

February 6, 2023

#### QUESTIONS FOR STATE REGARDING WATER APPROPRIATIONS IN AREA 29

My name is Kelly Lemmon. My wife Connie and I live in the unincorporated area of eastern Box Elder County known as Collinston. My questions/concerns relate to how the Governor's proclamation effects prior large ground water appropriation applications that were submitted prior to the mandate but are neither approved not denied or were previously approved but not acted on or drilled.

In January 2018, the Bear River Water Conservancy District applied for multiple permits to appropriate several thousand acre feet of ground water in eastern Box Elder County (see 29-4621, 29-4622, 29-4623, 29-4625). These applications were protested and consequently neither approved nor dis-approved. My question is "what is/or should be" the state's policy regarding these applications? If the goal of the moratorium is to protect unappropriated ground water, then it should apply to these applications as well.

My second question is related to but deals with a different status of ground water appropriation. The BRWCD has several thousand acre feet of ground water that has been approved for appropriation but has not been acted on. One example in particular is water right 29-4020 for 2500 acre feet. This was submitted in March 2000. It has since had 3 segregations with new points of diversion. One well has been drilled to date (Flat Canyon well drilled in 2020 resulting in 150 acre feet). BRWCD has now applied for another point of diversion well several miles to the north in Collinston. It should be noted that this well is just above several private wells and springs that are the sole water source for numerous homes as well as supporting irrigation for 4 farms. The springs are used for crop irrigation 4 months of the year. During the remaining 8 months, it flows to the Bear River which in turn flows into the Great Salt Lake. BRWCD has received approval from the state to drill this well under a "non-production/test well" status. Again, if the goal of the governor's moratorium is protecting unappropriated water and ultimately, the Great Salt Lake, then it should apply here as well and any further drilling of these large wells should be suspended.

One final question, Why does the BRWCD get unlimited time between approval and actual put to beneficial use? In the noted example above, it has been 23+ years and currently on going.

Thanks,

Kelly Lemmon