

15 October 2018

Kent L. Jones, State Engineer
Utah Division of Water Rights
1594 W. North Temple, Suite 220
Salt Lake City, UT 84114-6300

RE: Permanent change application a44045 for water right 57-7796

Dear Mr. Jones,

This letter is to protest the Emigration Improvement District's application for permanent change a44045 for water right 57-7796 on the basis of impairment: the EID's continued use of the high capacity Upper Freeze Creek and Brigham Fork wells significantly impairs use of the water right 57-7569, to which I hold the title.

Specifically, pumping from the Upper Freeze Creek and Brigham Fork wells remove upwards of 2 million gallons a month from the Canyon aquifer. Concomitantly, flow in Emigration Creek has been reduced to unprecedented low levels, and at the points of diversion for 57-7569, the stream is completely dry. Furthermore, since the EID began pumping from the Freeze Creek well, I observed a striking increase in hardness and particulates from the well at 5202 Emigration Canyon. Water right 57-7569 specifically It is clear that pumping from the EID's high-capacity wells is depleting the Canyon aquifer and eliminating water from the creek. Change a16263 allows withdrawal of 0.015 CFS directly from Emigration Creek. If there is no water in the Creek due ot the EID's pumping, there is clearly impairment. The EID has not presented any evidence that pumping from the Freeze Creek and Brigham Fork wells is not impairing water levels in the creek or impacting wells with superior water rights.

Furthermore, you rejected my request t41707 to move the point of diversion for 0.45 acre-feet of water to an existing, in-use well 150 feet away from the original point of diversion, based on impairment. However, you approved the EID's temporary change application t43182 to the same in-use well, but without evidence that t43182 did not impair superior water rights. Put simply, you approved one application but rejected another, although there are no substantial differences between the two, as far as the specific well in question goes. If you are applying state water law fairly and consistently, the EID's application should have been rejected for the same reasons my application was rejected. Because permanant change application a44045 is substantially the same as t43182, it should be rejected, by the same logic (your own) by which you rejected my application.

The degradation of water quality and depletion of quantity observed by many Main Canyon residents correlates directly with the implementation of pumping from the EID's high-capacity wells, so strongly that the relation is clearly causitive. These wells must be shut down to prevent further damage to the Canyon aquifer. Because the

pumping from the EID wells listed a44045 is impairing use from superior water rights, you are obligated to reject application a44045.

The priority dates for the well at 57-7569 is 1931 and the stream point of diversion (a16263) is 1991, both which supersede the priority date of 26 December 2017 for the Freeze Creek and Brigham Fork wells.

I hereby request a hearing in this matter. This protest has been submitted online and a copy sent by postal mail; I have submitted the \$15 protest fee online.

Sincerely,

A handwritten signature in cursive script that reads "Jamie White".

Jamie White