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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

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### Division of Water Rights

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## Clarification on Use of Supplemental Wells for the Beryl Enterprise Water Users

The purpose of this document is to clarify the appropriate use of supplemental groundwater rights so that they are used within their legal definitions. Groundwater use exceeding legal definitions increases groundwater declines that have been occurring for many years in this valley and could lead to enforcement actions. Rather than commence such actions where there may currently be a lack of consistency in understanding, I have elected to provide this communication to the water users in the Beryl Enterprise Groundwater System. In future years – this clarification having been provided – I expect enforcement actions will be commenced against those violating the terms of their water rights.

### Water Right Provisions

- 1) Water may only be used at a water right's legal place of use. If a water user desires to use a water right outside of a currently approved place of use, a change application must be filed and approved by the State Engineer (Utah Code §73-3-3).
- 2) Irrigated land without a groundwater right is limited to receiving the surface water available under the surface water right(s) on that land. In a year when surface water is limited, this land will either need to be left out of production or receive a partial supply consisting only of the surface water available. Groundwater may not be used on this land without a properly approved change application (Utah Code §73-3-3).
- 3) The annual quantity limitation of an underground water right is the water right's legal sole supply acreage times the established duty of 4 acre-feet per acre. If surface water and groundwater are used together on the same land, the groundwater may be applied to the entire acreage described by the groundwater right but the groundwater user is limited to the annual quantity limitation. We recognize that since the groundwater system is currently being managed on irrigated acres this information may not be readily available. If necessary, a distribution order will be issued to require metering of groundwater use to ensure compliance with this provision (Utah Code §73-5-4).

All water users are directed to follow the provisions outlined above. Division of Water Rights staff are available to assist water users who need to take appropriate actions including filing change applications. Water users who do not follow the provisions outlined in this document may be subject to administrative and criminal penalties (Utah Code §73-2-25 to 28).

  
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Utah State Engineer

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