

## **Statements from Salt Lake City Public Utilities Department regarding Water Rights and Water Flow in Miller Park**

### **Email received December 13, 2021 from Laura Briefer, Director of SLC's Public Utilities Department**

Good afternoon Ms. Hemming,

Thank you for reaching out to me as well as my staff, Senator Iwamoto, Councilmember Dugan, and Representative King. I know this is an important issue for the Yalecrest community and for many others. There are a few items that deserve a bit of clarification so that there is not a misunderstanding about Salt Lake City's role, the variability of the stream, and the management of water rights:

- Salt Lake City's point of diversions for its Red Butte water rights are below and downstream of Miller Park, after Red Butte is piped underground. Therefore any use by Salt Lake City of this water would not impact flows within the stream.
- Salt Lake City's Red Butte water rights are not used for drinking water purposes. They are used for outdoor irrigation downstream of Miller Park and at Liberty Park, when water is available to use.
- The State Division of Water Rights could probably address this better than me, but my understanding is that the five acre-feet mentioned in this correspondence is not relating to an actual flow volume in Red Butte Creek. It is actually a map relating to how much water is allowed by the state for 1 acre of irrigation – often referred to as a “duty” (the pink zone on the map).
- There are no state level entitlements for a certain volume of water in the creek. The stream's flow is variable based on snow pack, springs, gaining/losing sections, and releases.
- Red Butte Creek above Red Butte Dam (located higher in the watershed within the federal Red Butte Natural Resource Area) peaked at ~2 CFS in May of 2021. It was generally flowing between 0.35 CFS and 0.85 CFS in the summer and fall. There were times water did not pass through

Miller Park this year, most prevalent in the record heat of June and when Mount Olivet was diverting.

- There are no diversion rights from Red Butte Creek for Red Butte Park, The VA Hospital, or Research Park. These entities do have retail connections to Salt Lake City's drinking water system, but Red Butte Creek water is not used in our drinking water system.
- It is true that Mount Olivet diverts Red Butte Creek water above Miller Park to irrigate the cemetery.
- Irrigation water is critical to the Mount Olivet cemetery operation, and they are very understandably protective of the longstanding right and infrastructure investments they have to use that water.
- In an attempt to help to keep water within the stream and help support the restoration efforts in Miller Park and elsewhere, I have proposed to Mount Olivet and the federal agency that holds the Red Butte Right that we could use a groundwater source of Salt Lake City water to satisfy their cemetery irrigation needs, exchanging by an agreement the provision of that source for the purpose of keeping the volume of their Red Butte right in the stream. This has been complicated by factors outside of Salt Lake City's control, but Salt Lake City is still interested in this to help keep water in the creek. Mount Olivet also has an Emigration Creek water right that is conveyed via a ditch to Red Butte Creek and then diverted for irrigation (the blue dotted line you mention). We have also offered the same exchange to keep more water in Emigration Creek. However, even if we could do this, there still might be times when water gets very low in the stream due to drought and climatic variabilities. (Emphasis added by YNC)

I hope this information is helpful, and I would be happy to provide any additional details. The mega-drought and climate issues are bringing this and other issues, such as a shrinking Great Salt Lake to the forefront. Having you and our residents so engaged in this is really important, and I am very grateful for your attention, feedback, and persistence. Please do not hesitate to call or email me.

With respect,

Laura Briefer  
Director

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**Response email to Laura Briefer from Jan Hemming, YNC Chair, on  
December 14, 2021**

Laura: There are two more pieces of information that were given to me about water allocations involving Mount Olivet and Red Butte Creek water. I don't have personal knowledge of this, but at least three individuals who live in Yalecrest and have an historical perspective about water allocations and rights that impact MBR shared the following with me:

1. In the 1990's the LDS Church's Garden Park Ward requested a short-term metered connection to a city hydrant on Yale Ave. The city demanded that the then existing LDS water right had been utilized to fill an on-site pond for irrigation and must be relinquished to the city, and that future irrigation be connected to the city's culinary line.
2. Responsible sources working with the VA on the Superfund PCE mitigation are certain that Red Butte water has been diverted by Mt Olivet to Rowland Hall St. Mark's School.

Perhaps you could shed light on both.

Respectfully,

Janet (Jan) Hemming

**Email from Laura Briefer, received January 11, 2022**

Hello Jan,

I apologize for the delay in my response, but you were definitely on my schedule today to write back. I don't have information regarding your first question about Garden Park Ward. The State's water rights website shows the LDS Church still maintains their water rights at this location. With regard to your second question, Red Butte water is not being used at Rowland Hall. The school is connected to the City's drinking water system. Please let me know if you have other questions on these or other issues regarding Red Butte Creek.

Thank you,

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