



James Reese <jreese@utah.gov>

Fwd: Area 73 Community Meeting Comments

1 message

Nathan Moses <nathanmoses@utah.gov>

Tue, Dec 20, 2016 at 3:28 PM

To: James Greer <jamesgreer@utah.gov>, James Reese <jreese@utah.gov>

----- Forwarded message -----

From: **waterrights DNR** <waterrights@utah.gov>

Date: Tue, Dec 20, 2016 at 3:10 PM

Subject: Fwd: Area 73 Community Meeting Comments

To: Nathan Moses <nathanmoses@utah.gov>, Kayla Bulloch <kaylabulloch@utah.gov>Cc: Clark Adams <clarkadams@utah.gov>

Cedar City,

I believe this email from Roger Sorensen is for your office...

Thank you,

Ambur Mathews
Water Rights
Salt Lake

----- Forwarded message -----

From: **Sorensen's** <ReplyMail@infowest.com>

Date: Tue, Dec 20, 2016 at 12:40 PM

Subject: Area 73 Community Meeting Comments

To: waterrights@utah.gov

Attached is a PDF of my comments and a Google Earth KML file - referenced in the comments

Roger Sorensen

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Ambur Mathews
Department of Natural Resources
Water Rights
[801-538-7240](tel:801-538-7240)

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Nathan Moses, P.E.
Regional Engineer
Southwest Region
Division of Water Rights
State of Utah*Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.*

2 attachments

 **WaterConservationComments-SorensenDec2016.pdf**
28K

 **WhosGoneAfter32.kml**
977K

12/20/16

I am writing you folks to express my thoughts about the water situation your group presented during the December 8th Area 73 community meeting in Cedar City.

During the January 2016 meeting, I seem to recall a discussion about Area 73 being two basins. The December meeting made it clear that Area 73 would be treated as one basin because they were hydrologically connected. In a political sense, treating it as one basin makes sense - our biggest single user, Cedar City Corp (CCC), uses about 40% of the water currently pumped and has wells throughout Area 73. Geologically, one basin doesn't make sense to me. If the two areas are connected and the balancing-flow was taking place at a reasonable rate, the entire area would have essentially the same draw-down level - but it doesn't. The slide shown at the December meeting depicting a heat map of the draw down shows the area West of Quichipa having significantly more draw down. The two basins are either not connected or the flow rate in or out is substantially out of balance.

I started thinking about your "Big Stick" solution of shutting off water to everyone who has a water right that is younger than (roughly) 1933. When I discussed the proposal with a couple neighbors (who I consider to be intelligent individuals who stopped to think about the situation) they laughed at the idea. Their response was along the line of "it's too big an impact."

While trying to figure out who uses what water and how CCC figures into all this, I downloaded from your website all the water rights for Area 73, along with the Lat/Long of each well. I began plotting all the wells using Google Earth and I ran across some interesting things:

1. I plotted all those water rights that would be disconnected (open attached KML file in Google Earth). There are, as you know (I hope), over 2,300 rights. Some of those rights belong to associations that provide water to many residents. Most provide water to single users or commercial enterprises. If you were to shut off those users scattered throughout the area, the social and economic impact is hard to even imagine. No water, no home. No water, no business. The loss of homes, businesses and the domino-affect of now-missing employees, customers, and tax-payers would certainly spell disaster for Cedar City and likely Iron County too. Those that were fortunate enough to be able to leave, would. Those that weren't, would become dependents of the state.

2. While researching water use I came across the CEDAR CITY WATER REPORT-2015 prepared by the City Engineers there. Appendix B lists their water rights and while working on the data in order to plot it all, I found that their water rights list and the data I downloaded from your site don't match. Searching more, I found that lawyers specializing in Utah Water Rights mention on their websites that the Utah Water Rights Database is notoriously inaccurate and that to "prove" someone owns a right, they must search through all the recorded rights or deeds. It appears the Utah "master" database is not accurate.

If the list of rights Utah has is not accurate, how could one use that data to determine which rights to shut off? The 1933 threshold may be wildly off - in either direction. An oddity in the data pointing to that issue is the total AcFt allocated is 104,069 while your group estimates 28,000 AcFt is currently being used. Clearly, the database is way off or Area 73 users are already conserving about 73% of their water.

That brings up the question of who is using all the water that is currently being pumped if we are not really pumping 104,069 AcFt? Again, the Cedar City Water Report has an appendix of their water draw and I would presume it's fairly accurate. They show that they have rights to 11,877 AcFt but only used 7,333 AcFt.

How do we know how much water is being used by everyone else in the area? As far as I can tell, there is no way to know – there is no hard data. This makes setting a year-threshold in the water rights database even more ambiguous. You could very well be punishing the users who are doing the most to conserve water.

CCC has another interesting document: Water System Master Plan Update for Cedar City, Utah dated June 2009. They discuss water conservation from a system point of view but the more interesting section talks about growth. The **Water Use Projections** section on page 2-4 addresses growth out to 2050. Figure 2-2 shows their projection for Population Growth and indicates they believe the city population will double in the next 15 years or so. If they are already using approximately 40% of all the area's water right now, what will that usage number look like with twice as many residents in the city? That doesn't even address the fact that we are over-drawing water right now by 33%. Government thrives on growth – both the City and the County. I've sat in meetings where county officials gleefully recite the increase in building permits and tell of businesses that they have attracted to the area. Each of those are typically new water users.

Until the water levels come back to historically "normal" levels for a series of years, new water uses need to be put off – growth must be put on hold. Painful? Yes, but much less so than turning off the water to 2,300 users and having them walk away mad and, likely, financially ruined. The County and the City must place temporary restrictions on new uses. Unnecessary uses must be discontinued, such as, what I call, water-for-entertainment [large areas of grass / pools / decorative ponds / falls / fountains / open mist cooling / etc.] One nonprofit group located South of me proposed to have fishing ponds, swimming hole, baseball, and soccer fields for use by "at risk children" from Las Vegas. Will we shut off the water to long time residents just to see it used to keep out of state children entertained? The usual public education about water conservation is useless if growth and non-essential uses continue. The two big players in this game, the County and the City, must lead the way.

Only when the forward momentum of water use is halted will the efforts used by so many around the parched West become effective. I am confident that my fellow Area 73'ers will step up and begin to conserve if they know the problem is real, they are getting the straight facts, begin being treated fairly, and when they do conserve, the saved water is not going to be doled out to new arrivals or the undeserving. They should also know that if through sacrifice or act of God, the water table is replenished, they may once again use their rightful water as they see fit.

All of us that live in Utah have put our faith and trust in the state's allocation of Water Rights. We were told these were the rules and we followed them. After working with the data and hearing your presentations, my faith isn't as strong as it once was. It is my opinion that the State must take steps to ensure that it's citizens can trust the water right process. If citizens lose confidence and begin thinking the process is a sham, we all will be in more serious trouble than we are now. Citizens must not feel as though they were cheated out of their water rights by the state. Yes you have laws on the books but if those are not the right tools you need now then new legal tools must be crafted so that the citizens are confident in the process.

Roger Sorensen – Cedar City