

# East Carbon, Penta Creeks negotiate deal

By SCOTT PARKER  
Staff reporter

Since early 1996, East Carbon City and Sunnyside have been working on negotiations with Penta Creeks and the Magnificent Seven to finalize the purchase of several parcels of land in the area.

The final stipulated agreement was filed with the 7th District Court and signed by Judge Bryce K. Bryner Tuesday morning.

The agreement is a stipulated judgment to settle a lawsuit filed by East Carbon City against Penta Creeks and the Magnificent Seven.

Although Sunnyside is not considered a party in the civil action, the town jointly owns and operates water supply facilities with East Carbon City. Therefore, Sunnyside is directly involved with the joint stipulation.

In the agreement, the first item states that Penta Creeks and the Magnificent Seven will convey by quit claim deed all of their rights, title and interest

in and to the Grassy Trail Reservoir in Sunnyside Canyon.

Also included with the dam are all waterworks, diversion works and pipelines involved.

Grassy Trail Reservoir was defined in the action as "all land and land inundated by water below the top elevation of the Grassy Trail Reservoir Dam."

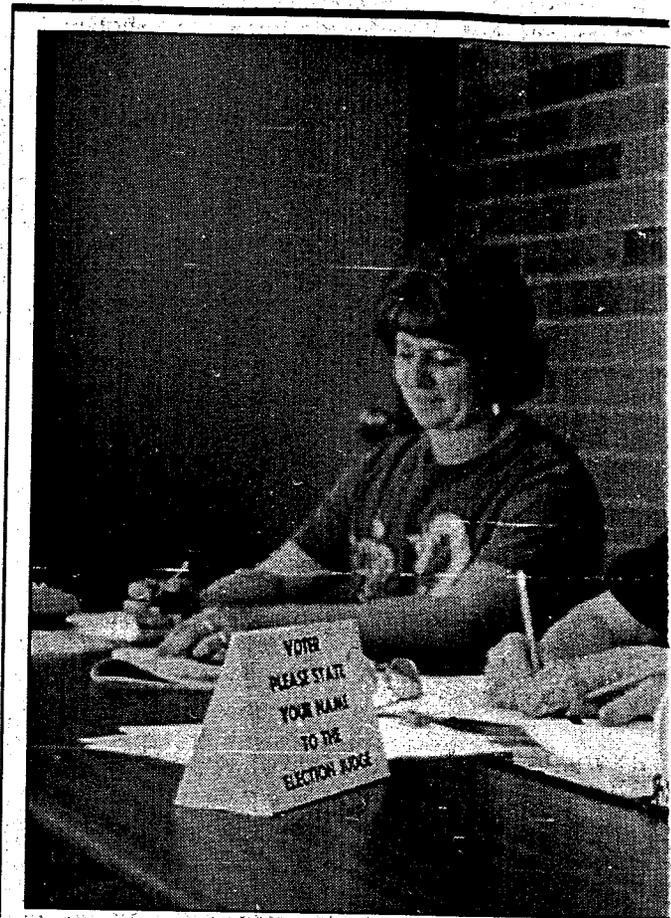
However, the stipulated agreement points out that Penta Creeks has no obligation to contribute to the repair, operation or maintenance of the dam or reservoir.

The cities will receive, according to the stipulated agreement, all of the rights, title and interest in the water rights approved for storage in the reservoir.

According to the agreement, Penta Creeks will grant an easement to the cities for the purposes of maintaining the reservoir, dam, waterworks, diversion works and pipelines.

The easement or easements in layman's terms will allow the cities to cross property owned by Penta Creeks to maintain their newly acquired properties.

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## Matthews wins Carbon Democratic

From right, Frances Hussey, Carolyn Brady and Tizist Carbon County voters casting ballots at the primary polls on June 23. Primary election results showed Tom Matthews edged out Joe Christman in the Carbon Democratic Party's commission race. Matthews gained 510 votes, compared to Christman's 506. On Tuesday, 10,700 Carbon residents or 10.7 percent of the county's 100,000 registered voters cast ballots in the Democratic commission race. However, the county clerk's office invalidated 77 ballots due to a failure to comply with Utah's primary election guidelines. In the Republican primary, 205 Carbon residents voted, but 100 of those ballots were invalid. Utah's election laws prohibit voters from crossing over from one party to another on primary day.



## East Carbon street

By SCOTT PARKER  
Staff reporter

After quite a struggle and several hundred hours of work, an agreement has been reached by East Carbon, Sunnyside, Penta Creeks and Magnificent Seven for the sale of property, and water rights in Whitmore

gate. The gate will be located at a location to be determined by Penta Creeks - more than the fork in the road. Keys will be provided to the cities, Carbon County and land owners.

The stipulation agreement points out that the re-lease of a public raw water su-

# East Carbon, Penta Creeks negotiate deal in lawsuit:

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However, the agreement designates a specific area for easement as 100 feet in width above the top elevation of the Grassy Trail Reservoir Dam, continuing around the entire perimeter of the reservoir.

The agreement specifically states that the easement shall not be used to provide public access to Penta Creeks property.

In the stipulation, East Carbon and Sunnyside cities are granted the right to go on Penta Creeks property adjacent to Grassy Trail Creek and its tributaries for the limited purpose of inspecting, measuring and ensuring the water flow

into the reservoir.

The cities are also allowed access to the well numbered 90-1 as well as establish and maintain a protection zone for the well by Utah Drinking Water standards.

East Carbon and Sunnyside officials signed the document, pledging to grant Penta Creeks and the Magnificent Seven first right of refusal to purchase property associated with the reservoir. The right of refusal does not include water rights or water works because the sale is prohibited by laws defined in the Utah Constitution.

The price for the purchase was \$1.2 million at the begin-

ning of negotiations, but the agreement states that cities will pay \$650,000 within 90 days after June 23.

Penta Creeks and the Magnificent Seven are required to deliver the deeds into escrow and provide proper documentation for the cities to receive funding from the Utah Community Impact Board.

Part of the agreement also requires the cities to "favorably consider" surplus water sales agreements for water supply to recreational cabins not to exceed a cumulative total of 20 acre feet.

The agreement demands that the cities not protest the subdivision and sale of plots of land owned by Penta Creeks above and below the reservoir.

Cooperation and support is also required of the cities for development of the land within city boundaries for residential,

commercial or industrial purposes or annexation of land adjacent to the cities.

The cities agreed, per the agreement, to cooperate with making available water and sewer service for the area.

In the 15th paragraph, the agreement states that "fishing and general public access to or on the Grassy Trail Reservoir shall be prohibited."

Penta Creeks is granted by the agreement, the right to post signs and build fences to stop trespassing on the property they own.

According to the agreement, Sunnyside and East Carbon will support placing a locked gate across the road providing access into the canyon. The joint stipulation specifies that keys will be provided to private land owners with properties in the canyon areas as well as the two cities and Carbon County.

## Stipulates to closures:

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BLM officials have indicated that the company has really not been concerned with the access.

However, DWR conservation officers have reported to Berg that the area does get quite a bit of use and the last time he traveled to the area he saw 16 people and more than 6 vehicles at the reservoir.

Another person pushing public access to the reservoir is Jack Roraff from Columbia.

Several solutions are being considered instead of the gate, however it has not yet been deciphered if the stipulation will be broken if no gate is constructed.

"We need to have a public hearing to explain to the taxpayers in your towns what's going on here. Hopefully we can come up with a resolution to this problem," said Krompel.

Mayor Paul Clark indicated at the last East Carbon City



## Price resident crea

Lingering over a cup of coffee another napkin drawing. The local resident spends a lot of time at the cafe, where she has sketches done with different colors on paper napkins and says her favorite subjects to draw are her favorite subjects. Her creations are scenery, and sometimes, the cafe's customers won a blue ribbon at the local fair. She was in junior high school drawing since. 'I took my drawing to art in school,' she said.

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