

## WATER IS OUR LIFE BLOOD

No one would argue that water is essential to our survival. Second only to air, water is needed to sustain life. Occasionally, we have a great deal of water, but much of the time we don't have enough. Most watersheds are already over appropriated and there always seems to be some kind of legislative action to change state water management policy.

In the past we've been told that it is almost impossible to get citizens involved in discussions concerning water. Consultants have told us that most users have no idea where their water comes from, and so long as there is water in the tap the typical person will not be concerned. It appears that assessment is changing, because water is a common item of discussion in the conversations we are having locally, regionally, and nationally.

There are two specific issues that will generate lively debate at the upcoming Utah Farm Bureau Convention. One topic deals with the conversion of agricultural water to municipal and industrial use. Another "hot" water subject has to do with the definition of "waters of the state" that is in conflict with the definition of "waters of the United States".

The conversion of agricultural water to municipal and industrial use comes as a result of considerable population growth within our communities. As agricultural lands are developed, municipalities are forced to find both culinary and secondary water to meet the requirements of expanding populations. To meet these needs, some mutual water companies have agreed to sell water shares to municipalities. Not all shareholders in mutual irrigation companies are comfortable with this movement. Partial-use forfeiture of water that has not been put to beneficial use is also a part of this discussion.

There are varying interpretations of state law with regards to what rights shareholders have in moving their shares of water outside the historical use of mutual irrigation companies. There appears to be increasing dialogue regarding voluntary banking of water for the mutual benefit of all users so long as control is maintained locally by irrigation companies or water management authorities. The principle question seems to be whether a shareholder may change the point of diversion and nature of use to land situated outside the existing distribution system of the mutual water company.

Two questions Utah Farm Bureau delegates have been asked to consider as they prepare for convention debate are: (1) Should shareholders have the legal right to move shares of water out of the mutual water company without the consent of the existing mutual water company board of directors? (2) Should shareholders, within a mutual water company, have the legal right to change the point of diversion, the place and nature of use, so long as no other rights are impaired? There are strong opinions on all sides of this issue.

Another water quality quandary that is causing apprehension, especially among livestock owners, has to do with the definition of waters. There is a conflict with the description of waters of the state as compared with waters of the United States.

Under the authority of the Clean Water Act, the Environmental Protection Agency has developed new regulations affecting livestock producers. These regulations do not line up with requirements defined by Utah's Department of Environmental Quality, in partnership with Utah's Water Quality Team.

Utah law declares, for example, that waters of the state does not include, "bodies of water confined to and retained within the limits of private property, and which does not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife."

The federal definition of US waters, in part, includes "all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide."

It will take more than a delegate debate at the Utah Farm Bureau Convention to clarify and/or modify water issues, but lively discussions are always enlightening.