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August 17, 2021

VIA ELECTRONIC MAIL

Teresa Wilhelmsen, Utah State Engineer
Utah Division of Water Rights
1594 W. North Temple, Suite 220
Salt Lake City, UT 84114-6300
Email: waterrights@utah.gov

Re: Request for Reconsideration - Protest of Extension of Time for Permanent Change Application “a14474” (57-8855) Submitted by Salt Lake City Corporation

Dear Ms. Wilhelmsen:

Pursuant to Utah Code Ann. § 63G-4-302(1)(a), the Emigration Canyon Home Owners Association (“**The ECHO-Association**”) hereby submits the following Request for Reconsideration regarding the Order of the Utah State Engineer dated July 28, 2021 granting Salt Lake Corporation extension of time for permanent change application “a14474” (57-8855) for the construction of six (6) large-diameter commercial wells servicing 66 future homes in the luxurious Emigration Place Private Urban Development (“**Emigration Place PUD**”) located in Emigration Canyon (the “**Canyon**”), Salt Lake County, Utah.

Please note the following for the record:

- In 1966, your office determined that the construction and use of large-diameter commercial wells in the Canyon would impair superior rights “with almost certainty” and closed the entire area to new water use applications in 1968 (*see* Master’s Thesis entitled “Groundwater Hydrology of Emigration Canyon available at the website administered by The ECHO-Association at https://echo-association.com/?page_id=220);
- In testimony presented to your office on December 15, 1995, Don A. Barnett, former area engineer for the Canyon expressly testified that the same large-diameter commercial wells proposed by Salt Lake City would interfere with surface water flow of the Emigration Creek “*for decades, 25, 50, 75 years*” (emphasis added)(*see* audio recording and illustrative diagrams presented to the Utah State Engineer at the website administered by The ECHO-Association at https://echo-association.com/?page_id=2204;

- On December 18, 2019, in oral testimony before your office, Salt Lake City’s own expert Dr. Hansen testified that the Canyon is currently overbuilt and future development of the Canyon unwarranted (*see* audio-video recording entitled “Dr. Hansen Testimony” available at the website administered by The ECHO-Association at https://echo-association.com/?page_id=7408;
- In June 2020, The ECHO-Association documented massive fissures and ground subsidence in the Freeze Creek drainage believed to be caused by groundwater mining of the Freeze Creek Aquifer via similar underground water sources operated by the Simplifi Company for Emigration Improvement District (“EID”) and proposed by Salt Lake City (*see* arial recording entitled “Ground Collapse and Fissures in Emigration Oaks PUD” available at the website administered by The ECHO-Association at https://echo-association.com/?page_id=3310) and lastly,
- As predicted, on June 24, 2021, the Canyon stream suffered total depletion less than 2 miles from Utah’s Hogle Zoo as first reported by the Salt Lake Tribune at the end of summer 3 years prior thereto (*see* Salt Lake Tribune article entitled “Why is Emigration Creek – an Historic Waterway – Dry?” available at the website administered by The ECHO-Association at https://echo-association.com/?page_id=405).

As you are aware, the record further shows that over forty (40) private-well owners have report quantity and quality impairment to your office since 1988, and the undersigned has commenced federal civil rights litigation against Emigration Canyon Deputy Mayor Jennifer Hawkes and EID General Manager Eric Hawkes of the Simplifi Company *et al.* (*see Tracy v. Simplifi Company et al.* (D. Utah) Case No. 2-21-cv-00444-RJS-CMR; *see also* Memorandum dated November 16, 1988 available at the website administered by The ECHO-Association at <https://echo-association.com/wp-content/uploads/1988-Interference-LetterInvestigation-.pdf>).

Until which time that Salt Lake City provides more than a cursory statement of “reasonable future demands,” which addresses contrary conclusions of its own expert, and/or provides any justification for a reasonable cause for delay, the present application for extension of time should be rejected pursuant to Utah Code Ann. § 73-3-13(3).

Please feel free to contact me regarding any questions.

Kind Regards,

MARK CHRISTOPHER TRACY DBA
EMIGRATION CANYON HOME OWNERS
ASSOCIATION

/s/ Mark Christopher Tracy
Mark Christopher Tracy

cc: Laura Briefer
Salt Lake Department of Public Utilities
1530 South West Temple
Salt Lake City, Utah 84115
Email: laura.briefer@slcgov.com