

# PROTEST

**PROTEST FEE PAID**

\$15.00 18-04852

Fee Rec'd BY: ONLINE

October 17, 2018

Protestant: Lowell Miyagi  
6298 E Lefthand Fork Ln  
Salt Lake City, UT 84108

**RECEIVED**  
**OCT 17 2018**  
**WATER RIGHTS**  
**ONLINE**

RE: Protest of Change Application a44045 (57-7796)

A hearing is requested.

Kent L. Jones, State Engineer

Utah Division of Water Rights

1594 W. North Temple, Suite 220

Salt Lake City, UT 84114-6300

Re: Change Application No. a44045 (Water Right No. 57-7796)

Dear Mr. Jones,

The following protest is being submitted concerning Change Application No. a44045 (Water Right No. 57-7796), filed by the Emigration Improvement District, of P.O. Box 58945, Salt Lake City, Utah.

According to the Utah Division of Water Rights' website, Change Application No. a44045 identifies five new underground points of diversion and allows for the construction of five 20" diameter, 800-1200 foot wells. I am concerned that if Change Application No. a44045 were to be approved, the new wells would a) interfere with my water right (1/3 interest of 57-8349) and b) adversely impact recreational use of the canyon.

The location of the five new wells is very concerning. In a recent statement put out by the EID, "Of the five new wells [sic] sites, four are near the one million gallon storage tank and the other is above Pinecrest (to provide water to that area if the residents want it)."

The four wells are not "near the one million gallon storage tank" as EID claims. "Burr Fork Well #2" and "Nugget Well #2" are both alongside the Miner's trail on the Brigham Fork side according to the maps on <https://maps.waterrights.utah.gov/>. "Burr Fork Well #1" is located along the Miner's trail on the Pinecrest side, and appears to be on USFS land. The Miner's trail is a very popular

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trail in the canyon for both residents and non-residents. Construction of wells along this trail would likely require improving the railroad grade trail and bringing in power, which would effectively shut down this trail for recreational use. "Nugget Well #1" appears to be located on the east side of Pinecrest Canyon Road, just south of the Miner's trailhead, also on USFS land.

The location of "Thaynes Well" is north of the blue gate at the end of Pinecrest Canyon Road. According to EID's statement, "Thaynes Well" would serve residents of Pinecrest 'if the residents want it.' To my knowledge, no residents in this area have requested water from EID. We do not want it. There is no need for a well at this location and it makes no economic sense.

It's no secret that the EID leadership is in favor of a canyon-wide water system. In his candidate statement for re-election to the EID board in 2003, EID Chairperson Michael Hughes described himself as "committed to a canyon wide water system." I am concerned that these new wells are part of a move to force residents of the upper part of the canyon and Pinecrest onto the EID and I have no desire to be part of such a system.

Please have a copy of any notice, correspondence, or decision concerning the Change Application mailed to me at 6298 East Lefthand Fork Lane, Salt Lake City, Utah 84108.

Sincerely,

Lowell M. Miyagi

Lowell Miyagi

**SCANNED**