

Guide to ECHO-Association Membership Benefits

Q: Why is there Water Litigation in Emigration Canyon?

A: In short, there simply isn't enough water. The State of Utah is a "first-in-time, first-in-right" jurisdiction whereby the owner of a perfected water right may enjoin or prevent water extraction by subsequent users if an earlier water source put to beneficial use is depleted more than the amount allotted and approved by the Utah Division of Water Rights ("**State Engineer**"). Should a water owner change a point-of-diversion of a previously perfected water share through a temporary or permanent change application, the older or "senior" priority date is forfeited. As all four (4) wells operated by such as Emigration Improvement District ("**EID**") are now included in the permanent change applications filed with the State Engineer, all perfected water rights in the Canyon are senior to all EID water rights. Because the surface water and underground wells are now entirely depleted in several areas of the Canyon and public officials have repeatedly refused to take action, we join hands together not only to help ourselves but also assist those who cannot otherwise act alone.

Q: Why should I be concerned?

A: There is no win-win solution to water depletion in the Canyon. Over **forty (40)** water-right owners have reported substantial changes in the productive capacity of surface and underground water sources to include *total loss*. In order to service its massive debt burden, EID trustees promised future water service to **ninety-seven (97)** vacant lots thereby permitting The Boyer Company LC, City Development Inc. and R. Steve Creamer to overbuild the Emigration Oaks PUD by at least **131** domestic units. As such, we do not believe that water sources will magically replenish themselves with the change of season as purported by Emigration Canyon Major Joseph Smolka. Most significantly, the maintenance and operation of the present EID water-system infrastructure is *economically unfeasible* and may be *irreparable* due to substantial design and construction defects, which occurred during Mayor Smolka's tenure as "EID Operations Manager."

Q: What exactly is The ECHO-Association?

A: The Emigration Canyon Home Owners Association is a private organization formed in January 2014 to pool information and resources thereby providing a collective remedy for what the amended federal complaint alleges to be over three decades of gross mismanagement of scarce Canyon resources by the current EID trustees, managers, Mayor Smolka and private land-developers such as R. Steve Creamer, The Boyer Company LC, and City Development Inc.

Q: Why would I want to become a confidential member of The ECHO-Association?

A: The ECHO-Association offers a comprehensive and cost-effective benefits package to our members.

- If a member's home or water system is *rendered uninhabitable or inoperable* due to loss of water service or impairment of a senior water right, The ECHO-Association will carry all legal fees and costs in the first instance to recover economic damage and loss.
- If a member was *falsely promised future water service* by EID for a private home or vacant parcel, we will carry all legal fees and costs in the first instance to recover economic damage and loss.
- If a member's property *is assessed EID fees and taxes* used to operate its water system, service its debt or defend its actions in state or federal court, The ECHO-Association will carry all legal fees and costs in the first instance to stop collection and/or foreclosure sale of the property.

Q: If I decide to become a member of The ECHO-Association, am I subject to counter-suit?

A: No. ECHO representative Mark Christopher Tracy and the United States are only plaintiffs in the pending federal litigation while The ECHO-Association will be the only plaintiff in any action on behalf of a member. The association may take no legal action to prohibit and/or protest water use by a member.