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WATER RIGHTS
SALT LAKE

May 25, 2008

State of Utah
Utah Division of Water Rights
P. O. Box 146300
Salt Lake City, Utah 84114-6300

Regarding: Tooele Valley Water Right Proposed Policy – Public Input

Mr. James Creer, Mr. Kent Jones, Mr. Jerry Olds:

We are writing to express our opinions and position pertaining to the water rights policy changes proposed at a meeting on April 24, 2008. We have carefully thought about your policy changes. We believe existing water laws allow us the right to purchase water and move it within a particular region and put it to beneficial use.

We also believe your one-size-fits-all approach is not a good policy. What you have proposed is just one approach – many could be developed. There is a distinct arbitrariness regarding the selection of lines, distances, and directions. So are the dates you've selected for implementation.

The valley and its water use needs vary and are multiple in nature and that is how your policy should be too. Good public policy meets the needs of multiple users much the same way public policy regarding multiple land use does. We see the challenges of supply and allocation but believe policies need flexibility and good public policy shows consideration for individual situations.

We believe there are four main distinct users in this situation and the policy should provide different conditions for each. Consideration should be given in the following order.

1. The individual single family home and lot owners.
2. Agricultural users.
3. Existing municipal water use such as the impact of new wells for Stansbury Park.
4. Sub-division developers.

Each category should be addressed with policies that apply to their needs and the consequences of their water use.

It is clear, the impact of a single family home needing one or two acre feet of water is far different than a farmer watering an alfalfa field night and day for seven months, a twelve inch well pumping a thousand gallons of water per minute to provide water for 3,000 new homes, or a sub-developer who is impacting new areas for hundreds of new homes. Why should they be treated the same?

We have worked really hard to obtain water to take care of the homes our children have recently built or still hope to build in the near future. If you implement this policy at this time, that makes it impossible to move the small amount of water required for them and greatly impacts us financially by depreciating the value of their lots - a lot without water is sure not as valuable as one with water - and causes irreparable damage and financial impact.

Your policy changes greatly affect the value of our property and water. It is simply unfair.

We'd like to suggest you consider the following approach:

1. Establish your new policies but give consideration to individuals moving water for a single family home.
2. Modify your policy to have four groups mentioned earlier and consider applications from each group separately. Award or deny the requests based on the impacts of each application rather than all being measured against the same criteria.
3. Allow additional time (perhaps six months) to permit only single family home and property owners to make their transfer. You could even establish a maximum amount allowable to be transferred based on the size of their lot. For example - 2 acre feet for a one acre lot and 10 acre feet for a 5 acre lot or a maximum 15 acre feet.
4. Set an implementation date in the future to afford individuals that have had promises made to them, the opportunity to make their transfers for single family dwellings. With the current date of April 16, 2008 as it is, we have had no advance notice to allow us a good faith effort to make appropriate application. Surely with such an important public policy change, that affects so many, a little time and consideration is very appropriate and warranted.

We are not trying to be unreasonable in the matter. We are hoping for understanding. We believe the Division of Water Rights has the responsibility and obligation to families they serve to help them, not hurt them. We ask for your cooperation and consideration as you try to solve this problem in a reasonable way.

Sincerely,


in behalf of...

The Dalton Family

Edward and Merna Dalton— 1323 Bryan Road, Erda, Utah

Errin and Stephanie Dalton— 1301 Bryan Road, Erda, Utah

Eddie and Dawn Dalton— 4500 Elk Lane, Erda, Utah

Eliot and Emily Dalton— 1333 Bryan Road, Erda, Utah

Marlee Dalton — 1615 Brinlee Court, Erda, Utah

975 Bryan Road, Erda, Utah