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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN JERRY D. OLDS
Executive Director *State Engineer/Division Director*

See

November 8, 2004

Anthony Fuller
151 North 4600 West
Fillmore UT 84631

Dear Mr. Fuller:

This letter is in response to your letter of September 15, 2004 concerning the regulation of groundwater by priority date in the Flowell District.

I am very concerned about the continued decline of ground water levels in many areas of the state including the Flowell District as well as Pahvant Valley in general. I believe the State Engineer has been give the responsibility and authority to regulate groundwater use by water right priority date, however, very little has been written in the state statute regarding this issue and what has been written is somewhat vague. Also, the courts have made very few if any decisions in this area of the law.

Historically, groundwater use in Utah has not been regulated by water right priority date. The implementation of such regulation would be a major change in water management practices and to do so without careful consideration could create serious problems for numerous water users through out the state.

In an effort to strengthen the statute and clarify the State Engineer's responsibility and authority, I have requested that the Utah State Legislature consider the issue. The Legislature created a Water Task Force with the assignment to review groundwater regulation as well as several other water related issues and develop any necessary legislation.

It is my hope that this task force will provide clear and effective direction concerning the implementation of groundwater regulation by priority date. Hopefully, this issue will be addressed next by the Water Task Force. I would encourage you to become involved in the legislative process by contacting your legislators and attending the Task Force meetings.

I appreciate your concerns and I hope that we can find a solution that protects the resource and the individual property rights of all stakeholders.

Sincerely,

Jerry D. Olds, P.E.
State Engineer