

**MINUTES OF THE  
WATER ISSUES TASK FORCE**  
May 12 - 13, 2005 – Southern Utah Area

**Members Present:**

Sen. Peter C. Knudson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Beverly Ann Evans  
Sen. Thomas V. Hatch  
Rep. Roger E. Barrus  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Ben C. Ferry  
Rep. Michael T. Morley

**Members Absent:**

Sen. Patrice Arent  
Sen. Mike Dmitrich  
Rep. James Gowans  
Rep. Brad King

**Staff Present:**

Brian Allred, Policy Analyst  
Mark B. Steinagel, Policy Analyst  
Jeanenne B. Larson, Associate General Counsel  
Chris Parker, Associate General Counsel  
Joy L. Miller, Legislative Secretary

**Note:** A list of others present and a copy of related materials can be found at [www.leg.utah.gov](http://www.leg.utah.gov) or by contacting the task force secretary, Joy Miller, at 538-1032. A recording of the meeting may also be available from the task force secretary.

**Thursday, May 12, 2005, 1:00 p.m.**

The Task Force met at Beryl Junction prior to touring ground subsidence areas.

Mr. Jerry Olds, State Engineer, stated the average amount of groundwater withdrawal in the area is 83,000 acre feet per year, most of which has been for irrigation purposes. He briefly reviewed the amount of groundwater decline in the area since 1950 and discussed other areas of concern including Pahvant Valley, Parowan Valley, Milford Valley, Cedar City Valley, and Curlew Valley.

Mr. LaDel Laub, Escalante Water Users, discussed the economic and quality of life impacts that result from a reduction in water right use in the Escalante Valley. He said the water rights holders have been good stewards of the water resources and questioned who should have the right to use the water in the Escalante Valley and in what quantity. He noted severe problems with soil erosion in areas where water rights had been transferred.

Mr. Dee Hansen, HDC Engineering, distributed "Groundwater in Storage/Escalante Valley." He calculates that only 70,000 acre feet of groundwater per year is being withdrawn by pumping. Annual recharge is about 30,000 acre feet per year. He estimated that there is approximately 447 years before the groundwater basin could not support farming in the area.

The Task Force visited the areas where ground subsidence has occurred.

Mr. Hugh Hurlow and Mr. William Lund, UGS (Utah Geological Survey), provided the Task Force with background information on the geology of the area. Mr. Lund distributed "Briefing Document" and a partial copy of "The Origin and Extent of Earth Fissures in Escalante Valley, Southern Escalante Desert, Iron County, Utah." Based on current evidence, UGS concluded that the best explanation for the formation of earth fissures in Escalante Valley is groundwater withdrawal which has caused a significant drop in the groundwater level, permanent compaction of fine-grained units in the valley's aquifer, and

ground subsidence near Beryl Junction.

### **Task Force Meeting, 6:30 p.m.**

#### **1. Task Force Business**

Chair Ure called the meeting to order at 6:35 p.m. He welcomed those present and asked members of the Task Force to introduce themselves. Sen. Arent, Sen. Dmitrich, Rep. Gowans, and Rep. King were excused from the meeting.

**MOTION:** Sen. Evans moved to approve the minutes of the October 21, 2004 meeting. The motion passed unanimously.

#### **2. 2005 Task Force Study Items**

Mr. Steinagel reviewed "Remaining Items for Study - 2005" which includes the following items: groundwater management; water reuse, including the recycling of treated municipal effluent; administration of groundwater and surface water; instream flow; title for water rights; water conservation; and governmental entity's acquisition by eminent domain of water rights outside the entity's boundaries.

Chair Ure suggested that the Task Force be divided into two separate working groups in an effort to address as many issues as possible. The first working group will be lead by Sen. Hatch and will study administration of surface water and groundwater. Other members will include Rep. Cox, Rep. Dayton, Rep. Gowans, Sen. Evans, and Sen. Dmitrich. The second working group will be lead by Rep. Ferry and will address water reuse. Other members assigned to the group include Rep. Barrus, Rep. King, Rep. Morley, Sen. Knudson, and Sen. Arent.

Mr. Allred distributed and briefly reviewed "2005 Water Issues Task Force Proposed Schedule."

#### **3. Review of Groundwater Management Issues**

Mr. Jerry Olds, State Engineer, gave a presentation of groundwater management issues in Utah. He reviewed the groundwater withdrawal in the Beryl/Enterprise area which he said was 2 ½ times the average annual recharge. He discussed the economics of pumping groundwater and stated that as pumping costs increase, profit margin per acre declines. Other factors that should be considered include ground subsidence, economic impacts, water rights priority, costs of drilling deeper wells, impacts on land and water right values, and long-term economic stability of the region. As state engineer, he recommended public debate and legislative review of these issues.

#### **4. Public Hearing on Groundwater Management Issues**

Mr. Steven Clyde, Clyde Snow Session, pointed out that in many cases surface and groundwater are

integrated and that groundwater regulation is very difficult. The state must take responsibility for overappropriating water in certain areas. Many farmers have voluntarily curtailed irrigation only to be threatened to have their water rights forfeited for nonuse. It is important to encourage conservation. He said the state should take a more proactive role.

Mr. Warren Peterson, Waddingham and Peterson, stated rural economies are very fragile and need a critical mass for schools, merchants, and governments. If water is cut in these areas, the viability of the community is affected. He requested that the Legislature allow opportunity for local solutions.

Mr. Robert Christensen, Beaver resident, stressed that each valley should have its own set of regulations with local control. He asked that the Legislature consider the entire area and the impact it has on the public. Aquifers should be considered on an individual basis.

Mr. Dennis Stowell, Iron County Commissioner, discussed the problems created by the blowing sand in areas where water rights have been transferred and said Iron County has spent thousands of dollars to clean it up only to have the problem reoccur. He said the Beryl Highway had to be closed last summer because of the drifting sand. He stressed the need to study recharging water into the underground. He asked that the Legislature look at buying back water rights on a voluntary basis.

Mr. William Dalton, Beaver County Commission, distributed a resolution passed by the Beaver County Commission petitioning the governor, the Legislature, and the Executive Director of the Department of Natural Resources to not invalidate any existing water rights in Beaver County.

Mr. Fred Finlinson, Water Coalition, pointed out that there is a significant difference in the value of water rights based on priority in many other places in the state.

Ms. Barbara Prestwich, Cedar City resident, cautioned against fast and extreme solutions and endorsed the issue of local control. She indicated that areas within the Cedar City Valley are facing different issues with the water table.

Mr. Keith James, Milford Valley resident, asked that the Legislature carefully consider the pumping that is being done in the Beaver area because it affects those downstream. He said farmers are innovators and should be a part of the solution. There are many things that can be done to improve soil quality that reduce water consumption. He stressed the need to manage water better in wet years to avoid a groundwater problem.

Mr. Nathaniel LeBaron, farmer, discussed whether the use of trees around farm fields would be effective in helping to prevent the soil from drying out too much.

Mr. Kerry Carpenter, Regional State Engineer, addressed the issue of diverting existing water flows during high water years. Currently Iron County is putting some of the high flows from Coal Creek into gravel pits in an effort to recharge the groundwater system. Water quality can be an issue if trying to artificially accelerate or enhance percolation.

Mr. Peterson said Circle 4 has been doing water quality reconnaissance in the Milford Valley and data suggests that salt concentration has doubled since 1958 because water is being kept in the valley. Diverting high flows would get more fresh water in and would keep salt water incursion from occurring.

Mr. Joe Leko, Milford Valley Farmer, said he has been working with several other individuals for nearly 14 years in an effort to put high surface water into gravel pits to recharge the groundwater.

Mr. Ron Thompson, Washington County Water Conservancy District, suggested that the Legislature consider what other states have done to address these issues. He asked that local governments be involved and long-term solutions be developed. He said that surface water and groundwater should not be managed separately.

Mr. LaDel Laub, Laub Farms, indicated the water level in his part of the Escalante Valley has not declined as severely as has been suggested. He said they are currently pumping water at 90 to 100 feet. He pointed out that wells do not last forever. At some point they will have to be redrilled.

Mr. Mike Brown, Escalante Valley Water Users, stated there is a lot of water that is sitting stagnant for many reasons. He asked that economics, lifestyles, and quality of life be taken into consideration in developing solutions to the problems that have been raised.

Mr. Gayle Wood, Parowan Valley resident, said the water table has been declining in the Parowan Valley and he is concerned with the deterioration of the groundwater. He encouraged the Legislature to consider all the options available. He thanked Mr. Olds for his willingness to address the issue.

Mr. Wayne Smith, Iron County Commissioner, stressed the need to move slowly in order to make better decisions. He asked that all impacts be considered.

## **5. Other Task Force Business / Adjourn**

**MOTION:** Sen. Knudson moved to adjourn the meeting. The motion passed unanimously.

Chair Ure adjourned the meeting at 9:00 p.m.

### **Friday, May 13, 2005, 9:30 a.m.**

The Task Force met at the St. George Regional Waste Water Facility. Mr. Howard Wade, Waste Water Superintendent, guided members on a tour of the facility which is the 6th largest waste water plant in the state of Utah with an average daily flow of 9 million gallons. He stated it costs \$10 million per year to run the plant. Mr. Wade pointed out that with the growing population, they have an additional 300 acres for future expansion. He provided a copy of "St. George Regional Water Reclamation Facility" and "2004 Annual Report."