

CITY OF ENTERPRISE

P.O. Box 340
Enterprise, Utah 84725
(435) 878-2221
FAX (435) 878-2311

RECEIVED
SEP 27 2007
WATER RIGHTS
SALT LAKE
CH

September 25, 2007

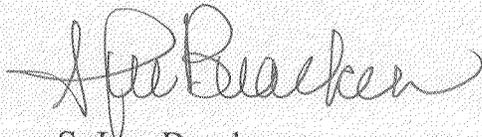
State of Utah
Attn: Jerry Olds
Utah Division of Water Rights
1594 W. North Temple
PO Box 146300
Salt Lake City, UT. 84114-6300

Dear Mr. Olds:

Enclosed is a letter and resolution submitted by the Washington County Commission regarding the proposed Ground Water Management plan for the Enterprise / Escalante Valley.

I am requesting their letter and resolution be entered into the public record and added to the submitted comments section of the web site established for this project.

Respectfully,



S. Lee Bracken
Mayor



WASHINGTON COUNTY

197 East Tabernacle ♦ St George, Utah 84770

Telephone: (435) 634-5700 ♦ Fax: (435) 634-5753

"Employer of Choice"

COMMISSION

JAMES J. EARDLEY
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jeardley@washco.state.ut.us

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RECEIVED

SEP 27 2007

WATER RIGHTS
SALT LAKE

September 10, 2007

Mayor Lee Bracken
City of Enterprise
375 South 200 East
P.O. Box 340
Enterprise, UT 84725

Re: Resolution Supporting the Development and Adoption of a Ground Water Management Plan By the Local Water Users of the Escalante Valley Aquifer Area

Dear Mayor Bracken:

This letter is written to confirm and re-establish the Washington County Commission's commitment and support of the development and adoption of a ground water management plan by the local water users of the Escalante Valley Aquifer. The Washington County Commission passed its Resolution in support thereof on June 5, 2007 (a copy of which is attached), and is completely committed to the findings and the resolves and petitions set forth in the Resolution.

The Washington County Commission recognizes that the use of water and the water rights that are associated with the Escalante Valley Aquifer are critical to Enterprise City and the users of culinary wells in the area. It makes complete sense that the State of Utah and the State Engineer should (a) allow sufficient time for the Escalante Valley Water Users Association ("Association") to gather accurate scientific and hydrological information regarding water use in the Escalante Valley Aquifer and use said information in forming and implementing a groundwater management plan; (b) allow sufficient time for the Association to develop its own voluntary arrangement for managing withdrawals of water in the Escalante Valley Aquifer that reflects the existing allocation of water rights of water users and communities; and (c) allow gradual implementation of any groundwater management plan adopted for the Escalante Valley Aquifer.

Letter to Mayor Lee Bracken
September 10, 2007
Page Two

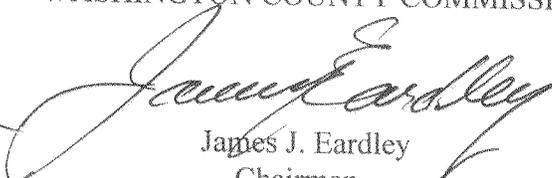
To that end, the Washington County Commission stands ready to assist the Association, as well as the City of Enterprise, in any way that will allow an orderly and fair process of determining water use in the Escalante Valley Aquifer.

Sincerely,

WASHINGTON COUNTY COMMISSION



Alan D. Gardner
Commissioner



James J. Eardley
Chairman



Dennis Drake
Commissioner

/kr

Enclosure

RESOLUTION NO. R-2007-1157

**A RESOLUTION SUPPORTING THE DEVELOPMENT AND ADOPTION OF A
GROUND WATER MANAGEMENT PLAN BY THE LOCAL WATER USERS
OF THE ESCALANTE VALLEY AQUIFER AREA**

WHEREAS, the Washington County Commission has the power to enact ordinances and resolutions as are necessary and proper to provide for the safety, preserve the health, promote the prosperity of the county and its inhabitants, and to protect the property in the county; and

WHEREAS, underground water from the Escalante Valley Aquifer is extremely important to the economy of Washington County and its residents; and

WHEREAS, the Escalante Valley Aquifer, part of which is located in northern Washington County, has been designated by the State Engineer as being subject to a Groundwater Management Plan that may result in the reduction or invalidation of underground water rights held by Enterprise City, its residents, and the residents of Washington County who live in the unincorporated area of northern Washington County; and

WHEREAS, members of the Escalante Valley Water Users Association (the "Association") have reviewed the State Engineer's proposal to develop a groundwater management plan ("Management Plan") for the Escalante Valley; and

WHEREAS, pursuant to Utah Code Annotated, §73-5-15 (4)(c)(i) (1953, as amended), in consultation with the State Engineer, water users in the groundwater basin may agree to participate in a voluntary arrangement for managing withdrawals at any time, either before or after a determination that groundwater withdrawals exceed the groundwater basin's safe yield; and

WHEREAS, Utah Code Annotated, §73-5-15 (4)(b)(i) (1953, as amended) requires that 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; and

WHEREAS, the Association has passed a unanimous Resolution of Agreement and hand-delivered a conceptual groundwater management plan to the State Engineer that includes a voluntary reduction in allowable water use of twenty per cent (20%), a ten per cent (10%) reduction and retirement of water rights over a forty (40) year period, and the involvement of the state in partially funding the project in an effort to provide a meaningful and realistic solution to the situation.

NOW, THEREFORE, at a regular meeting of the legislative body of Washington County, Utah, duly called, noticed, and held on the 5th day of June 2007, upon motion duly made and seconded, it unanimously

RESOLVES AND PETITIONS the State of Utah and the State Engineer as follows:

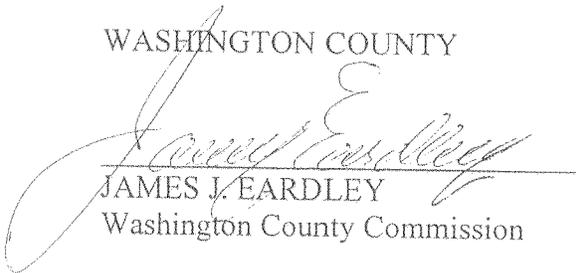
1. To allow sufficient time for the Association to gather accurate scientific and hydrological information regarding water use in the Escalante Valley Aquifer and use said information in forming and implementing a groundwater management plan.

2. To allow sufficient time for the Association to develop its own voluntary arrangement for managing withdrawals of water in the Escalante Valley Aquifer that reflects the existing allocation of water rights of water users and communities.

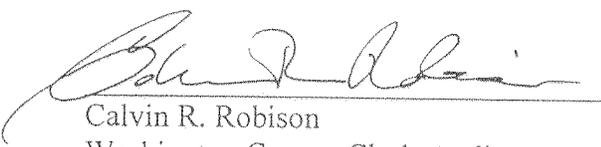
3. Based on economic and other impacts to individual water users or a local community caused by the implementation of safe yield limits on withdrawals, allow gradual implementation of any groundwater management plan adopted for the Escalante Valley Aquifer.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE 5TH DAY OF JUNE 2007.

WASHINGTON COUNTY


JAMES J. EARDLEY
Washington County Commission

ATTEST:


Calvin R. Robison
Washington County Clerk-Auditor

Commissioner Eardley voted 
Commissioner Gardner voted 
Commissioner Drake voted 