



MABEY WRIGHT & JAMES PLLC

ATTORNEYS AT LAW

175 SOUTH MAIN, SUITE 1330
SALT LAKE CITY, UTAH 84111

John H. Mabey, Jr.

TELEPHONE: (801) 359-3663

www.mwjlaw.com

jmabey@mwjlaw.com

FACSIMILE: (801) 359-3673

August 8, 2013

Utah Division of Water Rights
Teresa Wilhelmsen
1594 W. North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114

Re: Comments by Cedar Fort Irrigation Company regarding Draft Cedar Valley and Northern Utah Valley Groundwater Management Plan dated July 9, 2013

Dear Ms. Wilhelmsen:

Cedar Fort Irrigation Company requested that I submit the following comments regarding the Draft Cedar Valley and Northern Utah Valley Groundwater Management Plan ("Draft Plan") issued July 9, 2013. The Company owns groundwater rights in the Cedar Fort area and is very concerned about the potential transfer of significant water rights from the area now known as 54 East into the Cedar Valley (now described as area 54 West).

The Draft Plan at page 7 states: "The 2004 modification to the 1995 Cedar Valley policy limiting the movement of water rights from area 54 East to area 54 West is rescinded." Not knowing exactly what the 2004 policy states (the policy being rescinded is not found in the letter dated November 2, 2004 issued by the State Engineer), I assume the existing policy prohibits water rights transfers from lands alongside the northwest area of Utah Lake into Cedar Valley. I would also assume the policy was developed to protect Cedar Valley from further over appropriation of groundwater (Cedar Valley was closed to new appropriations in 1995) by restricting paper water rights from outside Cedar Valley being moved into the fully appropriated Cedar Valley aquifer.

The Cedar Fort Irrigation Company requests that the existing policy not be rescinded as proposed in the Draft Plan, and submits the following for consideration:

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1. The Cedar Valley continues to be closed to new appropriations and is thus considered over appropriated. The Draft Plan should not allow the thousands of acre-feet of water rights in area 54 East to be transferred from outside Cedar Valley into an over appropriated aquifer.
2. The number of water rights and acre-feet within area 54 East that could potentially be transferred into Cedar Valley is not specifically identified in the Draft Plan so the potential impact is difficult to evaluate. But, the Draft Plan does state, without any kind of breakdown or supporting data, that the Potential Use in area 54 East is 20,000 acre-feet. The transfer of some of the 20,000 acre-feet out of area 54 East may help alleviate the over appropriation of water in 54 East, but such transfer should not occur at the expense and injury to groundwater users in Cedar Valley.
3. The Draft Plan Appropriation Policy does not expressly recognize that impairment to existing rights must be fully considered for any change application filed under the Policy. Should the 54 East/54 West policy be rescinded as part of the final plan, the Company believes the plan should clarify that any change application must comply with all the statutory criteria, including not impairing existing water rights, before an application can be considered for approval.

Thank you for consideration of these comments submitted by Cedar Fort Irrigation Company.

Sincerely,
MABEY WRIGHT & JAMES, PLLC



John H. Mabey, Jr.

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