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State of Utah
DEPARTMENT OF NATURAL RESOURCES
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RE: Response to Comments

Dear Water Users:

The Utah Division of Water Rights (DWRi) appreciates the public's engagement and feedback regarding the development of groundwater management plan for Pahvant Valley in Millard County. In response to the November 13, 2024 public meeting on developing a groundwater management plan for this area, DWRi received 14 comments.[1] The following summaries and responses address the key concerns raised by commenters.

Wes Shaffer expresses concern about the economic impact of water reduction on local farms, businesses, and the community. Environmental and long-term sustainability concerns are also addressed, emphasizing the need for solutions that balance competing interests without harming any specific sector. Shaffer suggests alternative solutions be considered, such as improving water efficiency, investing in water storage, pursuing collaborative water management plans, providing financial assistance to impacted users, and gradual implementation of reductions. (In response, see [1], [6], [9], [10], [11].)

Renn Zubeck expresses concern about the disappearance of Clear Lake. Zubeck calls for additional monitoring, regulation, and the establishment of a minimum flow for Clear Lake. (In response, see [2], [3].)

In an anonymous letter received Jan 6, 2025, a commenter questions how the groundwater level dropping issue will be addressed and if the State will allow water users to be involved in finding a solution. They also inquire about the potential impact of changing weather patterns and the State's plans for compensation to those affected by water restrictions. Concerns are raised about the economic impact on Millard County, including the effects on farmers and businesses. The commenter also questions the state's role in issuing water rights and the potential impact of population growth on water resources. (In response, see [1], [5], [8], [10].)

Dan Anderson, Kyle Swallow and Kelby Swallow express interest in joining the Pahvant Valley groundwater management plan committee. (In response, see [11].)

[1] https://waterrights.utah.gov/meetinfo/2024/m20241113/

Ken Tuttle suggested that a safe yield be calculated for each district within Pahvant Valley. He suggested this could be done using a hydrologic model or by prorating the recharge area of each district. He pointed out that the provisional priority listing that is available online shows 77,282 acre-ft of basin-wide depletions, but when depletions are summed up for each of the districts then the total exceeds 90,000 acre-ft. (In response, see [6], [7]. The apparent discrepancy between the basin-wide total depletion and the sum of the district depletions is due to some water rights having wells in more than one district.)

Lori Zubeck expresses concern about the water situation in Pahvant Valley, particularly the drying up of Clear Lake. Zubeck points to unmonitored pumping and overuse as contributing factors, questions the water practices of some users, and calls for a fair water management plan. Zubeck also highlights the ecological and educational value of Clear Lake and the need for accountability and consequences for overuse. (In response, see [2], [3].)

Mark McDougal suggested that additional data and a better understanding of the aquifer and the districts are needed, specifically that basin-wide metering data is needed before management decisions can be made. He also provided suggestions about the composition of the local committee. (In response, see [6], [7], [11], [12].)

Nathan G. Harris submitted a comment expressing concern about the proposed water management plan and its potential impact on agricultural operations. He highlights the importance of irrigation for crop production and raises concerns about the economic consequences of the plan for farmers and the broader community. He calls for a more collaborative approach to water management that involves all stakeholders and considers the long-term sustainability of water resources. (In response, see [1], [4], [5])

Shawn Harris submitted a comment encouraging the state to hold meetings and collaboration with the local water users to find sustainable solutions that take into account local objectives. (In response, see [5], [8], [11].)

Trevor Zubeck’s comment focuses on the disappearance of Clear Lake and the urgent need for a water management plan that protects this valuable resource. Zubeck highlights the historical significance of Clear Lake as a spring-fed wetland and its importance for wildlife and recreation. At the same time, he recognizes that continued depletion of the aquifer will have much larger effects on the county than just losing the Clear Lake. He criticizes the lack of regulation and monitoring that led to the lake's demise, attributing it to over-pumping and overuse by some water users. Zubeck calls for a fair and equitable water management plan that prioritizes the needs of the entire community and ensures the long-term sustainability of water resources. He also emphasizes the need for accountability and consequences for those who have overused water in the past. (In response, see [2], [12].)

Trevor Zubeck emphasizes the urgent need for a water management plan to protect Clear Lake, a historically significant wetland, and highlights the broader consequences of aquifer depletion. He criticizes the lack of regulation and calls for a fair, sustainable plan with accountability for overuse by some water users. (In response, see [2], [12].)

An emailed comment from larsras@frontiernet.net noted that the venue for the first meeting was too small and individuals in the foyer could not adequately hear or participate in the meeting. This individual also expresses concern about the potential impact on the agricultural industry, questions the accuracy of the safe yield calculations, suggests the state should compensate impacted users – updating statute if necessary – and proposes some way to incentivize conservation is needed instead of just the threat of curtailment. (In response, see [1], [6], [10]. Additionally, we apologize for the limited seating during the first public meeting. A larger venue will be used for future public meetings. The meeting recording is now accessible from our website.)

The Utah Division of Wildlife Resources submitted a comment in support of reducing pumping through a groundwater management plan. (In response, see [2].)

The following responses address the key concerns raised in the aforementioned comments.

[1] Economic Impacts: The DWRi acknowledges the potential economic impacts of water restrictions on farmers, businesses, and the overall economy of Millard County. DWRi is committed to working with stakeholders to mitigate these impacts and explore strategies for economic resilience. As stated in Utah Code § 73-5-15, "When adopting a groundwater management plan for a critical management area, the state engineer shall, based on economic and other impacts to an individual water user or a local community caused by the implementation of safe yield limits on withdrawals, allow **gradual implementation** of the groundwater management plan".

[2] Environmental Impacts: The objectives of the GWMP are to limit withdrawals to safe yield, protect the physical integrity of the aquifer, and protect water quality. The plan will be based on the principles of prior appropriation, Utah's system for allocating water rights. In developing the GWMP, the state engineer may consider the hydrology and physical characteristics of the basin, the relationship between surface water and groundwater, the potential for local well interference, and other relevant factors. The DWRi shares the concerns about the ecological health of Clear Lake and the surrounding habitats and will consider **the needs of the environment** in accordance with the applicable statutes.

[3] Illegal Water Use: The DWRi takes allegations of Illegal water use very seriously. We will investigate these claims and work with water users to ensure compliance with water laws and regulations. In cases of persistent non-compliance, we may consider enforcement actions, which could include increased monitoring, stricter enforcement of existing regulations, and potential legal action against violators.

[4] Long-Term Water Availability: The DWRi recognizes the urgent need to address groundwater depletion and ensure long-term water availability for future generations. To achieve this, we will limit groundwater withdrawals to the safe yield of the basin, as determined by the best available scientific methods, to prevent overdraft and protect the aquifer's integrity. Additionally, we will consider the conjunctive management of surface water and groundwater resources, if applicable, to optimize water use and ensure sustainability.

[5] Collaborative Planning: The DWRi recognizes the importance of shared responsibility in managing groundwater resources. We will actively engage with local water users to develop a groundwater management plan that serves the best interests of both water users and the long-term sustainability of the valley's water resources. To facilitate effective collaboration, the DWRi encourages water users to organize a committee to maintain close communication and coordination with the DWRi throughout the plan's development and implementation.

[6] Safe Yield Estimation: As presented at the public meetings, the State Engineer commissioned the Utah Geological Survey to study the hydrogeology and groundwater budget of Pahvant Valley in preparation for the groundwater management plan. Additionally, the final estimation process for safe yield is still undergoing further scientific investigation by DWRi, and the results may be revised as needed. We are committed to minimizing the uncertainty and using the best science in developing a groundwater management plan. In accordance with Utah Code § 73-5-15 (3)(c)(ii), as hydrologic conditions change or additional information becomes available, safe yield determinations made by the state engineer may be revised by following the procedures listed in Subsection (5).

[7] Adopting One Groundwater Management Plan: Based on the available data, including the potentiometric surface map, it appears that the groundwater basin in Pahvant Valley is interconnected across the administrative districts. Therefore, the initial GWMP will be developed for the entire basin as a single unit, with the goal of limiting withdrawals to the safe yield. This approach will be reviewed as part of the ongoing monitoring and data gathering process. The GWMP will be adapted and amended as needed to ensure it aligns with the best available scientific information and effectively manages the groundwater resource for the entire Pahvant Valley.

[8] Alternatives Solutions: The DWRi acknowledges the comments regarding alternative solutions. It is important to emphasize that the DWRi supports the development and implementation of such alternatives, so long as they comply with all applicable state and federal laws. Notably, Utah Code 73-5-15 (4)(c)(i) explicitly empowers water users within a groundwater basin to enter into voluntary agreements for managing groundwater withdrawals. This option is available at any time, whether before or after a determination that withdrawals exceed the safe yield of the basin, and the DWRi supports these voluntary arrangements. Furthermore, in response to questions about potential changes in weather patterns, such as a shift to a more wet cycle, it is important to note that these scenarios fall under the category of changing hydrological conditions. In such cases, as stipulated in Utah Code 73-5-15 (3)(c)(ii), the DWRi's action would be to consider the revision of safe yield determinations to reflect the updated conditions.

[9] Efficiency Improvements: The State Engineer appreciates the suggestion to invest in technologies that improve water use efficiency, such as advanced irrigation systems, water metering, and soil moisture sensors. The State Engineer is generally supportive of efficiency improvements as they can enhance agricultural productivity and promote responsible water use. However, it is important to note that while these projects can optimize water application, it is unlikely that they alone would save enough water to significantly impact the overall groundwater

balance. Additionally, efficiency improvement projects often lead to increased crop yields, which can result in greater consumptive use of water. In such cases, the intended water savings may not be realized, and the improvement project would not contribute to the recovery of the aquifer. For this reason, efficiency measures should be considered as one component of a comprehensive water management strategy rather than a standalone solution.

[10] Compensation of Impacted Users: It is important to clarify that the issue of compensation is outside the scope of the current management plan statute. Furthermore, this matter exceeds the authority of the State Engineer and is beyond what the State Engineer can promise. Those interested in pursuing this issue would need to bring it up with their legislative representatives for further consideration.

[11] Composition of Local Committee: Several commenters expressed interest in serving on the Local Committee. It is important to note that the appointment of members for the Local Committee is beyond the authority of the State Engineer. In accordance with established procedures, participation in the Local Committee must be determined by the local water users themselves.

[12] Need for Additional Data: The State Engineer acknowledges the importance of accurate and comprehensive information. However, the State Engineer believes that the currently available data, along with their degree of validity, are sufficient to demonstrate that this area is facing challenges related to groundwater use and the decline of water levels, thereby justifying the need for a management plan. Nevertheless, before the adoption of any management plan, the State Engineer is committed to continuing the audit of priority rights and will complement the results of completed scientific studies with further analysis of safe yield estimations.