

LAW OFFICES OF
MOYLE & DRAPER

HARDIN A. WHITNEY
din@moylelawfirm.com
JOSEPH J. PALMER
josedem@aol.com
O. WOOD MOYLE III ●
wood@moylelawfirm.com
WAYNE G. PETTY
wayne@moylelawfirm.com
EDWARD D. SPURGEON *
spurgeon@arches.uga.edu
● Also Admitted in New York
* Admitted California Only

CITY CENTRE I, SUITE 900
175 EAST FOURTH SOUTH
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 521-0250
TELECOPIER (801) 521-9015
EMAIL: moyle@moylelawfirm.com

YOUNG & MOYLE (1892-1934)
MOYLE & MOYLE (1934-1971)

OF COUNSEL
PRINCE, YEATES & GELDZAHLER

January 14, 2005

 **RECEIVED**
JAN 18 2005
WATER RIGHTS
SALT LAKE

Mr. Lee Sim
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, UT 84114-6390

Re: Minutes of the Annual Meeting of the Water Users
of the Lower Jordan River

Dear Mr. Sim:

Enclosed is the original of the Annual Meeting Minutes for 2005. Copies should be distributed to Members of the Committee with the 2004 Annual Report of the Lower Jordan Water Distribution System.

My notes indicate that you agreed (1) to break down the 2004 expenditures for miscellaneous expenses (\$344.26) and (2) to determine how the 2004 telephone expense (\$275.00) was determined and paid and report your results to the Committee.

Very truly yours,

MOYLE & DRAPER, P.C.



O. Wood Moyle III

OWMIII\cb
Enclosures
cc: O. Kent Covey
Stephen Bamberger
Fred Lewis

RECEIVED

JAN 18 2005

**WATER RIGHTS
SALT LAKE**

**MINUTES OF THE ANNUAL MEETING
OF THE WATER USERS OF THE LOWER JORDAN RIVER**

The annual meeting of the Water Users of the Lower Jordan River Distribution System and representatives of the Division of Water Rights was held Wednesday, January 12, 2005, in a conference room of the Natural Resources Building, 1594 West North Temple, Salt Lake City, Utah. Present at the meeting were Lee Sim, Lamar Drechsel, Jared Manning, Gertrudys Adkins, David Hinckley and Jim Wells, Utah Division of Water Rights; Lynn H. Jensen, Lower Jordan Water Commissioner; Fred Lewis, Northpoint Fur & Reclamation; O. Wood Moyle III, New State Incorporated; Rich Hansen (for Justin Dolling), DWR Farmington Bay WMA; Richard N. Gilbert, Ambassador Duck Club; and Richard Staples, Rudy Duck Club.

Fred Lewis served as the Chairman of the meeting; O. Wood Moyle III served as Secretary.

Fred Lewis circulated a Summary of Legal Actions for 2004 and presented a report with respect to it. His report was unanimously accepted.

The Minutes of the Annual Meeting held January 14, 2004, were unanimously approved.

The 2004 Annual Report of the Lower Jordan Water Distribution System was then distributed.

The report of Commissioner Lynn Jensen was given and reviewed. Thereafter, on motion made and seconded The Commissioner's report was accepted.

After full discussion it was agreed by the Water Users that Lynn Jensen's actions as Commissioner have been commendable. He was unanimously recommended to the Engineer for a new four year term. He is currently age 74-years.

Lee Sim presented the Engineer's 2004 financial report which on motion made and duly seconded was unanimously approved. Lee Sim reported that this year's State Engineer's assessment will be seven and one-half percent of the prior year's expense.

After discussion of the 2004 budget the following budget and assessment was moved, seconded and passed unanimously:

LOWER JORDAN RIVER DISTRIBUTION SYSTEM

2005 BUDGET EXPENDITURES

<u>Description of Budget Item</u>	<u>Amount Approved</u>
State Engineer's Assessment	1,490.00
Salary	9,500.00
Social Security	727.00
Retirement	1,478.00
Travel Expense	6,000.00
Insurance Premiums	198.00
Contractual Services	350.00
Secretarial Expense	100.00
Telephone Expense	400.00
Committee Expense	200.00
Miscellaneous Expense	<u>3,000.00</u>
TOTAL 2005 BUDGET	<u>23,443.00</u>

The 2005 assessments are to be in the amount of \$20,000.00, the assessments to be computed on the same basis as in the past, i.e., first computation of the Brighton North Point's share, the balance to be assessed one-half to the river users and one-half to the surplus canal users, in the proportion of rights claimed, with a minimum of five dollars, actual computations to be made by the Division of Water Rights.

In connection with the distribution of water for the coming year the following motion was moved, seconded, and passed unanimously.

RESOLVED: That in the event of low water this year, "low water" being defined as below 325 second feet of water owned by users below the diversion between the Jordan River and the Surplus Canal and excluding water not owned by users below that diversion point, the water owned by users below the point of diversion between the Jordan River and the Surplus Canal is to be divided one-half to the river and its users and one-half to the Surplus Canal and its users for the water year 2005 only and without prejudice to any of the legal rights of the parties involved.

BE IT FURTHER RESOLVED: That the Committee of the Lower Jordan Water Users Association be and it is hereby authorized and directed to take such steps as are necessary or appropriate to effectuate the foregoing resolution.

BE IT FURTHER RESOLVED: That the foregoing two resolutions with applicable updates for each successive year shall be and remain in full force and effect for later water years until further legal resolution by the Lower Jordan Water Users Association.

It was the consensus of the body that a reference to the foregoing resolutions with applicable updates of the water years applicable should be included in the minutes of the annual meeting of the Association each year.

Upon motion duly made, seconded and unanimously carried, the following persons were named to act as members of the Lower Jordan Water Users Association Committee for the coming year and until their successors are elected or appointed:

Dick Gilbert
4071 Minuet Court
West Valley City, UT 84119

Secretary - O. Wood Moyle III
City Centre I, Suite 900
175 East 400 South
Salt Lake City, UT 84111

Richard Staples
4711 South Bench Creek Road
Woodland, UT 84036

Claudia Conder
Utah Power & Light Company
1407 West North Temple, Suite 110
Salt Lake City, UT 84116

David Hinckley
3500 North 2200 West
Salt Lake City, UT 84116

Chairman - Fred Lewis
3011 South Orchard Drive
Bountiful, UT 84010

Elliott Christensen
40 East South Temple, #300
Salt Lake City, UT 84111

David Quinney
423 E Broadway
Salt Lake City, UT 84111

Justin Dolling
Division of Wildlife Resources
59 East Wicker Lane
Bountiful, UT 84010

Upon motion made, seconded and passed unanimously Mr. Lewis was elected Chairman and Mr. Moyle, Secretary, of the Committee.

There being no further business the meeting was adjourned.


Secretary of the Meeting