

Box Elder County Area 29 Policy; Feb 6 2023

Comments for mitigation plans

Pat Garner, 435-279-4171, Collinston Ut

The following are recommendations to be included in mitigation plans for water applications in Area 29; as requested during the February 2023 meeting.

Four areas shall be addressed by the applicant

1. Water is available both physically and legally. Reliable data about existing water supplies is critical in making informed decisions.
2. Water will be applied to a beneficial use and will identify diverted or depleted water with amounts and locations.
3. There will be no impairment (negative effects) to existing rights.
4. No detrimental impacts to the public interest

Section 1 – Describe how water data is obtained and the limitations of studies used. These are critical in interpreting measurements correctly and allows for constraints to be addressed, i.e., does GPM and pump size impact reliable water use and availability over time. Address drought impacts and directed actions required by the state and local authorities as well as directed conservation efforts. These measurements shall address the applicant's requested water amount and its impact to drawdown of water legally available. Recharge must be addressed and identify sources of recharge i.e., rain, surface water, etc.

Section 2 – Explain the beneficial use of water to be used by location and quantity. If a public water interest is selling to customers and/or other water suppliers, identify where and the number of users including identifying use of water for residential, livestock, or agricultural uses. However, use must also address if it is for storage and will be used at a later date (for future development). Identify quantity of water to be diverted and to what location and the quantity of water to be depleted and the location.

Section 3 – The mitigation plan must show that proposed withdrawal will not impair existing rights; be detrimental to private or public interest; or consume water from a limited water source; as a minimum. The mitigation plan shall include financial assurance mitigation measures for the duration of the water use and prohibit water from being used for any other purposes. Impairment must address water-for-water replacement addressing quantity of water impaired, cost if impairment is not comprehensive and legal assurances to ensure effective mitigation. Impairment must also address water quality impacts and actions required to assure water quality is not reduced. Impairment must not cause a permanent change to existing rights. With water location and quantity being an unreliable science all potential water rights in the general vicinity must be addressed with a risk associated and applied to each water right.

Section 4 – Public interests must address many areas: watershed area; impacts for existing wildlife, flora and fauna, streams and water runoff. In addition, potential for fires, dust storms, noxious weeds, and any potential for environmental impacts. Touch base with stakeholders to secure healthy environments. Preserving watersheds and the environment must be an integral part of water mitigation plans

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It is not in the interest of the existing water right owners and/or the general public to assume the risk for an applicant to apply for water in an area that will not meet the daily demands for water amounts and/or quality of water provided. Mitigation plans must look at the future of all water users and must be equitable, honest and fair in their public approach to being good stewards of resources in demand.

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Collinston Utah

7 March 2023

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