

Tuesday, July 21, 2020

UNIFIED FIRE SERVICE AREA
Meeting Minutes
8:30 a.m.

This meeting was held both in person and electronically.

Board Members Present

e - Electronic participation

Mayor Kristie Overson

Mayor Jeff Silvestrini

Council Member Allan Perry

Council Member Kathleen Bailey - *e*

Mayor Tom Westmoreland - *e*

Council Member Trish Hull - *e*

Mayor Robert Hale - *e*

Council Member Jared Henderson - *e*

Council Member Sheldon Stewart

Mayor Kelly Bush - *e*

Council Member Gary Bowen - *e*

Surveyor Reid Demman - *e*

Mayor Dan Knopp - *e*

Board Members Absent

Mayor Jenny Wilson

Council Member Richard Snelgrove

Staff

Tony Hill, UFA CFO

Chief Dan Petersen

Cyndee Young, UFSA Clerk - *e*

Ifo Pili, UFSA District Administrator - *e*

Rachel Anderson, UFSA Legal Counsel - *e*

Guests

Ken Aldridge

Nate Bogenschutz

Bill Brass

David Brickey - Riverton

Maciej Bukczynski - Darkhorse

Lana Burningham

Matt Call

Ryan Carter-Riverton

Bryan Case

Patrick Costin

Dave Cowley

Mike DeGering

Kamarie DeVoogd

Micayla Dinkel

Nile Easton

Ginger Watts

Embret Fossum

Ross Fowlks

Shelli Fowlks

John Guldner - Alta

Daniel Haight

M.C. Haik - Alta Public

Kevin Hicks-Riverton

Travis Hobbs

Rob Korzan

Erica Langenfass

Chris Larsen-CCC

Ryan Love

Matt McFarland

Darren Park

DC Zach Robinson

Chad Simons

Jordan Terry

Jay Torgersen

Kate Turnbaugh

Claude Wells

DC Anthony Widdison
Brett Wood
Larson Wood
Arriann Woolf
Kiyoshi Young
AC Pilgrim
AC Burchett

OC Dern
Clint Mecham
Chris Larsen-CCC

Chair Kristie Overson Presided

Called to Order

Chair Overson called the meeting to order at 9:29 a.m. Quorum present.

Public Comment

See attached and Public Hearing below.

Public comment was made available live and with a posted email address.

Approval of Minutes

Mayor Silvestrini moved to approve the minutes from the June 16, 2020 UFSA Board Meeting as submitted.

Council Member Stewart seconded the motion.

Roll call vote taken.

Bailey	Y	Overson	Y
Bowen	-	Perry	Y
Bush	Y	Silvestrini	Y
Demman	-	Snelgrove	-
Hale	Y	Stewart	Y
Henderson	Y	Westmoreland	Y
Hull	-	Wilson	-
Knopp	Y		

Quarterly Financial Report- CFO Hill

CFO Hill presented the report and stated that revenue is as expected, property taxes are not yet in and will arrive toward year-end. No questions from the Board.

Mayor Silvestrini moved to approve the quarterly financial report including the list of expenditures for the last quarter as presented.

Council Member Perry seconded the motion.

Roll call vote taken.

Bailey	Y	Overson	Y
Bowen	-	Perry	Y
Bush	Y	Silvestrini	Y
Demman	Y	Snelgrove	-
Hale	Y	Stewart	Y
Henderson	Y	Westmoreland	Y
Hull	-	Wilson	-

Knopp	Y		
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Public Hearing to Receive and Consider Comments Regarding Proposed Adjustment to the Boundary of the UFSA to Include the Town of Alta- Chair Overson

Council Member Stewart moved to open the Public Hearing to receive and consider comments regarding the proposed adjustment to the boundary of the UFSA to include the Town of Alta.

Mayor Hale seconded the motion.

Roll call vote taken.

Bailey	Y	Overson	Y
Bowen	-	Perry	Y
Bush	Y	Silvestrini	Y
Demman	Y	Snelgrove	-
Hale	Y	Stewart	Y
Henderson	Y	Westmoreland	Y
Hull	-	Wilson	-
Knopp	Y		

M.C. Haik submitted a written comment.

Mayor Sondak replied with his written statement: “While I agree that the Town of Alta has not fully saved for infrastructure replacement — a problem that I inherited when I became mayor in 2018 — Mr. Haik has for years attempted to gain water for his undeveloped property in Alta through many means including repeatedly failed litigation in Utah and Federal courts. His property is outside the 1976 boundaries of the Town of Alta, which means that the Town may not supply water to his property under our agreement with Salt Lake City, the entity that owns the water in Alta. This objection appears to be another effort by Mr. Haik to facilitate development of his property.

“Irrespective of the merits of his arguments about Alta’s water system, Mr. Haik’s interest in having water so he can develop his property is an issue totally removed from the question of how fire and emergency services should be provided to the Town of Alta. Holding up these services to Mr. Haik’s desire to develop his property is not the course of action that the Alta Town Council has decided to undertake nor should it be the preference of the UFSA.”

Mayor Silvestrini noted that not joining the UFSA would result in a tax increase for the residents of Alta in order for them to support their Member Fee cost.

M.C. Haik, addressed the Board, asking why the UFSA would consider bringing on an entity with no infrastructure and feels that the UFSA should decide what is/is not available prior to incorporating Alta into their membership. Attached is the written submittal from Mr. Haik.

Mayor Silvestrini moved to close the Public Hearing to receive and consider comments regarding the proposed adjustment to the boundary of the UFSA to include the Town of Alta.

Council Member Stewart seconded the motion.

Roll call vote taken.

Bailey	Y	Overson	Y
Bowen	-	Perry	Y
Bush	Y	Silvestrini	Y
Demman	Y	Snelgrove	-
Hale	Y	Stewart	Y

Henderson	Y	Westmoreland	Y
Hull	-	Wilson	-
Knopp	Y		

Resolution 07-2020A Approving Adjustment of the UFSA Boundary to Include the Town of Alta- Legal Counsel Anderson

Alta has approved the joint resolution. Counsel Anderson stated that the 50% threshold for protests was not met, therefore the boundary adjustment will move forward. She also noted that this issue does not concern water, it is a change in the funding mechanism only.

Mayor Sondak echoed Mayor Silvestrini's mention during the Public Hearing, that the Member Fee for Alta would have been \$200,000 higher if they did not join UFSA.

Surveyor Demman noted that a correction must be made in the Resolution regarding where the boundary adjustment should be recorded, Counsel Anderson will make this change.

Council Member Stewart stated that he will abstain from the vote on behalf of Riverton as they will not be part of the UFSA.

Council Member Perry pointed out that the services provided are both fire and EMS, this is not an issue of water service.

Mayor Silvestrini moved to approve Resolution 07-2020A approving the adjustment of the UFSA boundary to include the Town of Alta.

Mayor Knopp seconded the motion.

Roll call vote taken.

Bailey	Y	Overson	Y
Bowen	Y	Perry	Y
Bush	Y	Silvestrini	Y
Demman	Y	Snelgrove	-
Hale	Y	Stewart	Abstain
Henderson	Y	Westmoreland	Y
Hull	Y	Wilson	-
Knopp	Y		

Approval of State of Utah Wildland Participation Commitment for 20/21- Division Chief Widdison

These agreements were approved December 2019. Not addressed in Meeting.

Introduction of Construction Manager Firm- Assistant Chief Burchett

Chris Larson of Construction Control Associates introduced his firm, which will be the project manager for the new stations.

Demo of Progress on Darkhorse Software- Assistant Chief Burchett

Daniel Haight and Maciej Bukczynski of Darkhorse held a demonstration of what data Darkhorse can provide. This Canada based company's transparent, intuitive, and accurate data will help with drive time analysis, demand for service at a granular level, growth projections, station location, and resource deployment data to help UFSA/UFA make the best decisions for the communities.

Council Member Stewart asked for data for each municipality. AC Burchett stated that current priority is for Station 112, Eagle Mountain, Herriman, and the UFSA owned Midvale property. Following that, these tools will be shared with all municipalities.

Chief Petersen stated that this is the first phase with just current data and that this software will absolutely pay for itself moving forward. UFSA will be the primary driver and purchaser of this software this year, then the discussion will be for UFA to take the following year for analyzing apparatus placement, etc. This is an annual contract, year-by-year.

Chief Petersen also stated that the software can show the value of how small adjustments internally can make a bigger difference externally.

District Administrator Report- Ifo Pili

♦ Riverton City Withdrawal

A memo was included in the packet addressing Stations 120, 121, 124, the bond obligation, and fund balance, and any anticipated questions. Much discussion was had as to the inability of using the feasibility study, and Riverton's role and contributions when joining UFSA.

Mayor Silvestrini felt that more in-depth information and study should take place, he requested a workgroup be formed to study the data. Mayor Overson stressed the need for Board Members to have discussions within their cities as well.

DA Pili stated that he will make himself available and if any additional data is needed, please reach out. Council Member Stewart made a plea to the Board that Riverton has a timeline and he hopes to have a decision by the next UFSA Meeting. Mayor Silvestrini asked that Council Member Stewart share the budget calendar and timeline. Mayor Overson recommends all Board Members do their homework and come prepared for an agreement next month. Council Member Hull wishes to see how this impacts each municipality.

It was decided to create a workgroup consisting of CFO Hill, Mayor Overson, Mayor Knopp, Mayor Silvestrini, Council Member Stewart, Chief Petersen, Council Member Henderson, Mayor Hale, Surveyor Demman, DA Pili, Counsel Anderson.

Chief Petersen cautioned that this is setting future Board Policy and asked that this agreement be accomplished for the next meeting.

Council Member Stewart stated that Riverton wishes to be equitable and reminded the Board that they may all be in a similar position in the future.

Closed Session

None.

Motion to Adjourn

Council Member Stewart moved to adjourn the July 21, 2020 UFSA Board Meeting.

Mayor Silvestrini seconded the motion.
No vote to adjourn was taken.

I own 4 subdivision lots in the Albion Basin Subdivision in the Town Of Alta within the proposed annexation.

I am presently taxed for municipal services by the Town of Alta but not served municipal services by the Town of Alta.

The proposed annexation into the UFSA will raise taxes on all real property taxpayers in the Town of Alta very significantly. A substantial number of the existing Town of Alta real property tax base pays taxes for fire protection but receives either substandard, limited or zero services for fire protection. The Town of Alta has developed no fire protection infrastructure for much of the town. Real property owners will face very significant additional tax burden without receiving any benefit absent a plan to deliver actual fire protection to the whole service area. The UFSA should not proceed to tax everyone in the proposed annexation only to enhance service to some properties and fail to deliver like service to others. A plan to serve the whole service area of the proposed annexation is required. The underserved & not served in the Town of Alta have subsidized the remainder of the community for decades. The Town of Alta has failed to set aside funds for capital reinvestment in public infrastructure for five decades which circumstance needs to be reversed. The Town of Alta has also failed to set aside any funds to competently plan for upgrades to existing infrastructure & has no funds allocated to plan for new infrastructure to provide fire protection to the service area of the proposed annexation. The UFSA should evaluate the existing fire infrastructure and identify the limits of service. The UFSA should to inventory the real properties in the service area to be taxed and determine what infrastructure is required to enable the provision of actual fire protection and emergency services to the whole service area. The current infrastructure in the Town of Alta should be independently assessed as the Town of Alta has

failed to make any competent efforts to plan for fire protection services to the whole service area.

Regarding the proposed annexation:

The UFSA should inventory all the State of Utah approved sources for municipal water supply in the Town Of Alta specifically the following approved change applications on file at the State Engineers Office-Utah Division of Water Rights, all of which allow for municipal water to be diverted for fire protection:

57-10009

57-10013

57-10015

The UFSA should review the Water User Claim WUC 57-8973 filed by Salt Lake City Public Utilities (hereafter SLCPU) as it claims to serve following:

[a] “inhabitants”,

[b] “those within it’s (SLCPU) service areas in salt lake county”,

[c] “commuter work force & visitor populations”.

The water user claim WUC 57-8973 also discloses that Salt Lake City Public Utilities serves more persons out the Salt Lake City municipal boundaries than in, the claim cites 163K served in SLC and the remainder of the total of 400K outside the Salt Lake City municipal boundaries. Salt Lake City Public Utilities has repeatedly filed Requests for Extensions for water use with the Utah Division of Water Rights which claim the following:

[a] SLCPU is diverting water for the municipal use cited in the change applications.

[b] Water is being used for municipal purposes.

[c] SLCPU is going to deliver balance of water for future municipal use.

The UFSA should request a report from the Utah Division of Water on all water diversions in the proposed annexation service area, both public & private to enable best potential infrastructure plan.

The UFSA should review how & where the water should best be diverted and efficiently utilized for fire protection in the service area.

The UFSA should also review the numerous other available water sources, water storage and water infrastructure in the proposed annexation to determine if other water sources and infrastructure could be appropriately or more effectively utilized for fire protection to better serve the health, welfare & safety of the community. Among those other assets and related infrastructure:

[1] Agreement dated May 22, 1963 between Little Cottonwood Water Company and Canyonlands, Inc.

[2] Agreement dated September 22, 1971 between Little Cottonwood Water Company, and Albion Alps property owners.

[3] Agreement dated December 30, 1981 between Little Cottonwood Water Company and the owners of homes in the Cecret Lake

[4] Agreement dated April 12, 1993 between Little Cottonwood Water Company and Alta Ski Lifts Company, for snowmaking and amended March 15, 1994.

[5] Agreement dated December 1, 1992 between Little Cottonwood Water Company and Alta Ski Lifts company for Alpenglowl Shelter and Watson Shelter.

[6] Agreement dated June 26, 1992 agreement between Salt Lake City Public Utilities & United States Forest Service.

All of the above listed agreements are diverting water in the proposed annexation service area, and have associated infrastructure and some storage capacity. Further in Jan 1995 Salt Lake City informs the UDWR-State Engineer via transmission of an original copy of the LCWC dissolution from SLC Recorder-Cowley to the UDWR_State Enginner that;

[1] Little Cottonwood Water Company has “contracts to supply water to several subdivisions and persons in Albion Basin”. The Dissolution Agreement transmitted to UDWR also specifically discloses the following items:

a) Shareholders specifically voted to dissolve & distribute shares to SLC & Sandy, “so that the outstanding obligations of the corporation can be met by these two cities”.

b) SLC lists the following as assets: all property rights in Cecret Lake & Cecret Lake dam, contracts between Canyonlands-May 1963, Albion Alps-Sept 1971, Cecret Lake-Dec 1981, ASL Snowmaking-March 1994 and ASL Alpenglowl-Dec 1992.

c) “SLC shall assume all responsibilities, obligations, and liabilities under the terms and conditions of the agreements,

assignments, operation and ownership of the assets set out in Section 2 above. SLC shall reasonably maintain Red Pine Lake and Cecret Lake and their dams.”

d) “parties hereby promise that they cooperate with one another in preparing, filing, and doing all things reasonably necessary to file and complete change application with the State Engineer for the delivery of water and the accomplishment of the purposes of the Agreement”.

The attached August 30, 1993 from Salt Lake City Public Utilities Director Hooten to Deputy Mayor Hatch describes the intentions of Salt Lake City Public Utilities and Town of Alta Mayor Levitt. The plan was to gain control of the water and then deny the water to the end users of the water contracts to prevent home building. The conundrum of the circumstance is highlighted by Salt Lake City Public Utilities representations to the Utah Division of Water Rights-State Engineer. In the Cahoon Maxfield case cited in the memo the result was that Salt Lake City Public Utilities submitted 32 change applications to the State of Utah affecting water contracts in Emigration, Parleys, Millcreek, Big Cottonwood & Little Cottonwood. Salt Lake City Public Utilities specifically represented to the Utah Division of Water Rights-State Engineer that on the advice of their own expert Salt Lake City Public Utilities would provide the increased amount of 400 gallons per day for all of the contracts. Salt Lake City Public Utilities was allowed to cure the breach of various water exchange contracts with Cahoon Maxfield by the filing the 32 change applications with the increase to 400 gallons per day, subsequently the case was dismissed. There are audio recordings, hearing notes and transcripts of the proceedings on file in the germane records at the Utah Division of Water Rights and the case record at the 3rd District Court. I have copies of all these records as well

and can provide them to UFSA counsel. Two of the contracts in the proposed UFSA annexation were I believe inadvertently omitted from the Salt Lake City Public Utilities change applications, those two contracts are currently subject to Utah Division of Water Rights Enforcement action that is pending.

In the most recent Request for Extension of Time to File Proof (attached), Salt Lake City Public Utilities represents that there are canyon users and the water is being used pursuant to the original change application and the estimated time for the completion is in the future. This Request for Extension of Time to File Proof was granted and an Order issued by the Utah Division of Water Rights-State Engineer to extend the time required to January 31, 2021.

Thus presently in the proposed UFSA annexation the following circumstances exist:

[1] Some parties have Salt Lake City Public Utilities municipal water delivered through Town of Alta owned infrastructure with a State of Utah Approved Change Application.

[2] Some parties have Salt Lake City Public Utilities municipal water delivered through privately owned infrastructure with a State of Utah Approved Change Application.

[3] Some parties have Salt Lake City Public Utilities municipal water delivered through privately owned infrastructure without a State of Utah Approved Change Application.

[4] Some taxpayers have municipal water available for fire protection.

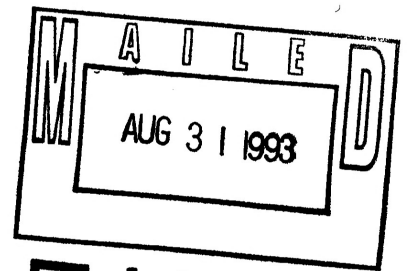
[5] Some taxpayers have limited municipal water available for fire protection but not sufficient to meet current codes.

[6] Some taxpayers have no water available for fire protection or anything else.

[7] The existing Town Of Alta fire hydrants are pressure charged through the culinary water system.

Any decision to approve the proposed annexation should be postponed until the Town of Alta can provide the UFSA information regarding what municipal water assets and infrastructure will be available to serve the parties being taxed. In addition the UFSA should have their own counsel provide an opinion on municipal water assets and infrastructure in the proposed annexation area which may be utilized to provide the taxpayers the fire protection they will be taxed for should UFSA proceed to approve the annexation in the future.

UFSA should not tax for fire protection services if UFSA cannot reasonably expect to have water assets available for fire protection. UFSA should not tax parties who are not going to be served.



FILE

DEEDEE CORRADINI
MAYOR

LEROY W. HOOTON, JR.
DIRECTOR

SALT LAKE CITY CORPORATION

**DEPARTMENT OF PUBLIC UTILITIES
Water Supply & Waterworks
Water Reclamation & Stormwater**

Memorandum

TO: Brian Hatch, Deputy to the Mayor
FROM: LeRoy W. Hooton, Jr. *LW*
DATE: August 30, 1993
SUBJECT: Little Cottonwood Water Company

Introduction

In order to protect the Albion Basin in Little Cottonwood Canyon, it was decided that Salt Lake City would acquire the water contracts between lot owners in the Albion Basin and the Little Cottonwood Water Company and/or gain control of the company and dissolve it.

Background

The Little Cottonwood Water company was formed in 1911 and stock issued to various ditch companies and individuals using water from Little Cottonwood Creek including four companies which have exchange agreements with Salt Lake City. Their primary water right of 3.03 cfs was acquired by saving water in Little Cottonwood Creek by constructing the cutoff ditch just below what is now the Metropolitan Water District of Salt Lake City's Little Cottonwood Water Treatment Plant. They also have water rights in Red Pine and White Pine Lakes and Cecret Lake located in Little Cottonwood Canyon. Salt Lake City has exchange agreements with many of the stockholders in the Company and manages/owns the water in the lakes as well as their rights in the creek through exchange agreements. By virtue of the exchange contracts the City has liability for the actions of the Little Cottonwood Water Company but no control over their actions.

The Company entered into various water sales contracts between 1945 and 1981, and of particular concern were the contracts for lots in the Albion Basin. The contracts are for less than the 400 gpd required to develop a lot. When this area was annexed into Alta City, there was pressure for Alta to provide them culinary water as the Little Cottonwood Company contracts were inadequate. Salt

Lake City promised Mayor Levitt that it would gain control of the Albion Basin contracts in order to protect the area from development by using Salt Lake City's watershed management muscle to deny them water. Also, the City would not fold under pressure to increase the volume under the contracts, whereas the Little Cottonwood Water Company would.

During the latter part of 1992, the Company became uncooperative and aggressive in its attitude toward the City, led primary by Tony Rezack, President of the Cahoon Maxfield Irrigation Company, who along with the three other irrigation companies holding rights in Little Cottonwood Creek, initiated a law suit against Salt Lake City entitled Cahoon Maxfield Irrigation Co. et al vs Salt Lake City. Judge Rigtrup dismissed the law suit.

In accordance with the exchange contracts with the Richards Ditch, Walker Ditch and Little Cottonwood Tanner Ditch Companies their stock in the Little Cottonwood Water Company was transferred to Salt Lake City in the 1930s. This spring I requested the Company secretary to transfer the stock certificates into the name of Salt Lake City, thus eliminating eligibility of the exchange companies' members to sit on the Board of Directors. With this action, Salt Lake City and Sandy City control the company.

Action

Salt Lake City and Sandy City are moving forward to dissolve the company. The strategy is to meet with the individual irrigation companies to inform them of our intent, hold a board meeting, elect new officers consisting of Sand City and Salt Lake City members, and set forth a plan to dissolve the corporation. We hope to do this in such a way that the City's and Companies' relationship is not damaged too severely, but meet our goal of eliminating the Company.

cc: Roger Black

AFTER FOURTEEN YEARS
REQUEST FOR EXTENSION OF TIME TO FILE PROOF OF BENEFICIAL USE
STATE OF UTAH

CHANGE NO. **a16846 (57-10015)** APPLICANT: **Salt Lake City Corporation**
Department of Public Utilities
1530 South West Temple
Salt Lake City UT 84115

Provide all information requested below:

Construction completed to date:

Please see attached sheet.

Work completed since last extension:

Please see attached sheet.

Reasons why the project has not been completed:

Please see attached sheet.

Estimated time for completion of project:

Please see attached sheet.

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for EXTENSION OF TIME to file proof of beneficial use. I assert that to the best of my knowledge all information provided herein is true and complete. By signing this form, I assert that I am the applicant or I have been granted authority to make this request on behalf of the applicant.


APPLICANT or REPRESENTATIVE (signature)

1/18/11
Date

Telephone Number (Optional)

Thomas K. Ward, P.E.
APPLICANT or REPRESENTATIVE (print)

Deputy Director
REPRESENTATIVE'S TITLE

FOR OFFICE USE ONLY

\$150 FEE RECD. ✓ #40105378 BY JN RECEIPT NO. 11-00185 COMPUTER _____

PROOF DUE DATE: **January 31, 2011**

14 YEAR PERIOD ENDED: **January 15, 2011**

REMARKS:

Return to: DIVISION OF WATER RIGHTS*1594 West North Temple, Suite 220, Salt Lake City, UT 84114*(801)538-7240

RECEIVED

JAN 18 2011 TG

WATER RIGHTS
SALT LAKE

Extension Request

Attachment 1

Salt Lake City Department of Public Utilities

Water Right Extension for Water Right 57-10015 a16846

Extension Due Date: 1/31/11

1. Construction completed to date:

Construction to date includes the development of water from a mine tunnel source and of spring sources.

2. Work completed since last extension:

There has not been work completed since the last extension.

3. Reasons why the project has not been completed:

This water right has historically been diverted under an Agreement between Salt Lake City and a canyon user. The change application water has been put to partial beneficial use. Under the water agreement, the City is holding this right to meet the future requirements of the public, which under Section 73-3-12 (2)(a) Utah Code Annotated constitutes reasonable and due diligence.

4. Estimated time for completion of project:

The estimated time for completion of the project is at some time in the future.

RECEIVED

JAN 18 2011

**WATER RIGHTS
SALT LAKE**

JEFFRY T. NIERMEYER
DIRECTOR

SALT LAKE CITY CORPORATION

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

RALPH BECKER
MAYOR

January 18, 2011

Mr. Kent L. Jones, State Engineer
Utah Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84114-6300

Subject: Requests for Reinstatement and Extension of Time

Dear Mr. Jones,

Please find enclosed completed Request for Reinstatement and Extension of Time forms and payment to cover the filing fee for the following Salt Lake City water rights.

<u>Water Right</u>	<u>Change No.</u>	<u>Filing Fee</u>	<u>Water Right</u>	<u>Change No.</u>	<u>Filing Fee</u>
5710009	a16839	\$ 150	5710029	a16824	\$ 150
5710010	a16841	\$ 150	5710030	a16825	\$ 150
5710011	a16842	\$ 150	5710031	a16826	\$ 150
5710014	a16845	\$ 150	5710032	a16827	\$ 150
5710015	a16846	\$ 150	5710033	a16828	\$ 150
5710016	a16811	\$ 150	5710035	a16840	\$ 150
5710017	a16812	\$ 150	5710036	a16786	\$ 150
5710018	a16813	\$ 150	5710037	a16787	\$ 150
5710019	a16814	\$ 150	5710038	a16788	\$ 150
5710020	a16815	\$ 150	5710039	a16789	\$ 150
5710021	a16816	\$ 150	5710041	a16837	\$ 150
5710022	a16817	\$ 150	<u>5710042</u>	<u>a16838</u>	<u>\$ 150</u>
5710023	a16818	\$ 150	TOTAL		\$ 4,050
5710026	a16821	\$ 150			
5710028	a16823	\$ 150			

Please contact Tracie Kirkham at 801-483-6750 or me at your convenience if you have any questions, concerns, or require additional information regarding these extension applications.

Sincerely,



Thomas K. Ward, P.E.
Deputy Director

TKW\tk\Extension Cover Letter 1_31_2011.docx

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JAN 18 2011

WATER RIGHTS
SALT LAKE

1530 SOUTH WEST TEMPLE, SALT LAKE CITY, UTAH 84115

TELEPHONE: 801-483-6900 FAX: 801-483-6818

WWW.SLCGOV.COM





GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

APR 4 2011

ORDER OF THE STATE ENGINEER

On Extension of Time Request

For Permanent Change Application Number 57-10015 (a16846)

Permanent Change Application Number 57-10015 (a16846), in the name of Salt Lake City Corporation (the City), was filed on June 24, 1992, and approved on January 15, 1997, to divert 15.75 acre-feet (af) of water from two surface points, located: (1) North 412 feet and West 833 feet from the NE Corner of Section 9, T3S, R3E, SLB&M (Spring); (2) South 230 feet and West 900 feet from the NE Corner of Section 9, T3S, R3E, SLB&M (Mine Tunnel). The water is to be used within the service area of Salt Lake City. Proof was last due on January 31, 2011.

Notice of the extension request was published in the Deseret News on February 3 and 10, 2011. No protests were received.

The applicant has filed for an extension of time within which to file proof with the State Engineer stating that construction to date includes the development of water from a mine tunnel source and of spring sources. This water right has historically been diverted under an agreement between Salt Lake City and a canyon user; and the water has been put to partial beneficial use. Under the water agreement, the City is holding this right to meet the future requirements of the public.

The applicant is advised that, under the provisions of Section 73-3-12, Utah Code Annotated, and in the case of extension requests for a "public water supplier," the State Engineer may grant extensions of time if ". . . the applicant shows reasonable and due diligence in completing the appropriation; or a reasonable cause for delay in completing the appropriation" and "[t]he State Engineer shall consider the holding of an approved application by a public water supplier or a wholesale electrical cooperative to meet the reasonable future water or electricity requirements of the public to be reasonable and due diligence in completing the appropriation . . . for 50 years from the date on which the application is approved." The applicant has evidently satisfied the requirements of Section 73-3-12 and the extension request can be granted.

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Permanent Change Application 57-10015 (a16846) to and including **January 31, 2021**.

The applicant is advised that the Permanent Change Application was approved subject to certain conditions. These conditions, as stated in the original approval documents issued on January 15, 1997, should be reviewed carefully to assure that the continued development remains in accordance with the approved development.

ORDER OF THE STATE ENGINEER

Extension of Time to Submit Proof

Permanent Change Application Number 57-10015 (a16846)

Page 2


This extension is granted in accordance with the law which states "Within the time set by the State Engineer under Subsection 73-3-10(5), an applicant shall construct works, if necessary; apply the water to beneficial use; and file proof with the State Engineer in accordance with Section 73-3-16." It is earnestly recommended that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 13 day of April, 2011.


Kent L. Jones, P.E., State Engineer
BY: John R. Mann, P.E., Assistant State Engineer

Mailed a copy of the foregoing Order this 13 day of April, 2011 to:

Salt Lake City Corporation
Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115

BY: 
Sonia R. Nava, Applications/Records Secretary