

RESPONSE: As mentioned, there were several comments on this subject; we will attempt to address them all here. The purpose of the 12,000 afy limit, as it applies to change applications, is to prevent areas of the valley that are currently over-appropriated from becoming more so, to minimize interference, and provide some measure of quality protection. Several entities suggested that changes be allowed into squares with potential withdrawals greater than 12,000 afy in certain situations, for example, when water rights are transferred from squares with even greater potential withdrawal. Another proposal would allow changes within a certain radius of an existing well even though that well may be located in a restricted management square. We will consider incorporating these ideas into the management plan.

COMMENT: Municipalities should be able to hold water rights to meet reasonable future use.

RESPONSE: Requests for extensions of time will be evaluated as per *Utah State Code section 73-3-12(10,11)* (below) and all other relevant provisions under the law.

The state engineer shall consider the holding of an approved application by any public agency to meet the reasonable future requirements of the public to be reasonable and due diligence within the meaning of this act for the first 50 years. The state engineer may approve extensions beyond 50 years for a public agency if the agency provides information sufficient to demonstrate the water will be needed to meet the reasonable future requirements of the public.

If the state engineer finds unjustified delay or lack of diligence in prosecuting the works to completion, the state engineer may deny the extension or may grant the request in part or upon conditions, including a reduction of the priority of all or part of the application.

The state engineer is well aware of the obligations of public agencies to meet the demands of the people they represent. However, the problem regarding groundwater rights in the Salt Lake Valley is the potential for a serious overdraft on the system. Additionally, some water systems with later priority water rights have developed and placed the water to beneficial use while other water systems who have earlier priority water rights have done little toward placing the water to beneficial use, other than holding it for future demand. The state engineer takes responsibility for approving applications in excess of the safe yield, and now that the problem has been identified, wants to take action to deal with it. The state engineer will consider these factors when determining whether or not the holding of a water right by a public agency is "reasonable."