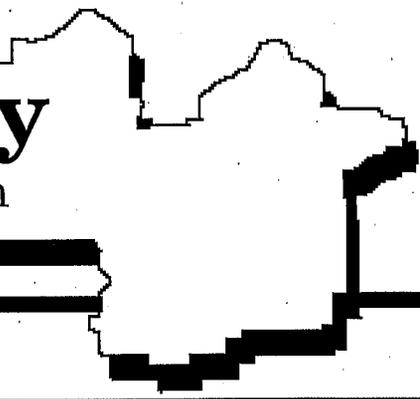


# Juab County

The "Key" County of Utah



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September 29, 2009

Re: Proposed Snake Valley Water Agreement

To Whom It May Concern:

Juab County has been heavily involved in the issues arising from the Southern Nevada Water Authority Applications for pumping water from Snake Valley. This proposal causes deep concern to our elected officials, many residents of the entire county and specifically to the residents of Snake Valley.

Officials of the County have attended many meetings and made numerous trips to Snake Valley to survey the apparent water situation and meet with residents of the valley who would be directly impacted by any mistake in allocation of the groundwater that they depend on for their livelihood and indeed their very lives.

A physical inspection of the Snake Valley Areas does make one wonder about the availability of additional water in the area. Long time seeps and springs are drying up and distress to vegetation is obvious and widespread. However, we acknowledge that Nevada certainly has rights in the Valley and that the Utah negotiating team has worked hard to provide an agreement to give some certainty, controls, and monitoring of the groundwater there.

We do agree with the comments made by Governor Herbert at the meeting we attended in Delta on September 25, 2009 when he said he believes that we need an agreement. We do need an agreement but need to make sure it is the **best** agreement that we can get.

We applaud the diligence of the negotiating team and their willingness to spend time explaining the agreement and answering questions about the draft agreement. We participated in over eight hours of questions and discussion with Boyd Clayton and others which was extremely helpful and very much appreciated.

Officials from Juab County along with residents of the Snake Valley, officials from the Division of Water Rights, Division of Wildlife Resources, Officials of Air Quality and others have spent over 8 hours of line by line analysis of the entire agreement and Juab County is mostly pleased with the Environmental, Biological Hydrologic, and Air Quality monitoring agreements but think another very close look needs to be given them and we have included some specific recommendations concerning them.

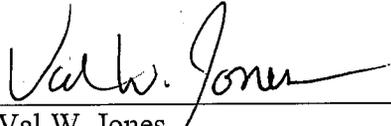
The agreement has to do an excellent job of preventing negative impacts to Snake Valley. The area is fragile and we fear that any attempt to correct detrimental impacts would be too late to save the basin. Scientists say that replenishing the depleted water table and reverse flow of the salt playa near Callao will take too long, ere eco-system destruction in Snake Valley will be complete and virtually irreversible. The only hope for a continuation of what we know now as Snake Valley is to prevent negative impacts.

Again we need to make sure the agreement is the **absolute best** agreement we can reach. Listed below are some suggestions to help make that happen.

1. Much discussion has taken place regarding the proposed divisions of water. We realize much time and energy has been expended concerning the proposed split in the agreement but believe that at least one more attempt needs to be made. Rather than being repetitive by outlining the details here we refer to the proposed amount as presented by Millard County and endorse those recommendations.
2. In the main agreement it does not appear that anyone else who may put water into this pipeline would be bound by this agreement. This should be clearly and specifically spelled out. This is intended to be a very long-term agreement and we have to address possibilities not spelled out today such as SNWA selling water etc.
3. Page 4 of 14 2<sup>nd</sup> paragraph under 3.2.3 states "The TWG shall strive for consensus in all determinations and recommendations." This needs to be clarified i.e. how long do they strive before action can proceed, what are the options if consensus is not reached, or can one member bring the process to a stand-still?
4. Item 8.2 of the main agreement is confusing. Our question is "why is it even there?"
5. In keeping with stopping not mitigating impacts, 4.8 item c should begin with the word "protect" not "minimize."
6. On page 5 of 14 in the Environmental Agreement item 4. 3) Should read "include water quality parameters" without the current wording which says **certain** water quality parameters.

7. Page 9 of 14 5.4 it appears the first sentence is missing an "of" between creation and the Operating Plan.
8. Page 12 of 14 #10 "Nevada State Engineer Proceedings." We need to insure that the terms and provisions of this agreement are made binding on any possible 3<sup>rd</sup> parties. It may not prove to be necessary but now is the time to do our best to cover all the bases.
9. Page 12 of 14 #13 "Dispute Resolution" second paragraph. The decisions of the board should be bonding until overturned by a court or the Nevada Engineer. Again in the context of preventing negative impacts the outlined process could be a very prolonged one which may lead to severe impacts.
10. Appendix 1: Biological Monitoring page 1 of 1 section 1.2. Perhaps we should also include potential invasive species.
11. In Appendix 3: Air Quality monitoring Page 1 of 2 in the Air Quality Monitoring 1.1.1, there are definitely two different soil types in Snake Valley. We strongly believe that SNWA should be required to establish two monitoring stations within Snake Valley.

We appreciate this opportunity to comment on the proposed agreement and hope you will carefully consider our comments along with others received.

  
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Val W. Jones  
Chairman, Juab Board of Commissioners

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