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DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC UTILITIES  
WATER SUPPLY AND WATERWORKS  
WATER RECLAMATION AND STORMWATER

DEEDEE CORRADINI  
MAYOR

## Memorandum

To: Mayor Deedee Corradini  
From: LeRoy W. Hooton, Jr. *LWH*  
Date: February 16, 1996  
Subject: Weekly Summary Report

- Senate Legislative Energy and Resources Committee passed the "Protection of Underground Facilities (Blue Stakes)" bill that would require cities to be a member of the Blue Stakes organization. We estimate this will cost the department about \$100,000.
- At the Utah Conservation Forum Commissioner Horiuchi challenged the group to have a countywide water audit program. The County contributed \$15,000 to the group.
- An amendment was added to the Sam Safety Act to allow cities to be eligible for reimbursement for costs to upgrade high hazard dams. If passed, this will allow Salt Lake City to apply to the State Water Resources Board for reimbursement of some of the costs already spent or budgeted for the upgrade of Mt. Dell, Twin and Lake Mary dams. We have been working with the Utah Water Users Association to accomplish this amendment.
- Cahoon Maxfield Irrigation Company (area of Murray, Utah) filed a law suit against Salt Lake City and Sandy City over the dissolution of the Little Cottonwood Water Company and the quality of Utah Lake water. The complaint claims a breach of contract and the return of their Little Cottonwood Creek water. Cahoon Maxfield has 27.78% of the primary rights in Little Cottonwood Creek and this water represents about 3.6% of the City's total water usage. The Company has for some time tried to break the exchange agreement with the City. This is the third law suit in the past four years that we've been in with the Company. The real issue is that urbanization is reducing the irrigated land and the Company is trying to regain the high quality mountain water. According to our studies, the land under irrigation has been reduced in 1992 to about 15% of the area when the water right was decreed in 1910. With the rapid growth in Murray, this number has been further reduced since 1992. Before it was dissolved, the Company had water sales agreements in three subdivisions in the Albion Basin and had contacted Snowbird to sell them water.
- I made an initial inquiry with the East Jordan Irrigation Company to segregate Salt Lake City's water rights (represented by stock) from the Company and then filing a change application in the City's name. This would protect the City's rights in the event that the water per share is reduced by the State Engineer as a result of reduced beneficial use as more farm land is urbanized. This was suggested several weeks ago by the State Engineer when

we met with him in an effort to protect the City's water rights in Utah Lake. A meeting will be scheduled in the future to begin negotiations.

- Met with City Council staff to discuss unsewered structures in the City and private water and sewer lines. Kay Christensen was present. Councilperson Reid has constituents who are not currently connected to the City sewer. There are over 400 homes and businesses throughout the City that are not connected. It is estimated that it would required about \$20 million to extend mains and connect these structures to the City's sewer system. We were asked to see how other City's handle this problem before another meeting is held.

Mr. Crawford sought to utilize his property rights to provide for his family--SLC water department characterized the transferring of water up the canyon as "sinister."

SLC transferred the entire Butler Ditch up the same canyon--Double standard.

- Gil Iker of the Rotary Club contacted me about improving some of the sites at Rotary Park and to name them after prominent Rotary members. He feels that this will increase the members' and their families interest and to continue their volunteer partnership to keep the area maintained.
- Post Script - With the Cahoon Maxfield law suit we now have three law suits attacking the City's water rights. All are an attempt to break the City's canyon water sales ordinance. (1) The Silver Fork suit deals with mining tunnels which are numerous in Big and Little Cottonwood Canyons. If Silver Fork wins, this will open the flood gates for anyone desiring a water right to claim that the water was used prior to 1934 and file a diligence underground water claim. (2) The Farr Harper is even more sinister because it allows the transfer of a water right up canyon from the valley; and even more distressing allows wells to be drilled in the watershed canyons greatly expanding development potential, and (3) The Cahoon Maxfield suit would break our exchange agreement and provide the potential for thousands of acre-feet to be transferred up canyon. Item 2 and 3 are a product of the State's failure to conduct adjudication of water rights as ordered by the Court in the 1936 complaint filed by Salt Lake City et al, vs. Tamar Anderson, et al law suit naming 2000 plaintiffs. Now some 60 years later the problem has only gotten worse as eastern Salt Lake County is nearly completely urbanized. However, under the City's exchange agreements, we are required to deliver as much water today as 80 years ago. Our engineering studies show that the Cahoon Maxfield in 1992 had been reduced to only 15% of its original farm land acreage. The Farr Harper area is about the same. In the case of Farr Harper, it's a little different in that this transfer was because there was no exchange with the City, but rather a water right in good standing unless challenged. But until adjudicated, all these rights are legally in tact, and it will require individual law suits to settle each of them. As the value of water and property in the canyons sky rocket, the incentive to challenge the City will only increase; and if we lose, forever change the City's watersheds.

cc: Brian Hatch  
Roger Black

1,000 acre-feet for Snowbird #3, but no even 1/2 an acre-foot for Mr. Crawford record lot.

No one is "attacking" the City's water rights. This is spin to mesmerize elected City officials. What is being attacked is the Water Dept.'s unwarranted stranglehold of private property outside SLC city limits. Over 50% of Big Cottonwood Creek is not treated, nor ever has been treated. Watershed is used as a ruse for the SLC water dept. to dictate to non-SLC residents what they can and can not do with their property.

All wells are drilled in someone's watershed. SLC's water department characterizes this as "distressing."