

CITY OF ENTERPRISE

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August 19, 2007

Mr. Jerry D Olds
State Engineer
Utah Division of Water Rights
1594 W. North Temple, Suite 200
P O Box 146300
Salt Lake City, UT. 84114-6300

Dear Mr. Olds:

There are many issues and circumstances that should be factors when considering the need for, and the aggressiveness of a groundwater management plan. While I cannot address all of them I will attempt to identify some of those I feel are most important or are being overlooked.

I am submitting this formal response from the City of Enterprise as solicited from the last Groundwater Management Plan meeting in Enterprise. However, I must make my opinion clear that whatever appearance the state may attempt to project that we here are true participants in this process is only to placate the law and we consider it synthetic. My colleagues are in agreement with me that we do not feel we are being heard.

In a previous letter from the City I provided hydrologic data from our wells and the USGS test well in the City limits which shows an **improvement** in our static water table after more than 40 years of beneficial use. An unexpected and unwarranted reduction of those rights by the State could represent a serious hardship to our community. The City of Enterprise operates on a limited financial budget. Our long range growth plans and projections are all based on the integrity of our existing water rights. There has been no response or acknowledgement of this critical fact.

Without exception, the comments and questions submitted as a result of the March meeting followed a common theme. There were challenges from our City, resolutions from both Iron County and Washington County, and strong concerns from the banking industry. There was little mention or reference made at the next meeting regarding this important feedback that was allegedly solicited for consideration.

A voluntary arrangement for water conservation and reduction was presented by the unanimous consent of the Escalante Valley Water Users, of which Enterprise City is a member. Without any substantiation the reply was simply "it is not sufficient"; and the plan was essentially disregarded at the last meeting. We have conducted ourselves in good faith. We had anticipated a productive exchange of ideas, but the process more resembles a runaway train with the engineer leaving the passengers at the station. Rather than a locally driven solution that I believe was legislative intent, the process feels much more like: "this is what the State of Utah is going to do to you". I am not satisfied that the blame you lay on our State Legislature is appropriately placed.

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Homes in the Escalante Valley that are virtually dependent on the small allocation of water granted to them necessary for their survival would be left without water and your indifferent response was: "you may have to buy some more water", as though it were easily and affordably available to them. That is a simplistic response to an overwhelming and perhaps unrealistic challenge for most homeowners.

According to your intentions, water rights granted over 60 years ago and used beneficially ever since in developing an economy and providing livelihoods would be subject to reduction or invalidation. Economic impact was not even on the agenda. When questioned about the inevitable devastating economic impact, the issue was essentially ignored. My impression of the attitude projected from the presentation at the last meeting was that of nonchalant insensitivity

An analogy was used that water rights reductions are common in situations of late season surface water stream flows. It is misleading to compare a more stable underground basin to the high fluctuations of some stream flows in the State. You also failed to point out that rights to surface streams are ordinarily restored annually when the seasonal flow increases. Additionally, when comparing management of underground water rights to those of diminished stream flows, the available water should be a critical component.

The opinion of another respected engineer provides some additional insight. Using the current discharge and recharge estimations, the basin could sustain pumping at the present volume for as long as 400 years before levels would even drop to a point it may not be economically feasible to pump. You have been specifically asked this question at both meetings and it appears that either you do not know the answer or you are unwilling to allow this important fact to be a component in any planning. With so many diverse opinions regarding the water in our basin, it seems obvious the science is not settled. Frequent acknowledgement was made at both meetings that the data is still incomplete or that your office is still attempting to compile the needed information. It implied to me some unexplained urgency to complete this process before all of the necessary information is even available. Your office is using a 25 year old hydrology study as the foundation for your plan and it is disturbing to view the casual approach with which you lay the groundwork for the economic demise of our Valley.

Our feeling here is the tunnel vision focus on "safe yield" has caused you to lose sight of the fact that you are dealing with real people's lives, and the resulting impact on their dreams, their goals, their investments, and their future. We deserve better than this.

This should not be the way we conduct business in Utah and I am satisfied this process is not following legislative intent.

The 1997 Legislature in conjunction with our Governor adopted a:

RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH.

I am attaching a copy of that document and call your attention to several statements from within that resolution.

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“BE IT FURTHER RESOLVED that the Legislature and the Governor give high priority to, and encourage all administrative departments of the state to give high priority to, thoughtfully directing resources toward policies and activities that will strengthen rural communities and economies.

BE IT FURTHER RESOLVED that the Legislature and Governor recognize the value of the following goals and objectives, and encourage all departments and administrative offices of the state of Utah to consider their implementation in appropriations, administration, and other governmental processes:

- (1) Institute policies that provide incentives and basis infrastructure necessary to attract business and economic investment to rural Utah communities”**
- (2) Support efforts which encourage Utah businesses to consider rural locations in their site selection process as they expand their business operations:”**

It is abundantly clear that the expected harsh and adverse economic impact of the proposed groundwater management plan here is not in harmony with these stated objectives. In my estimation it will have far reaching economic consequences on a much larger basis than just our valley.

Lastly, it shouldn't be necessary to remind anyone that the State Engineers Office is complicit in the creation of any problem that may exist here. Water rights were granted and development encouraged by your office decades ago. The residents have trusted in this process for generations. The City has granted annexations and subdivision developments as a result of long range planning and based on the water rights granted to them. The farmers have invested their lives and livelihoods creating a productive economy and beneficially utilizing the water rights granted to them. There is a moral responsibility on the part of the State of Utah for a collective solution that requires a slow and deliberate cooperative planning process.

We are being forced to look outside the Water Rights office for solutions to this matter. We will be looking for political and legislative alternatives. To that end we will engage our future efforts.

Respectfully,



S. Lee Bracken, Mayor
City of Enterprise

Cc: Utah State Legislature
Utah League of Cities and Towns
Wendy Bowden Crowther, Clyde Snow Sessions and Swenson

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S.C.R. 4 Enrolled Sponsor: Leonard M. Blackham

RESOLUTION ENCOURAGING ECONOMIC
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1997 GENERAL SESSION
STATE OF UTAH

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A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR SUPPORTING EFFORTS TO FUEL THE ECONOMIC RESETTLEMENT OF RURAL UTAH; RECOMMENDING DEVELOPMENT OF POLICIES, INCENTIVES, AND LEGISLATION WHICH WILL ENCOURAGE BUSINESS AND ECONOMIC DEVELOPMENT IN RURAL UTAH; AND RECOMMENDING SUPPORT FOR RURAL ECONOMIC RESETTLEMENT GOALS AND OBJECTIVES.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS the Governor has called for the economic resettlement of rural Utah, and has recently reaffirmed the commitment of his administration to this policy;
WHEREAS the economic resettlement of rural Utah is important to the whole state, and over time it could become our modern day planning equivalent of wide streets in a logical, well-organized grid, as it serves to take pressure off the more populated regions of the state;
WHEREAS the Governor has challenged this generation of Utahns to become a generation of planners;
WHEREAS effective state planning efforts must be inclusive of rural needs and strategies, as well as the needs and strategies of the state's urban centers;
WHEREAS community and economic development planning have been identified as a high priority by rural Utahns at the 1996 Utah Rural Summit, and is vital to the economic success of rural Utah;
WHEREAS rural economies are fragile and generally lacking in diversity;
WHEREAS rural unemployment levels are higher than the state average;
WHEREAS income levels in rural Utah are below the state average;
WHEREAS rural communities are experiencing shortages of affordable housing;
WHEREAS the number of traditional resource-based jobs in rural Utah is declining rapidly and are being replaced by lower paying service sector jobs, many of which are seasonal in nature;
WHEREAS increasing regulation and restrictive land management designations involving public lands are combining to limit economic development options in rural Utah;
WHEREAS professional and technical resources needed for community and economic development in rural Utah are limited;
WHEREAS many rural communities have an available workforce, in contrast to worker shortages in many urban areas of the state; and
WHEREAS the Governor and the Legislature are committed to planning for and building a healthy rural economy, and recognize its importance to the well-being of the state as a whole:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, support efforts to fuel the economic resettlement of rural Utah and support the development of policies and appropriate legislation pertinent to achieving these goals.

BE IT FURTHER RESOLVED that the Legislature and the Governor give high priority to, and encourage all administrative departments of the state to give high priority to, thoughtfully directing time and resources toward policies and activities that will strengthen rural communities and economies.

BE IT FURTHER RESOLVED that the Legislature and the Governor recognize the value of the following goals and objectives, and encourage all departments and administrative offices of the state of Utah to consider their implementation in appropriations, administration, and other governmental processes:

- (1) Institute policies that provide incentives and basic infrastructure necessary to attract businesses and economic investment to rural Utah communities;
- (2) Support efforts which encourage Utah businesses to consider rural locations in their site selection processes as they expand their business operations;
- (3) Support business efforts which encourage appropriate out-of-state businesses to consider rural locations in their site selection processes;
- (4) Promote policies and incentives which encourage and facilitate the deployment of "Information Superhighway" telecommunications technology to rural Utah communities, and assist rural communities in developing the capability to take advantage of opportunities provided by these technologies;
- (5) Support policies which encourage the dispersion of state jobs or officers to rural areas of the state, and which facilitate telecommuting opportunities for both public and private sector employees;
- (6) Continue and enhance training and technical support for rural small businesses;
- (7) Increase educational and job training opportunities in rural areas of the state, enhancing the ability of rural citizens to compete in a global marketplace, with emphasis on lifespan learning, tying education to labor force needs, and retaining workers displaced from traditional resource-based jobs;
- (8) Find new and innovative ways to resolve public land and resource issues in order to sustain both ecosystems and economies; and
- (9) Encourage efforts toward collaboration and coordination of various economic development entities and agencies throughout the state and across all levels of government, including federal, state, and local entities, both public and private.

BE IT FURTHER RESOLVED that the Legislature and the governor encourage development of affordable housing to accommodate population growth and meet the housing needs of employees of new and expanding businesses in rural Utah.

BE IT FURTHER RESOLVED that copies of this resolution be sent to each state government department and division director, the chairperson of the Division of Business and Economic Development Board, the Utah Rural Development Council, the Utah Center for Rural Life, and to Utah Small Cities, Inc.

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