

The Water Tap: Who owns water under the ground? Sister county controversy over the Pine Valley Water Supply project.



As part of this new water series, each Friday (Saturday in print) we will be addressing a new topic that is relevant to water security in Iron and Washington counties. Check back

each week for updates on ongoing water issues, interviews with experts, and explorations of how we can ensure a better water future for the growing communities in southwestern Utah.

Beaver County Commissioner Mark Whitney calls it a "David and Goliath" situation.

"I get really emotional and really worked up when I even consider the audacity of them wanting to come into another county and mine their water," Whitney said. "It's clearly stealing a sister county's water."

He's talking about Iron County's [Pine Valley Water Supply project](#), which seeks to bring 15,000 acre-feet of water annually from the Pine Valley in Beaver County to Cedar Valley as early as 2029 in anticipation of Iron County's increasing water needs amid skyrocketing growth. This feat would cost around \$260 million and require installation of 15 groundwater production wells, 8 groundwater monitoring wells, 12 miles of powerline, 9 miles of access roads, a 200-acre solar field, an underground storage tank and 66 miles of buried water pipeline.



The project, led by the [Central Iron County Water Conservancy District](#), has been in the works since 2006 when CICWCD filed for legal rights to withdraw more than 26,000 acre feet of groundwater per year from Pine Valley, Wah Wah and Hamlin Valleys within western Beaver County, Iron County's neighbor to the north. In 2014, the state engineer awarded CICWCD most of those rights — for 15,000 afy (acre feet per year) from Pine Valley and an

additional 6,525 afy from Wah Wah.

The current phase of the West Desert Water Supply Project, as the whole scope of the project is being called, only seeks to import water from Pine Valley. But Beaver County, just one-seventh the size of neighboring Iron County, fears what lies ahead.

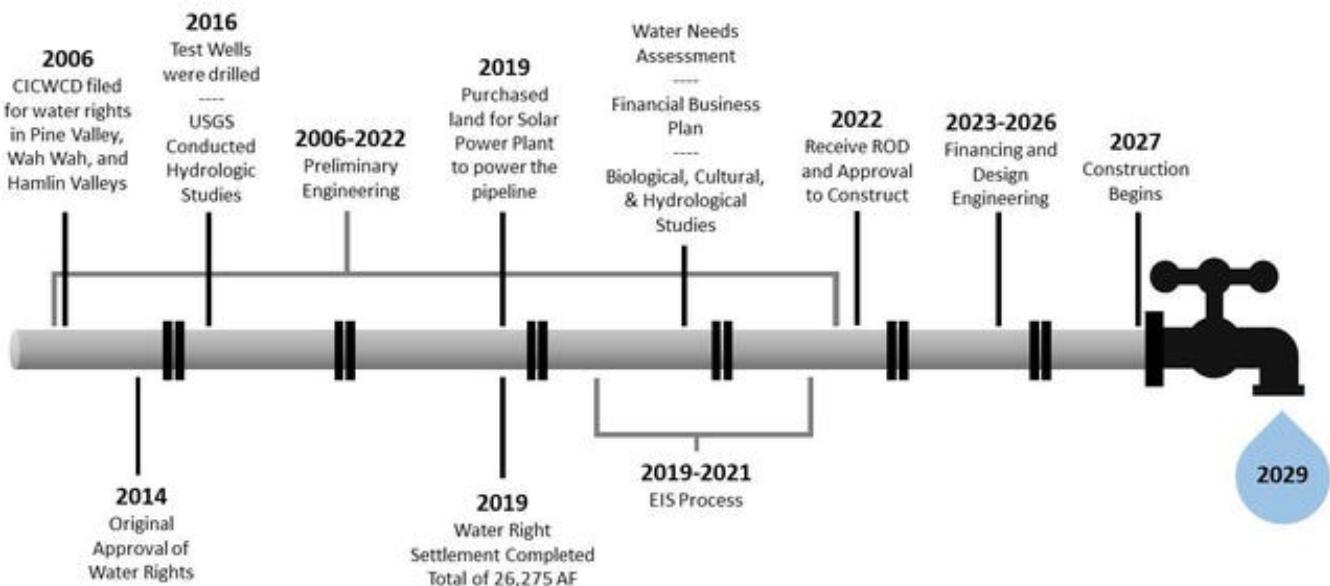
"In my estimation, it's because the state engineer's office is in Iron County," Whitney said. "And Beaver County's only got 7,000 people. We're overrun all the way around."

More:[Cedar Valley moves ahead with \\$260M Pine Valley water pipeline as comment period opens](#)

Although this project affects the water supply and tax rates of nearly 50,000 people, attention to its progress may be being overshadowed by news of Washington County's larger [Lake Powell Pipeline](#) project which, like the PVWS project, is currently in the public comment phase of the process to evaluate environmental impacts after more than a decade of planning and deliberation. A virtual meeting held last week by the Bureau of Land Management to inform locals about the details and expected potential impacts of the PVWS project [was attended](#) by only 34 people. By contrast, a pair of virtual public meetings to go over the details of the Lake Powell Pipeline in early July drew more than 220 attendees.

Pine Valley Water Supply and Conservation Project

Anticipated Project Timeline



Likewise, once-high engagement from Beaver County residents may have waned due to feelings that their voices have been silenced for more than a decade in favor of interests of the more populous Iron County.

"If you go through the docket on the original applications, there are hundreds of protests that were made by locals in Beaver county in 2010," said Kyle Roerink, Executive Director of the [Great Basin Water Network](#), an organization focused on protecting Great Basin water resources for future generations. "There are a lot of different interests in this. I think the intent was just to steamroll Beaver County, put a gun to Beaver's head and say 'you're gonna accept this or else!'"

More: [Pine Valley Water Supply project public scoping](#)

meeting draws few attendees

Roerink is concerned that withdrawing thousands of acre feet of "ancient fossil water" from the aquifers beneath Pine Valley for use by Cedar Valley will have wide-ranging impacts on the environment in both Pine Valley and [Snake Valley](#) to the north, which runs north-south along the Utah-Nevada border and is a gateway to [Great Basin National Park](#).

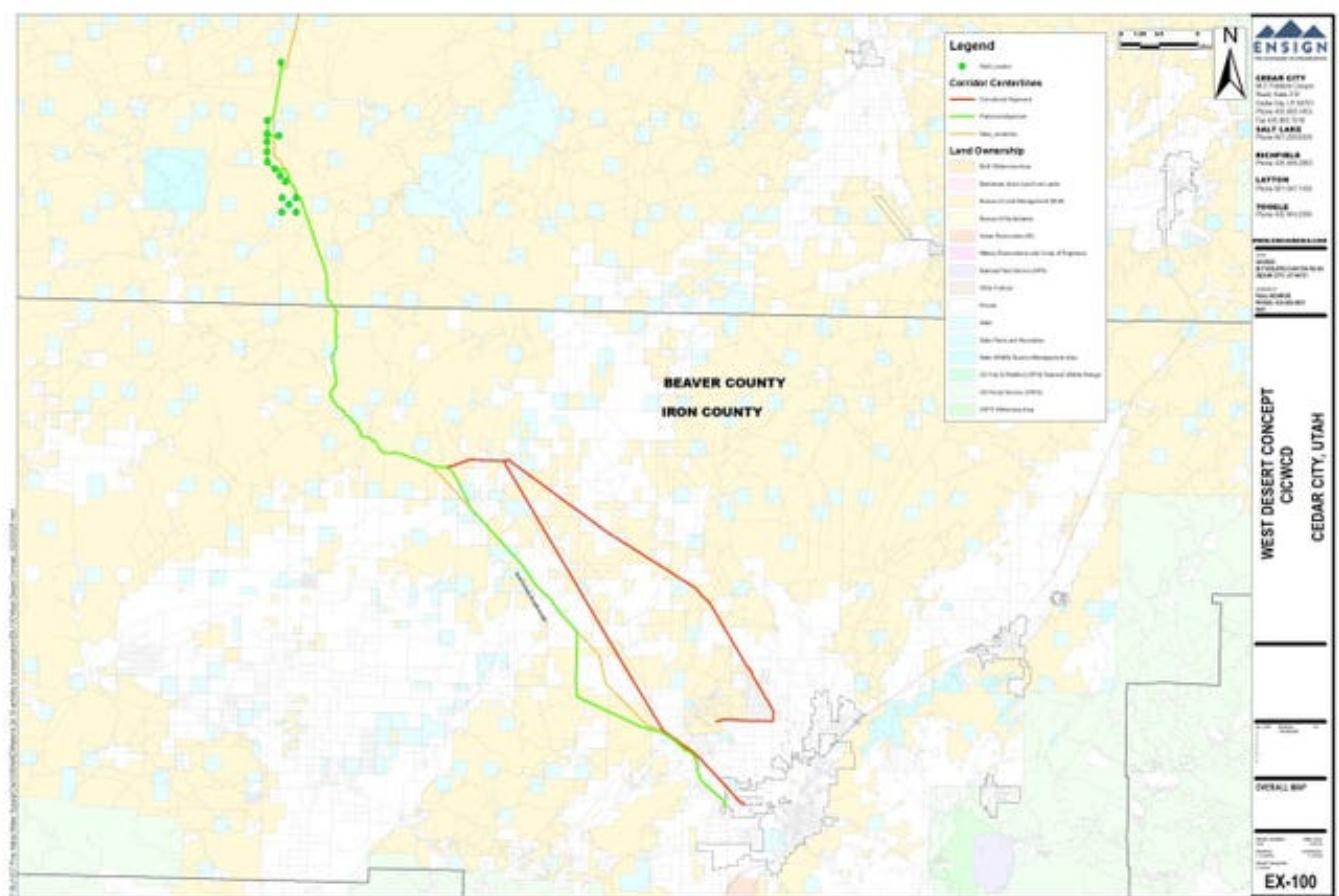
"If you start drawing down Pine and ultimately Wah Wah, are you going to, therefore, be drawing down Snake Valley as well and affecting the flow patterns between the two valleys?" Roerink said. "If you see drawdown of the aquifers in Snake Valley, you may also see effects to other water supplies consumed by flora and fauna and other resources in the park. It poses the question: are we going to see detrimental effects fall upon what are arguably crown jewels of the National Park Service in the National Wildlife Refuge system just so Cedar City can sprawl? I think that's a very important question that we all need to be asking."

Last Week on The Water Tap:[The Water Tap: Our thirst for beef may be harming fish, new research finds](#)

Whitney, who owns property in Pine Valley, agrees with the goal of leaving the water where it is. It's not that Beaver County had plans to extract that water for use by residents

of Beaver County's Milford Valley, a community of fewer than 2,000 people. Indeed, Whitney admits that it would probably cost Milford too much to import water from Pine Valley. The problem, he said, is that extraction of that water for use in Cedar Valley just goes against neighborly behavior and against Beaver County's general plan.

"There's a lot of people that recreate in Pine Valley, up on the benches, you cannot believe the people that come there from St. George, from Cedar City, even from Salt Lake City to recreate there," said Whitney. "It's like the last frontier. We don't want that mucked up with power lines and pipelines and solar panels."



Paul Monroe, General Manager of Central Iron County Water Conservancy District, said he's sympathetic to Beaver County's concerns about stolen water, but that's just not how Utah water rights work.

"Naturally I can see that frustration," Monroe said. "In my own valley I grew up a farmer and a rancher there in Scipio. But Utah water law is 'first in time first in right,' so whoever goes and files on the water has the priority and has the right to use that water. This goes back to statehood and even prior. It actually stems from mining claims. That's kind of the basis of mining rights in the west."

More:[The Water Tap: An overdrawn aquifer is causing Cedar Valley to sink, but efforts to study it have stalled](#)

Monroe went on to explain that, according to results from a [recent study](#) by the United States Geological Survey, the water chemistry of the surface water in Pine Valley is distinct from the water chemistry of the groundwater the project will be extracting, meaning it is unlikely that drawing down one will affect the other. This has been a concern of a family of ranchers in Wah Wah Valley, the Wintch's, that rely on spring water to power and hydrate their operation.

"You're looking at a difference of 600 to 700 feet between the water table and the springs," said Monroe. "The age dating of the water shows the water in the springs is older

than the groundwater, which is unusual for basin and range. But that's just what it shows. And then there's all the water chemistry that shows it's different water chemistry between the springs and the groundwater, the water table down below."

Roerink, however, cited the [very same study](#) to argue that there just isn't enough water to support these natural habitats in and around Beaver County while quenching the growing thirst of Iron County to the south. Indeed, the study suggests that the amount of water that is recharged to the Pine Valley aquifer each year may be less than the amount Cedar City plans to extract.

"One of the central questions under the law is whether there is water even available," Roerink said.



Next week on The Water Tap, the lead scientist on the [recent USGS report](#) will clarify its findings and explain what the true impacts of water extraction from Pine Valley might be.

In the meantime, to learn more about the Pine Valley Water Supply project, visit the Bureau of Land Management's official NEPA register site for the project here:

<https://eplanning.blm.gov/eplanning-ui/project/1503915/510>.

If you would like to submit a public comment to be considered during the current public scoping period, you may do so before this Wednesday, August 19th by sending an email to pvwsproject@gmail.com or a document through the mail to the Bureau of Land Management, Attn: PVWS at 176 DL Sargent Drive, Cedar City, Utah 84721.

Joan Meiners is an Environment Reporter for The Spectrum & Daily News through the Report for America initiative by The GroundTruth Project. Follow her on Twitter at @beecycles or email her at jmeiners@thespectrum.com.