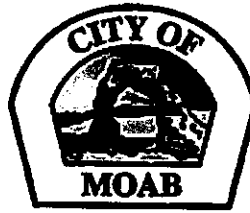


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Utah State Division of Water Rights
Marc Stilson, Regional Engineer
PO Box 718
Price, UT 84501

December 22, 2017

Dear Mr. Stilson,

In lieu of a formal protest to the State Engineer regarding the San Juan Spanish Valley Special Service District's ("SJSVSSD") Extension of Time Request ("Request") for water right #09-2349, the City of Moab ("City") submits this letter of concern.

As understood by the City, the criteria to be used for evaluating the validity of this kind of Request is limited to the following:

- (b) Except as provided by Subsection (4), the state engineer shall extend the time in which an applicant shall comply with Subsection (2)(a) if:
 - (i) the date set by the state engineer is not after 50 years from the day on which the application is approved; and
 - (ii) the applicant shows:
 - (A) reasonable and due diligence in completing the appropriation;
 - or
 - (B) a reasonable cause for delay in completing the appropriation.
- (U.C.A. § 73-3-12)

The City further understands that the substantive factors that underlie the State Engineer's decision in 2013 to permit SJSVSSD's transfer of the right to up to 5000 acre-feet of water from the San Juan River area to Spanish Valley are not subject to protest in relation to this Request.

However, the City's Water Conservation and Drought Management Advisory Board ("Board") advocated for a formal protest of the Request because some of the underlying assumptions upon which the decision to partially approve the initial transfer request are now superseded by more accurate data and analysis.

To that end, the City remains concerned about the additional allocation of water rights that affect the Glen Canyon Aquifer ("Aquifer") where the City's senior water rights are located. In particular, the approved transfer of up to 5,000 acre-feet has the potential to interfere with and impair the City's access to the sources upon which it relies to deliver municipal water supplies to residents, businesses, and visitors in Moab. What follows

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are a few of the reasons for the City's continued concern with new and recent allocations in the area.

USGS study contains updated data on subsurface outflows. As you well know, the City obtains its municipal water from wells and springs in the Glen Canyon Aquifer on the eastern side of the Moab/Spanish Valley. This water source is designated as a Sole Source Aquifer by the Environmental Protection Agency in 2002 and categorized as Class IB – Irreplaceable Ground Water. The quality of water in the Glen Canyon Aquifer is currently Class IA – Pristine.

A recent study, funded in part by the Utah Division of Water Rights (DWRI) and undertaken by the United States Geological Survey, examined the quantity of water in this aquifer and surrounding watershed and its recharge abilities, resulting in an estimation of safe yield. Critically, the study noted that subsurface outflows to the Colorado River were substantially less than what was estimated in the 1971 Sumsion study, and much of the recharge to the Aquifer occurs in the La Sal Mountains, as opposed to the exposed Glen Canyon Formation.¹

More sophisticated analysis of growth patterns now exists. Additional analysis, gathered while preparing Moab's 2016 Water Conservation Plan, indicates that unlike older assumptions regarding growth and per capita consumption rates, the Moab area is in a period of unprecedented rapid development.² Furthermore, until recently, population projections have not taken into account the impact of denser zoning codes on per capita water usage.³ Both residential and commercial demands continue to grow and expand. Combined with accelerating growth trends and a lack of muscular conservation incentives, the impact of additional allocations on future availability are troubling.

Drought conditions and other impacts of a changing climate continue to affect groundwater recharge potential. The current drought conditions within Grand County, the state of Utah, and western states in general are of grave concern with regard to the Glen Canyon Aquifer's ability to recharge. Both the Grand County Conservation District and Grand County have recently submitted requests to the state to declare Grand County a disaster area due to the recent drought conditions.⁴ Given the Aquifer's reliance on regionally-localized runoff for recharge, continued drought and changing trends in quantity and duration of snowpack are concerning.

Additional planning and analysis is needed before any further allocations or change applications are considered. The City appreciates that the State Engineer is engaging with area stakeholders to develop a Groundwater Management Plan. This is an important and necessary endeavor in which the City will gladly participate, particularly with regard to how future conflicts over allocated water will be

¹ Presentation by Phil Gardner, Vic Heilweil, Nora Nelson, Melissa Masbruch, and Kip Solomon.

² "Spanish Valley Groundwater Investigation, September 21, 2017 Update."

³ "2016 Moab Water Conservation Plan Update", p. 5-6.

⁴ Id.


⁴ Grand Conservation District letter to Grand County, December, 2017.

resolved. Unless and until that is completed, however, further permitting of new or transferred water rights into the area may only lead to additional conflict and unattainable expectations regarding the availability of water for future growth and development.

The City also looks forward to periodic updates regarding SJSVSSD's obligation to implement a groundwater monitoring plan and the resulting data that the plan will generate.

Thank you for your efforts to protect and manage the greater Moab area's water resources. We anticipate a productive partnership with UDWRi, GWSSA, and SJSVSSD as we develop a sustainable approach to managing our limited water resources in the region.

Regards,



David Everitt
Moab City Manager