

JOINT RESOLUTION ON WATER INFRASTRUCTURE TRANSFER

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This joint resolution of the Legislature urges Utah's congressional delegation to support the efforts of Utah water users organizations to secure title transfer of project works and project water rights free from terms and conditions that were not contemplated at the time of the repayment contracts.

Highlighted Provisions:

This resolution:

- ▶ calls upon Utah's congressional delegation to support Utah water users organizations that have repaid, or wish to repay, reclamation projects to secure title transfer of project works and project water rights free from terms and conditions that were not contemplated at the time of the repayment contracts.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, Utah Code Subsection 73-1-1(1) states, "All waters in this state, whether above or under the ground, are hereby declared to be the property of the public, subject to all existing rights to the use thereof";

WHEREAS, California v. United States, 438 U.S. 645, 653 (1978), states that, "The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, but through it runs the consistent thread of purposeful and continued deference to state water law by Congress";

30 WHEREAS, pursuant to Section 8 of the Reclamation Act of 1902, state law governs
31 the distribution of water from a reclamation project, except as expressly stated by Congress;

32 WHEREAS, water rights for reclamation projects were acquired pursuant to state law;

33 WHEREAS, Utah Code Section 73-1-3 states, "Beneficial use shall be the basis, the
34 measure and the limit of all rights to the use of water in this state";

35 WHEREAS, the future of the state of Utah depends upon the proper and economical
36 administration of water rights and the proper and economical distribution and use of water;

37 WHEREAS, water rights can be best and most economically administered by the local
38 water users that are subject to state law and most accountable to the local water users;

39 WHEREAS, the United States Congress has always anticipated that, upon repayment,
40 reclamation projects would be transferred to the local water users;

41 WHEREAS, water users organizations in Utah have sought, are seeking, and will
42 continue to seek title transfer of water projects from Congress, including title to the Strawberry
43 Valley Project, the Moon Lake Project, the Emery County Project, the Sanpete Project, and the
44 Provo River Project; and

45 WHEREAS, transferring title to the Strawberry Valley project, Moon Lake, Emery
46 County, Sanpete, and Provo River water projects to the appropriate local water users in Utah
47 will facilitate the proper and economical administration of water rights and the proper and
48 economical distribution of water as contemplated by the Legislature of the state of Utah and
49 Congress:

50 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah calls
51 upon Utah's congressional delegation to support local water users' efforts to secure title transfer
52 of project works when interests of local irrigation companies, water districts, and cities are
53 considered.

54 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
55 Leader of the United States Senate, the Speaker of the United States House of Representatives,
56 the United States Bureau of Reclamation, the local Utah Water Users, the Utah Department of
57 Natural Resources, the State Engineer, and the members of Utah's congressional delegation.