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East Carbon files Penta Creeks suit

By MELONEY RIGBY
Staff writer

East Carbon City has filed a civil complaint seeking declaratory relief against Penta Creeks and the Magnificent Seven, both limited liability companies.

The city filed the lawsuit in the 7th District Court in Carbon County to settle once and for all the legality of the "51 Agreement" regarding Grassy Trail Creek and water storage reservoir.

According to the general allegations of the civil suit, Geneva Steel Company and Kaiser Steel Corporation entered into the 1951 memorandum agreement to jointly "build, own, 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 County area.

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

The inhabitants of the area have depended on the waters of Grassy Trail Creek for culinary, irrigation and industrial needs.

A second agreement between Kaiser and Kaiser and Fraizer Parts Corporation dated Jan. 3, 1952 added additional water rights to the purview of the memorandum agreement.

As provided in the '51 agreement, Geneva and Kaiser constructed a dam and reservoir on Grassy Trail Creek, together with its appurtenant works, down Whitmore Canyon to the homes, industrial facilities and businesses in East Carbon City and Sunnyside.

In 1958 and again in 1960, Kaiser and United States Steel Corporation, the successor to Geneva, reiterated and amended the 1951 memorandum agreement, adding additional water right to its purview for storage in the reservoir and

joint use and distribution.

By entering into the memorandum agreement, the city's declaratory relief action argues that the parties agreed that the diversion and storage facilities were dedicated to joint use by themselves and their successors.

The civil suit contends that the '51 agreement assigns the water stored and specifies that it be distributed through the jointly constructed reservoir and dam. The memorandum agreement dedicated the water to joint use, regardless of ownership of such land, personal property or water rights.

East Carbon maintains that the city is the legal successor to Geneva Steel and Penta Creeks is the successor to a portion of the interests of Kaiser Steel.

As the legal successors, the parties have legal title to the property and property interests subject to the '51 Agreement.

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

Penta Creeks owners further asserted that they have no obligation to contribute to the joint repair or maintenance of the dam, reservoir and appurtenant works.

According to the suit, the memorandum agreement has never been terminated and remains in full force and effect. The plaintiff East Carbon City maintains that the property interests subject to the agreement remain available for joint use according to its terms.

"We have no concern - the agreement is either good or it isn't," commented Penta Creeks shareholder Greg Jensen when contacted last week about the city's declaratory relief lawsuit.

East Carbon City filed the civil action in order to determine the validity, rights and obligations of the parties under the 1951 agreement.

Movement registering at 1

By LAYNE MILLER
Staff writer

The Thistle landslide is starting to move. But to date, the movement is small and doesn't represent a danger to life or property, yet.

"This is a pretty sensitive subject around here," pointed out Utah Geological Survey state geologist Lee Allison. "We don't want to make a big deal out of it or blow it out of proportion, but pieces of the slide are moving and slumping."

The mountain area in question moved in a big way in 1983 and destroyed the road in Spanish Fork Canyon and the railroad line.

The river backed up, creating a large lake which kept coal mines in Carbon and Emery counties from shipping coal to market.

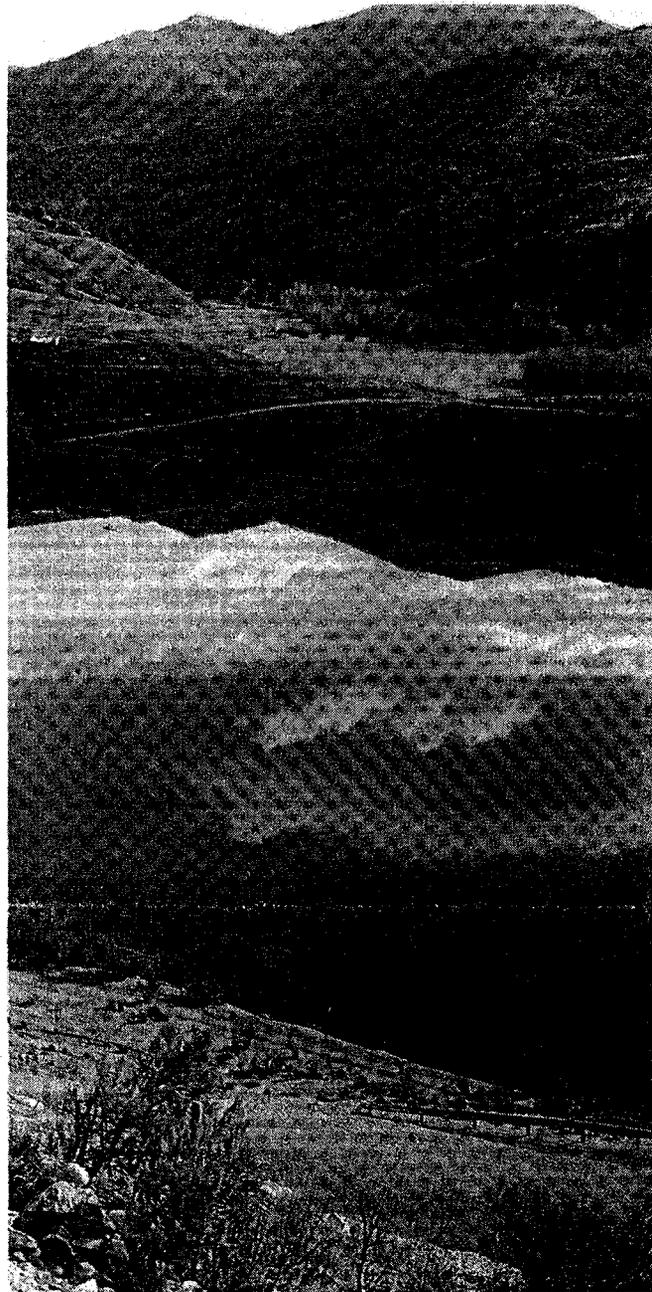
The current movement is near the top of the slide and amounts to about two acres in size.

The movement was first noticed on Wednesday, March 19, by Allison's predecessor. A representative of the Utah state engineer's office skied to the site a day or so later and photographed the moving area.

"The decision was made after we looked at the photos to notify Utah County," explained Allison. "Our feeling is that, even if the entire two acres breaks loose and goes to the toe of the slide, it will only block the river and no damage will be done."

The highway and the railroad were moved following the 1983 slide. Devices installed at the site showed some movement in the area.

"No one has checked them since 1987, so we don't know if the movement is recent or not. We will be watching the slide and checking the equipment on a regular basis," indicated Allison. Unlike floods, mud slides occur long after the snow melts and the resulting water has a chance to seep into the ground.



The camera captures the after effects of the Billy Mountain slide in Spanish Fork Canyon created when a large landslide dammed up the river. The event destroyed the highway, both necessary items in the Carbon and Emery economies. Now the slide is now beginning to move ever so slightly.

Hale-Bopp streaks through evening sky



County preparing to handle spring flooding, fill sa