



SB 144: Water Instream Flow Amendments Modifying Sections 73-3-8 & 73-3-30

What is Behind this Bill?

The purpose of this bill is to help provide a sustainable future for Utah water users that depend on the Colorado River and its tributaries. Recent federal legislation gives Utah the opportunity to voluntarily conserve water and store the savings in Lake Powell or another reservoir if a program is established in the Upper Colorado River Basin. The conserved water could later be released to offset mandatory reductions required under the Colorado River Compact. This bill would protect conserved water so that it can flow downstream to a reservoir without interference from other water users.

Background and Issues

Lake Powell and Lake Mead on the Colorado River are at historically low levels. If the water supply situation doesn't significantly improve, Colorado River Compact provisions could trigger a mandatory reduction in Utah water use, known as "curtailment." Curtailment follows Utah's first-in-time first-in-right system, meaning water rights established last are cut off first. Some of the late water rights most susceptible to curtailment provide municipal and industrial water to communities along the Wasatch Front. Others are used to irrigate significant amounts of land in rural Utah. Some water users that depend on these late water rights may want to avoid curtailment by compensating other water users to voluntarily reduce their use. The conserved water will need to physically reach Lake Powell in order to qualify as an offset under federal law.

What this bill will solve

This bill would ensure conserved water has legal protection to reach a reservoir such as Lake Powell without interference from other water users. This is similar to last year's modification to this same section of code that protects conserved water intended for the Great Salt Lake. If a program is established, this bill applies to the multi-state initiative known as "Demand Management" codified by the federal government in 2019 and to other federal or state programs that would aim to benefit from conserved water in the Colorado River Basin.

