

Area 29 Stakeholder Group  
c/o Trevor Nielson  
275 N 1600 E  
Tremonton, UT 84337

July 29, 2023

Teresa Wilhelmsen  
State Engineer  
Utah Division of Water Rights  
1594 W. North Temple Suite 220  
P.O. Box 146300  
Salt Lake City, UT 84114-6300

Dear Madam Engineer,

On February 6, 2023, the state engineer held an Area 29 Policy Meeting. After this meeting a stakeholder group was formed to see if there was any consensus concerning policy among prominent water right holder/interests in the area. The group included participants from agriculture, municipal, county, and environmental interests. Although this group has found that participants have policy positions which vary, we have come to areas of common ground. They submit this letter to articulate a few considerations for the state in their preparation of the Area 29 permanent or semi-permanent policy.

Additional Appropriation: There are four water right areas which constitute the Bear River Basin in the state of Utah, Areas 29, 25, 13, and 21. The group has not reached consensus if the area should be closed or if additional appropriations would be appropriate. If the state engineer determines that additional appropriations are to be allowed, the Area 29 stakeholders group is of the opinion that a portion of these additional appropriations should be available in all four areas.

Single Domestic: Under current policy new single domestic well water rights are allowed. If additional appropriations are allowed in Area 29 in the future, the Area 29 stakeholder group is strongly in favor of these appropriations being reserved for public water supplier utilization. They support one exception. This exception would be for instances where a dwelling is not within a reasonable distance of an existing public water supplier system. The reason for this stance is the abuse of the single domestic exception in the current policy.

Several large subdivisions have been constructed in Area 29 where each home has an individual single domestic well under the policy exception. The purpose of public water suppliers is to provide water for concentrated growth. A policy which allows for numerous wells in place of one larger well has four significant deficiencies: (1) Depth/Reliability: Area 29 is seeing significant urbanization. It is also making significant agricultural water use efficiency improvements. Both changes will change the return flow patterns from what has been historically observed. This is anticipated to result in a lower water table, thus reducing reliability of this type of water source. (2) Water Quality: Many of these homes and homes throughout Area 29 utilize septic systems for sewage disposal. With additional homes in a concentrated area shallower drinking wells have potential for contamination from septic and poor water quality. (3) Well Maintenance and Operations: All wells must be maintained and have an infrastructure lifespan. Professionally managed water systems tend to do a better job of keeping these wells up to health

regulatory standards and maintain the physical component of their wells. Individual homeowners tend to run wells until they are completely worn out and do little to no maintenance. This is to the detriment of good, reliable service. The first three of these drawbacks have been observed in other areas of the state. After the previously described drawbacks had made water delivery untenable, public water suppliers from the area are then called upon to meet the needs of these existing dwellings. This is generally very expensive and can create an externality upon the other water users in these public water supplier systems. The final drawback is the (4) Subterfuge of Policy: If a new subdivision is being constructed, its impact on the groundwater system is the sum of the whole. It is poor policy to have the ability to do with multiple applications what would not be permitted with one application especially when one application would provide greater utility at a lower cost to society. The stakeholder group feels strongly that numerous wells in place of one larger public water supplier well is not a good long-term solution.

Master Planning: Area 29 constitutes the eastern portion of Box Elder County. The discussion concerning Area 29 has resulted in the party's general support for a Box Elder County water master plan being prepared. Box Elder County supported by Bear River Water Conservancy District is heading this effort and the other stakeholders have offered their time in helping them develop a sustainable water plan for the area. In the information provided by the state engineer's office, it is clear to the group that on paper more water than is physically available for use has been allocated. However, there is debate about if the actual use of water exceeds the safe yield of Area 29 resources. It is extremely important when preparing long-term water plans that decision makers have sufficient, usable data at their disposal. The group feels water data needs to be made available to decision makers in a more clear and understandable way. There is a general desire to not only have a priority schedule provided but a list of which rights are being used and which rights are currently of record but not physically being utilized. This level of information will allow technical representatives from the planning agencies to evaluate current use and potentially usable rights. There also seemed to be some data gaps in accurately defining current ground water usage which needs to be addressed. Constant involvement by the state engineer's office to provide technical water right information would be greatly appreciated. The stakeholder's group would encourage the state engineer's office to be involved in depth in this master planning effort to ensure that the resulting plan will be implementable in the future Area 29 water policy.

Thank you for your time and consideration.

Sincerely,

Trevor Nielson, General Manager  
Bear River Canal Company

Don Barnett, Water Consultant  
Bear River Club

Michael Dunphy, Deputy Director  
Jaron Andrews, Hydrologist  
Bear River Migratory Bird Refuge  
United States Fish and Wildlife Service

Carl Mackley, General Manager  
Bear River Water Conservancy District

Stefanie Tugaw-Madsen, Designated Representative  
Brigham-Tremonton Board of Realtors

Commissioner Boyd Bingham  
Box Elder County Commission

Tyler Pugsley, Public Works Director  
Brigham City

Paul Fulgham, Public Works Director  
Tremonton City

Derick Oyler, President  
Ukon Water