



State of Utah

Department of Natural Resources

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Executive Director

Division of Water Rights

JERRY D. OLDS
*State Engineer/
Division Director*

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

February 14, 2005

William H. Fowlke
596 West 1200 North
Orem, UT 84057

Re: Comment letter dated November 29, 2004

Dear Mr. Fowlke:

We thank you for your comments in the above referenced letter. We shall attempt to respond to your concerns on a point-by-point basis.

We recently have developed the ability to have our computer system help us to understand how many filings have been made in certain areas; previously, it has been very difficult to gather such information. With this ability, and as we were looking at Cedar Valley, it came to our attention that we apparently stopped approving change applications into Cedar Valley at about 13,500 acre-feet when it was our intent to allow approximately 15,000 acre-feet to be moved. The only thing that we are attempting to do, at this point in time, is allow to be moved the amount of water that we feel is a reasonable limit that can be developed from the groundwater of Cedar Valley.

Concern Number 1. In attempting to fulfill the 15,000 acre-foot commitment, a public meeting was scheduled for July 21, 2004. Three weeks prior to the meeting, we sent a notice to thirty (30) major water users, posted that notice on the division's website, and sent a news release to the newspapers serving the valley and surrounding area. 27 individuals, representing either themselves or 17 different entities, attended the meeting. After the meeting, the record was left open for sixty (60) days to receive comment; three comment letters were received during that period and three more thereafter. Therefore, we do not agree that the "policy change was unexpected and premature". Given the above facts, we believe that the public was given sufficient opportunity to provide input; whether that opportunity is acted upon is beyond the control of the State Engineer.

Concern Numbers 2 and 3. All published studies relating to the hydrogeology of Cedar Valley are available from a number of sources including the division's website. Any future studies will be available through the same sources. We believe that available studies are sufficiently detailed to support the State

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Engineer's guidelines. As further studies are completed, the State Engineer will review them and modify his guidelines accordingly.

Concern Number 4. The State Engineer's guidelines are designed to allow an amount of water to be safely withdrawn assuming the same climate and hydrologic conditions. We realize that water levels and spring flows will fluctuate as wet and dry periods are experienced. Overall, we believe that an annual withdrawal of 15,000 acre-feet is supported by available data.

At this point, the State Engineer believes that any delay implementing his guidelines is not warranted and a hearing, in the absence of further data, is premature. When ongoing studies are completed, future public meetings will be scheduled to present the data and receive public comment.

We thank you for your comments and look forward to working with you on these issues in the future.

Sincerely,

A handwritten signature in cursive script that reads "Jerry D. Olds".

Jerry D. Olds, P.E.
State Engineer

cc: Bill Schlotthauer