



TOWN OF CASTLE VALLEY

February 17, 2010

Marc K. Stilson
Regional Engineer – Southeastern Region
Department of Natural Resources
Division of Water Rights
319 North Carbonville Road, Suite B
P.O. Box 718
Price, UT 84501-0718

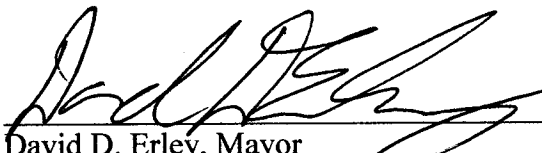
Dear Mr. Stilson,

The Town of Castle Valley formally requests that the Division of Water Rights proceed with the process to close the Castle Valley aquifer within the Town of Castle Valley municipal boundary to any future water rights appropriations.

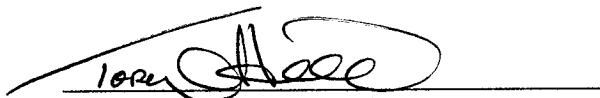
Whereas the Town of Castle Valley has attained Public Water Provider status, has a system in place to monitor and accurately record water rights usage in the Town of Castle Valley and has surplus water rights capable of covering any future appropriations within the Town boundary, the Town of Castle Valley asserts that closing the aquifer within the Town of Castle Valley municipal boundary is a prudent and necessary step to protect the water resources, quantity and quality, of the Town of Castle Valley for the future use of the Town's residents.

Respectfully,


The Castle Valley Town Council


David D. Erley, Mayor


Aaron Davies, Town Councilperson


Tory Hill, Town Councilperson


Valli Smouse, Town Councilperson


Brooke Williams, Town Councilperson

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PRICE WATER RIGHTS





GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

March 3, 2010

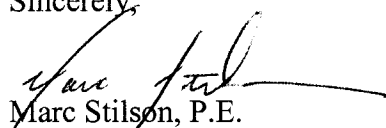
Town of Castle Valley
c/o Mayor David Erley
HC64 Box 2705
Castle Valley, Utah 84532-9608

Dear Mayor Erley,

We received the town's letter of February 17, 2010 requesting a formal closure to new water right appropriations within the municipal boundaries of the town. We would like to schedule a public meeting in Castle Valley to receive input from the Town Council and citizens on the proposed change in appropriation policy.

We would like to try and hold this meeting around the middle of April. If you would check your schedule and give me a call, we will formalize a time and place for the meeting. If you have any questions regarding this information, please feel free to contact me at 435-613-3750.

Sincerely,


Marc Stilson, P.E.
Southeastern Regional Engineer

c.c. Kent Jones, P.E. State Engineer

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Dana and Sabera Rogers

HC-64 Box 3012
Castle Valley, UT 84532

May 12, 2010

Utah Division of Water Rights
PO Box 146300
Salt Lake City, Utah 84114-6300
(via e-mail to: sonianava@utah.gov)

Attn: Mr. Kent L. Jones, State Engineer

Subject: PROTEST AGAINST TOWN OF CASTLE VALLEY'S PROPOSAL TO CLOSE NEW WATER RIGHTS APPROPRIATIONS WITHIN THE TOWN'S MUNICIPAL BOUNDARIES

Dear Mr. Jones,

We hereby file a protest/objection against the Town of Castle Valley's proposal to close new water rights appropriations within the Town's municipal boundaries.

We currently hold a right for 6.73 acre-feet of permanent use under appropriation number 05-3126 (A76198) and a second, fixed time right (20-yr) for 17.81 acre-feet under appropriation number 05-3125 (F76197). Both of these rights have yet to be proven upon but will be once we complete the construction of our home and of the water distribution systems needed to put the water to beneficial use.

We are seriously concerned that if the Division were to accept the Town's proposal, then we may not be able to renew the fixed time permit when it expires, after having invested considerable amounts in an irrigation pond already permitted by the Division and in a permanent sprinkler system. Further, while we have at least a chance of being able to fulfill our plans of growing a pasture and raising a few horses and a beef or two for our own consumption over the next 15- to 20-years, others who have not yet built on their properties may be precluded from doing so even when they own prime, valley-bottom land conducive to agriculture. Our concern is based on the following:

- 1) The Town has enacted an ordinance which prevents owners from erecting fencing on more than one acre of private land to exclude deer unless the owner applies for and is granted a conditional-use permit for same based on establishing a bone-fide *commercial agriculture* operation (see <http://www.castlevalleyutah.com/ordinances.cfm>, 2003-3 for a copy of this ordinance). This is just one example indicating that, in reality, the Town has not demonstrated a genuine interest in residents being able to use available water for purposes other than domestic use; i.e. irrigation of more than one acre for pastures upon which to raise livestock for subsistence purposes is not considered important, anyway, not as important as the population of deer who have made the valley a permanent home.
- 2) We have attended meetings of the Town Council and/or Planning Commission in which board members have made statements such as:
 - o "...we live in a desert; it doesn't make any sense to irrigate lawns and pastures...."
 - o "...it may just be anecdotal evidence, but I believe the water quality has degraded significantly because I have particles floating in my ice cubes now that didn't used to be there."
- 3) Another example is the establishment of an ordinance by the Town Council during the recent drought which permitted nighttime irrigation only, even though there was no evidence that the aquifer had been affected by normal irrigation use. While we personally believe nighttime watering is a good idea, we are deeply concerned that if the Town were to gain control of the water then decisions regarding whether to grant more than 8-acre-ft of use would be governed not by the same engineered, or

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scientific standards applied by the Division in making a determination, but by the ideals of whatever political regime happens to be in power at the time.

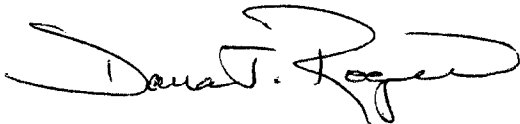
- 4) Another property owner informed me that a member of the Town Council told him one unstated purpose behind the Town's request is to be able to sell excess rights outside the valley. Obviously, this would not be consistent with the Town's interests as stated in their proposal.

We know these examples may sound inconsequential or unreliable taken one at a time but many residents in the Town will confirm that, together, they are representative of the leanings of most persons who hold political control in the valley.

In closing, we wish to strongly express our position that the Town's water users will be better served by having the Division continue to control the issuance and administration of water rights in the basin so residents can enjoy the use of water based on the impartial decisions of those trained in and interested in putting water to beneficial use. If the Division turns this responsibility over to the Town of Castle Valley, it is highly likely that water use decisions will be based upon politics, xeriscape ideals and anecdotal evidence regarding water quality. We do not believe decisions will be consistent with the Division's own fair practices for water use management. At the very minimum, transfer of these responsibilities should await the completion of a properly conducted study to quantify just how much water is available; it is unfathomable based on current trends of use that the total buildout of the town would ever consume anywhere near the quantities of water that were used when much of the valley bottom was under irrigation.

Feel free to contact me at 435-259-9130 if you have any questions regarding the above or if you wish to discuss this matter further.

Sincerely,



Dana J. Rogers, P.E.

cc: (via e-mail)

Marc Stilson, Regional Engineer
319 N. Carbonville Road
P.O. Box 718
Price, Utah 84501-0718
Phone: (435) 613-3750 Fax: (435) 613-3755

marcstilson@utah.gov

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