

Benson Family Trust
P.O. Box 126
Parowan, UT 84761

November 11, 2019

James Greer, Assistant State Engineer, Technical Division
Utah Division of Water Rights
1594 West North Temple Suite 220
P.O. Box 146300
Salt Lake City, Utah 84114-6300

RE: Summary of 11/07/2019 meeting at Cedar City Water Rights office - Attendees: Nathan Moses (Regional Engineer), Mr. Worth Grimshaw, Mr. Bill Grimshaw, Mr. Kerry Benson, and Ms. Mary Lisa Benson Concerning the Cedar City Valley Draft Water Management Plan w/ Regards to Benson Family Trust Water Rights 73-627, 73-1912, 73-171, 73-1392, 73-1733

Mr. Greer:

The proposed Cedar City Valley Water Management Plan imposes an injustice particularly in regards to water rights associated with the Rush Lake Ranch property.

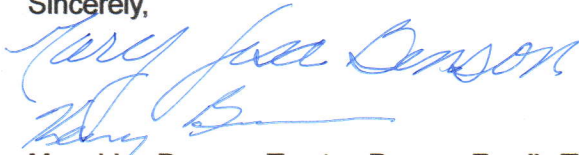
Water right #73-627 was issued for the Rush Lake Spring that flowed over 2.0 cfs and filled the small lake that constituted Rush Lake and also irrigated a large row of cottonwoods and many acres of grass meadow. This provided livestock grazing and grass hay.

Some of our earliest memories (from the late 1950's) which can be substantiated by others, are of the Rush Lake Spring being negatively impacted by ever increasing pump wells and our father making numerous trips to Salt Lake City to meet with and personally petition the State Engineer to obtain some remedy. The policy of the State Engineer at the time was to continue to issue groundwater rights and expand the volume of pumping. Our father complained about the effect of the increased pumping on the spring and on the well that had served the ranch house. The State Engineer eventually encouraged my father to drill a well and issued a new water right not realizing that this right with the new priority date would itself eventually be threatened because of the continued over-allocation of the basin.

The spring right #73-627 has a priority date of 1860 and supplied a high volume of water year round with no pumping costs, but the well right #73-1912 has a priority date of 1960. So the policy of not protecting senior rights allowed the loss of the spring and, if the proposed groundwater management plan is adopted and enforced, the well right may be prohibited from use on January 1, 2035.

Some provision should be made so that the well right is not subject to the regulation schedule in the water management plan because the spring right with a very early priority date was not properly protected by the state which had a responsibility to protect senior rights.

Sincerely,



Mary Lisa Benson, Trustee Benson Family Trust
Kerry Benson

cc: Nathan Moses, Regional Engineer
646 North Main Street
P.O. Box 506
Cedar City, Utah 84721-0506

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WATER RIGHTS
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