

The **Ensign-Bickford** company

November 8, 2018

VIA CERTIFIED MAIL

State of Utah
Division of Water Rights
1594 West North Temple Suite 220
P. O. Box 146300
Salt Lake City, UT 84114-6300

RE: Comments by The Ensign-Bickford Company (“EBCo”) Regarding Utah/Goshen Valley Groundwater Management Plan

Ladies and Gentlemen:

On behalf of The Ensign-Bickford Company (EBCo), we are pleased to provide the enclosed alternative proposals in response to the Utah Division of Water Rights’ November 1, 2018 request for comments regarding its proposed amendment of Article IV paragraph 5 of the Utah/Goshen Valley Groundwater Management Plan. While the language for each of EBCo’s proposals includes the same general theme, one proposal is shown in summary fashion, and one proposal contains a proposed grid of activities related to intended use of the groundwater.

We appreciate the opportunity to provide these comments. Kindly contact me via telephone at 860-843-2087 or via e-mail at dthammett@e-bind.com should you have any questions regarding our submittal.

Sincerely,

THE ENSIGN-BICKFORD COMPANY

By: 
Name: Dorothy Hammett
Title: President

Enclosures

Cc: H. Jaussi
K. Burke
G. Jasminski
J. Ray, Esq.

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**THE ENSIGN-BICKFORD COMPANY (EBCo)
PROPOSED LANGUAGE 11-8-18 (PROPOSAL #1)
Utah/Goshen Valley Groundwater Management Plan**

The Department of Natural Resources (“DNR”) hereby proposes certain changes to the 1995 Utah/Goshen Valley Ground-Water Management Plan (the “Plan”), as follows:

1. Section IV, paragraph 5 of the Plan is hereby deleted.
2. A new section IV, paragraph 5 is hereby proposed as follows:

A site at the mouth of Spanish Fork Canyon has been undergoing groundwater recovery efforts and corrective action to address the presence of nitrate and explosive constituents in groundwater. A restricted area, as defined in the attached Figure A, has been identified where extracting groundwater may not be appropriate given water quantity or quality concerns. To protect water quantity and quality, and to ensure the continued effectiveness of the corrective action efforts, no new change applications which propose to transfer water into this restricted area will be granted by the Department of Natural Resources (DNR) absent approval from the Department of Environmental Quality (DEQ).

Applicants seeking to transfer water into this restricted area should, at the time of submitting a change application to DNR, simultaneously submit a letter to the DEQ Division of Water Quality seeking approval of the change application. In any request for transfer of water into this restricted area, the Applicant bears the burden to establish, to the satisfaction of the DEQ, that (i) there is or will be no interference with any existing remedial activities in this restricted area, and (ii) the transfer of water into this restricted area is protective of human health and the environment.

DEQ should not approve such a request unless it finds that there will be no interference with the ongoing groundwater recovery efforts and that human health and the environment are protected, after considering appropriate risk assessment and management tools, including applicable EPA health advisory levels for relevant constituents, the intended use of the groundwater, and whether any levels of treatment are necessary or appropriate.

THE ENSIGN-BICKFORD COMPANY (EBCo)
PROPOSED LANGAUGE 11-8-18 (PROPOSAL #2)
Utah/Goshen Valley Groundwater Management Plan

The Department of Natural Resources (“DNR”) hereby proposes certain changes to the 1995 Utah/Goshen Valley Ground-Water Management Plan (the “Plan”), as follows:

1. Section IV, paragraph 5 of the Plan is hereby deleted.
2. A new section IV, paragraph 5 is hereby proposed as follows:

A site at the mouth of Spanish Fork Canyon has been undergoing groundwater recovery efforts and corrective action to address the presence of nitrate and explosive constituents in groundwater. A restricted area, as defined in the attached Figure A, has been identified where extracting groundwater may not be appropriate given water quantity or quality concerns. To protect water quantity and quality, and to ensure the continued effectiveness of the corrective action efforts, no new change applications which propose to transfer water into this restricted area will be granted by the Department of Natural Resources (DNR) absent approval from the Department of Environmental Quality (DEQ).

Applicants seeking to transfer water into this restricted area should, at the time of submitting a change application to DNR, simultaneously submit a letter to the DEQ Division of Water Quality seeking approval of the change application. In any request for transfer of water into this restricted area, the Applicant bears the burden to establish, to the satisfaction of the DEQ, that (i) there is or will be no interference with any existing remedial activities in the restricted area, and (ii) the transfer of water into this restricted area is protective of human health and the environment.

DEQ should not approve such a request unless it finds:

- There will be no adverse impact on aquifer safe yield or groundwater quantity concerns identified in the groundwater management plan;
- There will be no interference with the ongoing groundwater recovery efforts;
- and
- Use of groundwater would be consistent with the matrix found below.

		<u>Constituent ("Const.") Level</u>		
		Const.<x*	x*< Const.<y**	Const. > y**
<u>Intended Use of Groundwater</u>	Culinary	Not permitted under Mapleton City ordinance	Not permitted under Mapleton City ordinance	Not permitted under Mapleton City ordinance
	Irrigating crops for human consumption	No restriction	Requires appropriate treatment	Requires appropriate treatment
	General irrigation	No restriction	No restriction	Requires appropriate treatment

* x = the level of the constituent in groundwater below which irrigation of fruit and vegetable crops poses no unreasonable risk to human health.

** y = the level of the constituent in groundwater below which general irrigation (not including fruit and vegetable irrigation) poses no unreasonable risk to human health.