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April 14, 2025

Via Email

Utah Division of Water Rights
Attn: Sand Hollow Groundwater Management Plan
1594 West North Temple Suite 220
PO Box 146300
Salt Lake City, UT 84114-6300
waterrights@utah.gov

RE: Public Comment Regarding Sand Hollow GWMP

In a letter dated September 1, 2023, Hurricane City (the "City") joined the Washington County Water Conservancy District's (the "WCWCD") request to the State Engineer to prepare a groundwater management plan for the Sand Hollow Aquifer. Since that time, the City has continued to evaluate data and information related to the Sand Hollow Aquifer and submits the comments below regarding the proposed Groundwater Management Plan ("GWMP").

1. Sufficient Data is Not Yet Available To Determine Safe Yield, Which is a Prerequisite to Limiting Withdrawals.

The City recognizes the importance of water rights to both public entities and private individuals. Therefore, any limits placed on diversions by water right holders should be based on sound and well-established data and studies. At this time, the data, information, and studies pertaining to the groundwater in the Sand Hollow Area are conflicting and incomplete. For example, the City has already submitted data to the Utah Division of Water Rights (the "Division") showing that the groundwater levels in its wells within the Sand Hollow Area have been consistent since 1979. This data submitted by the City is inconsistent with the narrative that the aquifer is being mined. Additional and extended study and monitoring is necessary before a determination of safe yield can be made.

An informal committee of residents and water right holders within the Sand Hollow Area (the "Committee") have held meetings, collected information, and are in the process of collecting additional information, including historical well levels and historical accounts. In addition to the historical data, the Committee has raised many legitimate questions and concerns related to historical studies, the potential sources of water for the subject aquifer, the migration of the groundwater within the area, and the appropriate scope of the area subject to a potential Sand Hollow Groundwater Management Plan ("GWMP"). The City expects that the Committee's data, comments, and questions will be submitted to the Division, and the Committee's information appears to be in conflict with the premise that the aquifer within the Sand Hollow Area is being mined. This information needs to be carefully evaluated and addressed prior to determining a safe yield for the aquifer.



Further evaluation, study, and more specific long-term aquifer monitoring is required before a GWMP can find a safe yield for the aquifer or set forth withdrawal limits based on an assumed safe yield.

2. The Relationship Between the Recharge and Recovery Project and the Natural Aquifer is Uncertain.

The introduction of the Sand Hollow groundwater recharge and recovery project ("Recharge and Recovery Project") by the WCWCD in 2002 introduced complexities that likely exceed any other proposed GWMP within the state of Utah. Up to this time, the attempts to study the relationship between the Recharge and Recovery Project and the natural groundwater within the Sand Hollow Area have not been adequately tailored to that issue, especially considering that the area implicated by the proposed GWMP extends to areas more than six miles from the Recharge and Recovery Project. With the models showing that water from the Recharge and Recovery Project will take up to a thousand years to travel to the Virgin River and hundreds of years to travel to most of the wells within the study area, the suggestion that the impact of the Recharge and Recovery Project can be equitably determined just 23 years after the Sand Hollow Reservoir began to fill with water is suspect.

The City is also concerned about representations apparently made to water right owners during the approval process of the Recharge and Recovery Project that the Project would not interfere with the natural aquifer. These apparent representations are consistent with the language in the original Memorandum Decision issued by the Division stating that the Recharge and Recovery Project must recover water before it moves laterally beyond the capture zone of recovery wells. Curtailing withdrawals now based on an assumption that these wells are being supplemented by water from the Recharge and Recovery Project seems to contradict the commitments and assumptions made 23 years ago by the Division and the WCWCD.

With current information indicating that water from the Recharge and Recovery Project should take hundreds of years to migrate into the natural aquifer, it would be premature to begin limiting withdrawals based on an assumption that the Recharge and Recovery Project is supplementing the aquifer without first conducting decades of study and monitoring. The movement of groundwater is difficult to ascertain and can be speculative, so the Division should not rush to assumptions based on the relatively new introduction of the Recharge and Recovery Project to the area.

3. The Proposed GWMP Should Be Limited to the Monitoring, Metering of Withdrawals, and Further Study of the Sand Hollow Area.

Prior to limiting withdrawals in a ground water basin, the Division is required to determine the groundwater basin's safe yield.¹ As stated above, the data, information, and studies pertaining to the groundwater in the Sand Hollow Area are conflicting and incomplete, including the materials regarding the relationship between the 2002 Recharge and Recovery Project and the natural aquifer. Given the void of information, and the conflicts between the existing information, there are not currently sufficient grounds to determine safe yield, which means that a determination as to whether withdrawals exceed the safe yield is not yet possible.

A groundwater management plan is not required to incorporate a safe yield determination, nor is a plan required to limit withdrawals.² A groundwater management plan could be limited to a plan to monitor, meter, and study of a particular basin. Given the complexities of the Sand Hollow Area—including the fact that the Recharge and Recovery Project is only 23 years old, it is still in its infancy, and its impact on the natural aquifer cannot truly be determined at this time—the proposed GWMP should be a 20-40 year plan to evaluate the Sand Hollow Area. A long-term evaluation plan would provide the Division with the ability to meter and monitor additional wells, conduct additional

¹ Utah Code Ann. § 73-5-15(4)(a).

² Utah Code Ann. § 73-5-15.



studies, and carefully consider the hydrology of a very complex groundwater basin. In addition to the lack of reliable and consistent information, with the relatively recent introduction of the Recharge and Recovery Project, water right holders are entitled to the Division's extended and careful analysis before any limits on withdrawals are proposed or scheduled in a GWMP.

Sincerely,



Mayor Nanette Billings

