

JACQUELINE M. BISKUPSKI
Mayor



DEPARTMENT OF
PUBLIC UTILITIES

October 15, 2018

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18-04809 W
3000

Mr. Kent L. Jones, State Engineer
State of Utah-Division of Water Rights
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114

RE: Protest of Emigration Improvement District's (EID's) Permanent Change
Applications a44045 and a44046 (Water Rights 57-7796 and 57-10711)

Dear Mr. Jones,

Salt Lake City Department of Public Utilities (City) is protesting Change Applications a44045 and a44046, (Water Rights 57-7796 and 57-10711, respectively) due to the following issues:

1. Salt Lake City's water rights on Emigration Creek include, but are not limited to, WR 57-8855, WR 57-8496, and WR 57-8497. There is potential that if the State Engineer approves these changes applications, Salt Lake City water rights could be impaired.
2. The City is also concerned about the impact of the change applications on the surface rights located on Emigration Creek, specifically WR 57-8497, which is a Salt Lake City water right being diverted and used by the Hogle Zoo.
3. The impact by these applications on Emigration Creek may have negative effects on public recreation, the natural stream environment, and the public welfare outlined in the attached letter from the Hogle Zoo.
4. The City urges the State Engineer to carefully consider the proposed change applications and ensure the conditions necessary to prevent impairment of City's existing rights, and to prevent any enlargement of the applicant's underlying water rights.

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Page 2
Mr. Kent L. Jones
October 15, 2018

Salt Lake City appreciates the opportunity to discuss our concerns regarding the changes applications by Emigration Improvement District.

If you have any other questions, please feel free to contact me at 801-483-6770.

Sincerely,



Laura Briefer
Director

LB/tk

cc: Rusty Vetter, Salt Lake City Attorney
Jesse Stewart, Deputy Director
Marian Rice, Water Quality Administrator
Karyn Greenleaf, Contracts, Property and Canyon Water Rights

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Nurturing respect and appreciation for the natural world

Karryn Greenleaf
Salt Lake City Public Utilities
1530 S. West Temple
Salt Lake City, Utah 84115

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October 4, 2018

REF: Emigration Improvement District Permanent Change Applications "a44045" (57-7796) and "a44046" (56-10711)

Dear Mr. Greenleaf,

We are concerned with the observed reduction of Emigration Creek water flowing through Hogle Zoo. With more than one million visitors per year entering the Zoo grounds, it is one of the few places in the City that our community members can enjoy and learn about the importance of healthy riparian corridors. In harmony with the City's Emigration Creek Management Plan, we have put significant resources into various projects that interface with these important zones to allow our large number of guests to have an intimate experience within the riparian areas, without harming them. Indeed, we feel that a healthy Emigration Creek is a significant part of our overall Zoo experience and an important City asset

Recently, it came to our attention that Emigration Improvement District ("EID") had segregated a 649.99 acre feet water share with the Utah Division of Water Rights and then filed permanent change applications moving the point-of-diversion from the mouth of the Emigration Canyon Stream near Hogle Zoo to multiple surface and underground water sources located at higher elevations within the canyon drainage system

It appears that these change applications will allow for the addition of 568 new residential units above the current build-out of 685 homes.

As you are likely aware, three weeks ago, the Salt Lake Tribune reported *total depletion* of the Emigration Stream less than 2 miles from our extraordinary facilities (see attached Exhibit "Why is Emigration Creek — a historic Utah waterway — dry?").

Recently, the Emigration Canyon Home Owner Association ("**ECHO-Association**") posted an online-audio recording whereby EID hydrologist Jack Barnett testified that the extraction of water in the area of Brigham Fork, Upper Freeze Creek and Pioneer Fork would impair EID's ability to deliver water under a lease agreement with "This is the Place State Park" (see https://echo-association.com/?page_id=2204) although EID's current applications requests approval for the operation of *the very same* large-diameter commercial wells (see https://echo-association.com/?page_id=2418).



Utah's Hogle Zoo • 2600 Sunnyside Avenue • Salt Lake City, Utah 84108 • (801) 584-1700 • www.hoglezoo.org



SCANNED WR

During the design and construction of our Savanna project, which opened in 2014, we worked closely with the Utah Division of Water Rights and SLC Public Utilities to upgrade infrastructure related to Emigration Creek that runs through Zoo property, which included installation of new piping, new pipe linings, a new headwall and upgrades to the point-of-diversion valve station, moving it east approximately 80'.

At the time of these upgrades, recognizing that when the Hogle family donated the current Zoo property to Salt Lake City it included the associated water rights, we discussed the Zoo's desire to utilize Emigration Creek water to supplement watering of landscape and as a contingency water source for the animals that reside at the Zoo, as we have done in past times. The discussions at that time included that the SLC Public Utilities holds these water rights and has been preserving them. Then, and recently, we have discussed opportunities for the Zoo to utilize Emigration Creek water in our current operation. Most recently we have been working with Tracy Kirkham from your office.

Admittedly, we are troubled as we have observed dramatic fluctuations and reduction of stream flow through our visitor areas. As the continued and unimpaired flow of the Emigration Creek is vital to the health of the riparian corridor, the animals placed in our care, as well as our visitor experience, please clarify the position of Salt Lake City regarding these pending change applications (see https://echo-association.com/?page_id=214) at the earliest possible date.

Kind regards,



Doug Lund
Sr. Vice President & COO
801-584-1709