

## Emigration Improvement District

\* \* \* \* \*  
\* IMPORTANT NOTICE REGARDING YOUR \*  
\* WATER RIGHTS! \*  
\* \* \* \* \*

December 1, 1982

Residents of Emigration Canyon

Re: Emigration Improvement District  
Water Service

This letter is to notify you that the Office of the State Engineer of Utah has approved the Change Application filed by the Emigration Improvement District through the Utah State Department of Highways early in 1971. The State Engineer approved the Change Application on the specific condition that only one of the three proposed points of diversion may be exercised by the District. That point of diversion is in Brigham Fork high on the north bench of Emigration Canyon.

The District is now prepared to follow through on the policy adopted by the Board of Trustees of the District in December of 1981 in order to assist residents of the Canyon and mutual water companies in the Canyon. More water rights may have been approved in Emigration Canyon than there is water in the Canyon to satisfy all rights. During times of shortage, those individuals and entities with the most recent water rights will be forced to curtail their use of water while those with more senior water rights will be allowed to use their full share. Such potential shortages could be aggravated by the Little Dell project.

Because the District has one of the most senior or oldest water rights in the Canyon and the District is interested in using its water rights to the benefit of existing residents before making provision for new service to new development in the Canyon, the district is prepared to accept a dedication of water rights from existing residents in the Canyon in exchange for the designation of individual or mutual water company wells and water sources as points of diversion under the District's

December 1, 1962  
Page Two

senior water right. The District would receive a filled out application from each individual or entity desiring to obtain a more senior water priority date for its water use together with appropriate documents dedicating the existing water right of the applicant to the District. The District would not accept the dedication or file documents of record establishing the transfer until the State Engineer approves a designation of the source of supply for the applicant as a point of diversion under the District's senior application. Since the District has a substantial quantity of water available and since planning for a water distribution system is under way, it is necessary for the District to know and for those wishing to take advantage of the exchange procedure to apply within the next few months for the use of the District's water right. The District believes it would also be desirable and prudent for the dedication agreement, between the District and the person or entity dedicating the right, to contain a reversion clause. The reversion clause would provide that the water right will revert back to the person or entity dedicating the water right if, for any reason, the District were ever dissolved or attempted to sell or convey the right away from the District.

For the information of those interested in determining whether the process would be of value, the Emigration Improvement District water right dates back to a time prior to 1880. The water was originally used for irrigation, domestic and stock raising purposes in Salt Lake City during territorial times. The Emigration Dam and Ditch Company was formed around 1906 from the Siddoway Dam and Ditch Company and the Asylum Dam and Ditch Company. Many other individual rights were also transferred to the Emigration Dam and Ditch Company all of which originated prior to 1880. Emigration Dam and Ditch Company operated until August 25, 1954 at which time the water right of the Company was transferred to the Utah State Department of Highways. The Department of Highways held the application and water right for the future use of the State of Utah and its political subdivisions during the development of Foothill Drive and the improvement of other facilities near the mouth of the Canyon which made utilization of the right impractical. Shortly after the District was organized in 1968, the District made arrangements to purchase a portion of the water right of the old Emigration Dam and Ditch Company from the State of Utah. By November of 1975 the acquisition of the water was complete

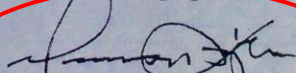
December 1, 1982  
Page Three

and a deed was issued from the State of Utah to the Emigration Improvement District. While questions can always be raised regarding the validity of water rights in the State of Utah, we believe that the District water right is substantially firm and with the recent approval of the Change Application, the District can go forward to utilize the water covered by the water right.

Enclosed is an application form which has been developed primarily for the use of single family homes with a well. The District is also interested in participating with existing mutual water companies where it is deemed beneficial for such companies to enter into an arrangement with the District. If you have an interest in either receiving more information or in participating with the District in securing your water source in times of shortage, please fill out the enclosed application and send the completed application to Gerald H. Kinghorn, Legal Counsel, Emigration Improvement District, 10 Exchange Place, No. 1000, Salt Lake City, Utah 84111.

The Board of Trustees will evaluate the applications as they are received and contact you further regarding your interest or the procedures necessary to complete a transaction. At this point the District is holding the water right for the future use of the inhabitants within the District.

Very truly yours,

  
GERALD H. KINGHORN  
Attorney at Law

GHK/nb

Enclosure

EMIGRATION IMPROVEMENT DISTRICT

APP R-1

Single Family Residential Service Application

This is an application for service from the Emigration Improvement District. This application is submitted to assist the District in the development of a Master Plan for service and to request that service be provided to the applicant when such services are available from the District.

Name of Applicant \_\_\_\_\_  
Please print

Service Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Property Owner: Name \_\_\_\_\_

Address: \_\_\_\_\_

Existing water supply - well \_\_\_\_\_ Other \_\_\_\_\_

Date of Water Right on Well Application \_\_\_\_\_

Water Certificate Number \_\_\_\_\_

Sewer Disposal: Septic Tank \_\_\_\_\_

Holding Tank \_\_\_\_\_

Date \_\_\_\_\_

Applicant agrees to comply with all rules, regulations and conditions of service and pay all fees for service as such fees become due and payable. This application is not a dedication of my water right.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Security Deposit