

**Escalante Valley Water Users Association  
71 East Hwy 56  
Beryl, UT 84714**

September 28, 2007

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WATER RIGHTS  
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Jerry Olds  
Utah Division of Water Rights  
1594 W. North Temple, Suite 200  
PO Box 146300  
Salt Lake City, UT. 84114-6300

Dear Mr. Olds,

As you are aware, the Escalante Valley Water Users Association has spent an enormous amount of effort working proactively to help facilitate the development of a ground water management plan for the Beryl/Enterprise area that would be successful in balancing the needs to protect the ground water aquifer while meeting the needs of protecting the economic viability of individuals and the community.

As your are further aware, the Escalante Valley Water Users Association prepared and submitted the frame work for a ground water management plan that was supported by 95% plus of the water users. Many, many affected agencies, organizations and individuals submitted comments by the May 15<sup>th</sup> deadline supporting the concepts of the plan, specifically the idea of a locally developed solution that balances the need for a reduction in water consumption with the need of protecting the economic viability of individuals and the community.

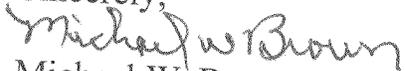
To date very little, if any consideration or response has been given to the conceptual plan presented or the comments that have been submitted. A request for comments was again offered at the meeting held August 6<sup>th</sup> in Enterprise and due on September 30<sup>th</sup>.

The Escalante Valley Water Users Association requests that the State Engineer give serious consideration and response to the conceptual plan that

has been presented by the local water users and the large amount of comments that have been submitted and will be submitted though the September 30<sup>th</sup> deadline. The intent of the ground water legislation was that local water users drive the process and that the public process includes serious consideration of the comments received from affected agencies, organizations and individuals

The Escalante Valley Water Users Association requests that the State Engineer utilize the intended flexibility that was built into the legislation, which allows for a variety of factors, including economic impacts and gradual implementation, and the intended flexibility in the safe yield definition. For example, safe yield is defined as not exceeding the long term recharge of the aquifer "or" unreasonably affecting the physical and chemical integrity of the water basin. What is the meaning of long term? What is the meaning of unreasonably affecting? How is the physical integrity measured? Safe yield is not a well defined term and therefore cannot be the only driving factor in the development of a ground water management plan, especially in the Beryl/Enterprise area due to the unique characteristics of the water basin.

Sincerely,



Michael W. Brown, Board President