

"2. That it is virtually impossible for the applicant to put all of its present existing water rights to beneficial use. . . 3. That the applicant has such surplus of water at the present time that it is in fact now selling culinary water for irrigation purposes; therefore, such application is not filed by the (sic), applicant in good faith but is filed solely for speculative and monopolistic purposes."

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

In the Matter of Application #25556
 by the Metropolitan Water District
 of Salt Lake City to appropriate 50
 c.f.s. of water for municipal purposes
 from six 24 inch wells between 400
 and 1000 feet depth at points as follows:
 (1) S. 148 feet and E. 117 feet from
 NW Cor. Sec. 11; (2) N. 197 feet and
 East 618 feet from SW Cor. Sec. 2;
 (3) N. 606.4 feet and E. 1869.8 feet
 from SW Cor. Sec. 2; (4) S. 1259.5
 feet and W 2379.1 feet from E. 1/4 Cor.
 Sec. 2; (5) S. 320.5 feet and W. 1478.6
 feet from E. 1/4 Cor. Sec. 2; (6) N. 779.5
 feet and W. 801.6 feet from E. 1/4 Cor.
 Sec. 2; all in T. 3 S., R. 1 E., S.L.B.&M.

REPLY TO ANSWER OF FISHER
 HARRIS TO PROTEST.



STATE OF UTAH }
 COUNTY OF SALT LAKE } SS:

NOAL C. BATEMAN, being first duly sworn deposes and says: That he is the duly elected and qualified Mayor of Sandy City, a municipal corporation, and makes this reply to the answer of the Metropolitan Water District of Salt Lake City in the behalf of Sandy City.

1. That the applicant by obtaining rights to 46,500 acre feet of Deer Creek water has practically doubled its source of culinary water supply which is more than adequate for future development for years to come.
2. That it is virtually impossible for the applicant to put all of its present existing water rights to beneficial use within its present existing boundaries even under any reasonable conceivable rate of growth.
3. That the applicant has such a surplus of water at the present time that it is in fact now selling culinary water for irrigation purposes; therefore, such application is not filed by the applicant in good faith but is filed solely for speculative and monopolistic purposes.
4. That to the best of the affiant's knowledge, information and belief, Sandy City has made no application to the Metropolitan Water District for 730 acre feet or in fact any amount of water for any purpose which is either currently pending or active or under consideration, either by Sandy City or by the Metropolitan Water District.
5. That all of the contracts that the applicant has with various water companies, persons, districts, etc. for the delivery of Deer Creek Water is for

surplus water and which is not being beneficially used within the boundaries of the applicant's own district.

6. That application #25558 to appropriate should not be approved in order that the applicant can obtain a new source of supply of water to supplement it's Deer Creek rights in order that applicant can accomodate our neighbors in Utah County by carrying their water supply through applicant's aqueduct.

7. That the proposed development by the applicant, the control and use of same, as well as the speculation in said waters, will interfere with the more beneficial use by this protestant, other incorporated, unincorporated, and contiguous areas.

8. That the applicant has no economic interest in a large part of the area which it proposes to serve by said application, and a major part of the area outside of the applicant's boundaries is now served by the protestant, other municipal corporations, or by water corporations organized for that purpose, therefore, said application is not economically feasible.

9. That the proposed source to be captured by the applicant is of the same source that the protestant and others have already captured and are using beneficially and developing at points west of applicant's proposed source.

WHEREFORE, the protestant prays that application #25558 be rejected.

SANDY CITY CORPORATION

BY Noal C. Bateman
Noal C. Bateman, Mayor

Subscribed and sworn to before me this 17th day of November, 1954.

Foster H. Jones
Notary Public, Residing at

Sandy, Utah

My Commission Expires August 15, 1958.