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Carbon files for district court's ruling

By MELONEY RIGBY
Staff reporter

The battle for water rights with Penta Creeks may soon come to an end with the filing of a complaint for declaratory relief by East Carbon City on Oct. 16 in 7th District Court.

Approximately one year ago, Penta Creeks purchased the Sunnyside Coal property from the federal bankruptcy court. Penta Creeks claims that associated water rights were purchased along with the property.

After several months of negotiations, East Carbon and Sunnyside cities presented a proposal to purchase land and water rights to Penta Creeks. Penta Creeks did not return the agreement signed within the allocated time.

East Carbon is now seeking a decision from the district court on the validity of an agreement handed down from Geneva Steel Company and Kaiser Steel Corporation in 1951.

The court ruling will determine the parties' legal obligations toward one another and their rights regarding the use and operation systems of Grassy Trail Reservoir and the waters it stores.

Grassy Trail Creek flows from the mountains above the cities of East Carbon and Sunnyside, through Whitmore Canyon and into the desert beyond.

According to the complaint filed by the legal firm of Parsons, Davies, Kinghorn and Peters on behalf of the city, Geneva and Kaiser entered into a memorandum agreement dedicating certain property and interests to joint use on Sept. 17, 1951.

Geneva and Kaiser entered into the 1951 agreement to jointly build, maintain, repair and operate a storage reservoir and appurtenant works on Grassy Trail Creek and to improve the supply for "domestic use" in the East Carbon area.

An agreement dated Jan. 3, 1952 between Kaiser and Kaiser and Frazier Parts added additional water rights to the purview of the 1951 agreement.

The complaint states that since prior to incorporation, the residents of East Carbon have depended on the waters of Grassy Trail Creek for domestic, irrigation and industrial needs.

Subsequently, in 1958 and again in 1960, Kaiser and United States Steel, Geneva's successor, reiterated and amended the memorandum agreement, adding additional water rights to its purview for storage in the reservoir along with joint use and distribution.

By entering into the agreement, the complaint contends the parties confirmed that the diversion and storage facilities were dedicated to joint use by themselves and their successors. The agreement dedicates water stored and distributed through the reservoir and dam to joint use, regardless of ownership of such land, personal property or water rights.

East Carbon City is the successor to Geneva Steel and Penta Creeks is a successor to a portion of the interests of Kaiser Steel.

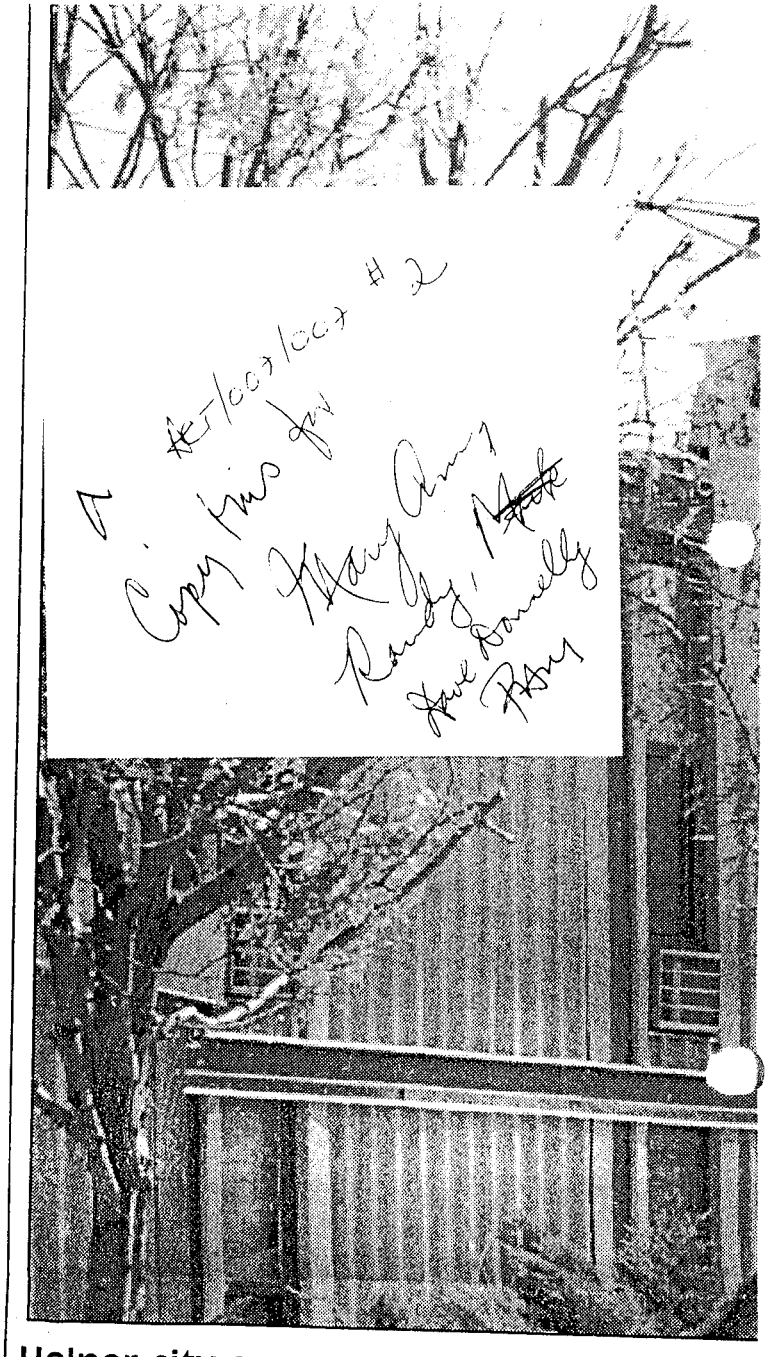
The city maintains that the agreement has never been terminated and remains in full force and effect.

In addition, the city contends that the property interests subject to the memorandum agreement remain available for joint use according to the specified terms.

The complaint points out that Penta Creeks has publicly stated that the agreement is of no effect and East Carbon has no right to store its water in Grassy Trail Reservoir.

Claiming it has no obligation to contribute to the maintenance of the dam, reservoir or appurtenant works, Penta Creeks has also demanded compensation for the delivery of water from the reservoir to the residents of East Carbon and Sunnyside cities through municipal water systems.

The city is waiting for the case to be assigned to a judge for a decision on the validity of the 1951 memorandum agreement.



Helper city crews spruce up locations al

Helper city maintenance crews are sprucing up the downtown area by trimming the trees in front of Harmony House on Main Street.

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