditch Company, a corporation, and by Richards Irrigation Company, evidenced by the C. W. Morse Decree on Little Cottonwood Creek, on file in the office of the Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, Civil No. 4802.

2. The approval of the change application will impair the vested water rights without just compensation and will prove detrimental to the public welfare. A hearing is requested.

DATED this 28<sup>th</sup> day of May, 1993.

CAHOON AND MAXFIELD IRRIGATION COMPAN

By: Anton P. Rezac  
Anton P. Rezac, President

E. J. Skeen  
E. J. SKEEN, No. 2969  
Attorney for Protestant

21K/27 BS

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JUN 01 1993

WATER RIGHTS  
SALT LAKE

E. J. SKEEN, No. 2969  
Attorney for Protestants  
536 East 400 South  
Salt Lake City, Utah 84102  
Telephone: (801) 359-2329

IN THE OFFICE OF THE STATE ENGINEER OF UTAH

IN THE MATTER OF APPLICATION NO.)  
57-10014 (a16845) FILED BY SALT )  
LAKE CITY CORPORATION TO CHANGE )  
THE POINT OF DIVERSION AND PLACE)  
OF USE OF .221 AC-FT. OF WATER. )  
\_\_\_\_\_)

P R O T E S T

THE UNDERSIGNED hereby protests the above-numbered change application for the following reasons:

1. The applicant does not own the water right sought to be changed. Such water right is owned by the undersigned protestant, by the Little Cottonwood Tanner Ditch Company, a corporation, by Walker Ditch Company, a corporation, and by Richards Irrigation Company, evidenced by the C. W. Morse Decree on Little Cottonwood Creek, on file in the office of the Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, Civil No. 4802.

2. The approval of the change application will impair the vested water rights without just compensation and will prove detrimental to the public welfare. A hearing is requested.

DATED this 28<sup>th</sup> day of May, 1993.

CAHOON AND MAXFIELD IRRIGATION COMPANY

By: Anton P. Rezac  
Anton P. Rezac, President

E. J. Skeen  
E. J. SKEEN, No. 2969  
Attorney for Protestant

LAW OFFICES OF  
**APPEL & WARLAUMONT, L.C.**

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9 EXCHANGE PLACE  
SALT LAKE CITY, UTAH 84111  
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JAMES L. WARLAUMONT, L.C.  
BENJAMIN T. WILSON  
JAMES R. WILSON\*  
W. HERBERT MCHARG

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California  
Colorado

TELEPHONE  
(801) 532-1252

FACSIMILE  
(801) 532-1278

EMAIL  
Appel@aw-law.com

September 5, 1997

HAND-DELIVERED

Shawn E. Draney  
SNOW, CHRISTENSEN & MARTINEAU  
10 Exchange Place, Eleventh Floor  
Post Office Box 45000  
Salt Lake City, Utah 84145

Re: Cahoon-Maxfield v. Salt Lake City, et al.  
Supplement to Discovery Request

Dear Shawn:

We are in the process of formally supplementing our earlier responses to discovery. We anticipate this will be accomplished soon. To expedite this, this letter is in response to your letter of July 25, 1997. I will attempt to address each issue in the order that it was presented in your letter. However, a review of our responses to interrogatories and requests for production of documents indicates that the objections and responses were proper. Only relevant, non-privileged, non-confidential documents will be provided. Please refer to our Motion for Protective Order regarding Cahoon-Maxfield shareholder information. Otherwise, the documents requested can be reviewed at our offices by the end of next week. Our clients provided us with the documents they thought were responsive to your discovery, however at the first of next week we will review Cahoon-Maxfield's files to make sure we have all of the documents. A privilege log, if necessary, will be provided.

Interrogatories

Your interrogatory Number 4 did not ask for information "known" to officers, directors and employees. Cahoon-Maxfield does not maintain a record of how each shareholder applies his or her water, the types of crops each one grows or the approximate acreages of land irrigated by shareholders. In light of this fact, that information is not readily obtainable, but we are currently trying to determine if there is a reasonable and cost-

23K/27 JS

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**APPEL & WARLAUMONT, L.C.**

Shawn E. Draney  
September 5, 1997  
Page 2

effective way to gather this information. To the extent we can, and the information is otherwise discoverable, we will try and supplement.

We are also in the process of compiling additional information regarding shareholder complaints and Cahoon-Maxfield complaints to Salt Lake City. Salt Lake City should have a written record of complaints made by Cahoon-Maxfield. I believe the other information can be gathered within the next two weeks.

With regard to the water masters, some of these persons have moved or are deceased, so it has been difficult to obtain their last known addresses and periods of service. However, we have the following to report:

Harry Stauffer, #8 Stauffer Lane, Murray UT 84107, no phone, 1990-1993; Joe Rosa, deceased, 1989; Todd James, 99 Grass Valley Drive, Evanston WY, 1993-1996; Hank Jenkins and Ronald Jenkins, 6228 South 300 West, Murray UT 84107, 266-2052; Scott Erickson was not a water master, but helped the Jenkins, no further information on him is available; Alice Cox, 6682 South 300 East, Midvale, UT 84047, 1997-present, no phone.

With respect to Interrogatory No. 15, the interrogatory asks for the first "date" when "any Cahoon-Maxfield shareholder, officer or director" became "concerned" that the water was not suitable for irrigation purposes. The interrogatory is so vague and, due to the large number of shareholders, now and in the past, impossible to answer. As a general proposition, we are advised that Cahoon-Maxfield commenced this action when it became apparent that Salt Lake City could not provide a consistent supply of water suitable for irrigation purposes.

In answer to your concern regarding our responses to Interrogatory Nos. 16 through 19, the information we now have is generally in documents that will be provided. To the extent there is additional information, we will supplement on a timely basis. We would like to note, however, that in providing Salt Lake City with numeric criteria for determining whether the water is suitable for irrigation purposes, we are consulting with experts to determine if you can arrive at such "specific criteria." We now know that the canal water kills certain plants, is foul, is littered with garbage and debris and at times renders the Cahoon-Maxfield irrigation system unusable by its shareholders. If we determine that there are applicable and helpful numerical criteria, we will seasonably supplement. We also would like to draw your attention to your response to our Request No. 9, regarding procedures, guidelines, etc., undertaken

24K/27 AS

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**APPEL & WARLAUMONT, L.C.**

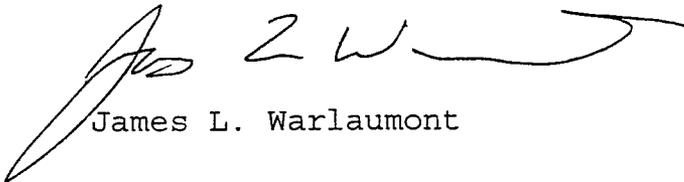
Shawn E. Draney  
September 5, 1997  
Page 4

Cahoon & Maxfield's damages will be provided as obtained.

With regard to your request for evidence of Cahoon-Maxfield's ownership of Little Cottonwood Water Company, as you noted in your response to our Interrogatory No. 19, documents concerning the Little Cottonwood Water Company are under the supervision and control of your client, Salt Lake City, and information regarding the Little Cottonwood Water Company was provided to us by Salt Lake City. However, as stated earlier, the documents obtained from Salt Lake City may be reviewed at our offices. Finally, discovery concerning the quality of water delivered by Salt Lake City to Cahoon-Maxfield is ongoing, but it will be provided to the extent that it has been collected.

Very truly yours,

APPEL & WARLAUMONT, L.C.



James L. Warlaumont

cc: Tony Rezac

cahoon/1-draney.905

25K/27 JS

LAW OFFICES OF  
**APPEL & WARLAUMONT, L.C.**

Shawn E. Draney  
September 5, 1997  
Page 3

in providing water of suitable quality and quantity to Cahoon-Maxfield to which you provided no definitive response.

With regard to our responses to Interrogatory Nos. 32-39, we feel we provided an adequate answer to each of those interrogatories. However, we will review our responses to the questions and seasonably supplement them, if necessary, with further facts supporting Cahoon-Maxfield's claims as they are identified. More particularly, in response to Interrogatory Nos. 36 and 37, we did not provide the names and addresses of persons involved with the misrepresentations and omissions because the names and addresses of persons involved with those causes of action are in the Defendants' possession. In response to Interrogatory Nos. 38 and 39, we indicated we would supplement our responses and we will do so.

With regard to any efforts by Cahoon-Maxfield to "market water," this interrogatory is vague. It now appears from your letter that you are attempting to inquire into attempts "to sell water rights or water to Murray City and possibly others." We will check with our clients and attempt to respond to your letter unless it involves confidential or proprietary information.

With respect to Cahoon-Maxfield's efforts to develop a pressurized irrigation system, Cahoon-Maxfield has discussed and investigated the possibility of pressurized systems. Based on publicly available information, and public statements made by LeRoy Hooton that pressurized systems with canal water killed plants, the Company has not "developed" a pressurized system. We will supplement our earlier response to allow for a verified answer on this issue.

**Requests for Documents**

As we stated in response to Document Request No. 2, there are no documents that state "quantity" of water. Also, as stated above, Salt Lake City should have a written record of correspondence between itself and Cahoon-Maxfield. We will make available any such correspondence that is obtainable and we will also provide any correspondence with Murray City dealing with water quality, and correspondence with the Little Cottonwood Water Company that is discoverable. Any non-privileged communications with water quality experts will be produced.

We will provide you with the minutes of Board of Directors and shareholder meetings that are relevant. However, we will not produce Cahoon-Maxfield's financial records, for they are not relevant. Discovery is ongoing and information relating to

26K/27 JS

LEROY W. HOOTON, JR.  
DIRECTOR

**SALT LAKE CITY CORPORATION**

DEPARTMENT OF PUBLIC UTILITIES  
WATER SUPPLY AND WATERWORKS  
WATER RECLAMATION AND STORMWATER

ROSS C. "ROCKY" ANDERSON  
MAYOR

April 8, 2003

Mayor Levitt  
Town of Alta  
P. O. Box 8016  
Alta, Utah 84092-8016

Re: Water Supply to the Cecret Lake Subdivision

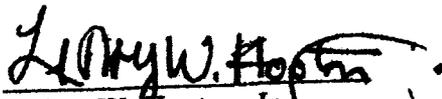
Dear Mayor Levitt:

It has recently come to our attention that certain individuals owning property in the Cecret Lake Subdivision have requested that the Town of Alta provide water to the subdivision. We have also seen a copy of a letter to Mrs. Judith Maack, drafted by the Town of Alta's legal counsel, Mr. Paul Thompson, in which Mr. Thompson concludes that the property owned in the Cecret Lake Subdivision qualifies for water under the 1976 water sales contract between Salt Lake City and the Town of Alta.

Please be advised that after careful review of the 1976 agreement, Salt Lake City does not believe that service to the Cecret Lake Subdivision is presently allowed. Paragraph 13 of the 1976 agreement states: "Alta agrees that until the EPA 208 Study is complete there will be no additional users of water added to the system beyond those now in existence to whom water service is presently contemplated." Salt Lake City does not believe water service to the Cecret Lake Subdivision was contemplated in 1976. In fact, the Town Council minutes for the annexation ordinance pursuant to which the subdivision was annexed into the Town in 1975 enumerated several municipal services to be provided. Water service was not included.

Please contact us if you have any questions.

Sincerely,

  
LeRoy W. Hooton, Jr.  
Director

27K/27 JS