

Public Meeting for Tooele Valley
August 28, 2007, 2:00pm
Tooele City Council Chambers

A water right public information meeting was held in Tooele Valley. The meeting addressed current water right application issues, water right adjudication work that is occurring in the area, water studies contemplated in the area, and other issues of interest.

State Engineer Jerry D. Olds started the meeting at 2:00 PM by welcoming those in attendance and noting that attendance roll sign-in sheets were being distributed throughout the auditorium. Mr. Olds summarized the agenda for the meeting to address the following topics:

- USGS studies and status presented by Bill Schlotthauer;
- Change application review policies presented by James Greer;
- Adjudication progress in Tooele Valley presented by Teresa Wilhelmsen;
- Agricultural to municipal conversion of water rights presented by Ross Hansen

The presentations are located online on our website - www.waterrights.utah.gov

After each presentation questions were solicited. The following is a list of questions asked following each of the presentation with their corresponding responses.

USGS studies and status

Q: Was Rush Valley included in the study of the hydrology done in 1999?

A: Rush Valley is not included in the study directly. The boundary between Rush Valley and the Tooele Valley was analyzed.

Q: Where does the water come from to fill the aquifer?

A: Most of the water that recharges the aquifer from the Oquirrihs and the Stansburys Mountains.

Q: How many wells have arsenic?

A: I don't know. The County Health Department may have information on that.

Q: Has a study been conducted on the discharge areas? Wouldn't it be better to monitor the bottom end?

A: The discharge to the system has been estimated and evaluated in various studies of the area. Many of the discharge areas are monitored and do help us gain a better understanding of the system.

Change application review policies

Q: It looks like 70% of the water in the valley drains to Marshall and Grantsville. It appears that water flowing north of Tooele is flowing west not north. Is that right?

A: The Flow paths shown on the Figure in the presentation does not reflect the quantity of water only direction of flow. The water flows from the recharge areas north to the discharge areas as shown by the figure.

Q: I have a late 1800's priority water right and people 10 miles away take my water and it could affect me. What protection do I have to keep my water rights?

A: The system is one of priority. We want to fully develop the resource, but to do so impacts to springs and streams occur as you maximize the use of the resource. The State Engineer doesn't have authority for impairment. One of the ideas is to spread the withdrawals throughout the valley. It's something we struggle with.

Q: How long has this policy been in existence?

A: Earlier this spring we had 80 applications filed that proposed to move water to the east side of the valley. These applications caused concern. Based on our review of the applications, some of the applications were approved and some were rejected using the process described by James Greer's presentation.

Q: Is moving water from Burmester to the east side of the valley a bad choice?

A: Each application would have to be evaluated on its own merits. The further east the water is moved the more concern.

Q: Is there a concern with moving water from Lincoln or Pine Canyon to Salt Lake Valley?

A: Our office would have to look at hydrologic depletions and evaluate any such application on its own merit.

Q: Did you look at differences in water quality?

A: We are concerned about water quality in the valley, but we have not used water quality as a basis for making any policy decisions.

Q: Moving underground water to underground water, is there a distance limitation?

A: The distance limitation is defined by the impacts to the hydrologic system. If the impacts from the heretofore to the heretofore points are similar, applications would be approved; if the impacts are different, we would not approve the application.

Q: How about moving surface water to underground sources?

A: We would allow water to move from surface to underground sources if there is no enlargement of the water right and if there is sufficient evidence that there is a hydrologic connection between the surface source and underground points of diversion. If the surface source is intermittent flow, moving the right to groundwater may create a potential to enlarge the right and thus must be closely regulated.

Q: Wouldn't it be feasible to gage the amount of water withdrawn in the valley?

Springs flows have been decreasing. Can I move my spring water right to a well?

A: That is a reasonable request and would be evaluated if submitted to our office.

Adjudication:

C: Adjudication is a legal process. Development is based on a survey. It is a public process. Books are distributed. Objections can be filed. A final decree is the objective.

Q: There are four books in the Tooele area. Why was the Tooele City book with the biggest rights done last?

A: The process started in 1964 and we do not know why our office at that time made the decision to work on the other three books first. Efforts may have been made to work through the easiest areas first and work to the more difficult. Emphasis on the adjudication in the area has varied over the years, and at times the work has been postponed. The books that have been completed first had more water rights in them.

Q: Why is the division giving water away to others that has drained to me since 1964?

A: We would be happy to meet with you after the meeting and discuss individual problems.

Q: How are priorities affected in the adjudication?

A: Priorities are not affected.

Q: Is there going to be an effect on change application transfers from one book area to another?

A: The reason for book boundaries is usually based on the numbers of water rights. They have no hydrologic bearing on transferring water rights.

Q: I have used Rose Spring for 19 to 20 years and the adjudication book says the water right is lost from nonuse. What are they thinking we're using?

A: The State Engineer is obligated to look at water rights and give a recommendation on how the water rights should be defined. If users disagree, the disagreement can be resolved with our office or a judge will resolve the issue.

Agricultural to municipal conversion

Q: On change applications to move water to municipal uses do we define the use of the right as municipal or must the use be defined more specifically?

A: It is defined as municipal use.

Q: What happens to the excess diversion that is no longer diverted because it is limited by a restriction on depletion from a change application?

A: Impacts to the hydrologic system is the limit of the right. In the example presented forty acres of irrigation has a depletion of about 22 acre-feet. The

hereafter use must have the same effect on the hydrologic system and thus may only deplete 22 acre-feet.

Q: Wouldn't the city have to have the whole 40 acres to deplete the whole 22 acre-feet?

A: Yes, to deplete 22 acre-feet of water you would need 40 acres of irrigation diversion from the example presented. If the city can divert the whole 40 acre-feet and not reach the depletion limit, they are within their rights.

Q: Is this a new policy?

A: No it is not a new policy

Q: Do the cities measure the water?

A: Yes, the cities monitor and record their use.

Q: Why is reuse considered 100% depleted?

A: Water treatment and efficient reuse may approach 100% depletion. Tooele City numbers are not too far off from 100%.

Q: Of the 40 acre usage with 22 acre-feet lost to the system, 18 acre-feet goes back to the aquifer isn't that correct?

A: Essentially the effect on the system to irrigate 40 acres is a loss of 22 acre-feet. Depending on the irrigation method either 18 acre-feet is returned or is not ever diverted.

Q: If you have a private water right from a surface source that is supplemental with other water rights, what limit are you going to put on the right?

A: Beneficial use is the limit of the right not the amount of water in the source.

Q: Considering supplemental water rights and looking at city and irrigation supply, irrigation water is cheaper to use. If I have city water and irrigation water for the same 1/3 acre can I use both water rights on the same piece of land?

A: Yes, but there is a concern the underlying rights will be enlarged. Beneficial use is the limit of the water rights.

Q: Grantsville City is taking more shares of water needed to serve a city lot. Why are they doing that?

A: You would have to talk to the city about their policies

Q: When the adjudication is done and water rights evaluated, if the city starts using more efficient systems and incentives, the city's actual use may be less than that originally determined. How does water efficiencies and conservation affect the city's water rights?

A: Municipalities have flexibility. There is an accounting of the amount of water the city uses. If there is strict water conservation, the standard 0.45 acre-foot

requirement for home use could be cut down and water could be spread to other uses. All use by the city is bound by the diversion and depletion limitations. Just make sure you have enough water for your needs.

Q: Considering Cimarron Way Subdivision, there were 20 lots and people failed to keep up addresses. Water was used, wells were drilled but the rights were lost because they didn't prove up on their rights because they didn't get notices. There is another subdivision of Brookfield Estates heading in that same direction. Is there a plan to manage Brookfield Estates better than Cimarron Way?

A: The Division is required to send notices to the address of record by certified mail. When letters are returned, staff will try to find the owners. It is the obligation of the water user to keep our office updated when addresses change. The State Engineer won't take on the responsibility for everyone. Water users are responsible for their own rights.

Q: Where was public notice published for this meeting?

A: Notice was published in the Tooele Transcript and notices were sent by mail to the cities and county as well as some of the water users and companies.