

Iron County works for water rights, pipeline

Thursday, March 5, 2015

By Ashley Langston, Reporter

This is the last in a series of six articles about water in Iron County. The articles began publication Jan. 28 and have been published weekly.

IRON COUNTY – Nearly eight years after filing on water rights in valleys northwest of Cedar City, the Central Iron County Water Conservancy District was given welcome news that water rights had been approved, but it quickly learned the valley’s water future was still not secure and its work was far from over.

THE NEED

County commissioners, CICWCD board members, and other government officials have repeatedly said importing water is necessary to Iron County’s future. After years of examining the Lake Powell Pipeline option, the district withdrew from the project, placing its hopes on receiving water rights in Pine, Wah Wah, and Hamlin valleys, all northwest of Cedar Valley.

Iron County Commissioner Dale Brinkerhoff said bringing in water from those valleys is crucial.

“Long-term it’s probably the life-blood of the county,” he said. “We have to import water from someplace.”

Iron County Commissioner Dave Miller said the West Desert water is “essential for the health of our aquifer. It’s monumental in its importance.”

CICWCD Executive Director Paul Monroe said the district will need the support of government officials, businesses, local organizations, and individual residents to get the water to Iron County.

“Everybody in the whole community is going to have to come together to see it happen, and it’s got to happen, because the alternative of doing nothing will be the greatest downfall of the area,” he said.

Because of overdrafting, or taking out more each year than is being recharged, the water table has dropped in some areas of the valley by as much as 114 feet between 1939 and 2009, according to a Utah Geological Survey study. District Engineer Kelly Crane, of Ensign Engineering, said as the aquifer, or underground water source, is depleted, sediments compact and capacity is actually lost. The underground aquifer is the valley’s reservoir and needs to be recharged and then kept in balance.

In addition to the need to stop overdrafting the aquifer, the district is also responsible for providing water for Iron County’s growth, which the Utah Foundation projects at 129 percent over 40 years.

Shawn Draney, CICWCD legal counsel from Snow, Christensen & Martineau in Salt Lake City, said that growth rate will primarily be children who grow up in the county and choose to stay, rather than new people moving in.

HISTORY

The district applied for the West Desert water rights in 2006, and in 2011, after years of the applications sitting with no action, the CICWCD partnered with other agencies on a study to determine the capacity of the Wah Wah and Pine Valley aquifers. Test wells were funded by the district, Utah Division of Water Rights, Bureau of Land Management, and United States Geological Survey, Monroe said.

While the study has not yet been officially released by the USGS, preliminary data was available to the state engineer, and the CICWCD's applications for water rights were approved May 13, 2014 for 15,000 acre-feet in Pine Valley and 6,525 acre-feet in Wah Wah Valley. The Hamlin Valley filings remain unrulred on.

One day later, the state engineer approved the 2012 filing of a company named Utah Alunite for 6,500 acre-feet of water in Wah-Wah Valley, for a period of 20 years or until the CICWCD began to export water. However, on June 19 the state engineer issued an amended order that extended Utah Alunite's right to 30 years, allowed it to be used in conjunction with the CICWCD's right (which based on preliminary numbers would exceed safe yield of the aquifer by nearly double), and suggested the company may be able to apply for an extension of the right beyond 30 years.

LITIGATION

This amended order made district board members and legal counsel uncomfortable, and they filed an appeal. Utah Alunite, a subsidiary of the Canadian company Potash Ridge, which is working to develop a Wah Wah Valley phosphate project on School and Institutional Trust Lands Administration property, also filed against the amended order.

Beaver County jumped in with litigation of its own, and the CICWCD was quickly involved in five legal cases regarding the West Desert water.

Draney said some portions of the cases have been dismissed and some of the litigation has been consolidated, so the district now has two cases in district court and one that has gone to the court of appeals.

The state engineer's June order reported he believed the mining project is likely to begin within a few years, and the CICWCD project will "take many years to acquire necessary permits, secure funding, and to complete construction."

Monroe said optimistic estimates are that construction could actually begin in as few as seven to 10 years.

Draney said although state law deems the first application filed to be priority (as long as it meets the state's criteria for a water right), Utah Alunite has argued that its use of the water will happen sooner, so it should get a jump in priority.

"From our perspective we have had certain growth that had certain needs water, and they have a project that's rather speculative," he said of Utah Alunite.

Monroe said the district absolutely wants to see the mine established and succeed, but its responsibility is first to provide water for the citizens of Iron County and ensure the possibility for growth.

"We're not willing to create a community where our children have to leave," he said, adding, "We'd love the Utah Alunite project to work and we've said over and over again we'll find a way to accommodate it."

Monroe said the district has had recent positive interactions with Beaver County, Utah Alunite, and SITLA, and hopes to come to an agreement that can end all lawsuits.

Draney said in the litigation involving Beaver County, the issue before the court is basically whether Beaver County has a right to water found underneath its lands, and he believes statute, policy and history are contrary to that.

"We haven't ever drawn county lines on water before," he said, citing several projects that import water to the Wasatch front from other counties.

"We've always had tradition that we don't take people to the water, we bring the water to the people," Draney added.

According to the Governor's Office of Planning and Budget, Beaver County's 2010 population was 6,629 and it is projected to grow to about 13,502 by 2060. Iron County's population is expected to jump from 46,270 to 127,795 in the same 50 year period.

Miller said water is an emotional issue, with many "potentially contentious challenges," but he has appreciated working with the CICWCD, Beaver County, SITLA and other interested parties and has been able to empathize with all involved.

"When we work together ... we can settle those (emotions) down," he said.

MOVING FORWARD

Monroe said assuming the court cases work out in the district's favor, the district plans to develop the Pine Valley water rights first, followed by the Wah Wah Valley rights. The Wah Wah water is needed in 25 years, and the Pine Valley water would have been helpful "yesterday," he added.

Miller said the county has been working as a cooperating agency with the Bureau of Land Management and other agencies in anticipation of the BLM's Resource Management Plan that the Cedar City Field Office has been working on, and the pipeline has been included in that RMP.

The pipeline to bring West Desert water to the CICWCD system is part of the Iron County General Plan and Resource Management Plan, he said, adding that "it's important that the needs of our community are placed as very high priority by federal law as federal agencies develop their plans."

Miller said the BLM employees in Iron County understand the area's need to import water, and there are positive relationships between the federal agency and local government.

"We've been appreciative of the good planning efforts that we have seen working with the BLM," he said. "They are in harmony with our expectations."

Crane said the next step is to formally identify sites for wells by drilling test holes. An environmental process will be required first, and with community support and funding, he hopes that will take place within the next year.

Once well sites are determined, the district plans to start the additional National Environmental Policy Act process for the entire corridor, which will most likely take three to four years, Crane said. Though there are some potential concerns with sage grouse and prairie dogs, he hopes following corridors that are already established, as much as possible, will be helpful. The pipeline would primarily be buried along railroad tracks and roads.

Crane said there are several low-interest funding options the district is exploring, and they are evaluating options to make it a "green project" by installing wind turbines and solar panels to power the necessary pumping. There is also a possibility of generating hydroelectric power with the Pine Valley water.

Monroe said building these options in will minimize operations costs and make the project more attractive to available "green" funding.

The cost to bring water from Pine Valley is estimated at \$150 million, with the Wah Wah water tying into that later at maybe around one-third the cost, Crane said. Most funding available would be for a 40- to 50-year period.

Monroe said the options to pay the debt include increasing water rates, increasing taxes and using impact fees. No decisions have yet been made whether to use one of those options or a combination.

"I think all the citizens will end up pitching in a little to help make it happen," he said. "Everyone in Cedar Valley is a water user."

He said since 2006, the CICWCD has spent just less than \$1 million on the West Desert water, between legal fees, aquifer studies, engineering and other expenses.

Miller complimented the seven-member CICWCD board, which includes representatives from communities and interests throughout the district, for all its hard work to get to this point.

“The board that serves for the water conservancy district is an all-volunteer board and the members of the board are dedicated and they do a lot of good service for our community, and I appreciate them,” he said.

The Central Iron County Water Conservancy District Board of Directors meets the third Thursday of each month at 6:30 p.m. in the Cedar City Council Chambers, at 10 N. Main St. in Cedar City. Monroe said they encourage the public to attend and get involved. For meeting agendas and information, visit www.cicwcd.org.