

FROM: Jack Samuel Plumb
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Salt Lake City, Utah 84108

TO: Kent L. Jones, State Engineer
Utah Division of Water Rights
2594 W. North Temple, Suite 220
Salt Lake City, UT 84114-6300
Telephone: 801-538-7240

PROTEST FEE PAID

18-04847
\$15.00

Ref: Protest to EID Permanent Change Application "a44045" (57-7796)

October 16, 2018

Dear Mr. Jones,

I am an Emigration Canyon resident who has spent most of his life living in the canyon. More importantly, of all of the years that I have lived in the canyon I have been fortunate enough to live directly next to the Emigration Canyon Stream. I moved up the canyon at the young age of four years old with my family, and my fondest childhood memories all involve the time I spent playing around or working with my father around the stream banks. First living on Skycrest Lane, and now living almost 5.5 miles up the canyon, I have experienced the stream closer to its headwaters, as well as further downstream.

My late father, Jack Plumb, had an immense appreciation of the Emigration Canyon stream, and instilled a sense of care and stewardship in me from a very young age. Not to say that we were responsible alone for protecting it, but that we had an obligation to bring troubling concerns and developments to the appropriate parties. My father had brought such concerns to the EID and the Trustees many times over the decades that he was alive. The many concerns that were voiced focused upon the effects of human activities as they pertained to decreased stream flow. Both my father and I were amazed at how much the stream flow would diminish through certain residents (and former EID paid managers) who would physically remove water from the stream through pumping. The diminished stream flow was alarming, especially given that the EID was charged with protecting stream flows. We could not imagine anything more potentially damaging to the overall health of the water system and stream flow than pumping. Until we witnessed what has started to occur since the installation of the Upper Freeze Creek Well.

Since 2013 I have made complaints to the EID about the continued decline of stream flow, in atypical times of year, and more regularly than I have witnessed during my time in the canyon. Prior to 2013 completely dried up stream beds was something you would witness only in particularly drought ridden summers. Since 2013, I have not had one single summer where the stream has not dried up multiple times, and has in fact started to go subterranean (I made a complaint to the EID in 2015 recorded in their minutes. Any and all complaints by residents of Emigration Canyon have fallen on deaf ears. Despite all information that I have found and researched clearly demonstrating that large scale

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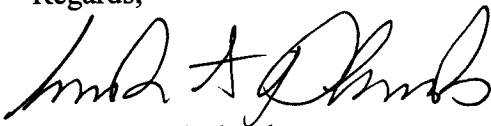
wells were not sustainable in Emigration Canyon, the EID has not only continued to build them, but they have lied to residents repeatedly.

I have a superior water right far superior to that owned by EID dating back to 1910 (57-7373).

In this update to my protest letter, I would like to bring to your attention that the State Engineer was informed in April 2017 that the EID was providing water service to 46 residents without a valid water right. Despite receiving this information in the Spring of April 2017, the State Engineer took no action, and further approved EID's temporary change application in January of 2018. The result of tolerating this impermissible water use is Emigration Canyon Creek remaining completely dry for a period of longer than two months, and dozens of private wells going dry. According to Jack Barnett (the EID's own paid hydrologist), Emigration Canyon Creek will likely take decades to recover from the actions of the EID, even if the EID was to completely terminate operations immediately.

While I try not to think about how much money I have been charged by the EID, I do think it is important to mention that I informed EID Manager Eric Hawkes back in February of 2017 that I would no longer be paying their bills, as the water that was coming from their line was yellow and brown, and had either strong tastes of chlorine or iron depending on the day. Meanwhile my well water was clear and free of foul tastes, although this has begun to change. My EID water was shut off on April 18, 2018 with less than 24 hours' notice, and I have not had a drop of their water flow through my lines for over a year at this point. Despite this fact, they have still continued to charge me each and every month, even though I never signed any type of document saying that I would pay for services not being rendered. I plead with you to please think very long and hard about the decision you are going to make, because if you allow the EID to move forward, then the loss of Emigration Canyon stream will be directly on you as well.

Regards,



Jack Samuel Plumb