



Grand Water & Sewer Service Agency

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June 16, 2011

Kent Jones, PE
State Engineer
Box 146300
Salt Lake City, UT 84114-6300

a 37400

PROTEST FEE PAID

see # 11-02469

Mr. Jones:

Grand Water and Sewer Service Agency (Agency), a political subdivision of the State of Utah representing the Spanish Valley Water & Sewer Improvement District, the Grand County Water Conservancy District, and the Grand County Special Service Water District hereby formally protests and requests a hearing on the **Application for Permanent Change of Water** for water right **number 09-2349**; filed by the San Juan Spanish Valley Special Service District (San Juan) of 5,000 Acre Feet.

The Agency's grounds for protest are as follows:

1. *Utah Code 73-3-8(1)(a)(i) there is unappropriated water in the proposed source and 73-3-8(1)(a)(ii) The proposed use would impair existing rights.* The Agency has on record with the Division of Water Rights a change application for 2,895 acre feet (a26150). To date, 965 acre feet are approved and the remaining 1,930 acre feet are pending approval based on need. The pending water right change application by the Agency (a26150) would be affected should San Juan approvals disturb the hydrology of Spanish Valley. There is no evidence that the hydrology of Spanish Valley can sustain an additional 5,000 acre feet above the pending 1,930 acre feet. As a

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condition of any approval the Agency requests San Juan be required to implement a ground water monitoring plan in the San Juan service area to track water levels and drawdown. The San Juan change application request refers to 23 proposed wells and a diverting works along the Colorado River. The Agency recognizes that diverting municipal water rights to all diversion points is a common practice. However, given the quantity of water and the use of three different sources (Valley Fill aquifer, Glen Canyon aquifer, and the Colorado River) the Agency feels that there is a need to identify the amount of water that will be requested at each point of diversion.

2. Utah Code 73-3-8(1)(a)(iii) *the proposed plan is not physically and economically feasible*. The current population of the San Juan service area is less than 500 people. Using the Utah State standard of 600 gallons per person per day, the current demand is about 335 acre feet. Using the same standard - 5,000 acre feet would support a population of 7,500 people. It would take over 55 years to reach a population of 7,500 given a growth rate of 5%.

Respectfully,


Dan Pyatt
President GWSSA

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