

# Court battles threaten Cedar Valley's water future

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By Ashley Langston, Iron County Today

IRON COUNTY – In an effort to ensure Cedar Valley’s future, the Central Iron County Water Conservancy District is currently involved in several legal battles over water in valleys to the northwest.

The Cedar Valley aquifer, an underground water source that supplies most of the water for communities and agricultural use in Cedar City, Enoch, Kanarraville, and much of unincorporated Iron County, is being overdrawn and the district has been hard at work to find more water for the area.

After rejecting the Lake Powell Pipeline project because of its high cost estimates, the district placed most of its hope for balancing the aquifer and providing for future growth on water rights applications filed in 2006 in three valleys – Pine (for 15,000 acre-feet), Wah Wah (for 12,000 acre-feet) and Hamlin (for 10,000 acre-feet).

When notice of those applications was published, a rain of protests were filed, mostly by the Beaver County government, Beaver County residents, and federal agencies. The state engineer had a hearing for those protests in 2010.

Jack Barnett, of Barnett Intermountain Water Consulting, a company working with the Central Iron County Water Conservancy District, said in August 2012 another water right filing was made in the Wah Wah Valley. It was made by the company Utah Alunite, a subsidiary of the Canadian company Potash Ridge, which plans to develop a phosphate project in the Wah Wah Valley on School and Institutional Trust Lands Administration property.

The application requested water “almost on top of the well sites identified in the (2006) district filings,” he said.

On May 13, 2014 the CICWCD received approval on 15,000 acre-feet of water in the Pine Valley and 6,525 acre-feet of water in the Wah Wah Valley. The Hamblin Valley filings remain unrulred on.

In a May 15 press release from the Central Iron County Water Conservancy District, CICWCD General Manager Paul Monroe said since rejecting the Lake Powell project “the West Desert water has been referred to as Cedar Valley’s ‘last straw,’ or the ability to import water from another basin. The additional water from the West Desert will have the largest impact on restoring our aquifer levels, provide safe and reliable drinking water, and ensure there is a future for our children here in Iron County.”

“This water will have more of an impact on the future of Iron County than any single event that has happened in the past decade,” Monroe said in the release.

On May 14, 2014, the day after the CICWCD's filings were approved, Utah Alunite received approval on its filing. The district expressed a desire to have a productive relationship with Utah Alunite, despite possible challenges.

However, on June 19 the state engineer issued an amended order that contained new language district board members and legal counsel found troubling.

Now, several legal cases are pending, including Utah Alunite's appeal against the CICWCD's water right, Utah Alunite's appeal against the state as it contests the language in its water right, the CICWCD's appeal against the state as it contests the language in its amended water right approval for the Wah Wah Valley, and two cases in which Beaver County is opposing the CICWCD.

Despite the legal challenges, the Central Iron County Water Conservancy District is moving ahead with the process of bringing the West Desert water to the Cedar Valley.

District Engineer Kelly Crane, of Ensign Engineering, said the district has determined the most desirable corridors for a pipeline, which would be underground and mostly follow existing roadways. The CICWCD has submitted those corridors to the Bureau of Land Management and the BLM is putting them into its in-process Resource Management Plan, which will go through the National Environmental Policy Act process.

The CICWCD also has a meeting scheduled with BLM and other federal representatives to discuss how to best approach the NEPA process for the West Desert pipeline project, Crane said.

While these federal processes can be lengthy, current estimates are that construction on the pipeline could begin in as few as seven to 12 years.

"We are constantly working on ways to make the project better and more efficient," Crane said. "We are working hard now to do the preparation so that we can build the project appropriately and make it the most cost effective over the long term for the users of water here in the Cedar Valley."

For more information on Cedar Valley's water situation, the Central Iron County Water Conservancy District, and what government agencies are doing to ensure the valley's future, look for the next five articles in this series, running through March 4.

Read more: [Iron County Today - Court battles threaten Cedar Valley s water future](#)