

# Box Elder County (Area 29) Water Right Policy Update

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**Utah Division of Water Rights**

# Agenda

- Current Policy within Area 29 - Box Elder County
- Governor's Proclamation
- Proposed Policy Changes
- Next Steps
- Questions & Comments



# Current Water Rights Policy

The area is open to appropriation of both surface and ground water, except in certain areas described hereafter (*subject to Governor's Proclamation*):

- No filings are approved in canyon areas above fully appropriated springs and streams.
- Mantua Valley is closed to new appropriations.
- The Bothwell Pocket area has experienced groundwater problems and new appropriations in the pocket and the tributary White's Valley area to the northwest are limited to the domestic use of one family, the irrigation of 1/4 acre, and a nominal amount of livestock watering.
- Applications in the Thatcher area, the valley east of Willard Bay, and the valley area along the East Branch Canal from Collinston to Brigham City area are individually reviewed. Filings above the amount needed for a single family residence (or comparable acre-footage) may be denied.
- Small filings may be denied if they are above spring areas, especially around Garland and Tremonton.
- Changes from surface to underground sources, and vice versa, are considered on their individual merits, with emphasis on their potential to interfere with existing rights and to ensure that there is no enlargement of the underlying rights.
- Fixed-time and temporary applications, especially those involving surface waters, are considered on their individual merits, with emphasis on their potential to interfere with existing rights



# Current Groundwater Management Policy

## *Malad and Bear River Drainages in Water Right Area 29*

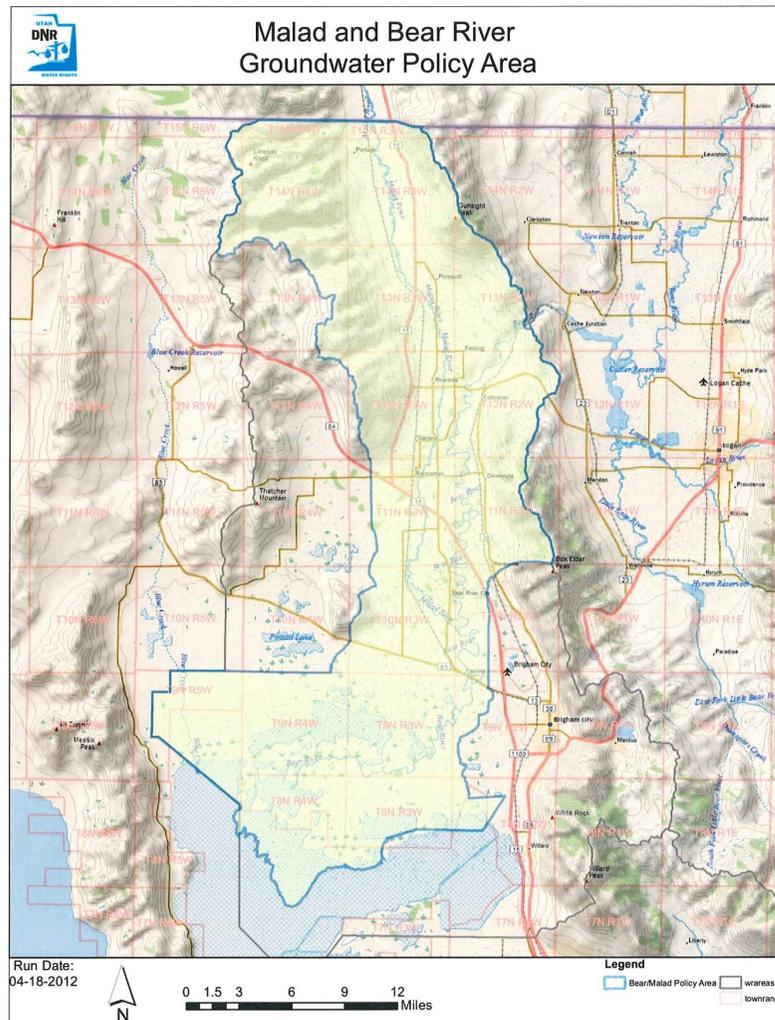
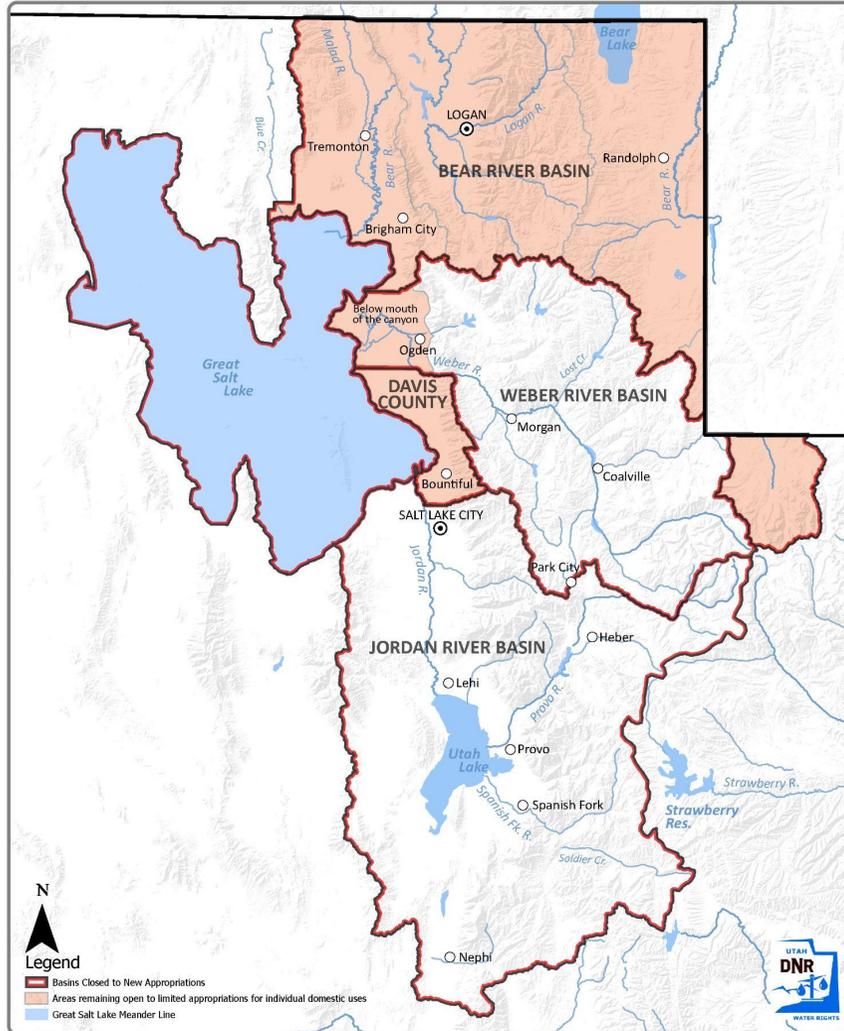


Figure 1. Map of policy area

The State Engineer will use the following guidelines in reviewing applications and managing groundwater resources of the Malad and Bear River Groundwater Management Area (*subject to Governor's Proclamation*):

- The area is open to appropriation of groundwater. Applications to appropriate will be considered on their own individual merits subject to the statutory criteria set forth in section 73-3-8, Utah Code Annotated.
- The State Engineer will allow an additional 10,000 acre-feet/year of potential groundwater withdrawals. As this water is fully developed and used, the effect of such development on the hydrologic system will be evaluated to determine if additional withdrawals can be allowed. The State Engineer will continue to monitor the groundwater withdrawals, water levels in selected wells and streamflow.
- Local water administration practices and localized interference concerns which exist within the Bear River Valley will supplement this policy and will remain in effect and are not overridden. Areas of particular concern include Plymouth and Deweyville.

# Governor's Proclamation - Effective November 3, 2022



AREAS SUBJECT TO GOVERNOR PROCLAMATION

- Temporarily closes Great Salt Lake Basin to new appropriations
  - Includes tributaries to Great Salt Lake (e.g., Bear River, Malad River, etc.)
- Exceptions for the following types of applications:
  - Applications for non-consumptive uses.
  - Applications that include mitigation plan to offset depletion.
  - Applications for small amounts of water, as defined in Utah Code Section 73-3-5.6, that comply with State Engineer basin policies.

# Proposed Policy Changes

The State Engineer proposes the following modifications to the existing policy for the Box Elder County area (Area 29):

- The area will be closed to new consumptive appropriations of any size (including small amounts of water defined under § 73-3-5.6) that fail to include a mitigation plan that offsets depletions.



# Next Steps

- Receive and evaluate public comment
- Refine proposed policy if needed
- Adoption of policy



# Questions & Comments

*Send written comments to:*

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