



Emigration Canyon  
Home Owners  
Salt Lake City, Utah  
801-669-9825

[echo-association.com](http://echo-association.com)

September 16, 2018

**Ref: 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 controlled by the current Emigration Improvement District (“**EID**” aka ECID) trustees.

This past Sunday at 01:30 am, the Emigration Canyon Community Council circulated a community letter written by EID Trustee Chairman **Michael Scott Hughes** 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](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](https://echo-association.com/?page_id=1425)).

In the current permanent change applications, 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).

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 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](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 for the domestic purpose of 25 families” from the Emigration Canyon Stream and did not apply to 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”:

The screenshot shows a Safari browser window displaying the website <https://www.waterrights.utah.gov/>. The page features a table of water right values and a section titled "Water Rights" with a red circle highlighting a sentence about the District's water rights.

70,000	.....	\$500.00
80,000	.....	\$750.00
90,000	.....	\$1050.00
100,000	.....	\$1400.00
110,000	.....	\$1800.00
120,000	.....	\$2250.00
130,000	.....	\$2750.00
140,000	.....	\$3300.00
150,000	.....	\$3900.00

**Water Rights**

For specific information regarding property water rights, water right priorities, or enforcement of water right issues, contact the State Engineer's office, Division of Water Rights. The Emigration Improvement District holds one of the most senior water rights in the canyon, thanks to the Utah Road Commission (Now Department of Transportation) who in 1976, decided to purchase the District's water rights. As canyon residents join to the community water system, the homeowners, can choose to purchase the District's water right or exchange their water right for the District's senior water right. In most cases, .75 ac/ft of water right is needed for both culinary and irrigation use as established by the Utah Engineer's office. There are situations where this amount may differ, pending on usage and lot size being irrigated etc... The current value for use of .75 ac/ft of District's senior water right is \$6000.00 (\$8000 per ac/ft). The District does not sale water rights and they are used for those who are connected to the community water system. There is on an occasion, where the District (upon approval of the Board of Trustees) will lease a portion of water right for properties not located within the community water system, however, if the community water system is available to them in the future, the agreement is to connect to the community system at that point in time.

For more information regarding water rights click on the Utah Division of Water Rights or contact the District Manager.

Utah Division of Water Rights

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 permanent 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 recorded on EID's own permanent change application (*see* [https://echo-association.com/?page\\_id=2418](https://echo-association.com/?page_id=2418)).

We hope this 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 at times difficult to grasp, the importance of the pending EID permanent change application cannot be understated to both Canyon residents on private wells and homes currently connected to the EID water system.

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

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,

A handwritten signature in black ink, appearing to read 'Mark Tracy', written in a cursive style.

Mark Christopher Tracy  
- *qui tam* Relator / ECHO President