

**TOOELE VALLEY UNDERGROUND CHANGE APPLICATION GUIDELINES
PUBLIC MEETING
July 22, 2008**

This meeting was held in the Tooele City Council Chambers located at 90 North Main Street in Tooele. Notices were mailed to all persons who had pending unapproved change applications in the valley and had attended previous meetings. In addition, several public agencies were notified and a press release was issued to local media outlets.

Assistant State Engineer Kent Jones started the meeting at 10:00 AM by welcoming those in attendance and noting that attendance roll sign-in sheets were being distributed throughout the auditorium.

Mr. Jones stated that the focus of this meeting was to implement guidelines for the Division of Water Rights to follow when considering change applications filed within Tooele Valley. Mr. Jones reviewed comments submitted since the last meeting. All Comments received are available for review on the Division of Water Rights website at www.waterrights.utah.gov under meetings.

Mr. James Greer, an engineer with the Division of Water Rights, presented slides detailing that the valley was divided into three zones, and by using the USGS groundwater model and information gathered from the Division of Water Rights database, the amount of recharge and the amount of permitted water use were compared for each zone. Issues of potential over-appropriation and interference existed in the central and especially the eastern zone. Mr. Greer noted that the permitted use was adjusted to include water rights being held under non-use applications. Based on this information, guidelines were established for the State Engineer to follow when considering change applications in Tooele Valley. These guidelines provide staff a methodology for evaluating change applications that propose to move the point of diversion within the Tooele Valley.

The first guideline, presented by Mr. James Greer, states that a point of diversion would be allowed to move along its given flow path, as far west of its flow path to the drainage boundary, and a maximum of 3 miles east perpendicular to its flow path. Mr. Greer noted that the flow path for a given point of diversion is generated using the USGS groundwater model. The 3-mile buffer was based upon a drawdown analysis from the USGS groundwater model. The second guideline states that change applications would no longer be approved that moved a point of diversion into the eastern most zone as displayed in the presentation.

In addition, all water rights in a proposed change will be evaluated independently and the most restrictive water right will govern the decision. Water rights with multiple points of diversion will be evaluated under the guidelines using the eastern most well of the heretofore and hereafter points of diversion.

Mr. Greer concluded his presentation noting that an online tool will be provided that shows the public where any given point of diversion would be allowed to be moved based on the guideline. The tool will be available on the Divisions website at www.waterrights.utah.gov.

Mr. Jones concluded the meeting discussing that the implementation date of the new guidelines will be April 16, 2008 (The date the notification was sent for the first guideline meeting held April 24, 2008). Applications filed previous to this date will not be evaluated with the new guidelines. Applications filed after this date will be evaluated using the approved points of diversion as of April 16, 2008.

Mr. Jones then opened the meeting to questions and comments from the participants.¹

Comment: I have had water in the central area of the Tooele Valley for a number of years, and I am concerned about excess water in the west and the desires to be able to use that excess water in the east. The over-appropriation and the potential impact on property values in the west is severe.

Q: How will the upcoming USGS study effect the policy?

A: The report is likely to be completed within the next 4-6 months and may alter the guidelines.

Q: Is there a meets and bounds description for the boundary line?

A: No, not at this time, however, there is an interactive map tool that will be available online to provide assistance.

Q: Is the 3-mile eastward movement a hard line in the dirt?

A: Yes, the maximum distance water will be approved to move is 3-miles.

Q: Can you move water north and south along the flow line without limitation?

A: Yes, barring any other potential conditions or concerns.

Q: Can water be piped to the East from the West?

A: Policy would allow piping to the East, yes. Each application is reviewed on its own merits. Approval would be conditional upon depletion and diversion values and return flow considerations.

Q: Are westward moves ok?

A: Yes.

Q: What were the pumping rates Mr. Greer used in his drawdown analysis modeling?

¹ These minutes will contain some detail regarding questions and comments submitted verbally at the meeting. For the sake of brevity, the comments and questions will be summarized in an effort to portray the primary issue addressed. Some questions or comments were deemed to be related to issues not directly pertinent to the purpose of the meeting and will not be included here.

A: Two rates were used, 0.1 cfs, which represents the average well withdrawal rate in the valley, and 3 cfs, which represents a municipal well. Both rates indicated a cone of depression reaching approximately 3 miles east.

Q: How is the policy going to affect Lake Point?

A: Lake Point is in the Eastern zone and the policy limits applications from moving into the Eastern Zone.

Q: What if your point of diversion is within 300ft of the eastern zone boundary line, what will this mean for change applications?

A: If you were applying for a replacement well that would likely be approved barring any other conditions or concerns. If you were applying for a change application to move the well over the boundary line that would likely be rejected.

Q: What about water under non-use, how will those large amounts effect the water budget?

A: Water rights under non-use were included in the analysis. Non-use applications protect the water right from forfeiture for 7 years. Statute encourages water use but protects from forfeiture if the water is to be out of use for a period of time.

Q: What are the non-use requirements?

A: Those requirements can be found on the non-use application form, on the Division of Water Rights website, or in section 73-14 of the Utah Code.

Q: What will happen when the wells start to go dry from all the pumping?

A: Dry wells show that there are ground water issues in the area, and the guidelines may need to be re-evaluated. The Division of Water Rights does not guarantee finding water, we only approve the use of water. If finding water is a problem the owner of the water right well may need to deepen or repair it. The pursuit of water is the obligation of the water right user.

Q: How do you obtain water in the East now?

A: The area is closed, no new water rights will be granted in that area. New development will be accomplished by change applications from water rights that are currently approved to be used in the eastern area.

Q: How long will we have to wait before decisions on past applications will be made?

A: We will now start to act on the pending applications. We do not expect it to take longer than 4 to 6 months. The division will actively take actions and move ahead on the applications. Applications will be processed in the order there were received unless complications occur.

Q: When water is moved, who monitors that the heretofore is taken out of use?

A: The division does not have the manpower to monitor every approved move. We do have a water enforcement section that investigates and assess fines for illegal water use.

Q: How will applications that move water from Tooele to the Salt Lake Valley be handled?

A: If the water was historically used in the Tooele the mover would be limited to the export only the amount of water that was depleted. Return Flows would be required to stay in the valley.

Q: Is the policy that physical water is not to be moved out of the Eastern zone?

A: No.

Q: Will the policy be revisited in the event we have some heavy winters?

A: The values that were used were long-term averages that take into account the possibility of heavy winters. The guidelines will not be reevaluated on a year-by-year basis.