

LEROY W. HOOTON, JR.
DIRECTOR

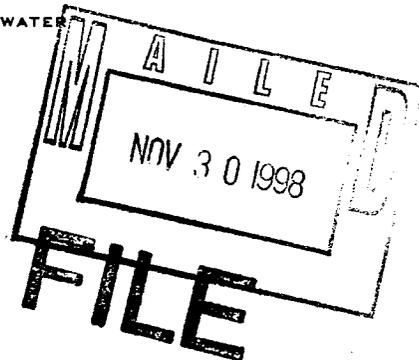
SALT LAKE CITY CORPORATION

DEEDEE CORRADINI
MAYOR

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

November 30, 1998

Marvin Melville
1796 White Oaks Circle
Salt Lake City, Utah 84121



POOR QUALITY ORIGINALS

Re: Water Sales Contract for Lots 1 and 2 in Albion Basin Subdivision

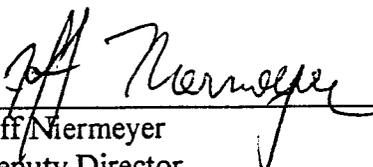
Dear Mr. Melville:

In response to your request for water to the above-noted lots in Albion Basin Subdivision Salt Lake City has researched its records and files and submits to you the following information:

- The contract dated May 22, 1963 between Little Cottonwood Water Company and Canyonland, Inc. allows for water use of 50 gallons per day for 35 cabins within Albion Basin Subdivision.
- Salt Lake City now owns Little Cottonwood Company and the contract is still in effect.
- The source of water you have requested for use is the same as listed on the May 1963 agreement and no other connections to the source can be allowed at this time.
- Mine tunnels are not a water source which can be approved for use under the current Surplus Water Sales Ordinance 17.04, see attached.

Salt Lake City can not approve your request to use the mine tunnel water as requested in your transmittal. If you have any other questions please feel free to contact me at 483-6785.

Sincerely,



Jeff Niermeyer
Deputy Director

/kg
cc: file

**HEARING SUBMITTAL TO
DIVISION OF WATER RIGHTS**

Right No.: G 28548 & a 28545
Date: 7/13/2011
Submitter: Applicant
Kevin Tolton
150 Pages

1530 SOUTH WEST TEMPLE, SALT LAKE CITY, UTAH 84115
TELEPHONE: 801-483-6900 FAX 801-483-6818



1 @ 1/15/98

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 #: 57-10015 APPLICATION #: Priority Date:

WATER RIGHT SEPARATED FROM: 57-8973 (Decree)
(Contract Canyonlands Inc. (Albion Basin Subdivision) a16846)

1. OWNERSHIP INFORMATION:

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

2. SOURCE INFORMATION:

- A. QUANTITY OF WATER: 15.75 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

20/15 JS

Utah Division of Water Rights
Water Right Listing

Water Right 57-10015

Click here to view documents

[WRPRINT] ***WR#: 5710015 has been PRINTED!!
CD: 19991014

WRNUM: 57-10015 APPLICATION/CLAIM NO.: (WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 19991014 Page 1
CHANGES: a16846 Approved CERT. NO.:

OWNERSHIP*****
NAME: Salt Lake City
ADDR: 1530 South West Temple
CITY: Salt Lake City
LAND OWNED BY APPLICANT? STATE: UT ZIP: 84115 INTEREST:
OWNER MISC: Department of Public Utilities

DATES, ETC.*****
FILING: / / PRIORITY: / / ADV BEGAN: / / ADV ENDED: / / NEWSPAPER:
PROT/END: / / PROTESTED: (/ / APPR/REJ: (/ / APPR/REJ: / / PROOF DUE: / / EXTENSION: / /
ELEC/PROOF: (/ / ELEC/PROOF: / / CERT/WUC: (/ / LAP, ETC: / / PROV LETR: / / RENOVAE: / /
PD Book No. Type of Right: DEC Status: Source of Info: OSEG Map: Date Verified: 02/21/1997 Initials: MBH

LOCATION OF WATER RIGHT*****
FLOW: 15.75 acre-feet
COUNTY: Salt Lake COMMON DESCRIPTION: SOURCE: Little Cottonwood Creek

- POINTS OF DIVERSION -- SURFACE:
- (1) S 234 ft E 102 ft from W4 cor, Sec 28, T 2S, R 1E, SLBM
Diverting Works: Little Cottonwood Tanner Ditch
Source:
 - (2) N 77 ft W 663 ft from E4 cor, Sec 29, T 2S, R 1E, SLBM
Diverting Works: Cahoon & Maxfield Ditch
Source:
 - (3) N 1363 ft W 1143 ft from E4 cor, Sec 29, T 2S, R 1E, SLBM
Diverting Works: Walker Ditch
Source:
 - (4) S 1800 ft E 707 ft from N4 cor, Sec 34, T 2S, R 1E, SLBM
Diverting Works: Richards Ditch
Source:
 - (5) N 2309 ft W 743 ft from E4 cor, Sec 11, T 3S, R 1E, SLBM
Diverting Works: Little Cottonwood Div. Dam
Source:
 - (6) S 838 ft E 4512 ft from W4 cor, Sec 7, T 3S, R 2E, SLBM
Diverting Works: Murray City Power Plant
Source:

USES OF WATER RIGHT*****
CLAIMS USED FOR PURPOSE DESCRIBED: 10015
Referenced To: Claims Groups:

Type of Reference -- Claims: Purpose: Remarks:
#####MUNICIPAL: Salt Lake City PERIOD OF USE: 01/01 TO 12/31
SEGREGATION HISTORY*****

3 @ 15 BS

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 requirements, only, for 35 homes in the Albion Basin Subdivision.

POINT(S) OF DIVERSION ----->

Point Surface:
(1) S 234 ft E 102 ft from W4 cor, Sec 28, T 2S, R 1E, SLBM
Diverting Works: Little Cottonwood Tanner Ditch
Source:
(2) N 77 ft W 663 ft from E4 cor, Sec 29, T 2S, R 1E, SLBM
Diverting Works: Cahoon & Maxfield Ditch
Source:
(3) N 1363 ft W 1143 ft from E4 cor, Sec 29, T 2S, R 1E, SLBM
Diverting Works: Walker Ditch
Source:
(4) S 1800 ft E 707 ft from N4 cor, Sec 34, T 2S, R 1E, SLBM
Diverting Works: Richards Ditch
Source:
(5) N 2309 ft W 743 ft from E4 cor, Sec 11, T 3S, R 1E, SLBM
Diverting Works: Diversion Dam
Source:
Change#: a16846 cont.** (WARNING: Water Rights makes NO claims as to the accuracy of this data.)

CHANGED AS FOLLOWS:

Point Surface:
(1) S 230 ft W 900 ft from NE cor, Sec 9, T 3S, R 3E, SLBM
Diverting Works:
Source: Mine Tunnel
(2) N 412 ft W 835 ft from NE cor, Sec 9, T 3S, R 3E, SLBM
Diverting Works:
Source: Spring

PLACE OF USE ----->

---NW4--- --NE4-- --SW4-- --SE4--
| N N S | I I N S | S I I N S | S I I N S | S I I
| W E W E | | W E W E | | W E W E | | W E W E | |
|Sec 9 T 3S R 3E SLBM * : : : **X.X: :X** : : : ** : : : *

CHANGED as follows:

---NW4--- --NE4-- --SW4-- --SE4--
| N N S | I I N S | S I I N S | S I I N S | S I I
| W E W E | | W E W E | | W E W E | | W E W E | |
|Sec 9 T 3S R 3E SLBM * : : : **X.X: :X** : : : ** : : : *

NATURE OF USE ----->

SUPPLEMENTAL to Other Water Rights: No
MUN: Salt Lake City
USED 01/01 - 12/31

SAME AS HERETOFORE

SUPPLEMENTAL to Other Water Rights: No

PROTESTANTS*****

NAME: Cahoon and Maxfield Irrigation Company
C/O : c/o Anton P. Rezac
ADDR: 5668 South Bullion

NAME: Murdock, Robert J. (et al)
C/O :
ADDR: 2964 East 3135 South

40/15 of 3

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CITY: Murray                                STATE: UT ZIPCODE: 84123          STATE: UT ZIPCODE: 84109
*-----*
NAME: Salt Lake County                     CITY: Salt Lake City
C/O : c/o David E. Yocom (late protest)    NAME: Stauffer, Harvey
ADDR: 2001 South State Street, #S3600     C/O :
CITY: Salt Lake City                       ADDR: #8 Stauffer Lane
*-----*
STATE: UT ZIPCODE: 84190-1200             CITY: Murray                STATE: UT ZIPCODE: 84107
IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII D A T A IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
OOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO E N D O F D A T A OOOOOOOOOOOOOOOOOOOOOOOOOOO

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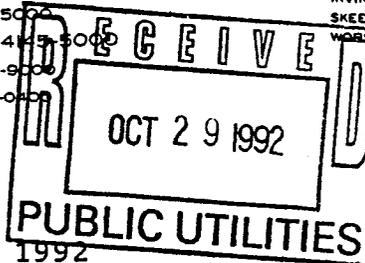
LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
 POST OFFICE BOX 45000
 SALT LAKE CITY, UTAH 84145-5000
 TELEPHONE (801) 521-9000
 FACSIMILE (801) 363-0400

THURMAN & SUTHERLAND	1886
THURMAN, SUTHERLAND & KING	1888
THURMAN, WEDGWOOD & IRVINE	1906
IRVINE, SKEEN & THURMAN	1923
SKEEN, THURMAN, WORSLEY & SNOW	1952
WORSLEY, SNOW & CHRISTENSEN	1967

REED L. MARTINEAU	DAVID J. CASTLETON
STUART L. POELMAN	DAVID W. SLAUGHTER
RAYMOND M. BERRY	STANLEY J. PRESTON
H. JAMES CLEGG	JOY L. CLEGG
DAVID W. SLAGLE	SHAWN E. DRANEY
A. DENNIS NORTON	JERRY D. FENN
ALLAN L. LARSON	CRAIG L. BARLOW
JOHN E. GATES	JOHN R. LUND
R. BRENT STEPHENS	RYAN E. TIBBITTS
KIM R. WILSON	ANNE SWENSEN
MICHAEL R. CARLSTON	RODNEY R. PARKER
DAVID G. WILLIAMS	RICHARD A. VAN WAGONER
REX E. MADSEN	DAVID W. STEFFENSEN
MAX D. WHEELER	ROBERT C. KELLER
PAUL J. GRAF	ELIZABETH KING
PAUL C. DROZ	MARC T. WANGSGARD
MICHAEL D. BLACKBURN	CAMILLE N. JOHNSON
ROBERT M. HENDERSON	TERENCE L. ROONEY
STEPHEN J. HILL	THOMAS F. TAYLOR
HENRY K. CHAI II	DENNIS V. DAHLE
BRYCE D. PANZER	
STANLEY K. STOLL	



October 28, 1992

JOHN H. SNOW 1917-1980

OF COUNSEL
 HAROLD G. CHRISTENSEN
 MERLIN R. LYBBERT
 JOSEPH NOVAK
 SCOTT DANIELS

WRITER'S DIRECT NUMBER:

(801) 322-9171

*Ed
 [Signature]*

Dorothy Boulton
 Water Rights Specialist
 DIVISION OF WATER RIGHTS
 1636 West North Temple, Suite 220
 Salt Lake City, UT 84116-3156

Re: Change Application Nos. ~~a16843~~ and a16844

Dear Ms. Boulton:

Please refer to your letter of October 26, 1992, relative to the above change applications. I have reviewed the computer generated versions of the change applications, and discussed your suggestion that they be jointly filed with officials from Salt Lake City. It is our view that the Permanent Change Applications should be filed in the name of Salt Lake City Corporation alone.

Salt Lake City is the owner of the water rights. The Town of Alta and Salt Lake County Service Area No. 3 have a contractual right to purchase water from Salt Lake City, but have no interest in the change application or the water rights upon which they are based. Salt Lake City will not be delivering water to the ultimate users within the Town of Alta and Service Area No. 3. Salt Lake City merely will make the stated quantities of water available at the specified points of diversion.

Under Paragraph 2 of the computer generated change applications, you have deleted the description of the Murray City Power Plant Penstock Diversion and the Little Cottonwood Creek Diversion Dam. You have then included those as new points of diversion proposed under the change. It is our view that this is not correct. The heretofore points of diversion should include the Murray City Power Plan Penstock and the Little Cottonwood Creek Diversion Dam just as was done in the Permanent Change Applications filed by Salt Lake City. Salt Lake City has been

6 & 115 B

Dorothy Boulton
October 28, 1992
Page 2

diverting water from these points of diversion for many years. The State Engineer's Memorandum Decision approving the temporary change applications, dated August 19, 1992, recognizes this fact.

Paragraph 7 of the computer generated change applications incorrectly states that Salt Lake City is requesting a change to municipal use within the corporate limits of Salt Lake City. Such a change is not requested. Prior Court decrees confirm the City's right to make the exchanges and to utilize the canyon stream waters to meet the City's needs. The uses heretofore include municipal uses.

Paragraph 8 of the computer generated change applications states a different flow rate decreed to each of the irrigation companies than that set forth in Attachment 1 to the Permanent Change Applications filed by Salt Lake City.

Based upon the foregoing comments, we request that you proceed to advertise the two change applications and thereafter set the matter for hearing if necessary. Salt Lake City has elected not to sign the computer generated change applications and instead will rely on the Permanent Change Application forms that it already filed with your office.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU



Marc T. Wangsgard

MTW:pb
cc: LeRoy W. Hooton, Jr.
Lee Kapaloski, Esq.
16005.001

7 & 15 JB

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR REINSTATEMENT AND EXTENSION OF TIME

(Before Fourteen Years)

RECEIVED

APR 27 2000

WATER RIGHT NO. 57-10015 (a16846) APPLICANT: Salt Lake City Corporation WATER RIGHTS SALT LAKE
Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115

STATE OF UTAH
COUNTY OF Salt Lake

LeRoy W. Hooton, Jr., Director
Salt Lake City Department of Public Utilities

being first duly sworn that he or she is the (agent of the) owner of the above number application; that the information given is true and correct to the best of his or her knowledge.

Describe briefly the type, extent, and cost of construction completed to date, and the estimated cost of any remaining construction to complete the project and to submit PROOF of BENEFICIAL USE. Give reasons why the work could not be completed and water put to beneficial use within the time allowed.

This water right has historically been diverted under an Agreement between Salt Lake City and the Canyonlands. Salt Lake City is currently working with the Canyonlands to have a water meter installed as part of the City's canyon meter installation project. Salt Lake City is holding this right to meet future requirements of the public, which under Section 73-3-12 (2)(j) Utah Code Annotated constitutes reasonable and due diligence.

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for REINSTATEMENT and EXTENSION OF TIME for filing proof from

April 30, 2000 to April 30, 2005.



LeRoy W. Hooton
APPLICANT (If a corporation, give title of officer signing) Director

Subscribed and sworn to before me this 26 day of April, 2000.

Lee H. Smith
NOTARY PUBLIC

FOR OFFICE USE ONLY

\$25 FEE RECD. 04/25/00 ck# 415855BY [Signature] RECEIPT NO. 00-01030 COMPUTER 04/20/00

PROOF DUE DATE: April 30, 2000 14 YEAR PERIOD ENDS: January 15, 2011

REMARKS Approved for filing 4-30-2005 [Signature] 1A3

PLEASE RETURN TO: DIVISION OF WATER RIGHTS-UTAH LAKE OFFICE*1594 West North Temple*Salt Lake City, Utah 84114*(801)536-7241

8 & /15 [Signature]

STATE ENGINEER'S ENDORSEMENT

CHANGE APPLICATION NUMBER: a16845

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 _____

9/15 



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

1594 West North Temple, Suite 220
Box 146300
Salt Lake City, Utah 84114-6300
801-538-7240
801-538-7467 (Fax)

January 15, 1997

Salt Lake City Corporation 57-10015
Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115

Dear Applicant:

RE: APPROVED CHANGE APPLICATION
NUMBER 57-10015 (a16846)

Enclosed is a copy of approved Change Application No. 57-10015 (a16846). This is your authority to proceed with the actual construction work which under Section 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof of beneficial use be made to the State Engineer on or before April 30, 2000; otherwise, the application will be lapsed.

Proof of beneficial use is evidence to the State Engineer that the water has been placed to its full intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location and the uses for the water. Your proof of change will become the basis for the extent of your water right.

Failure on your part to comply with the requirements of the statutes may result in forfeiture of this application. It is the applicant's obligation to maintain a current address with this office. Please notify this office immediately of any change.

Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is (801) 538-7421.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

RLM:et

Encl.: Copy of Approved Change Application
Memorandum Decision



10 & 15/97

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)
)
NUMBER 57-10015 (a16846))

MEMORANDUM DECISION

Change Application Number 57-10015 (a16846), in the name of Salt Lake City Corporation, was filed on June 24, 1992, to change the point of diversion and place of use of 15.75 acre-feet of water. Heretofore, the water has been diverted from Little Cottonwood Creek at the following locations: Tanner Ditch at South 234 feet and East 102 feet from the W $\frac{1}{4}$ Corner of Section 28, T2S, R1E, SLB&M; Cahoon and Maxfield Ditch at North 77 feet and West 663 feet from the E $\frac{1}{4}$ Corner of Section 29, T2S, R1E, SLB&M; Walker Ditch at North 1363 feet and West 1143 feet from the E $\frac{1}{4}$ Corner of Section 29, T2S, R1E, SLB&M; Richards Ditch at South 1800 feet and East 707 feet from the N $\frac{1}{4}$ Corner of Section 34, T2S, R1E, SLB&M; Little Cottonwood Creek Diversion Dam at North 2309 feet and West 743 feet from the E $\frac{1}{4}$ Corner of Section 11, T3S, R1E, SLB&M; and Murray City Power Plant Diversion Dam at South 838 feet and East 4512 feet from the W $\frac{1}{4}$ Corner of Section 7, T3S, R2E, SLB&M. The water has been used for municipal purposes in Salt Lake City.

Hereafter, it is proposed to divert 15.75 acre-feet of water from a spring and Mine Tunnel, located: (1) South 230 feet and West 900 feet; and (2) North 412 feet and West 833 feet both from the NE Corner of Section 9, T3S, R3E, SLB&M. It is proposed to use the water for same purposes as heretofore in the N $\frac{1}{2}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T3S, R3E, SLB&M. It is further stated in the application that a contract has been made between the Little Cottonwood Water Company and Canyonlands Inc., for the Canyonlands to divert up to 15.75 acre-feet of water annually for only domestic requirement for 35 homes in the Albion Basin Subdivision.

The application was advertised in the Deseret News from April 15, 1993, to April 29, 1993, and was protested by Cahoon and Maxfield Irrigation Company, Robert J. Murdock et al, Salt Lake County, and Harvey Stauffer. In the protests it is stated that the approval of the change application will impair the rights of the protestants and a surplus sales contract does not guarantee that water will be available for the people who are using the water.

A hearing was held on August 28, 1996, in Salt Lake City, Utah. At the hearing the applicant explained the history of the underlying water rights and the nature of the contracts by which the change is based. The protestants in attendance reiterated their protests.

The State Engineer has reviewed the change application, the underlying water rights, the protests, the information submitted at the hearing, and other associated water rights and has noted and the following:

- A. It appears that the applicant, by virtue of the exchange agreements, is entitled to the use of water and has the right to file the change application.
- B. The question of water contracts with county residents is not within the purview of the State Engineer. Should those residents or entities deem that those contracts are not substantial to satisfy their needs, they can obtain other water rights and file the appropriate change applications for

11/15 

MEMORANDUM DECISION
CHANGE APPLICATION NUMBER
57-10015 (a16846)
PAGE -2-

the proposed uses.

- C. The State Engineer is of the opinion that certain conditions will have to be imposed to ensure that the rights of the others are not impaired by this change application. The exchange agreements between the irrigation companies and Salt Lake City for replacement water from Utah Lake will lessen the likelihood of any such impairment. The total flow of all change applications filed by the applicant in Little Cottonwood Canyon and the diversions by Salt Lake City at the mouth of the canyon cannot exceed the total of the water rights owned by the city.
- D. The applicant has stated in the application that the historic uses are municipal. It appears that the underlying water rights held by the irrigation companies and utilized by exchange agreement by the applicant are for irrigation. This change application converts the nature of use from irrigation to municipal for 15.75 acre-feet only as addressed in this change.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and no enlargement occurs. If, in a subsequent action, the court adjudicates that this right is entitled to either more or less water, the State Engineer will adjust the figures accordingly.

It is, therefore, ORDERED and Application Number 57-10015 (a16846) is hereby APPROVED subject to prior rights and the following conditions:

1. The applicant shall install permanent measuring devices to measure both the instantaneous flow rate and the total volume of water diverted. Records shall be kept at least monthly of all water diverted. These measuring devices and the records shall be made available to the State Engineer at all reasonable times to regulate this change.
2. The applicant shall submit on an annual basis by January 31 of each year for the prior calendar year a summary of all water diverted from each source in Little Cottonwood Canyon.
3. Upon submittal of proof of change, the applicant shall provide information on how much water by use has been diverted from each source along with evidence that the total of all water rights in Little Cottonwood Canyon under the applicants control have not been exceeded.
4. The historic water diversion would have irrigated 3.15 acres. About 50% of the wter would have been consumed and 50% would have returned to the system. To prevent enlargement, depletion under this change cannot exceed 7.875 acre-feet of water.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for

12 1/15 JS

MEMORANDUM DECISION
CHANGE APPLICATION NUMBER
57-10015 (a16846)
PAGE -3-

Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 15th day of January, 1997.


Robert L. Morgan, P.E., State Engineer

RLM:JER:et

Mailed a copy of the foregoing Memorandum Decision this 15th day of January, 1997, to:

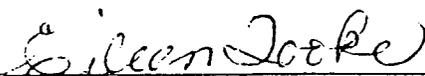
Salt Lake City Corporation
Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115

Cahoon and Maxfield Irrigation Company
c/o Anton P. Rezac
5668 South Bullion
Murray, UT 84123

Murdock, Robert J., et al
2964 East 3135 South
Salt Lake City, UT 84109

Salt Lake County
c/o David E. Yocom
2001 South State Street, #S3600
Salt Lake City, UT 84190-1200

Harvey Stauffer
#8 Stauffer Lane
Murray, UT 84107

BY: 
Eileen Tooke, Secretary

130/15 

A G R E E M E N T

Albion Basin

Between Little Cottonwood Water Company, and Canyonlands, Inc., a Utah corporation relative to the use of water for Domestic Purposes in Little Cottonwood Canyon.

THIS AGREEMENT, made and entered into this 22nd day of ^{May}~~March~~, 1963, between Little Cottonwood Water Company, an irrigation corporation of the state of Utah, hereinafter called the WATER COMPANY, and Canyonlands, Inc., a Utah corporation, hereinafter called the USER, WITNESSETH:

1. That the User is the equitable owner of the surface rights of the following described patented mining claims, situated in Little Cottonwood canyon, Salt Lake County, Utah:

Helena, Survey No. 5733; Damfool and Fleur De Lis, Survey No. 4922, in the Little Cottonwood Mining District, Salt Lake County, Utah, and particularly in part of the S.E. $\frac{1}{4}$ of Section 4 and the North East quarter of Section 9, Township 3 South, Range 3 East, S.L.B. & M.

That said land, or a substantial part of same has been subdivided, and a subdivision plat has been approved by the Planning Board and other agencies of Salt Lake County, and the User represents that all of the legal requirements pre-requisite to the issuance of building permits have been fully met with respect to said subdivision.

2. The User proposes to construct not to exceed 35 cabins upon said property, and will require a water connection for each such cabin or dwelling.

3. The User represents that it has an agreement with the Salt Lake City Board of Health relative to sanitation and sewage disposal problems incident to the construction and occupancy of said dwellings.

4. The Water Company is the owner or charged with the responsibility for the distribution of the waters of Little Cottonwood creek, which encompasses all of the waters arising in Little Cottonwood canyon tributary to said creek, and some of said waters can be made available to the User pursuant to the terms of this agreement. NOW THEREFORE, it is agreed between the parties hereto as follows:

(1. The source of water from which the water will be conveyed by pipeline to cabins on the above described property is from (a) spring and mine tunnel located North $6^{\circ} 31'$ E. 415 feet from the point of beginning described in said subdivision plat, which is also the north corner of said subdivision; and (b) the Alta-Helena mine tunnel, the portal of which is located on Lot 1-A as shown in the subdivision plat of the Albion Basin subdivision, a copy of which plat is made a part of this agreement by reference, and same having been recorded in the office of the county recorder of Salt Lake County, Utah.

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2. The User agrees to construct from the points of diversion to the dwellings to be constructed on the land hereinbefore described, a pipeline adequate to carry water from the point of diversion to said cabins, said pipelines to be constructed solely at the cost of the User, and the User, and its successors and assigns agree to maintain said pipeline and to repair the same, together with any tanks, pumps, or other facilities necessary or incidental to the movement of the water from the point of diversion to the dwellings, and the Water Company shall have no obligation whatsoever to the User or any of its lessees, assigns or purchasers in regard to the construction, maintenance or repair of said facilities, and the User agrees that the same will at all times be so maintained as to prevent any loss or waste of water. Said pipeline shall be so constructed that there will be a turn-off valve at a convenient point outside of each dwelling, so water to said dwelling can be shut off and service discontinued. It is expressly understood and agreed that said pipeline shall not under any circumstances be extended to supply any properties or facilities not wholly situated upon the land hereinbefore described.

3. The User will, on or before June 1 of each calendar year, furnish to the Water Company a written statement showing each and every cabin or other structure situated upon the property hereinbefore described, and appropriately identifying each to which water under this contract is to be delivered during any part of said calendar year, and at said time to pay to the Water Company the sum of \$15.00 (subject to adjustments hereafter set forth) for each such cabin or structure to which water is delivered pursuant to this agreement. Should any cabin or structure be built subsequent to June 1 of any calendar year and a water connection made to the same, the Water Company shall be promptly advised and the annual yearly payment herein provided shall be made. The annual payment herein provided for shall entitle the User to use at each such cabin or other structure to which said pipeline is connected, a quantity of water not to exceed 50 gallons per day, averaged on a monthly basis. The annual rental of \$15.00 per year will be adjusted upwards in any year in which Salt Lake City increases its water rates, said increase to be proportionate to the increase made in Salt Lake City's domestic water rates.

4. The use of water shall be limited to domestic use only, and shall not be used for irrigation or sprinkling.

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