

Water Coalition Summary
July 21, 2009

The Water Coalition met on Tuesday July 21st to discuss the upcoming legislative water agenda. Not surprisingly, they spent a fair amount of time on canal safety. As with the Executive Water Task Force, the Water Coalition continues to focus on the role that planning and zoning decisions should play in protecting (limiting) development downhill from canals. Rather than attribute responsibility on the canal companies, many believe that it is appropriate for cities to restrict the property rights of private property owners within the spillway of any canal failure. Steve Clyde suggested that cities look at taking control of canals within the city (maybe not all but just those that are dangerous), making repairs, and billing the canal company for the cost. He believes that this is already allowed by statute. There were discussions about how liability issues would play out if a city did repaired a canal that it did not own and the canal failed anyway – no one seemed to have an answer. Similarly, no one had a suggestion for how a city would fund such repair in the short run.

Next, the Water Coalition discussed the preference statute. One member questioned why the group would want to spend time on this issue. Steve Clyde brought a draft proposal, which was prepared last session. Even though it had appeared that the group had made significant progress with the concept at its June 25th meeting, no one in fact had prepared draft language as had been discussed in June.

The preference discussion appears to be broadening beyond its original intent in a variety of ways. First, the Water Coalition is actively discussing how domestic users could “take” water from any source, regardless of whether they have a water right in that source or not, in times of scarcity. Second, scarcity is currently proposed to be declared by the Governor and not by local officials. Third, the discussion was that there should be compensation in every case, whether there is equal priority in the source, and just insufficient water within the source, or there is an actual “jumping” of priority. This turn, in particular, is a significant shift from the discussion last month. Fourth, the coalition did not discuss a definition of domestic use on Tuesday.

In sum, much work remains ahead of the coalition on this issue.

Looking ahead:

1. A meeting of the legislative Water Development Commission is scheduled for Wednesday the 29th at 1:00 pm, Room 445 at the State Capitol. They too will discuss the preference statute.
2. The next Water Coalition meeting will begin at 1:00 on Thursday September 3rd at the Central Utah Water Conservancy District offices.
3. The next Executive Water Task Force meeting is August 4th.