



Upper Ellison Ditch Company

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UEDC Charter

- To administer the procedure developed and used for the management of water usage and distribution.
- To provide and maintain the infrastructure and delivery system for irrigation water to the authorized users and participants of the Upper Ellison Ditch Company
- To manage conformance, of all participants, to the financial policies developed for the current and future needs of the Upper Ellison Ditch Company

The 1926 Agreement between the Upper Ellison Ditch “Users” and Salt Lake City

- In 1926, the landowners with water rights granted to the Ellison ditches entered into an Agreement with SLC.
- In 2004 the UED Association consulted with John H. Mabey Jr., an attorney specializing in legal issues of water rights, re their water rights pursuant to the 1926 Agreement.
- Mr. Mabey advised that the nine owners and users of the Morris decree water rights had transferred their “water rights” (a real property interest) to SLC in exchange for “CONTRACT RIGHTS” (a personal property interest) to receive irrigation and culinary water from the City.

A brief summary of the 1926 Agreement provisions:

- The Agreement transferred UED “users” water rights to SLC in exchange for SLC’s agreement to provide (1) irrigation water and (2) a limited number of culinary water hookups to SLC Water Mains at City water rates.
- Paragraph 1 grants, conveys and transfers to SLC, in perpetuity, the water rights awarded to the nine UED signatory users pursuant to the Morris decree.
- Paragraph 2 describes the provisions involving irrigation water. SLC agrees to deliver to the nine users, and their heirs, assigns and transferees, irrigation water—at points described in the agreement—*from any source* equal to the amount water granted by the Morris Decree plus 30%.
- Paragraph 3 grants the UED users the right, subject to the provisions of paragraph 7, to connect to SLC culinary water pipelines or mains.

Incorporation

- To comply with SLC's request, Upper Ellison Ditch Company (UEDC) was incorporated on May 18, 2007 and all the assets, property, rights and privileges together with any liabilities of the UED Association were transferred to UEDC on September 25, 2007.

UEDC Property Owner Rights

- Methodology
 - Early agreements were based on acreage. (179 acres)
 - Generally the size of a property determines the need for the amount of water used.
 - Yearly assessments for irrigation water will be based on lot size.
 - Less than 1 acre \$1X (2015- \$65.00)
 - One acre or more \$2X (2015- \$130.00)
 - Voting rights will also be determined based on lot size.
 - Less than 1 acre 1 vote
 - One acre or more 2 votes

Article I Name

The name of the company shall be Upper Ellison Ditch Company

Article II Purpose

The Not for Profit corporation is organized to manage and administer the irrigation water of the Upper Ellison Ditch Company.

Article III Members

Section 1. All property owners located within the boundary of the UEDC as outlined in the 1926 agreement between UEDC and Salt Lake City.

Section 2. To be considered an active member all dues and assessments must be current and paid in full.

Article IV Officers and organization structure.

Section 1. UEDC will be structured with a board of directors consisting of a chairman, secretary and three additional members totaling 5. One of the board members shall be the President. Only members of UEDC can hold these positions.

- a. The board will have the authority to negotiate with any government entities and obtain legal opinions and consultation if needed.
- b. The board will have the authority to contract services for the maintenance and up keep of the infrastructure.
- c. The board will have the authority to determine compensation for services provided by the water master and secretary treasurer and others as needed.

Section 2. UEDC will have an operational structure consisting of,

- a. President who is responsible for the implementation and execution of Policies and procedures as determined by the board.
- b. Vice President who assist the President and carry out the Presidents duties in his or her absence.
- c. Secretary Treasurer who will be responsible for taking of meeting minutes, send notices to the members, keeps copies of by laws, rules, membership lists. In addition will send notices for annual dues, keep an accurate record of all receipts and expenditures. Review all expenditures for dual signature compliance and receipt justification. Keep records of the bids received to justify expenditures. Generate a monthly financial statement for the President and Board.
- d. Line Captains will be assigned individual irrigation lines to manage. They will be responsible for the member compliance to UEDC policies. Line captains will report to the Vice President or assigned board member.
- e. Water Master will report to the president and have responsibility for the day to day operation of the infrastructure of the irrigation lines. The water master will

be responsible for tasks outlined in the annual calendar and any issues that arise on a daily basis in the absence of the line captains.

Article V. Member Contract Rights for Irrigation water

Members will have Contract Rights for Irrigation water based on the size of their property. Lots with less than one acre will have one contract right and lots exceeding one acre will have two contract rights.

Article VI. Annual Dues and assessments.

The board of directors will determine the amount of annual dues. The dues will be based on the number of contract rights. In addition if the need arises the board can determine the need and amount of additional assessments to be paid by the membership.

Article VII Member responsibilities

All members have the following responsibilities.

1. Know the location of your irrigation lines shut off valve.
2. You are responsible for the function and cost of irrigation valves on your property.
3. You must pay your dues before June 15th of each year. And any additional assessments within 30 days of notice.
4. Provide a clear right of way to the irrigation line. Remove all foliage and material that could damage the irrigation line. You are responsible for any damage to the line or adjacent property as a result of your negligence.
5. Monitor line useage and eliminate waste.
6. Know the name and phone number of your line captain.
7. Know the name and phone number of the water master.

Article VIII Voting rights

Members in good standing will have voting rights based on their contract rights. Members with less than one acre will have one voting right and members with one or more acres will have two voting rights.

Article IX Elections

The acting terms for the board members and executive positions will be two years. Elections will be held each year alternating between the board of directors and President and Vice President positions. The first election will be held May of 2016 for the members of the board and in May of 2017 for President and Vice President.

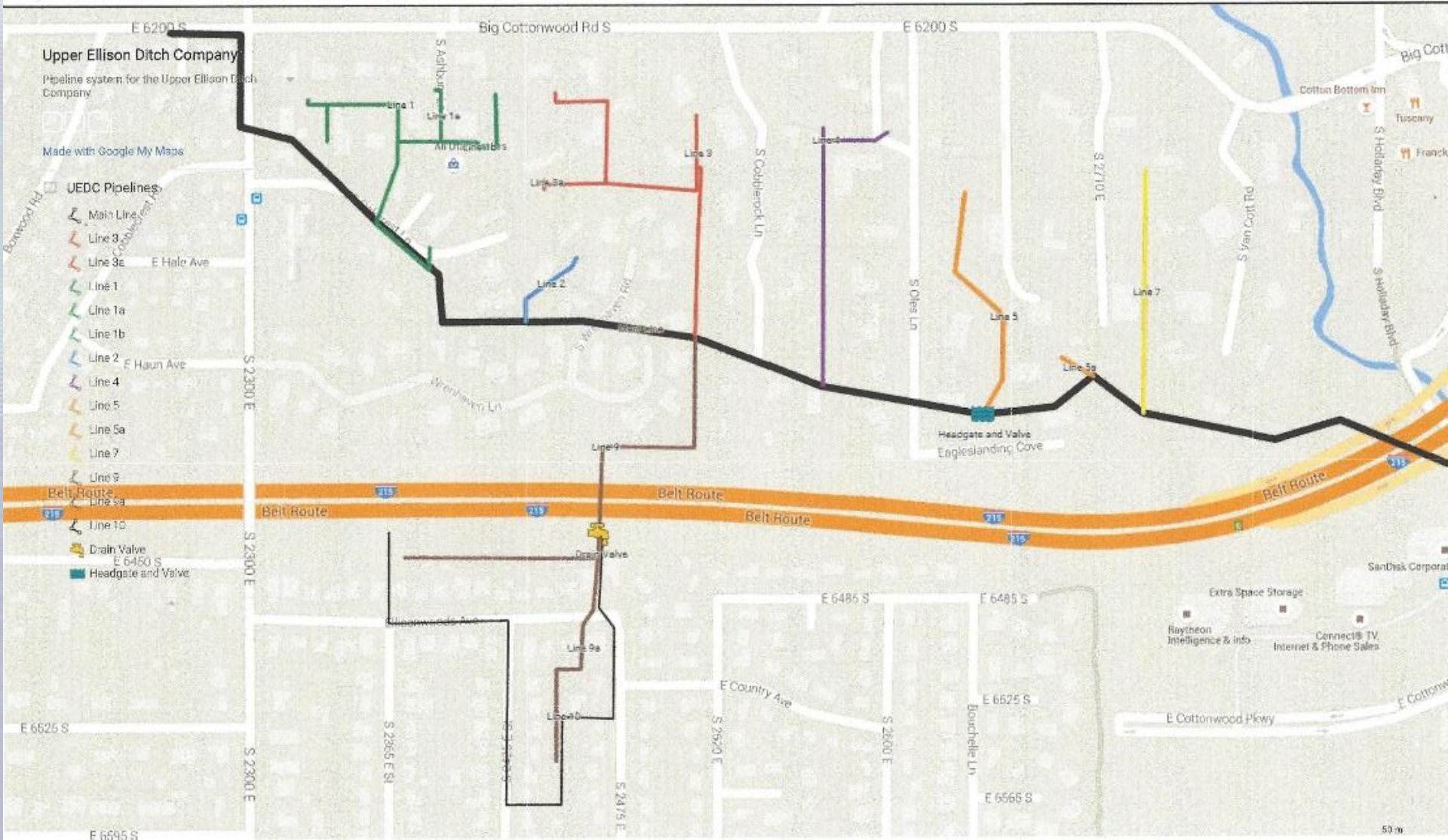
Article X Voting

All members in good standing will have the right to vote for the board and executive positions. The number of individual votes will be based on contract rights as mentioned in Article V. Notice of the election will be given to the membership. Voting must be in person or via approved absentee ballot.

UEDC Contact Information

- **President** – Mel Tabor
 - 801-657-0825 meltabor@live.com
- **Secretary/Treasurer** – Sue Ellen Cummings
 - 801-944-4850 sueellenkc@msn.com
- **Board Members**
 - Dane Bradshaw 801-971-1166 danebrad1@Hotmail.com
 - Dave Hoffmann 801-272-1975 dchoffmann@comcast.net
 - Jason Hundertmark 516-287-4174 jay.hundertmark@gmail.com
 - Ann Chamberlin 801-599-5955 annchamberlin@annchamberlin.com
- **ON-Line Information and Updates**
 - www.upperellisonditchwater.com

UEDC Pipe System



Line Captains

Watermaster

- **Dave Barney** 801-277-6695 barneD80@bigplanet.com
- **Pipeline 1** Oakcrest-Ashbury 6200, 801-450-0737 Craig West
- **Pipeline 2** South & East Oakcrest, 801-277-3315 Joel Richards
- **Pipeline 3** Cobblerock-Wrenhaven-6200, 801-897-7488 Nic Kian
- **Pipeline 4** Cobblerock-West Oles, 801-272-1975 David Hoffman
- **Pipeline 5** East Oles Ln., 801-556-2187 Art Cheadle
- **Pipeline 6** (undeveloped)
- **Pipeline 7** 2710 Ea.-We.Van Cott, 801-916-9275 “Zack” Zakraisek
- **Pipeline 8** (undeveloped)
- **Pipeline 9** No./So.Ellisonwood, 801-597-0775 Andrea Hundertmark
- **Pipeline 10** 2425 East, 801-944-0974 Mark Fisher



The End