

On Feb 8, 2017 7:43 PM, "Benson, Marisa L." <Marisa.L.Benson@disney.com> wrote:

To Whom it may Concern:

In the Public Meeting of December 8th input from water rights holders who will be impacted by decisions regarding the over-allocation of water basin #73 was solicited. It was reported in the meeting, and confirmed on the Utah Division of Water Rights (UDWR) website summary that the tabulated water usage is 28,000 acre feet annually and the safe-yield amount in the basin is 21,000 acre feet annually. Since water rights issued post-1934 exceed this safe yield amount, one solution to the over-allocation is to retract all water rights granted after 1934.

Other Information presented in the December 8th meeting:

1. Significant drawdown in the basin has occurred and in two locations the drawdown is severe - one of the locations is in the Enoch area and the other is in the Quichapa Lake area.
2. In the past water rights have been granted/allocated based on a policy that granted more water rights unless specific damages were claimed and proved by existing water right holders. This was contested in the meeting by water rights owners who publicly stated that they had reported damages to the State Engineer/UDWR and that neither change in policy nor method of redress was initiated even after these entities were notified of issues.

Additional Information:

1. The City Engineer publishes a water report for Cedar City. The report for 2015 may be found online at: <http://ut-cedarcity2.civicplus.com/DocumentCenter/View/9920> In this report, it is stated that Cedar City has a population of 29,483, owns 13,490.66 acre ft of underground water rights and pumped and delivered 7333 acre ft to its customers (5825 acre ft from wells and 1508 from springs). Wells are located in the regions of Quichapa, Enoch, Cedar City Cemetery and Northfield.

Could the draw-down in the Enoch and Quichapa areas be due to Cedar City usage? What, if anything is Cedar City doing to recharge the aquifer? When water rights attributed to Cedar City, Cedar City Corporation, and Cedar City-a Municipal Corporation on the UDWR web-site are summed (assuming these are rights being exercised by Cedar City), Cedar City owns 13596.29 acre ft of which only 3323.7 acre ft are dated 1934 and earlier. Both the draw-down in the areas where Cedar City wells are located and the disparity between the water Cedar City requires and the amount owned in pre-1934 water rights suggest that Cedar City must consider immediate action to alleviate the problem.

2. Although Enoch City does not publish a similar report, if one assumes water usage based on population only (Enoch - listed population of 6005) with water usage similar to Cedar City and if all water is from underground sources, Enoch may pump approximately 1494 acre ft annually. When water rights attributed to Enoch City on the UDWR web-site are summed, Enoch owns 2730.5 acre ft of which 1690 are dated 1934 and earlier. This suggests that Enoch can continue the current water usage using only 1934 and previous water rights.
3. When the UDWR site is scanned for the Central Iron County Water Conservancy District, it is shown to hold water rights totaling 1793.44 acre ft of which 905.46 acre ft have a 1934 or earlier priority date. No public information could be located to determine how much water they are actually using and how it is being allocated.

Recommendations:

1. All Basin 73 policies should be determined by election. Voters that participate in this election should be restricted to those holding 1934 and previous priority water rights and the vote should be in proportion to the amount of water rights each party holds, similar to stock holders in corporations.
2. Municipalities, water districts, government agencies and private holders should all be treated with equal rights and privileges.

3. Cedar City should, working with duly elected officials of the 1934 and previous priority water rights holders and engineers, take immediate steps to recharge the aquifer and reduce water usage including but not limited to the treatment of sewer water to be used as either re-charge and/or reclaimed water for use in the Cedar City water system.

4. All public entities should publish a public report online annually similar to the Cedar City Report.

Submitted for your consideration by M.L. Benson