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OF COUNSEL
PRINCE, YEATES & GELDZAHLER

January 14, 2002

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 are the Minutes of this year's meeting held
January 9, 2002 with copies of the Notice of Meeting, 2001
Financial Report, Fred Lewis' Summary of Legal Actions 2001, and
the Commissioners Report (three pages) attached. Please mail
copies to each member of the Committee.

Very truly yours,

MOYLE & DRAPER, P.C.

O. Wood Moyle III

OWMIII\cb
Enclosures
cc: O. Kent Covey(w\encl.)
John Ashton (w\encl.)

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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 9, 2002, in a conference room of the Natural Resources Building, 1594 West North Temple, Salt Lake City, Utah. Present at the meeting were John S. Larsen, Jim Riley and Lee Sim, Utah Division of Water Rights; Lynn H. Jensen, Lower Jordan Water Commissioner; E. Fred Lewis, Lower Jordan/Northpoint Fur & Reclamation; O. Wood Moyle III, New State Incorporated; Justin Dolling, Wildlife Resources/FBWMA; David O. Hinckley, Himself; LaMar Dresheld, Farmers Water Users; Jennifer Gillmor, Gillmor Livestock; Richard Skeen, Harrison; Lorin N. Sperry and Bill Bradwisch, Wildlife Resources; and, Jeff Bryant and Richard Bay, Jordan Valley Water Conservancy District.

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

The Minutes of the Annual Meeting held January 10, 2001, were read and unanimously approved.

The 2001 Financial Statement was then presented and discussed.

Fred Lewis circulated a Summary of Legal Actions for 2001 and presented a report with respect to it.

The report of Commissioner Lynn Jensen was given in writing and orally reviewed.

Lee Sim reported that the Division of Water Rights is now following a new procedure to collect delinquent accounts. The procedure is as follows: (1) If an account is delinquent over two years a demand letter is mailed. (2) If the account is not paid within two weeks of the demand letter, an administrative action is begun. (3) If the account is not paid within three weeks of notice of the administrative action a "cease and desist order" is issued. The result of a cease and desist order is that the party's diversion system is shut down and the file frozen, meaning that no further actions can be made relating to the file until the delinquency is cleared.

The above procedure has already been begun with respect to one of the three accounts of Vernon Ray and Eileen Austin.

It was moved, seconded that the 2001 Financial Statement, Summary of Legal Action for 2001, and the Commissioner's Report (3 pages) all be accepted and copies be attached to the Minutes. The resolution was passed unanimously.

After full discussion it was agreed by the Water Users that Lynn Jensen's actions as Commissioner have been commendable

and that no change in Commissioner be recommended, Lynn Jensen having been hired for four years starting in 2001, shall continue to serve during 2002.

Lee Sims reported that, because of budget reductions in his office the Division of Water Rights may have to begin charging a fee for certain services provided to water user associations. An in-house study showed the cost of such services to be about seven and one-half percent of gross budgets. The fee would be charged under the authority claimed by the Division under Section 73-5-1(3)(a) Utah Code Annotated 1953 as amended. If such a fee is charged, the Division intends to charge two and one-half percent the first year, five percent the second year and seven and one-half percent thereafter. Two and one-half percent to this Association in 2002 would be about \$533. Those in attendance felt that a fee of that magnitude, if necessary, could be paid out of miscellaneous expense.

After discussion of the 2002 budget the following budget and assessment was moved, seconded and passed unanimously:

LOWER JORDAN RIVER DISTRIBUTION SYSTEM

2002 BUDGET EXPENDITURES

<u>Description of Budget Item</u>	<u>Amount Approved</u>
Salary	9,500.00
Social Security	727.00
Retirement	1478.00
Travel Expense	5500.00
Contractual Services	.00
Health and Life Insurance Premiums	198.00
Office and Supplies Expense	.00
Secretarial Expense	100.00
Telephone Expense	600.00
Committee Expense	200.00
Miscellaneous Expense	<u>3,000.00</u>
 TOTAL 2002 BUDGET	 <u>21,303.00</u>

The 2002 assessments are to be in the amount of \$18,000.00, 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 at the point of diversion between the Jordan River and the surplus canal, that the water 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 2002 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 effect the foregoing resolution.

BE IT FURTHER RESOLVED: That the foregoing two resolutions 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 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 appointed:

Richard C. Skeen
201 South Main Street, #1100
Salt Lake City, UT 84111

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

John Athens
777 East 2100 South
Salt Lake City, UT 84106

Carley Burton
Utah Power & Light Company
1407 West North Temple
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.

A discussion was held as to the need for skimmers to keep trash out of the boggin drain and at Cudahay Lane. The skimmer at Cudahay was removed during the flood. Cooperation with Salt Lake County will be required and action may have to be taken by the Committee.

There being no further business the meeting was adjourned.


Secretary of the Meeting