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May 15, 2007

Jerry Olds, State Engineer
Division of Water Rights
1594 West North Temple, Suite 220
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Salt Lake City, UT 84114-6300

Re: Comments to Proposed Establishment of Groundwater Management Plan in the Beryl/Enterprise Groundwater Basin

Jerry:

I represent Rick Burgess and Kevin Woods regarding the establishment of a Groundwater Management Plan in the Beryl/Enterprise Groundwater Basin. I provide the following comments regarding this proposed management plan.

1. It is difficult to make comments when there is still very little information available on the recharge and withdrawals from the groundwater basin. More information is needed before meaningful comments can be made. Some of the information required to make meaningful comments includes the following:
 - a) the authorized withdrawals from the aquifer under currently valid appropriations;
 - b) the priority dates of the currently authorized withdrawals from the aquifer;
 - c) the number of acres authorized for diversion under the current water rights;
 - d) the number and identity of water rights that have been certificated;
 - e) the number of water rights that are still viable but have never had proof or an election filed;
 - f) the number of acres under each of the above different categories of authorized diversions;
 - g) the number of acres actually being irrigated;
 - h) actual vs. estimated annual groundwater withdrawals; and
 - i) allocation between surface water irrigated lands and groundwater irrigated lands.

Until a majority of this information is available it is premature to request comments or embark upon the formulation of any plan to manage groundwater withdrawals from the basin.

2. Based upon the information on the web page regarding the groundwater management plan, it appears that the "safe yield" of the aquifer has not yet been determined. The information and data upon which the safe yield is based should be available to the water users so that they can examine and verify the information and data.

3. The State actually encouraged World War II veterans to relocate to the Escalante Valley and appropriate water. An instructor was hired by the State to teach these veterans to farm and irrigate lands. The State also knew that water levels were declining in this basin as early as 1952-53 (perhaps earlier), yet continued to approve applications to appropriate water. These actions have induced the expenditure of millions of dollars in drilling wells, equipment purchases, clearing and farming lands. The State is responsible for encouraging and condoning this water right development while knowing that water levels were declining. The State should therefore bear the major brunt of all economic consequences resulting from the implementation of a groundwater management plan.

4. A number of static water levels reported in the technical publications and used to document the declines in the basin's water levels are taken from wells that have never been actively pumped or maintained and which are 30-40 years old. We question the use of these measurements as indicative of groundwater levels because of the probability that they are not now hydraulically connected to the water table based upon the corrosion of the perforations in these old wells. All water surface measurements should be from wells that are actively used or are regularly maintained to insure the hydraulic connection between water surface elevations in the wells and the aquifer.

5. There are a number of wells that report an increase in the water levels over the past 40 years. Will these areas where reports of an increase in the groundwater level be excluded from the management plan? Are there other areas that could or should be excluded from the management plan because they are isolated from the main body of the aquifer?

6. Lands irrigated by surface water rights need to be distinguished from lands irrigated by groundwater and accounted for separately.

As you can see there are more questions than comments. We reserve the right to make additional comments as more information becomes available.

Sincerely,



Kendrick J. Hafen

c: Rick Burgess
Kevin Woods