# HEARING REPORT FOR FILE

Jul 13, 2011 2:30PM

Held
Postponed
Cancelled

*For Salt Lake County* *Page* 1 *of* _____

1. APPLICATIONS: **a28537(57-10315), a28541(57-10316), a28545(57-10317), a28546(57-10318), a2**
**a28548(57-7800)**

2. HEARING LOCATION: **in Room 112 of the Division of State Parks and Recreation, Department of Natural Resources located**

3. WATER RIGHTS STAFF: **John Mann, P.E. (Appropriation Engineer), Teresa Wilhelmsen, P.E., Regional Engineer for Utah Lake & Jord**
**John Solum,**

4.

| | APPLICANT/PROTESTANT | APPEARED? | REPRESENTED BY: |
|---|---|---|---|
| a28537 | (Appl) **The Butler Management Group** | YES/NO | |
| | (Prot) *Alta Energy LLC* | YES/NO | |
| | (Prot) *Alta Ski Lifts Company* | YES/NO | |
| | (Prot) *Friends of Alta* | YES/NO | |
| | (Prot) *Little Cottonwood Creek Distribution Committee* | YES/NO | |
| | (Prot) *Little Cottonwood Creek Distribution Committee* | YES/NO | |
| | (Prot) *Metropolitan Water District of Salt Lake & Sandy* | YES/NO | |
| | (Prot) *Salt Lake City Corporation* | YES/NO | |
| | (Prot) *Salt Lake County Service Area #3* | YES/NO | |
| | (Prot) *Sandy City* | YES/NO | |
| | (Prot) *Sandy Irrigation Company* | YES/NO | |
| | (Prot) *Town of Alta* | YES/NO | |
| | (Prot) *USA Forest Service* | YES/NO | |
| a28541 | (Appl) **Mark C. Haik** | YES/NO | |
| | (Prot) *Alta Energy LLC* | YES/NO | |
| | (Prot) *Alta Ski Lifts Company* | YES/NO | |
| | (Prot) *Friends of Alta* | YES/NO | |
| | (Prot) *Little Cottonwood Creek Distribution Committee* | YES/NO | |
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| | (Prot) *Sandy Irrigation Company* | YES/NO | |
| | (Prot) *Town of Alta* | YES/NO | |
| | (Prot) *USA Forest Service* | YES/NO | |
| a28545 | (Appl) **Judith Maack** | YES/NO | |
| | (Prot) *Alta Energy LLC* | YES/NO | |
| | (Prot) *Alta Ski Lifts Company* | YES/NO | |
| | (Prot) *Friends of Alta* | YES/NO | |
| | (Prot) *Little Cottonwood Creek Distribution Committee* | YES/NO | |

# HEARING REPORT FOR FILE



WATER RIGHT NO.: 57-7800 (a28548) ; 57-10317 (a28545)

DATE: 7/13/11 PLACE OF HEARING: DNR ; Rm 1010

WATER RIGHTS STAFF: Mann ; Salum ; Wilhelmsen

APPLICANT APPEARED: YES/NO REPRESENTED BY: Kevin Tolton

Judith Maack

PROTESTANT APPEARED: YES/NO REPRESENTED BY: Mike Wilson ; Tom Ward ; Shawn Draney ; David Wright ; Rod Sorenson ;

COMMENTS

Kevin Tolton – 73-3-3 person entitled to use may change etc.

Hair vs Sandy – entitled to use

Jensen vs Jones – SE no forfeit.

73-3-8 criteria

50 gpd entitled to Little Cottonwood Water Co.

Entitled to water under 1976 Agmt. / contract.

Map ~ Prof Paper 201 Plate 30

Shows private ownership of land.

Priority of right being changed earliest. senior to SLC's

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WATER RIGHT NO.: _____

COMMENTS CONT.

Believe that LCC runs to waste ~ 50%?
Not reject for sole reason of impairment.
Willing to do power loss contract to make them whole.
Antimony in Alta water - mine.

Judith Maack - rambling about agreements.

Allan Orr - Alta Ski Lifts:
Neg affect water.

David Wright - 73-3-8

Mark Muir - USA FS - Spec Use permits for F.S. lands needed. May consider ESA, Forest Plan, etc FS WR for Albion Basin campgrounds.

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WATER RIGHT NO.: 57-7800 ; 57-10317

COMMENTS CONT.

Tolton - Spec Use permit Secret Lake already in place? through water Co.

Charles Condrat - USA FS hydrologist. Needs to be consistant w/ Forest Plan. if on Fed Land.

Shawn Draney - SLC & SL Metro: Change App. only 57-7800, 10317. Winter flow of Creek < 3 cfs. Runoff 900 cfs this yr. Peak during snowmelt. SLC serves 200,000 ± connections 50/50 in and out of SLC Inc area. Winter flow critical. Demand for direct flow greater than supply.

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COMMENTS CONT.

Draney cont - 1934 contr. 1910 conveyed to SLC. 7500 gpd through pipe excepted. for domestic use. (1/5)(7500)/6 = amt avail. = 250 gpd under contract. SLV health Dept Reg ~syst owner 400 gpd. No increase of div / depletion. Reg. prevent onsite waste water system. UCA 4:113 SLCo health ord. 9.25 09 append "a" Property w/i source protection zones for drain tunnel. Reg 14 waste water disposal ORD. (To be provided)

Many levels of reg = total sewer consumption. Return flow to syst not able to be made by septic syst. Change = NO IMPAIR, NO ENLARGE 4 families ~ Geo Despain then Harold Bentley. SEE CERT a-702. Quantification of right.

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COMMENTS CONT.

Cert = Prima facie evidence of right. If impairment priority = change not orig right. Priority of change jr. 73-3-3 & Bonham + 73-3-8.

1) Reason to believe - UNAP water.

Change App fails - No UNAP Rep. water in LCC

57 10293 Cecret Lake

10012 drain tunnel

2) Feasibility - Sewer system. Cannot tie into existing system. 4" need 8" 2 miles in length. USAFS land to be crossed by new (or replacement.) pipeline. Also wetlands. Wetlands - COE 404 permit. Sensitive. Parking - 2 stalls w/i 500 ft of residence. Need driveway through USAFS land. Many PODs not feasible.

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COMMENTS CONT.

Drawing cont – Town of Alta = water authority. Yr. round fire / paramedic access. Also 75k lb truck road. Over snow vehicle access prohibited. Stream alt issues. Cecret fens – ground water fed. Sensitive wetland – biological diversity.

3) Quantification of right – see prev. hearing. No WR reservation in delds from Bentley. All water did not transfer as appurtenance. Lot 31.

Kapalski – Protest filed 2004 Contract holder w/ SLC. Issue is principle Silver Fk case. Regs/rules state law. Civility. ∑

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COMMENTS CONT.

Pat Shea - Friends of Alta :
Bal Prof at U.
1) status of roads. SL Co.
No road avail for use. 1976 abolished
Mineral access - roads See Grand Staircase.
2) Land Conservation trust. Instream
flow preservation. Testing advances.
Essential that 2-300 boundary to stream be
maintained. Thin topsoil w disturbance
multiplies effect.
3) Grandfather - denuded areas for mining.
Protect watersheds.
submit written materials

SLCo Svc Area #3 - Keller :
endorse Draney comments.
Keith Hansen - since 1987 ; MGB ~2000
Water & sewer in cyn. 3200 - 8000
people served. Wasatch drain Tunnel

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COMMENTS CONT.

Hansen cont: Tunnel bulkheaded for storage 300' deep. 8200 up to 8500' mine tunnel. Holding tanks in area - leak? source of contamination? JAN - MAR High demand. Other sources Peruvian mine, mid Gad spring. Best quality +8500' south side. 10x more water in summer. Mineralized. Zinc? EPA limits - load.

Dilton - Antimony?

Hansen - Antimony not studied much. Treatment of Bay City mine water to meet EPA reqs.

Dilton - Illegal diversion from Snowbird to Alta

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COMMENTS CONT.

Hansen cont - See SLC.

Pat Cassidy - Sandy City:
See Shawn Draney.
Sandy Morse Decree rights.
Requests for new connections
rising 200 new last 5 yrs.
$10s of millions to acquire rights.
Increased depletions? Rely on
LCC. Forfeiture? 1970s →
Sandy City service.
SE bring suit vs applicant?

Sandy Irrig - David Wright -
Richland v Westland 1938 - Def of
watershed. Ex 1
Sandy IC & Sandy City - Agreement
Ex 2

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COMMENTS CONT.

Wright con't - Seattle v Mt Burn
Reason to believe. appl word or
representation w/o facts ≠ reason to
believe. No showing of feasibility.
Even though not zoning, physical feasib.
tied to roads, permits. etc.

Tolton - feces. animals etc.
Albion basin water shed issues.

David Wright - see closing.