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**IN THE THIRD DISTRICT COURT
IN AND FOR THE STATE OF UTAH**

EMIGRATION CANYON HOME
OWNERS ASSOCIATION, a Utah
Corporation,

Petitioner,

vs.

KENT L. JONES, Division Director of the
Utah State Division of Water Rights and
EMIGRATION IMPROVEMENT
DISTRICT, a Utah Special Service District;

Defendants.

**DECLARATION OF
MARK CHRISTOPHER TRACY**

Case No. 190901675

Judge: Su Chon

I, Mark Christopher Tracy, hereby declare and state the following:

1. I am over the age of eighteen and competent to testify as to the matter set forth herein.

2. In January 2014, The Emigration Canyon Home Owners Association (“The ECHO-Association”) was formed as a collective remedy to perceived gross mismanagement of public funds by the Emigration Improvement District’s (“EID”) trustees, managers and private consultants.

3. On September 27, 2018, The ECHO-Association purchased surface water right 57-8947 (a16183) located directly on the Emigration Canyon Stream from Mr. Nelson R. Mather.

4. The transfer deed was recorded on February 21, 2019.

5. Since January 2014, I have personally reviewed all EID meeting minutes published on EID's former website, began collecting voice recordings of EID trustee meetings and telephone calls supported by questions prepared by me and asked by anonymous Canyon residents on my behalf, reviewed permanent and temporary change applications filed by EID and private land-developers, compared approved point-of-diversion with change applications, public notices, and well-driller reports, commissioned expert witnesses such as expert hydrologist Dr. Hansen and former project manager Dr. Steve Onysko with the Utah Division of Drinking Water, collected and reviewed thousands of pages of documents, and electronic mail distributed by EID managers, trustees and consultants to Canyon residents spanning a period of thirty-seven (37) years, reviewed historical aerial photographs in order to track Canyon development changes, and to include collection of evidence related to ground subsidence.

6. During this time, I have collected documents and evidence supporting the allegation that over forty (40) private wells and at least four (4) surface water springs under artesian pressure have been impaired since 1988, and I have worked closely with the spouse of former EID trustee Leon Sheya and former EID trustee William Bowen to verify the factual allegations contained in the subject Petition for De Novo Judicial Review of Informal Adjudicative Proceeding.

7. Since August 2015, I have been a point-of-contact for current Canyon residents and have received numerous unsolicited phone call and emails reporting impairment and dramatic changes to the Canyon's hydrology.

I declare under criminal penalty under the law of the State of Utah that the forgoing is true and correct as to the best of my knowledge.

Signed on this 27 day of April, 2019, at Salt Lake City, Salt Lake County, State of Utah.

Mark Christopher Tracy
Mark Christopher Tracy (Printed Name)

[Signature]
Mark Christopher Tracy (Signature)