

Layton (7/11/2013) Breakout Session

Bob Morgan – Water Law

- Develop a fresh water lake on the east side of GSL for reuse.
- Sewage reuse and permissions to use rights for depletion.
- Utilize crop rotation to deplete the full allocation of rights. Modify water law to encourage reuse.
- How can water law be “fixed”?
- Grade School education for rain water harvesting.
- Reuse is not as cost effective in Utah as elsewhere and there are problems with “Use or lose” doctrine. It should be easier to get water rights for reuse. Need a “white paper” on how to accomplish the legal process of reuse.
- The water cycle precludes actual “waste” of water.

Dennis Strong – Maintenance, Infrastructure & Funding

- Funding for sedimentation management. Dredging may be necessary.
- What is the scope of maintenance and construction funding, i.e. how and where is money spent? Is fire hydrant network considered part of infrastructure?
- Communities without water concerns like to flush gutters with hydrants. Shortages in one community should be of concern to all. Dennis talked about how sharing should be part of the conservation plan.
- How could a new idea or method be presented as cost effective?
 - Conservation is a local issue, the challenge is to get everyone on board.
- Diking the lake was reported in the past as being beneficial in multiple ways, including environmental. Why was it not pursued?
 - Dennis stated it was not pursued due to water quality, and environmental concerns.
- Why is Willard Bay a successful project? Willard Bay originally had a water quality problem, it has improved by spilling large amounts of water over the years.
 - Presentation of funding crisis not warranted. Not enough public accounting for the funding. If funding trend is maintained there will be a shortfall and Federal financing is a concern for the future.
- Significant costs are associated with reuse, i.e. pumping, new systems, etc...
- What is the state water budget compared to transportation/roads? The water budget compared to transportation/ roads is very small. Why so small? Is it because of lack of education? Water projects are funded by loans and paid for with rates. Gas tax doesn't compare in the same way. We need more funding.
 - Future transportation profits could be diverted to water funding (e.g. toll roads). Does water get any gas tax? Water does not get any gas tax only sales tax.
 - Is it for regulatory reasons, or is it just a traditional practice that water does not receive gas tax? It is the choice of the Legislature.
- It was stated we are not sure about how much of the projected future projects is updating infrastructure. Trend among government and the general population that infrastructure isn't a

government responsibility. Water pays its own way, unlike, for example, education, which pays for its self in other ways.

Tage Flint – Delivery and Water Efficiency

- How did the Governor come up with the figure of 25% water conservation and what are the Water Districts doing to help reach the goal?
- Weber Basin Water Conservancy District (WBWCD) is implementing a new water metering system. Most new homes that are within the WBWCD service area will require meters to monitor use. Existing homes will eventually be equipped with meters as well but that will be a long and expensive process. He also mentioned the demonstration gardens at the WBWCD offices offer a wide variety of conservation solutions.
- How is the WBWCD dealing with the issue of failing canals and because of lawsuits are they moving towards piping the canals within the service area?
 - The water districts statewide are doing better with this issue and that the WBWCD is currently in the process of lining the Willard Canal. Piping the canals are a very expensive alternative.
- The 25% figure that the Government came up with does take in to account future growth.
- A suggestion was made that water districts and irrigation companies work with developers to help implement alternatives to sod and that the HOA's should model their landscaping guidelines after the suggestions of the water communities such as using xeriscaping. Also it was added that a grass mix that will grow with limited irrigation needs to be made available locally.
- Why are we not using the water demand models? We should be more concerned with how much water people need vs. what they use. It was mentioned phasing out property taxes for water and that in some cases the impact fees assessed by water companies and communities did not always encourage conservation.

Tim Hawkes – Water and the Environment

- The Bird Refuge was being shorted during critical periods because of Water Rights issues. It requires some in-stream flow rights that it does not have at this time. A Tribune article was cited that discussed this topic. According to Utah Law, only certain organizations can hold in-stream water rights, Utah Division of Wildlife Resources being one of them. However, if there's a need solutions can be found. It is best not to completely cut off irrigators like in the Klamath River Basin because war ensues. We need to have win-win solutions. Late season fallowing works for many crops if there is a critical need for water in streams. We should look to have more water for the refuge by providing incentives for farmers. Reservoirs on the Bear River could redistribute Bear River water so that the refuge could receive it when it needs it.
- Interested in environmental issues through involvement with Korean canals and their efforts to increase numbers of cut throat trout. Idaho and Wyoming are involved in Bonneville cut throat preservation. Belief is that agriculture can work with environmental groups to provide refuge water when needed. In the fall, river flows are low at the refuge when birds come in. More upstream reservoirs will help the birds. Ag lands attract non-game great blue heron and snowy

egret. Climate change may change how we rely on snowmelt since it is now all gone before irrigation. For that reason we need reservoirs more than ever. Refuges need for water in September and October. Irrigators have a good relationship with refuge.

- Proctor and Gamble purchase water shares for the refuge. This makes farmers uncomfortable to see deep pockets buying critical water rights. It wouldn't be good if water became so expensive that farmers cannot produce economically. If more reservoirs aren't constructed, local farmers feel that Wasatch Front water providers may buy out water rights. Agriculture has nearly disappeared in the Salt Lake Valley and yet irrigation companies continue to divert water for it to run down the gutter. The water that goes unused helps marshlands surrounding the Great Salt Lake.
- We should not allow market forces to run unchecked and convert agriculture to municipal use when this is not in our best interest. There has been work done on a project on the Upper East Fork of the Bear River where Coca Cola was persuaded to help relocate an irrigation diversion 7 miles downstream to improve wildlife habitat.
- If we found funding that could lease water rights, refuge problems could be solved in that fashion.
- Water rights were forfeited in Cache County from nonuse. The Bear River canal company keeps water fully appropriated.
- Water users should have more tools at their disposal to help environmental causes. There is belief that some of those tools should help avoid legal battles.
- A municipality that purchased land that had water rights, sold the land and cannot sell its water rights because of state laws.
- The Bear River is working on establishing water banks to handle some of the legal and technical issues regarding leasing of water for environmental flows. For example, if in Cache Valley we need water for fish for 1 week when a river will run dry can pay bank value of water for 1 week. A group of pooled shareholders can give that water. Question: who oversees and supervises that operation? Answer: the banker. It is being tested on a local scale in the Colorado River Basin. Vegas uses Arizona's water. A rancher in Wyoming can forgo a 3rd cutting of alfalfa for the environment. Water bank uses available water and moves that water to where it can be used more efficiently and better. Senior water right holders can make it work. Under current law if someone leases a senior water right there might be water going past a head gate and junior rights may have to let it go by.

Warren Peterson – Water for Agriculture

- Preserving Ag will require a balanced ecosystem and require looking at hydrologic systems holistically. It will require a stakeholder process that uses research and education to develop policy. This has been done successfully in Washington County.
- Look at what the WSWC has done in a recent agricultural water report. People would like to keep agriculture, however many times the economics doesn't work. Legal issues need to be addressed.
- Houses are being built on farmland and there is poor planning in that process.
- There is a need to educate children about the need for agriculture
- Don't xeriscape if it means no trees. Trees are beneficial.
- Wants to be allowed to use water how he wants. Wasting water makes the area green.
- Spring canal drain water should be pumped back up to irrigate farms.
- Utilize sewage effluent and pump it back up to irrigate farms.
- Fix leaks in canal systems by piping the water and thus utilizing that water to irrigate farms.

- Farm fields around Bear River Bird Refuge and other GSL refuges are valuable food for birds.
- Residential xeriscape is sometimes not compatible with existing bird friendly lush landscapes.
- Agriculture will eventually have to pay more for water.
- When farmers quit watering in drought conditions, why are homeowner's still water during those periods?
- We need better pricing structures for water.

Voneene Jorgensen – Competition for Water

- We need to eliminate barriers to selling water if we want a free market for water.
- We need to rethink the Colorado River Compact. When the compact was made, water in the river was vastly overestimated. We need to keep stream flows in the rivers.
- Conflict for water might be an unuseful concept. Several stakeholders might be well served by a particular project and these situations should be sought.
- If we work together by using technology we can use less water without compromising landscape beauty.
- We need to recognize that Agriculture is an important part of our life here in Utah. Farmers need to be protected.
- If water is treated as an asset to bond against it should be treated as such under the law.
- We get further when we cooperate and we need to figure out a way to sustain our water supply.
- Many participants expressed interest around reusing water. Another repeated theme was that water cost should be carried by its users. Some comments were made relating to specific laws or regulations which if changed would result in water savings. One example relates to a requirement to have a park strip between the sidewalk and the road. Park strip requirements work against some people's priorities.