GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Water Rights
KENT L. JONES
State Engineer/Division Director

October 28, 2011

Dear Sir or Madam:

The State Engineer held a public meeting at Morgan County Council Chambers on July 20th, 2011 to present a summary of the hydrogeologic study (Hydrogeology of Morgan Valley, Morgan County, Utah) completed by the Utah Geological Survey (UGS) and to discuss the water right policies in the area. All the presentations and a copy of the report can be located on the Division's website located at http://waterrights.utah.gov. Based on the analysis of the data and public feedback two clarifications to the policy are herein described:

Morgan Valley Exchange Policies

- Exchange applications will continue to be considered on their own merit. New water diversions, based on exchange applications, will be permitted for projects where there is water available in the proposed source that can be diverted without impairing the existing rights on the source, and where water can be released under the exchange to replace water for downstream rights.

- New water diversions, based on exchange applications, that might impact tributary streams that are fully diverted under existing water rights may need a study provided by the applicant. This study will need to demonstrate that the groundwater being developed does not contribute to the flow of a surface source that does not receive a full year supply, which cannot be compensated directly by releases from upstream storage. The need for a study will be determined on a case-by-case basis.

Background Information

The Weber River drainage basin has been closed to new appropriations since the mid 1960s. To provide water to a new use in the Morgan Valley area an applicant must acquire an existing water right and file a change application or file an exchange application. An exchange application moving water from a reservoir to the underground aquifer in the Morgan Valley basin-fill aquifer is not replacing the water to the underground aquifer, but it is replacing the water that will no longer discharge to the Weber River because of the new withdrawal from the aquifer.

In 2008, concern over the rapid growth in the area prompted the Division of Water Rights to commission a groundwater study by the UGS and to review the current water right policies in the area. A public meeting was held in May of 2008 announcing the beginning of the study, and in consideration of the concerns Weber Basin Water Conservancy District agreed to no longer issue contracts for water right exchange applications until the data from the study was published and could be analyzed.

On July 20th 2011, another public meeting was held to present a summary of the hydrogeologic study (Hydrogeology of Morgan Valley, Morgan County, Utah) completed by the UGS and to discuss the water right policies in the area. A period of thirty days from the date of the public meeting was provided to receive written comments. Comments were received expressing concern that lifting the moratorium on exchanges in the Morgan Valley basin-fill aquifer will impair water rights and that exchanges should be restricted to the same location/aquifer. In addition we received comments that there is a potential for large population growth in the valley and that drawing more water from the basin-fill aquifer to meet the demands of the increased population will cause an extensive drawdown of the aquifer.

Based on the information presented in the above referenced study and the information that was presented at the public meeting in July of 2011, the State Engineer is of the opinion that the Morgan Valley basin-fill aquifer system is not currently experiencing an undue amount of stress. There is water from the Morgan Valley basin-fill aquifer that is discharging to the Weber River. This water, although already appropriated downstream, provides flexibility to allow some additional development of the Morgan Valley basin-fill aquifer, if downstream appropriators can be satisfied.

The State Engineer's staff will continue to monitor ground-water levels in the area and will respond according to the trends evidenced by the data that is collected. We thank you for past cooperation on this subject and look forward to working with you in the future.

Sincerely,

Kent L. Jones, P.E.
State Engineer