



Fwd: EID Water Rights - Scope, Priority and Purpose of the Pending Permanent Change Applications "a44045" (57-7796) and "a44046" (57-10711)

1 message

Kent Jones <kentljones@utah.gov>
To: waterrights@utah.gov, Ross Hansen <rosshansen@utah.gov>

Tue, Oct 16, 2018 at 11:11 AM

Sent from my iPhone

Begin forwarded message:

From: ECHO Association <m.tracy@echo-association.com>
Date: October 16, 2018 at 10:11:36 AM MDT
To: Scot Boyd <scot.boyd@chrisjen.com>, Steve Kelson <Steve.Kelson@chrisjen.com>, Bryson Brown <bryson.brown@chrisjen.com>
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Subject: EID Water Rights - Scope, Priority and Purpose of the Pending Permanent Change Applications "a44045" (57-7796) and "a44046" (57-10711)

Dear Emigration Canyon Home Owner,

Several questions this week have circulated in Emigration Canyon regarding water rights.

This past Sunday at 01:30 am, the Emigration Canyon Community Council circulated a Letter written by Emigration Improvement District ("EID" aka ECID) Trustee Chairman **Michael Scott Hughes** (see https://echo-association.com/?page_id=1661) whereby Mr. Hughes argued that **"EID DOES NOT HAVE A PLAN TO ADD 500 HOMES IN THE CANYON"**.

See https://echo-association.com/?page_id=2467.

This statement is demonstrably false.

During the EID trustee meeting on March 12, 2015, EID trustees openly argued for an impact fee based upon adding **517** new homes to the current EID water system of **286** connections "because there will always be development in the Canyon":

See https://echo-association.com/?page_id=1425.

In the current permanent change application, EID has asked the Utah State Division of Drinking Water to approve 649.99 acre feet for "municipal purposes" and *if approved*, EID trustees will have the full legal authority to connect **886** water users (**580 new connections** above its current subscriber base of **285** domestic units - calculated at 0.75 per acre feet per connection as required by the Utah State Engineer).

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EID Trustee Chairman Hughes further noted that in 1968 “EID was provided a senior water share for water at the mouth of the Canyon.”

This statement is accurate. However, at that time EID water share 57-7796 was only approved for “the irrigation of 250 acres of land, stockwatering of 200 cattle, 400 sheep and 75 horses and and for the domestic purpose of 25 families.”

See <https://echo-association.com/wp-content/uploads/a-6538-copy.pdf>.

The priority date of 1872 was however forfeited on October 8, 1982 when the Utah State Engineer approved “a6538” for the municipal purpose of “**300 connections**” (see *id*)

In a letter circulated by EID Attorney Kinghorn shortly thereafter, EID purported to have “the most senior water right in the Canyon (see https://echo-association.com/?page_id=2694), but failed to mention that statement was only applicable to “the irrigation of 250 acres of land, stockwatering of 200 cattle, 400 sheep and 75 horses and and for the domestic purpose of 25 families” from the Emigration Canyon Stream and not permanent change application “a6538” which enjoyed a priority date of April 27, 1971 for **300 municipal connections**.

At the time of this writing, EID continues to falsely maintain that it owns “the most senior water right in the Canyon”:



Unless EID trustees are in the business of irrigating 250 acres of land, stockwatering of 200 cattle, 400 sheep and 75 horses and providing water service for only 25 families via a surface water point-of-diversion at the mouth the Canyon, this statement can serve no other purpose than to discourage Canyon residents from filing protest with the Utah State Engineer.

As EID's current permeant change applications are for all 649.99 acre feet for "municipal purposes" taken from fifty-one (51) possible points-of-diversion, *if approved* all current **286** and **580** new homes will have a priority date of **September 12, 2018** as noted by the Utah State Engineer:

https://echo-association.com/?page_id=2418

We hope this email helps clarify the issue.

EID trustees will have ample opportunity to discuss the scope, purpose and priority date of its water rights in an open and public meeting on record.

The ECHO-Association will publish the time and place of the hearing before the Utah State Engineer when announced. All Canyon water users are invited to attend.

Although water rights in the State of Utah are complicated and difficult to grasp, the importance of the pending EID permeant change application cannot be understated to both Canyon residents on private wells as well as homes currently connected to the EID water system.

Canyon residents are encourage to consult a legal professional of their choosing regarding these issues.

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With over **forty (40)** private wells reporting quality and/or quantity impairment to date, there simply isn't enough water to go around for the current — and certainly not 568 new — Canyon homes.

Please feel free to contact me directly with any questions concerns or comments.

Kind Regards,

Mark Christopher Tracy
- qui tam Relator / ECHO President
Tel: 929-208-6010

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