

## Utah Board of Water Resources

### RESOLUTION REGARDING WATER RIGHTS PRINCIPLES

August 8, 2013

The members of the Board of Water Resources (Board) represent certain geographic areas of the State of Utah; however, our associations are with all members of Utah's water community. The Board believes a thoughtful process needs to be used in allocation of our remaining water resources, including taking and considering public comments. All uses should be considered and consequences evaluated in making decisions. Recent changes in Utah's water laws and the contention that has resulted emphasizes the need to be cautious when changing current water laws.

Therefore, be it resolved, that the Board of Water Resources supports the following principles of water law and procedures:

1. Beneficial use of the state's water resource is and must remain the basis and measure of all water rights, and the appropriations issued first in time are first in right.
2. The era of appropriation of water rights is ending and the era of change of use is upon us. It is paramount that these changes of use occur in an orderly and equitable manner. Many of these changes will involve agricultural water being transferred to municipal use; this should be among willing buyers and sellers.
3. We believe the State Engineer should evaluate the total impact of the issuance of new rights and the transfer of existing water rights. The Utah Doctrine of "Public Interest" should be considered when water rights are issued or changed.
4. Transferred water rights should be valid rights. The State Engineer's Office maintains the archive of appropriation records and is the first line of information concerning the validity of a given water right and its integrity for transfer from one use to another. The State Engineer should retain the ability to decide how much water is available for change based on prior beneficial use.  
The existing procedure of public notification of pending changes, the holding of hearings, the issuance of first-line decisions by the State Engineer, and the opportunity for judicial review is a time tested process which gives the affected parties ample opportunities to examine the effects of the proposed change. We urge our legislative representatives to leave this procedure in place.
5. Agriculture was among the first to receive appropriation of water rights based upon its ability to use the water beneficially. Typically, mutual irrigation companies hold the basic water rights on our streams and rivers, and individual users hold shares in those companies.

Care must be taken to strike a balance between the property right of the water right holder and the property rights of the shareholder. Individual shareholders should not be able to separate their holdings in the company at the expense of the remaining shareholders. We believe that the present code of law offers that balance and allows the equitable movement and transfer of water.

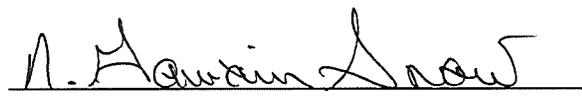
6. Municipal, industrial, and domestic water rights are based on beneficial use as well as reasonably foreseeable future use. We believe water reserved and held for growth should be reviewed on a regular basis to assess and avoid water being withheld from other beneficial use.
7. It is important that those who propose change applications are the record title owners of a perfected water right.
8. We urge water users, water right holders, and legislators to let wisdom, not politics, govern our actions with regard to water law.

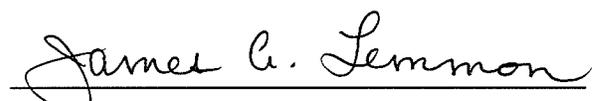
  
\_\_\_\_\_  
J. Stew Paulick, Chair  
Salt Lake District

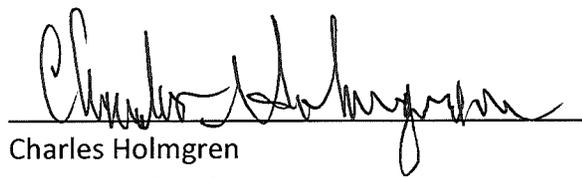
  
\_\_\_\_\_  
Davis S. Humphreys, Vice-Chair  
Weber River District

  
\_\_\_\_\_  
Craig E. Johansen  
Upper Colorado River District

  
\_\_\_\_\_  
Steve Farrell  
Provo River District

  
\_\_\_\_\_  
N. Gawain Snow  
Green River District

  
\_\_\_\_\_  
James A. Lemmon  
Lower Colorado River District

  
\_\_\_\_\_  
Charles Holmgren  
Bear River District

  
\_\_\_\_\_  
Robert D. Bessey  
Sevier River District