

MEMORANDUM

TO: Little Cottonwood Creek Water Right Files
FROM: Jared Manning
DATE: October 5, 2010
RE: Little Cottonwood Creek Water Rights

The purpose of this memorandum is to identify the surface water rights from Little Cottonwood Creek. There are basically four types as shown below:

1. DECREED WATER RIGHTS

These water rights were determined in the case Union & East Jordan Irrigation Company vs. Richards Irrigation Company et al, No. 4802, Judge C. W. Morse, June 16, 1910. The attached table shows each water right identified in the decree and the water right number(s) associated with these rights, where established.

2. POWER GENERATION AND OTHER NON-CONSUMPTIVE WATER RIGHTS

Non-consumptive water rights are based on applications to appropriate and are identified as follows: 57-1, 21, 37, 39, 54, 56, 57, 62, 66, 68, 78, 80, 81, 82, 446, 88, 866, 7861, 8564, 8569, and 8636.

3. SAVINGS OR STORAGE WATER

Most of these water rights are based on applications to appropriate which essentially dry up a portion of the stream and then capture the water that would have been lost to seepage. They are as follows: 57-40, 95, 98, 10108 (a portion of 57-40), and 10271 (a portion of 57-40). Water Right 57-53 allows for a portion of the surplus waters identified in the decree to be stored in Red Pine Lake.

4. SALT LAKE CITY WATER USERS CLAIM

Salt Lake City filed a water users claim in the general adjudication. This claim is numbered 57-8973. A proposed determination has not been published. There are currently eight segregations as follows: 57-10009, 10010, 10011, 10012, 10013, 10014, 10015, and 10291.

With 57-8973 the city makes a blanket claim covering all decreed water owned by the city plus water diverted under various exchange agreements. According to the city this equals 122.995 cfs. In addition, the city claims "100% of the flow above the Decreed Amount" or 358.64 cfs. There is no corresponding Diligence Claim or Application to Appropriate to support this additional water. The total claim is for 481.635 cfs.

DITCH	DATE ¹	PRIMARY FLOW		SURPLUS FLOW			WATER RIGHT NUMBER(S) (QUANTITY)
		1 ST	2 ND	1 ST	2 ND	3 RD	
North Despain		0.20					57-9000 (0.2 cfs less 57-10378) 57-10378 (33.7 ac-ft) ²
South Despain		0.25					57-9001 (0.1775 cfs less 1 ac-ft)
							57-7800 (0.0565 cfs)
							57-10315 (0.0012 cfs)
							57-10316 (0.0012 cfs)
							57-10317 (0.0012 cfs)
Greenwood		1.00					57-8734 (0.71 cfs) & 57-8735 (0.29 cfs)
							57-7689 (5.0 cfs) ³
							57-9002 (1.0 cfs) ⁴
							57-8739 (1.23 cfs) ⁵
Brady #1		0.41					57-24 (0.8776 cfs) ⁶ & 57-2700 (0.3524 cfs) ⁷
Brady #2		0.10					57-8738 (0.65 cfs) ⁸
Bissinger		0.08					57-8737 (0.08 cfs)
							57-7689 (5.0 cfs) ³
							57-9005 (0.08 cfs) ⁹
Van Valkenburg		0.25					57-8736 (0.25 cfs)
							57-7689 (5.0 cfs) ³
							57-9006 (0.25 cfs) ¹⁰
Tanner			18.500				57-9007 (18.5 cfs less 675 ac-ft) 57-9040 (125 ac-ft) 57-10012 (500 ac-ft) ¹¹

¹ Ditches with blank dates did not have dates specifically determined, but the decree indicates between 1848 and 1856.

² Total of 33.7 ac-ft between 57-10378 and 10379 combined.

³ Water Rights 57-6753, 6754, 6755, 8734, 8735, 8736, and 8737 (a4113) combined and renumbered 57-7689; 57-7689 (a29602) separated and renumbered 57-6753/6755, 9002, 9005, 9006.

⁴ Water Right 57-9002 replaces 57-8734 and 8735 combined.

⁵ Primary and high flow combined into one water right; renumbered 57-24 and 2700.

⁶ Primary and high flow combined into one water right.

⁷ Id.

⁸ Id.

⁹ Water Right 57-9005 replaces 57-8737.

¹⁰ Water Right 57-9006 replaces 57-8736.

¹¹ Water Rights 57-9039/9042 (a16844) combined and renumbered 57-10012.

							57-9043 (500 ac-ft) 57-10013 (2,000 ac-ft) ¹² 57-10313 (50 ac-ft) E2919
Richards			9.250				57-9008 (9.25 cfs less 625 ac-ft) 57-9041 (125 ac-ft) 57-10012 (500 ac-ft) ¹¹ 57-9044 (500 ac-ft) 57-10013 (2,000 ac-ft) ¹² E2922
Cahoon & Maxfield			23.125				57-7095 (54.285)¹³ 57-9009 (21.875 cfs less 685 ac-ft) 57-9042 (125 ac-ft) 57-10012 (500 ac-ft) ¹¹ 57-9045 (500 ac-ft) 57-10013 (2,000 ac-ft) ¹² 57-9047 (1.25 cfs) 57-10293 (60 ac-ft) E2920
Union & Jordan			23.125				57-9010 (37.325 cfs) ¹⁴ 57-6754 (1.0 cfs primary) 57-6755 (1.5 cfs primary) 57-7689 (5.0 cfs)³
Walker			9.250				57-9011 57-9039 (125 ac-ft) 57-10012 (500 ac-ft) ¹¹ 57-9046 (500 ac-ft) 57-10013 (2,000 ac-ft) ¹² E2921
Sandy			9.250				57-10439 No WR# assigned (8.08 cfs) 57-6753 (1.17 cfs) 57-7689 (5.0 cfs)³
North Despain	1856			0.23		1.06	57-9012 (portion of 1.06 cfs less quantity under 57-10379) 57-10379 (33.7 ac-ft) ²
South Despain	1856						No WR# assigned (portion of 1.06 cfs)
Greenwood	1856			0.71		3.34	No WR# assigned (3.34 cfs)
Brady #1	1856			0.16		0.82	No WR# assigned (0.82 cfs)

¹² Water Rights 57-9043/9046 (a16843) combined and renumbered 57-10013.

¹³ Primary and high flow combined into one water right; renumbered 57-9009 and 9022.

¹⁴ Primary and high flow combined into one water right.

Brady #2	1856			0.11		0.55	See Brady #2 primary right
Bissinger	1856			0.24		1.11	No WR# assigned (1.11 cfs)
Van Valkenburg	1856			0.29		1.39	No WR# assigned (1.39 cfs)
Tanner	1856			2.36		11.00	57-9020 (11.0 cfs) E2929
Richards	1856			1.41		6.68	57-9019 (6.68 cfs) E2922
Cahoon & Maxfield	1856			6.61		31.16	57-7095 (54.285 cfs) ¹³ 57-9022 (31.16 cfs)
Union & Jordan	1856			3.54		16.70	See Union & Jordan primary right
Walker	1856			1.41		6.68	57-9023 (6.68 cfs) E2921
Brown	1867					11.12	57-10323 (11.12 cfs less 34 ac-ft) 57-10324 (34 ac-ft)
Union & East Jordan	1867					44.54	57-10320 (44.54 cfs less 7.2 ac-ft) 57-10321 (7.2 ac-ft)
Sandy	1870					55.68	57-9026 (53.68 cfs) 57-8756 (2.0 cfs)
South Despain Extension	1877					16.70	No WR# assigned (16.7 cfs)
Nicol	1877					32.95	57-9028 (32.95 cfs)
Johnson or Little Nicol	1879					7.30	No WR# assigned (7.3 cfs)
North Despain Extension	1880					2.50	57-9030 (2.5 cfs)
Steingruber or Stangrover	1886					3.25	No WR# assigned (3.25 cfs)
Thompson	1888					12.79	No WR# assigned (12.79 cfs)
Griffith	1888					1.11	No WR# assigned (1.11 cfs)
Last Chance	1894					17.52	No WR# assigned (17.52 cfs)
Lym	1894					13.11	No WR# assigned (13.11 cfs)
Hanson	1896					1.11	No WR# assigned (1.11 cfs)
Erickson	1896					1.70	No WR# assigned (1.7 cfs)
Baker	1904					1.70	No WR# assigned (1.7 cfs)
George Kay	1909					5.00	No WR# assigned (5.0 cfs) ¹⁵

¹⁵ Flow is junior to third stage surplus water.