

Mark Christopher Tracy
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Qui tam Relator and Proposed Pro se Co-Petitioner

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

STEVE J. ONYSKO,

Petitioner,

vs.

PATRICIA SMITH-MANSFIELD, *et al.*

Respondents.

**REPLY MEMORADUM SUPPORTING
MOTION FOR LEAVE TO JOIN THIRD
PARTY AS CO-PETITIONER**

Case No.: 200907218

Judge: Adam T. Mow

Pursuant to Rule 7(e) Utah Rules of Civil Procedure (“URCP”), federal whistleblower (“*qui tam* Relator”)¹ and proposed Co-Petitioner Mark Christopher Tracy (“Mr. Tracy”) respectfully submits this *Reply Memorandum Supporting Motion to Join Third Party as Co-Petitioner*.

I. Concise Statement of New Matters Raised In the Opposing Memorandum

The Utah Department of Environmental Quality (“DEQ”), Utah Division of Drinking Water (“DDW”) and its directors Marie E. Owens (“DDW Director Owens”) and Ying-Ying Macauley (“DDW Director Macauley”)(collectively “DEQ/DDW Respondents”) through legal

¹ *United States of America ex rel. Mark Christopher Tracy v. Emigration Improvement District et al.*, (10th Cir.) Case No. 21-4059 (pending); *see also* Docketing Statement available at the website administered by the Emigration Canyon Home Owners Association at https://echo-association.com/?page_id=8302.

counsel argue that the Court should deny Mr. Tracy’s present *Motion to Join Third Party as Co-Petitioner*” as the present litigation is “[only] an appeal of the denial of a GRAMA fee waiver,”² while Mr. Tracy is “barred from pursuing any further litigation in this Court because [Mr. Tracy] has been deemed by Judge Kouris as a vexatious litigant”³ and “has no connection” to these proceedings,⁴ which are “now well-underway.”⁵

These arguments fail.

Contrary to DEQ/DDW Respondents’ cursory recitals, the issue before this Court concerns the willful refusal to disclose government records of lead contamination in public drinking water system No. 18143⁶ owned by Emigration Improvement District (“EID” aka Emigration Canyon Improvement District aka ECID), and operated by the private Utah corporation Simplifi Company (“Simplifi”) through Emigration Canyon Deputy Mayor Jennifer Hawkes (“Deputy Mayor Hawkes”) and her spouse EID Certified Public Records Officer Eric Hawkes (“Mr. Hawkes”)(collectively “EID Water System”).

Moreover, as Mr. Tracy has indeed filed leave of the Court with the present motion in compliance with the spirit of the now appealed order of Judge Kouris,⁷ is in no way “barred” from commencing litigation in this Court,⁸ has petitioned the private water system operator for the same

² *Objection to Motion* at page 3.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See e.g. Utah Code Ann. §63G-2-801(3)(a).

⁷ See *Notice of Appeal*, attached as **Exhibit A**; see also *Objection to Minute Entry and Order Filed by Presiding Judge of the Utah Third District Court* filed by Mr. Tracy in the present proceedings on June 14, 2021.

⁸ See Rule 83(e)(1) URCP requiring only a filing application when commencing future litigation against DEQ/DDW Respondents in a Utah State Court upon exhaustion of all administrative remedies.

government records⁹ requested by petitioner Steve J. Onysko (“Dr. Onysko”) currently at the the initial pleading stage of de novo judicial proceedings in the instant action, the Court should allow Mr. Tracy to join Petitioner as Co-Petitioner in order to promote judicial expedience and efficiency as wells as allow Mr. Tracy unhindered access to public documents relevant to pending federal proceedings.¹⁰

Lastly, the “principals of fundamental fairness”¹¹ dictate that the Court should allow Mr. Tracy to support Dr. Onysko against 4 seasoned opposing attorneys of the Utah Attorney General’s Office (“Utah AG”) in securing the proper adjudication of an important matter of public health and safety.

II. Concise Statement of Relevant Facts

It is uncontested that that although DDW Director Owens is not the certified public records officer of the superior and competent governmental entity DEQ, she assumed a function foreign with the duties of her office but then failed to produce a single government record responsive of Dr. Onysko’s request dated November 4, 2019, and instead providing Dr. Onysko an Excel spreadsheet inconsistent with actual laboratory lead test results of the EID Water System recovered by Mr. Tracy.¹²

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⁹ *Mark Christopher Tracy dba Emigration Canyon Home Owners Association v. Simplifi Company, Jennifer Hawkes and Eric Hawkes* (UT App) Docket No. 20200295-CA (pending).

¹⁰ *See e.g.*, 18 U.S.C. § 1532(b)(2)(A).

¹¹ *See Desert Empire Bank v. Insurance Co. of North America*, 623 F.2d 1371, 1375 (9th Cir.1980).

¹² *See* Petition for Judicial Review Exhibit marked as “A-29,” attached as **Exhibit B**.

It is further uncontested that DDW Director Owens was personally aware of extensive public reporting of lead contamination of the EID Water System¹³ but failed to provide Dr. Onysko with requested public documents after intervening in the duties of the DEQ certified public records officer.

Likewise, DDW Director Macauley was aware of federal litigation pending against public officials of EID and DDW, and likewise failed to disclose government records requested by Dr. Onsko.¹⁴

It is now known that EID trustees and the operator of the EID Water System failed to report lead contamination of drinking water to the 300 water users and 98 standby customers in July 2020 contrary to federal requirements under the Safe Drinking Water Act.¹⁵ The electronic correspondence between EID and Drinking Water Respondents as requested by both Mr. Tracy and Dr. Onysko will either confirm or refute positive knowledge of lead contamination and possible active concealment of the same by DEQ/DDW Respondents.

It is further uncontested that the public documents requested by both Mr. Tracy and Dr. Onysko are relevant in federal proceedings and may not be lawfully withheld.¹⁶

Lastly, as the present case has yet to enter discovery stage of proceedings, permissive joinder of Mr. Tracy will obviate Mr. Tracy's need to file the same GRAMA request transmitted to DEQ by Dr. Onysko on November 9, 2019 and for Mr. Tracy to commence future litigation

¹³ See DDW Director Owens published remarks in the Salt Lake Tribune article entitled "Lead Shows up in Emigration Canyon" by Brian Maffly, available at the website administered by The ECHO-Association at https://echo-association.com/?page_id=405.

¹⁴ See electronic correspondence of DDW Macauley dated June 18, 2015 to public officials of DDW, DEQ and the Utah AG, attached as **Exhibit C**.

¹⁵ See electronic correspondence of EID General Manger and certified Public Records Manager Eric Hawkes of the Simplifi Company to EID trustees dated July 6, 2020, attached as **Exhibit D**.

¹⁶ See footnote no. 10 *supra*.

against the same defendants in the present action (albeit to date with leave of the presiding judge of the court).

III. Conclusion

As Mr. Tracy has complied with the spirit of the Decision and Order of Judge Kouris with the present motion, while DDW Respondents have failed to refute the requirements of Rule 20 URCP, the Court should allow Mr. Tracy to join Dr. Onysko as Co-Petitioner.

DATED this 17th day of June, 2021.

MARK CHRISTOPHER TRACY dba
EMIGRATION CANYON HOME OWNERS
ASSOCIATION

/s/ Mark Christopher Tracy
Mark Christopher Tracy
Qui tam Relator and Proposed Pro se Co-Petitioner

DECLARATION

I, Mark Christopher Tracy, declare and affirm under criminal penalty that the forgoing **REPLY MEMORADUM SUPPORTING MOTION FOR LEAVE TO JOIN THIRD PARTY AS CO-PETITIONER**

:

1. is based on a good faith dispute of the facts;
2. is warranted under existing law or a good faith argument for the extension, modification, or reversal of existing law; and,
3. is not filed for the purpose of harassment or delay and contains no redundant, immaterial, impertinent or scandalous matter.

/s/ Mark Christopher Tracy

Mark Christopher Tracy

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2021, a true and correct copy of the foregoing **REPLY MEMORADUM SUPPORTING MOTION FOR LEAVE TO JOIN THIRD PARTY AS CO-PETITIONER** was sent via electronic mail to the following counsel of record:

Steve J. Onysko
onysko5@burgoyne.com
2286 Doc Holliday Dr.
Park City, UT 84060
Pro Se Petitioner

Paul H. Tonks
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Assistant Utah State Attorney General
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PAUL M. McCONKIE
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- and -

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- and -

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Attorneys for Respondents Utah Department of Environmental Quality, Utah Division of Drinking Water and its Directors

/s/ Mark Christopher Tracy
Mark Christopher Tracy

EXHIBIT A

Mark Christopher Tracy dba Emigration
Canyon Home Owners Association

Name

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Address

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929-208-6010

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Email

I am the Appellant

In the District Court of Utah
Third Judicial District, Salt Lake County
450 South State St
P.O. Box 1860
Salt Lake City, UT 84114 -1860

Mark Christopher Tracy dba Emigration Canyon Home
Owners Association

Petitioner

v.

Simplifi Company, Eric Hawkes and Jennifer Hawkes

Respondents.

Notice of Appeal

Case No.: 200905074

Judge: Kouris

1. Mark Christoher Tracy dba Emigration Canyon Home Owners Association
appeals the final order or judgment in this case to the:
 Utah Supreme Court, which has authority for this type of case under Utah
Code Section 78A-3-102.
 Utah Court of Appeals, which has authority for this type of case under Utah
Code Section 78A-4-103.
2. The appeal is taken from (choose one):

[X] The amended judgment, which was entered on April 30, 2021 finding Petitioner to be a vexatious litigant under Rule 83 Utah Rules of Civil Procedure and served by Respondents via electronic mail on June 10, 2021.

June 10, 2021 _____
Date

Signature ► */s/ Mark Christopher Tracy* _____

Printed Name Mark Christopher Tracy _____

EXHIBIT B

EID LEAD DATA RESULTS

PWS ID	PWS NAME	FACILITY CODE	FACILITY NAME	SAMPLE ID	COLLECTION DATE	ANALYTE CODE	ANALYTE NAME	RESULT	UOM	LESS THAN CODE	LESS THAN INDICATOR	DETECTION LIMIT	DETECTION LIMIT UOM	
1	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9002	WELL #2	341070	25-02-04	1030	LEAD	0.0036	MG/L	MRL	N	0.0005	MG/L
2	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9001	FREEZE CREEK WELL	57220	10-06-04	1030	LEAD			MRL	Y	0.0005	MG/L
3	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9001	FREEZE CREEK WELL	002007	24-02-07	1030	LEAD			MRL	Y	0.0005	MG/L
4	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9002	WELL #2	002008	24-02-07	1030	LEAD			MRL	Y	0.0005	MG/L
5	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1007105-01	30-08-10	1030	LEAD	0.0008	MG/L	MRL	N	0.0005	MG/L
6	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1007105-03	30-08-10	1030	LEAD	0.0005	MG/L	MRL	N	0.0005	MG/L
7	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1007105-05	30-08-10	1030	LEAD	0.0011	MG/L	MRL	N	0.0005	MG/L
8	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1007105-02	31-08-10	1030	LEAD			MRL	Y	0.0005	MG/L
9	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1007105-04	01-09-10	1030	LEAD	0.0078	MG/L	MRL	N	0.0005	MG/L
10	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9004	UPPER FREEZE CREEK WELL	1306406-01	18-07-13	1030	LEAD	0.0039	MG/L	MRL	N	0.0005	MG/L
11	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1305938-04	26-09-13	1030	LEAD			MRL	Y	0.0005	MG/L
12	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1305938-01	27-09-13	1030	LEAD	0.0011	MG/L	MRL	N	0.0005	MG/L
13	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1305938-05	27-09-13	1030	LEAD	0.0005	MG/L	MRL	N	0.0005	MG/L
14	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1305938-02	29-09-13	1030	LEAD			MRL	Y	0.0005	MG/L
15	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1305938-03	30-09-13	1030	LEAD	0.0060	MG/L	MRL	N	0.0005	MG/L
16	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-07	13-09-16	1030	LEAD	0.0042	MG/L	MRL	N	0.0005	MG/L
17	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-01	13-09-16	1030	LEAD	0.0034	MG/L	MRL	N	0.0005	MG/L
18	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-04	13-09-16	1030	LEAD	0.0098	MG/L	MRL	N	0.0005	MG/L
19	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-02	14-09-16	1030	LEAD	0.0206	MG/L	MRL	N	0.0005	MG/L
20	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-03	14-09-16	1030	LEAD	0.0008	MG/L	MRL	N	0.0005	MG/L
21	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-09	14-09-16	1030	LEAD	0.0036	MG/L	MRL	N	0.0005	MG/L
22	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-03	16-09-16	1030	LEAD			MRL	Y	0.0005	MG/L
23	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-06	18-09-16	1030	LEAD	0.152	MG/L	MRL	N	0.0005	MG/L
24	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-08	18-09-16	1030	LEAD			MRL	Y	0.0005	MG/L
25	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1612111-10	18-09-16	1030	LEAD	0.0011	MG/L	MRL	N	0.0005	MG/L
26	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9001	FREEZE CREEK WELL	1610691-01	15-12-16	1030	LEAD	0.0007	MG/L	MRL	N	0.0005	MG/L
27	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9002	WELL #2	1610691-02	15-12-16	1030	LEAD			MRL	Y	0.0005	MG/L
28	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9003	BIRGHAM FORK WELL	1610691-03	15-12-16	1030	LEAD			MRL	Y	0.0005	MG/L
29	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	W9004	UPPER FREEZE CREEK WELL	1610691-04	15-12-16	1030	LEAD			MRL	Y	0.0005	MG/L
30	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1718773-01	28-08-17	1030	LEAD	0.0088	MG/L	MRL	N	0.0005	MG/L
31	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1718773-02	28-08-17	1030	LEAD	0.0010	MG/L	MRL	N	0.0005	MG/L
32	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1718773-03	28-08-17	1030	LEAD	0.0011	MG/L	MRL	N	0.0005	MG/L
33	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	1718773-04	28-08-17	1030	LEAD			MRL	Y	0.0005	MG/L
34	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-05	22-09-19	1030	LEAD	0.0234	MG/L	MRL	N	0.0005	MG/L
35	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-10	22-09-19	1030	LEAD	0.0012	MG/L	MRL	N	0.0005	MG/L
36	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-01	23-09-19	1030	LEAD	0.0030	MG/L	MRL	N	0.0005	MG/L
37	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-02	23-09-19	1030	LEAD	0.0196	MG/L	MRL	N	0.0005	MG/L
38	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-03	23-09-19	1030	LEAD	0.0008	MG/L	MRL	N	0.0005	MG/L
39	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-04	23-09-19	1030	LEAD	0.0073	MG/L	MRL	N	0.0005	MG/L
40	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-06	23-09-19	1030	LEAD	0.0037	MG/L	MRL	N	0.0005	MG/L
41	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-07	24-09-19	1030	LEAD	0.0019	MG/L	MRL	N	0.0005	MG/L
42	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-09	24-09-19	1030	LEAD	0.0019	MG/L	MRL	N	0.0005	MG/L
43	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	190277-08	30-09-19	1030	LEAD	0.0007	MG/L	MRL	N	0.0005	MG/L
44	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	191481-03	23-10-19	1030	LEAD	0.0144	MG/L	MRL	N	0.0005	MG/L
45	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	191481-04	23-10-19	1030	LEAD	0.0008	MG/L	MRL	N	0.0005	MG/L
46	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	191481-01	24-10-19	1030	LEAD	0.0039	MG/L	MRL	N	0.0005	MG/L
47	UTAH 18143	EMIGRATION IMPROVEMENT DISTRICT	D5001	UTAH 18143 DISTRIBUTION SYSTEM	191481-02	24-10-19	1030	LEAD	0.0013	MG/L	MRL	N	0.0005	MG/L

EXHIBIT C

6/18/2015

Mail - Emigration Improvement District water fight news & DDW records



Ying-Ying Macauley <ymacauley@utah.gov>

Emigration Improvement District water fight news & DDW records

Ying-Ying Macauley <ymacauley@utah.gov>

Thu, Jun 18, 2015 at 4:08 PM

To: Michael Grange <mgrange@utah.gov>, Melissa Hubbell <mhubbell@utah.gov>, Ken Bousfield <kbousfield@utah.gov>, Donna Spangler <dspangler@utah.gov>, Rachael Cassady <rcassady@utah.gov>

<http://www.sltrib.com/home/2618507-155/canyon-water-fight-breaks-out-in>

This article appears in Salt Lake Tribune today regarding a law suit against Emigration ID and Corrolo Engineers. It mentions the water tank constructed using DDW's SRF money. The news article implies that the approved tank design capacity is 1 million gallons (1 MG) but the capacity of the constructed tank is above what DDW has approved.

I looked through eDocs, CASPER, and SDWIS (see attached). Thought I'd share some comments with you.

- DDW's records under File #5952 (SRF loan document, Plan Approval & Operating Permit letters) state that DDW approved this tank as 1 MG capacity.
- The WaterLink master report shows the tank volume is currently listed as 1.3 MG in our database (only 1,300,000 was entered, no unit).
- The SDWIS screen print below shows that Steve Poreda updated the tank page in 2009. Not sure whether the tank volume field was updated by Poreda or by ESS automatic upload. It's likely that the tank volume change in SDWIS was done without communication or verification with the engineering staff.
- We need to verify the actual tank volume as constructed (1 MG or 1.3 MG). We need to have correct tank volume in SDWIS ASAP, especially this key information is mentioned in the law suit. **(Michael, I suggest an SRF engineer follow up with Emigration ID or Corrolo Engineers on the actual tank volume, and update/correct it in SDWIS ASAP if needed. Thanks.)**

Pump

Type Description

Storage

* Type Construction Material Coating Type

Comments

Flow Rates

Type	Qty	UOM
EFTV	1300000.000	

Number of rows displayed 1

Measures

Type	Qty	UOM

Number of rows displayed 0

Indicators

Type	Value	Date	End Date

Number of rows displayed 0

Record updated by SPOREDA 09/11/2009 13:25:55
 Record created by SSWR1 01/01/2005 00:00:00

Ying-Ying
 Ying-Ying Macauley, P.E., M.S.
 Engineering Section Manager
 Utah Division of Drinking Water

6/18/2015

Mail - Emigration Improvement District water fight news & DDW records

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Direct Phone No.: [801-536-4188](tel:801-536-4188)
Email: ymacauley@utah.gov

4 attachments





-  **18143 Emigration Canyon water fight breaks out in court The Salt Lake Tribune 20150618.pdf**
483K
-  **18143 05952 records ST002 1 MG Tank.pdf**
879K
-  **18143 plan review report.pdf**
24K
-  **18143 master report.pdf**
22K

EXHIBIT D

From: Eric Hawkes <eric@ecid.org>

Date: Mon, Jul 6, 2020 at 8:44 AM

Subject: EID - Meeting Agenda??

To: David Bradford <dave@ecid.org>, Michael Hughes <mike@ecid.org>, Mike <highscience@gmail.com>, Brent Tippetts <brent@ecid.org>, Jeremy Cook <jcook@cohnekinghorn.com>, Don Barnett <dbarnett@barnettwater.com>

Hi Gentlemen,

I hope everyone had a safe and fun July 4th. I'm questioning whether we want to proceed with our meeting this week or cancel it or move it to next week.

I do not have any items that need to be approved that could not wait until our next meeting in August, and we do not have any additional agenda requests except for Brigham Fork, which now may not be the best time to have this discussion.

As for updates, we may have dodged the bullet with well #2, thus far, it appears the check valve at the wellhead was bad resulting in constricting the flows and increasing the amps on the motor to the point the telemetry would shut it off after 10 or 15 minutes. A water sample will be pulled and sent to the lab and it should be back in operation in the next couple of days (pending lab results and pump test).

I've contacted Badger meters and they will be coming out in the next couple of weeks to do a cellular data analysis on our system and we are getting things set up on the starter package.

We are in the middle of our external audit and there is a new fraud risk assessment questionnaire we need to go through, so expect something on that over the next few days.

Lastly, we have performed our lead /copper testing and looks like our test this round exceeded both lead and copper. I do not have any answers at this point in time and am not ready for public discussion until we have more communication with DDW this week. In the meantime, Mr Tracy continues to submit GRAMA requests on the same.

Thoughts on the meeting?

--

Eric Hawkes

(p) 801.243.5741

(e) eric@ECID.org

(w) www.ECID.org