

October 11, 2018

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

PROTEST FEE PAID

18-04858

\$30.00

LATE PROTEST

Dear Mr. Jones,

I am writing to protest permanent change application a44045 filed by Emigration Improvement District (EID) on September 12, 2018. The application seeks approval for the EID to develop 5 additional well sites and 500 new homes, despite independent expert studies clearly indicating the canyon cannot support these developments. I urge you to consider the results of prior hydrology studies and the need for updated studies accounting for the current climate and usage, in addition to several other matters of concern.

1. Emigration Creek is already out of compliance with DEQ/EPA standards and is under an EPA Advisory. Expert hydrology studies have already been conducted and estimated there is only sufficient water flow within the Canyon to provide for approximately 725 dwelling units. At 686 dwelling units, we are only 39 residences short of the maximum.

2. Even though the canyon currently has less than the estimated maximum 725 dwellings, the current rate of water withdrawal resulted in a completely dry creek for months this past summer, and 20+ dry private wells.

3. There are currently approximately 286 water connections to existing EID service. Water rights 57-7796 and 57-10711 both point to water-use group number 417084, which covers 250 units of irrigation water and no units for domestic use. Are existing water rights available for the proposed additional homes in the change application?

4. This permanent change application includes the two new already installed wells under temporary approval, and five additional (future) wells. The two issues, permanent approval for the temporary current wells and drilling five new wells, are separate issues and should not be considered together unless to decline.

5. The two temporary-status large-volume EID water wells already installed have had deleterious effect on the canyon water supply. The creek is dry, 30+ private wells are dry, and there are dire environmental and safety consequences.

6. Water flow in the creek has broad environmental and safety implications, and is essential for the entire canyon ecosystem. Already, I have witnessed canyon wildlife in the dry creek bed searching - in vain - for water. The dry creek has surely resulted in a tragic loss of Bonneville Cutthroat trout. Lower groundwater levels also leads to dry conditions for trees and vegetation and puts canyon residents at great risk of wildfire. Siphoning of even more water as proposed, could permanently damage the character and recreational value of Emigration Canyon, or even destroy our homes.

7. Under Utah law EID trustees are responsible to protect, preserve and perpetuate the limited Emigration Canyon water resource. In their very own planning document, dated

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May 13, 1996, EID trustees pledged to establish sound and rational guidelines to ensure quality and quantity of water for Emigration Canyon residents, while considering climate, biological, geological and hydrological factors present within the canyon. The planning document states: "No allocation of water will be made that will lead to inability to sustain minimum stream flows, defined as no less than 115 gallons/min measured at Burr Fork weir locations and 150 gallons/min near Camp Kostopulos." Currently there is no stream flow in Emigration Creek near Camp Kostopulos and EID must be held accountable.

8. The EID previously protested against the exact type of development they now have a temporary permit for, and now seek permanent status for. In a public hearing of the Utah State Engineer on December 15, 1995, the EID protested against the construction of large diameter commercial wells by The Boyer Company L.C. and City Development Inc. required for expansion of the Emigration Oaks development. EID hydrologist Jack Barnett testified that the proposed wells would dewater existing private wells and the Emigration Canyon Stream. He was right! Except that the perpetrator was not Boyer, it was the EID who years later flip-flopped their stance when they stood to benefit financially. This is a clear conflict of interest.

9. To date, 22 protest letters have been filed with your office and many more are coming. Yet, the Chairman of the Emigration Canyon Community Council ("ECCC") Steve Borst refused to place the depletion of the Emigration Canyon stream and private wells on the meeting agenda of the ECCC for open and public discussion. Application a44045 must not be rushed through to fill the coffers of developers at the expense of current residents and the entire Canyon ecosystem.

Considering these overwhelming and compelling facts, I urge you to flat out decline this proposal. Studies have already proven the canyon cannot support this development and is near capacity. Instead, considering the current lack of water, I request that before considering permanent status for the 2 temporary wells, you require the EID to limit its present water use and adopt a much more significant block rate structure and put hard limits on excessive water use. At minimum, before any substantial new developments are considered, new independent evaluations of ground water and surface water conditions in Emigration Canyon must be conducted by the US Geological Survey or other independent State and/or Federal Government experts.

Widespread concern is moving through the canyon, protests have been filed with the Utah State Division of Water Rights, and this issue even made the front of the Salt Lake Tribune this past month via a story by environmental reporter Brian Maffly. Before this turns into a "There Will Be Blood" situation, let's guide decisions on sustainable water use and equitable water distribution for all residents, plants, and animals in Emigration Canyon.

Sincerely,

Dr. Jessica Kramer
Concerned member of the EID and Board Member of the Spring Glen Water Company
4801 E Skycrest Park Cove
Salt Lake City Utah 84108



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