

The 264 question - Who owns the Surplus Canal and the Diverting Works?

---

According to an agreement made in April, 1919, between Salt Lake City and the North Point Consolidated Irrigation Company, the "Surplus Canal" was constructed in 1885 and 1886 by the Jordan and Salt Lake Surplus Canal Company, and the Articles of Incorporation set out the objects and purposes as follows:- "To construct and manage a canal from Jordan River to Salt Lake for the purpose of diverting a portion of the water of the Jordan River from its channel and causing it to flow into said Salt Lake at a point (designated) in order to prevent the western portion of Salt Lake City and lands along the Jordan River from being submerged in times of high water and to make practicable the drainage, irrigation and cultivation of large tracts of land, heretofore unavailable for agricultural purposes; and to that end to construct and maintain all necessary dams, headgates, flumes and other means necessary to control, regulate and distribute water for the purposes mentioned". The agreement goes on to state that in 1885 the North Point Canal Company, predecessor of North Point Consolidated Irrigation Company, constructed a dam in the "Surplus Canal" west from Fourth South Street and diverted water into North Point Canal for irrigation and domestic purposes - this canal is still in operation -

On December 9, 1886, an agreement was entered into between the Jordan & Salt Lake Surplus Canal Company, and the North Point Canal Company, whereby the North Point Canal Company could take water from the Surplus Canal subject to the following conditions

1. No obstruction injuriously affecting the flow of water shall be put in the "Surplus Canal" during the time of high water.
2. During the time of low water, the North Point Canal Company may hold the water in the "Surplus Canal" at a point two feet above the present grade line of the Jordan & Salt Lake Surplus Water Canal.
3. The top of the overflow of the gate, dam or flume placed in the Jordan & Salt Lake Surplus Canal by the North Point Canal Company shall be two feet below the present grade line of the Jordan & Salt Lake Surplus Water Canal".

On December 13, 1886, the Jordan & Salt Lake Surplus Canal Company, by bargain and Sale deed, conveyed to the City of Salt Lake and the County of Salt Lake the said "Surplus Canal" describing the same by metes and bounds, subject to the condition that the said "Surplus Canal" should be kept open and free to accomplish the purposes for which it was constructed for a period of ten years from date of said transfer.

The memorandum agreement tells how in about 1912, Salt Lake City reconstructed the dam and headgate in the Jordan River at the point of diversion of said "Surplus Canal" and from this point widened the canal from its original width of forty feet to sixty feet, and deepened the same approximately three feet from the Jordan River to a point about one hundred feet above the diversion dam and headgate of the North Point Consolidated Irrigation Company, successor of the North Point Canal Company, and then from a point about one thousand feet below said dam and headgate for a distance of two miles and left the Surplus Canal forty feet wide at the dam.