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Subject: comment regarding Pahvant GWMP

To: [waterrights@utah.gov](mailto:waterrights@utah.gov) <[waterrights@utah.gov](mailto:waterrights@utah.gov)>

I am taking this opportunity to comment on the meeting held in Fillmore regarding adoption of a ground water management plan for the Pahvant valley aquifer. My comments may or may not be well thought through but here they are nonetheless.

My first thought is to the meeting itself. The venue was too small to accommodate the public. A good number of people came and left because of it. The standing room only left in the foyer made it challenging if not impossible to hear and participate. Many of us left with confusing and unclear information.

I understand now, that at least one purpose for a comment period following the meeting was to find who is interested in serving on a committee tasked with formulating a proposed management plan for the basin. I fall into that category. I wish to have a voice in the process.

After attending the meeting I am concerned about the state's reaction to the studies and data presented in the mtg. I'm sure those involved did the best work they thought they could do, but presentation of the studies left me unconvinced of methodologies are adequate and questioning the assumptions made in the process. Consequently I am not convinced as yet that the state has adequate or even best available scientific information to determine a safe yield for the basin.

I wish to point out that how the state manages this water resource has tremendous economic impact to individuals, community, county and state. That impact reaches well beyond the water user. The safe yield which the state is compelled to manage to is admittedly a best estimate at this point and the definition leaves room for interpretation by all interested parties. For me personally the implied action of curtailing water rights is potentially devastating. The thought of enduring those impacts based on an estimate to me is beyond reason.

If we are indeed past a "safe yield" of diversion from the ground water basin I contend that the state is responsible for over allocation of the resource in the first place. As such I currently believe the state bears a moral obligation back to the individual holders of those rights that will mitigate and/or adequately compensate for economic impact from curtailment or regulation of that right. What that should look like I have no idea yet, but it should be considered creatively in the development of the basin management plan. If existing law does not support an adequate mechanism for mitigation/compensation then I believe the state should pursue that legislatively and make it so. By issuing water rights the state created personal property that is bought and sold. I currently hold that curtailing of those rights to be a taking by the state. Statute may not agree, but that what it looks like to me. Even the mention of restriction creates an economic impact that should not be overlooked.

It was made clear in the meeting held that the state still has other issues to clean up. Some uncertainty was expressed by the state about the accuracy of the water rights on file and intent to make a "deep dive" to clean up that data. There was also discussion about continued improper use of supplementary water rights resulting in pumping that is not supported by the existing rights. That may or may not be so

but I contend that these issues need to be resolved before the state makes a determination of safe yield and implements aspects of a basin plan that imposes restriction on other water users.

My last thought for this comment period is this. The state appears to have a process for regulating water rights in place that can only use a threat of curtailment to implement water conservation by our water users. I think that some methodology in the statute and management policy of the state needs to incentivize further adoption of available water conservation practices. I believe there is a way. By so doing we may have opportunity to resolve the issues at hand. Some discussion and creativity is needed in this regard, both in a local basin plan and at a state wide level.