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Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 13-4105 (A84064)

Application to Appropriate Water Number 13-4105 (A84064) in the name of Mango-Spiral Jetty LLC was filed on February 8, 2024, to appropriate 240.0 acre-feet of water from the following point:

- 1) Well - North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Industrial - Mining, year round

The water is to be used in all or a portion of:

- 1) Section 31, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from Salt Lake City Corporation, Bear River Canal Co. (BRCC), FRIENDS FRIENDS of Great Salt Lake, Farmland Reserve Inc., and Great Basin Water Network. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty, and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora, H., and Inkenbrandt, P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: *Geosites*, v. 51, p. 1-24., doi: 10.31711/ugap.v51i.141.

² *Crafts v Hansen*, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4105 (A84064)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.


In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4105 (A84064) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 31 day of October, 2025


Teresa Wilhelmsen, P.E., State Engineer

SCANNED

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4105 (A84064)
Page 4

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Spiral Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

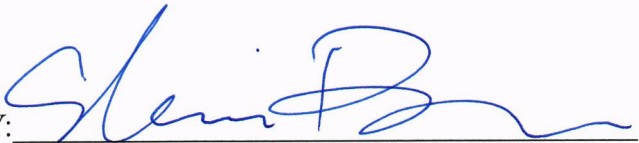
Salt Lake City Corporation
c/o Tamara Prue
1530 South West Temple
Salt Lake City, UT, 84115

Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
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Salt Lake City, UT 84102

Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

Great Basin Water Network
PO BOX 75
Baker, NV, 89311

BY: 
Sheridan Bronson, Applications/Records Secretary

SCANNED