



James Reese &lt;jreese@utah.gov&gt;

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## Fwd: Cedar County water nice

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**Nathan Moses** <nathanmoses@utah.gov>

Thu, Jan 19, 2017 at 8:31 PM

To: James Greer <jamesgreer@utah.gov>, James Reese <jreese@utah.gov>, Jared Manning <jaredmanning@utah.gov>, Boyd Clayton <boydclayton@utah.gov>, Teresa Wilhelmsen <teresawilhelmsen@utah.gov>, Kent Jones <kentljones@utah.gov>

FYI

This letter comes in response to a letter to the editor written by Paul cozzens who is a councilman for cedar city.

----- Forwarded message -----

From: "Robert Jackson" <[robertj@dlpt.biz](mailto:robertj@dlpt.biz)>

Date: Jan 19, 2017 7:43 PM

Subject: Cedar County water nice

To: <[kentljones@utah.gov](mailto:kentljones@utah.gov)>Cc: <[nathanmoses@utah.gov](mailto:nathanmoses@utah.gov)>, <[paul@cozzenscabinets.com](mailto:paul@cozzenscabinets.com)>

This was written to help the State Engineer understand the dynamics of our area and to give some basic ideas. I have just seen an opinion written by Paul Cozzens in the local paper. AWESOME nice start. Looks like we have a Groundwater Management Plan Committee. I still see the problem as to many isolated Committees and little or no communication with the end users. I was not even aware that a GMPC was being formed before comments were heard by the State Engineer. As a water share holder maybe I should have at least been told something was being formed. I do not see this as Paul's fault he is much more involved than anyone I know. But rather a general problem in our area with communication.

Like Paul implied in his article "NOT A SIMPLE PROBLEM".

Love to hear from you all

Bob Jackson



# Cedar County Water

BAD SCIENCE OR BAD POLICY

PREPARED BY ROBERT JACKSON

AT THE REQUEST OF THE STATE WATER ENGINEER

As I look at the current water problems in Iron County and I am reminded of a story.

A group of people are locked in a room with a large bomb in the center of the room. The bomb has a fuse that must be lit with a match. A person opens the door and offers one match to the group. The individual people begin to fight over who has control of the match so they can lite the fuse.

I see our current problems much like this story. And I have seen this play out in my youth in California. There will need to be some changes in peoples thinking to remove the bomb and not fight over control of the match.

Understanding that people have different perspectives, points of view and different ways of solving the same problem. This is how I see it. The following comments are meant to illustrate why I have little confidence in the local municipality's ability to solve the water problems with their current approach. My interests are in the plastics industry and not in the social engineering field. I have made no effort to verify all the comments that I will make and they should not be taken as hard facts nor as any threats. They are to look back and then find a better way forward. I am concentrating on the Cedar City and Iron County Water Conservancy District because they are as a group pumping about 50% of the available water from the aquifer as per the States numbers and have plans to grow 50 to 100% bigger without taking in to consideration the influx from tourism. And I know very little about large scale agricultural water conservation.

### State

Use it or lose it policy is in part to blame for the current level of water use. I know of people who turn on their pumps so they will not lose their water rights. In this policy there is no room for conservation.

I have 5 acre feet of water. The State proofing of water was micromanagement gone wrong. It took 10 years and 150,000 dollars. Most of that time the State added 100 sq. feet of pasture then the next year taking away 200 sq. feet then not liking my irrigation system and have me replacing it. I had three different engineers arguing over how much water a tree uses. I know things may have changed but I have not seen any repayment for the bad policy's and never will.

I have 3 acre feet that are post-1934 and 2 that are pre-1934. This will put my current investment at 75,000 dollars per acre foot if the State follows thru with its plan. The City and County will be after this water.

During the last two State water meetings, there were at least 5 maps showing different ground water levels. I know some of the problem is that you are drawing on different reports and from different groups. It still gives the impression that you don't have a clue. You all need to be on the same page and transparent as to water level and the damage being done.

BAD SCIENCE: I used the one about my dog eating my homework. Both are lame excuses. You lose credibility when you stated that the 60-year ground water graphs show we were in trouble the entire time. Then want someone else to fix it. I have looked at some of the reports you have posted at your web site. I think most of what I was looking at was clear as to the science. The problem comes in when you interpret it and then micromanage it and mismanage the water rights. If you have seen this coming for 60 years and done nothing that is bad management.

### County / City

About 10 years ago, the Iron County Water Conservancy District was formed and became a taxing entity. The first group was appointed by the County and was given the assignment to look for ways to fix a growing water problem. Some good and some really bad ideas came from this group. Then a major change happened and the Cities were given control by appointment excluding all other users. This group is now a highly-subsided water company with a piggy bank attached for whatever hair brained idea the City's come up with. The County also sponsors a water fight to get people to conserve water. Wasting water sends the message that there is no problem.

1,000,000.00 dollars for a City pool complex?

1,000,000.00 dollars for a lake on a hill to take surface water and use it for the many grass fields in Cedar City. A good idea until you look at the big picture and how it will affect the recharge of the Quichapa area that the water would have been going to. And where the City wells are located.

ICWCD put in a well near Iron spring road because they said water was leaking from this aquifer to the next one. During this time my well was having problems and I had to decide whether to hook up to the County water line or deepen my well. I called the County and was told that there would not be any water lines near my location for the next 10 years. A few months later and 150 feet away is the main County line. Not long after that the same County well is supplying water to a mine in the next aquifer.

The City and County have agreements in place so that any service you can think of is a back up to Cedar City. And is diverting funds from the unincorporated areas to Cedar City. It is called a special service tax. And in 2008 it helped the County thru the worst of the economic down turn. It also made for bad relations between the residents of the unincorporated areas and the County as they try to turn the entire area into Cedar City. This may blow up in their face if transparency is ever in place and people understand what is going on. I personally hope the County will work towards a better solution.

The County has allowed Cedar City to put all of its water treatment and water pumping in the unincorporated areas and are destroying the aquifer by over pumping. If you believe your current aquifer maps.

I could go on but it is pointless. Needless to say, I have little faith that “Cedar” County will step up and do the right thing. The current path is the same one used by the Democrats in California. The City’s will say they are protected as a municipality and will control all the water in the valley removing all agriculture and other users over time as water wasters. All so that the City and County can grow bigger and collect more taxes.

A funny and tragic thing is that the Iron County Treasurer put the line item for ICWCD on the 2015 tax bill as “IRON COUNTY WATER CONS”

### HOW CAN WE FIX THIS WATER MESS?

- 1) Educate all water users including residents in the Cities about how bad things are and encouraging personal responsibility for their water use would be a good start. As a Manager, I have undertaken many water mitigation steps as a matter of personal integrity. They include using a closed loop cooling system with a refringent cooler not the more popular water cooling towers that waste water by evaporation. It becomes a tradeoff of water or higher power costs. We also use air cooling where we can however some systems will still require water until better engineered products are developed. In the spring, I will be landscaping my house in Cedar City to reflect a low water use system.
- 2) I think the State should sponsor a field trip with the County and Cities to a place where they have already been dealing with the same problems. Orange County has been dealing with this same issue for 40 years and may help develop a plan. They are using a recharge system and other things that Cedar City is currently working on and may help shorten the learning curve.  
Orange County Water District, 18700 Ward Street, Fountain Valley, CA. 92708, [www.ocwd.com](http://www.ocwd.com), Phone 714-378-3200, Eleanor Torres- Public Affairs Dir.  
I spoke with their secretary and they conduct tours of their facility to show other City’s how they can make a successful water plan.
- 3) Cedar City has a monthly newsletter that comes in the water bill. Nothing has been said about any water problems. This is a free platform currently being used by the City and could provide water reduction education on an ongoing basis. It should be used to change people’s hearts and minds about water use. After attending the last State water meeting my wife was talking with a group of friends in Cedar City and none of them have heard there is a problem. There has been nothing in the local newspaper ether. The end user does not know there is a water problem. And without the end users help the City will not manage their way out of this.
- 4) A building moratorium for the City’s and County should be put in place until we have a better idea if the current water fixes including the proposed recharge will

work. I grew up in an area where the City placed a ten-year ban on new construction to give the City time to make real changes. Knowing the City and County will not do this or will find some way around it. A full water mitigation plan on each building permit going forward should be in place and enforcement when they ignore the plan. Also, a full ban on building in the areas most highly effected should be put in place to avoid the sinking problems that the City of Enoch has been experiencing. My water table has gone from 10 feet to around 90 feet. With 300 feet of sand under my building it is only a matter of time and depth before there will be problems. And I am about two miles from both the Cedar City and the County wells.

- 5) The State should drop the use it or lose it policy and work on a buyback plan. If people understand that their water right is unusable, any water after 1934 should be purchased or traded for tax credit. Or some other thing. Good business practices try to use mitigation and not litigation as you have suggested in your last meeting. And the first group on that list for litigation will be the State. After all you are the primary water managers that have taken us to where we are.
- 6) The City, County and State need to be the example of water conservation. And be transparent and above reproach. The single location of wells for the Cities as shown on the current maps of the aquifer are destroying the aquifer and should be dispersed over the entire area much like what Las Vegas is doing on our borders with some 200 wells. However, this should not give Cedar County the ability to pump more as we are currently over budget in our aquifer. It would be designed to stop the localized destruction of the aquifer.
- 7) Cedar City should use its RAP tax to upgrade the current irrigation systems and plant low water grasses in the parks and green areas that are already in the City. Then find ways to cut down on the grass areas but still make them useable. Use reclaimed water where possible. It is cheaper than cleaning it and pumping it back into the aquifer.
- 8) If the State enacts its current water idea. They should be the first to have their water turned off. Including all State offices and schools. This will ensure that the State has a dog in the fight. The State's current solution indicates that the State thinks it is not their problem. (now is a good time to buy stock in porta-pottys)
- 9) Getting better data: Over the next 2 years by using the power of the dip-stick. Collect voluntary data from all the wells in the valley. For example: current water level, # of rights on the well, any problems in the past year, date collected, was the well pumping during the test. A standardized test procedure should be put in place so everyone does the test the same way. Larger users should be checked by the state. This will give you better data to make a baseline about the health of the aquifer. If

you ask nicely it may just work. Trying to set a number and micromanagement has not worked. 21,000? 28,000? 35,000? 50,000?

- 10) Sharing the data is most important. A map plotting the well locations and water levels at the same basic time of the year would be more helpful. You may need 4 different maps showing the rise and fall at different times of the year. And in different locations.
- 11) Set up a representative organization. It should be an elected body. Perhaps looking something like our nations House and Senate. Anything that effects the aquifer should be brought before this group. A website should be put in place with details of the aquifers health. And group emails should be sent out to all water right holders as to what is happening at these meetings. This will facilitate low cost communication and better transparence. This could also be used as a platform for the agricultural users and best practices for the application of conservation as part of the web site.

1 person- State Representative

1 person- Cedar County

1 person- Farmers over 100 ac feet

1 person- Others under 100 ac feet

1 Information specialist to get information out to all concerned (non-voting)

1 State water engineer to explain the data collected. (non-voting)

Then if needed, a group that would be bigger modeled after the House could be organized by water share.

- 12) Accountably: It is my option that any money spent on lawyers is money that will be diverted from fixing the problem. I think the key is Effective communication. Tell the truth, under handed stunts will sour people who will no longer believe what you say. Perhaps even putting in place a third-party arbitrator. If all else fails. Keep in mind that the State has already proven any case against the City and County and has saved millions of dollars in engineering for anyone who would like to litigate their current losses.

A) Explore the risk vs reward of all your decisions and actions.

B) Mitigation: There are areas that are being destroyed by the Cities and Counties pumping. Cedar County should be looking into doing something for all of the smaller usurers that are being affected. And who have been turned away by the City and County in the past. Charged large fees and payed for extra water rights that the City or County will own. Remember some of us have invested a lot of money because of bad science. Power costs for pumping have gone up as a direct result of the Cedar County Pumping and the State allowing Rocky Mountain

Power to double the energy cost. This cost is called a “faculty charge” on 3 phase users bills.

- C) Voluntarily hook up the smaller users to the City or County lines free of charge and without extra fees and demands from the highly-affected areas. Eliminating the smaller wells and potential litigators.
  - 1) Provide tax relief to thoughts who surrender their water rights to the Cedar County groups
  - 2) Put it in writing with no double talk
  - 3) The outcome of lawsuits will have a negative effect on our entire community. The loser will always feel frustration that may turn into radicalization. An example of this can be found at Navajo lake. Someone blew up the dam because it was blocking the water from the natural flow to the Virgin River and effecting there well. Or the golf course prairie dog poisoning incident from are recent past.
  
- D) Trust and communication is the key to solving any long-term problem. So far, I think we are lacking both in the current process. For example: The State meeting with larger organized water groups before a scheduled meeting and not disclosing what went on during the meeting with the larger group. Only that the meeting occurred.

In conclusion, I would like to see a lot more transparency and find some better ways to communicate. The State drawing a line in the sand is an irresponsible solution. It will lead to a lot of wasted time and money and divisions between groups. Undermine any ability to trust the State. For example, if I had only water rights from post 1934 it would put me out of business, reduce my property and business taxable value to “0”, cost the State and County millions in court, lawyers, and taxes because there would be more than one person affected. A better solution would be to cut all water rights by one third so that one share is now two thirds. If that does not work take it to one half per share this would cut the water shares to 25,000 much closer to your target. If we all suffer at the same rate everyone will need to work together. Encourage conservation like all the “slow the flow” television ads sponsored by the DNR. But if they do you will take away their water rights. So why do it. This shows a double minded unstable plan. The only way to solve this issue is in working together so that the County, Cities, Farmers and Other users will be more trusting and will not encroach on each other.

If we change the “golden rule” into the “rule of gold” we will all suffer.