

Resolution 2007-02 – Water Forfeiture

Adopted — Tuesday, September 11, 2007
Sheraton Hotel — Salt Lake City
3:00 — 4:00 p.m.

2007 Utah League of Cities and Towns Resolution – Water Forfeiture

Whereas: Elected municipal officials have the responsibility to implement land use policies that effectively balance competing needs of property owners, with maintaining property values;

Whereas: Elected municipal officials have the responsibility to ensure that their communities have access to adequate potable water supplies and sufficient water flow to adequately combat the threat of fire.

Whereas: Elected municipal officials have the responsibility to plan for growth, entitle new development according to the municipality's land use laws and ensure that new growth and development have adequate utility capacity as it is constructed

Whereas: Current Water Rights law provides ineffective protection of certified water rights that are held for municipalities' future growth potential.

Whereas: Current Water Rights law leaves too much discretion in the hands of the State Engineer to determine whether applications will be approved for diligence claims or change applications, which are planned to support the reasonable future demands of the municipality.

Whereas: The State Engineer has requested that the Water Community reach consensus on new legislation that will allow the State Engineer to recognize a municipality's need to purchase and hold water for the reasonable future needs of the public as a "beneficial use" under state water law.

Whereas: The State Engineer has requested the municipal community to consider whether it should support a revision to the state constitution that would lift the constitutional prohibition against municipal alienation of water rights.

Whereas: The Water Community appears to have reached consensus on language that would recognize that a public water supplier's control of water for the reasonable future needs of the public is in fact a beneficial use.

Whereas: The Water Community, the municipal water users task force, and the Property Rights Coalition has recommended that the constitutional prohibition against municipal alienation of water rights remain in tact, to protect growing

municipalities' right to exact water sufficient to sustain subdivision and development.

Now Therefore Let It Be Resolved: The Utah League of Cities and Towns' position on legislative efforts to amend the water rights is as follows:

1. The League of Cities and Towns strongly supports legislation which recognizes that the control of water held for the reasonable future demands of the public is a beneficial use under Utah Water Rights Law.
2. The constitutional prohibition on alienation of municipal water rights is an important safeguard that will ensure that growing communities will remain able to exact sufficient water to sustain new development.