

**WESTERN WATER LAW IN ACTION:
THE PRIOR APPROPRIATION DOCTRINE
AND
UTAH'S EFFORTS TO MEET MODERN DEMANDS**

**NATIONAL AGRICULTURAL LAW CENTER
FEBRUARY 12, 2025**

EMILY E. LEWIS

CLYDE, SNOW & SESSIONS → CULP & KELLY

- Director and Shareholder, Co-Chair of Natural Resources and Water Law Practice Group
- Adjunct Professor Law, SJ Quinney College of Law Water Law
- Water Law Committee Chair, Utah Bar
- Podcast Host – Ripple Effect Podcast
- Strategic Projects
- General Gadfly

eel@clydesnow.com

elewis@culpkelly.law

(801) 255-2516



FIRST THING FIRST: PERSPECTIVE AND APPROACH



It all could have
been so easy



PERSPECTIVE AND APPROACH

Context:

- We need **flexible** resilient solutions (yesterday)
- Collaboration wins over conflict
- Pragmatic over possible

Considerations:

- Time – we don't have any
- Climate Change
- Billions of Dollars in Investment
- Institutional Momentum
- Evolving Needs

Caveats: Water Law is not perfect!

- Exclusionary – left out whole populations of people and interests
- Draconian – strict application creates winners and losers
- **Complicated!!!**



THE PRIOR APPROPRIATION DOCTRINE

STABLE AND FLEXIBLE

Prospectively determines how to allocate water in times of shortage

- reduces conflict and orders distribution

Public notice of hyper-defined property rights

- clarity not confusion
- metrics that define value of individual rights (market)
- allow parties to contract regarding the use of water

Conditional property rights that can evolve

- the public sets the priorities – can meet contemporary needs
- much more flexible than we realize

DANCE WITH THE ONE THAT BROUGHT YOU JUST LEARN SOME NEW STEPS



**WHAT ARE WE GOING TO TALK
ABOUT TODAY?**



WATER LAW 101+

- 1) What: What Are We Even Talking About?
- 2) Why: Foundations of Prior Appropriation
- 3) Who: Water Right Principles and Parts
- 4) How: How is Utah Changing the Doctrine?
- 5) Where: Where are we and how is it Going?

WHAT:

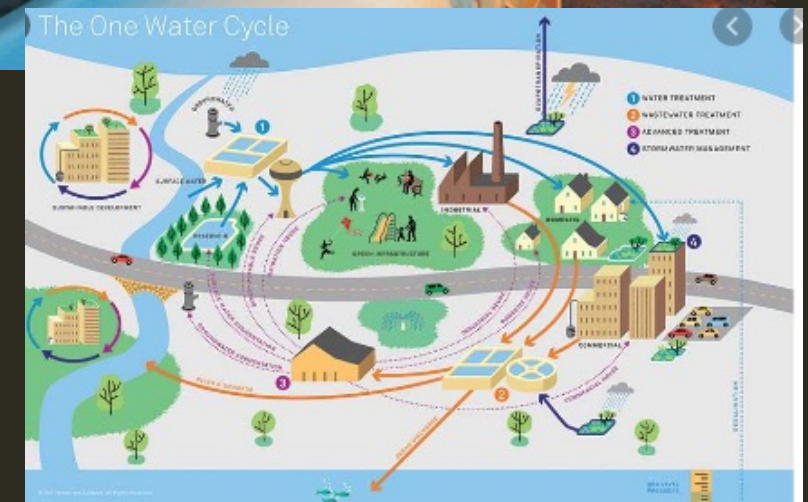
WHAT ARE WE EVEN TALKING ABOUT



WATER IS UNIQUE, USEFUL, AND ESSENTIAL

Natural resource tied to geography and the hydrologic cycle (can't make it)

- Infinite uses
 - Consumptive uses (agriculture)
 - Non-consumptive uses (power)
 - Environmental
 - Human Health
- Movable – can travel long distances
- Finite(ish)
- Degradable
- Engine of all activity



Water is important and people are going to fight about who has it and how its used

Water Right

=

Defines a legal claim to something valuable

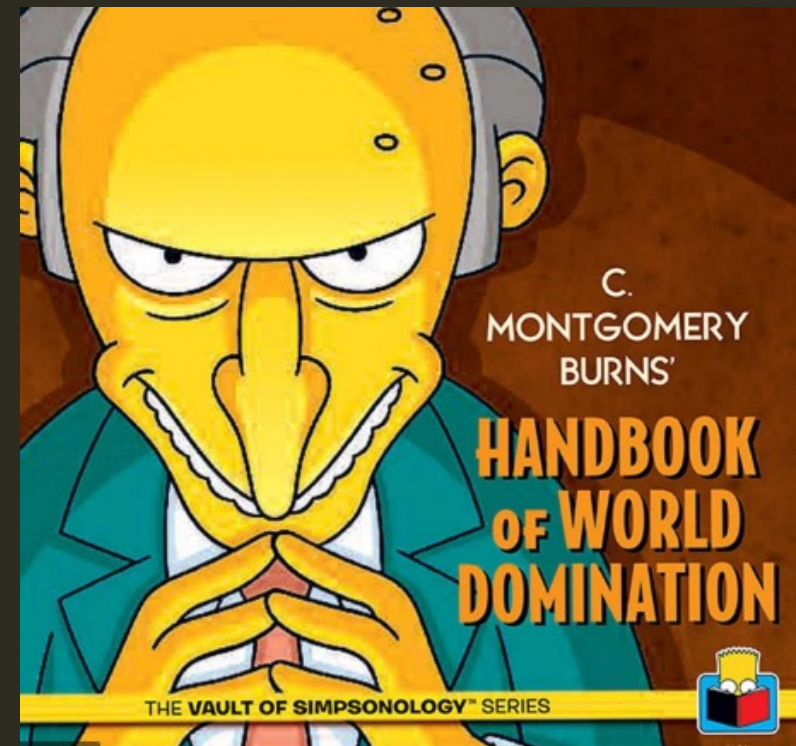


WHY DOES IT MATTER IF YOU HAVE LEGAL RIGHT TO WATER?

Rights of Ownership in Real Property:*

- right to possession
- right to control
- right to use and quiet enjoyment
- right to lease/license
- right to Privacy and exclusion
- right to disposition or transfer (sell, gift, inherit)
- right to use property as collateral

= Control =



HOW COMMON LAW RIGHTS TO WATER DEVELOPED

Two* tracks/theories for allocating rights to and settling disputes over water

Common Law 1: Riparian Rights

Rights to water based on your ownership of riparian land – or land adjacent to a natural water body. Water right stays with and is part of the land.



Common Law 2: Appropriative Rights

Rights to water are not immediately attached to the land and must be developed through a water user's appropriation, or taking, of the water.



Both recognized the unique importance of water and created legal rights to use water that reflect the public's need to ultimately own and control the use of water.

*3rd - Correlative Rights

COMMON LAW 1: OWNERSHIP BY RIPARIAN RIGHTS (LAND OWNERSHIP)

“Ad coelum”

- Early common law rule that the landlord owns everything below and above the land, up to the sky and below the earth to its core (futile societies)

- Extended to a legal right to the water on/adjacent/below the land



COMMON LAW 2: OWNERSHIP BY APPROPRIATION - GO GET IT

- ROMAN LAW:

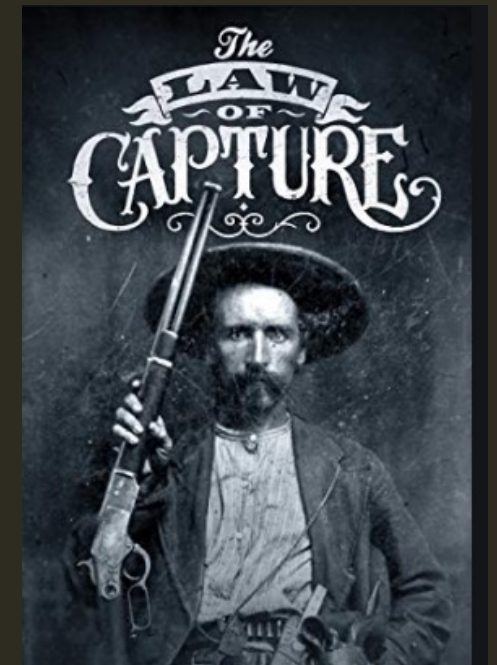
- Things that are owned v things not owned
- Not owned = *res communes* or *res nullius* or negative ownership
- Negative ownership = Communal property - water, air, trees,

- APPROPRIATION -

- For things in negative ownership, rights of private ownership are awarded to those who invest resources to appropriate the communal property
- Appropriation = the action of taking something for one's own use

- RIGHT OF CAPTURE

- Appropriation of water is akin to RIGHT OF CAPTURE
- Water is a part of nature and treated similar to wild animals – *ferae naturea*



COMMON LAW 3: PUBLIC OWNERSHIP OF WATER

- Common law created two good systems for recognizing rights to water
- BUT complete private ownership of water does not benefit society
 - essential for public welfare
 - inefficient use of scarce resource
 - Promotes inequities in society
- As common law rights developed – it became clear there was a need to recognize the public nature of water and condition private use of water
- PUBLICI JURIS:
 - Appropriated rights transitioned from water being in a state of “neutral negative ownership” → to viewing water as owned by the public subject to conditional right of private appropriation
 - Riparian rights transitioned from an ultimate ownership based on land ownership → equitable rights between riparians

Utah Code Ann.: 73-1-1

All waters in this state, whether above or underground, are hereby declared to be the property of the public, subject to all existing rights to use thereof.

WATER RIGHTS ARE
USUFRUCTUARY RIGHTS
- conditional right of use -

You don't own the thing (wet water molecule)

You own the right to use the public's water subject
to conditions set by the State

**WHY:
PRIOR APPROPRIATION FOUNDATIONS**

PRIOR APPROPRIATION - TAKE IT LITERALLY . . .

PRIOR = existing or coming before
in time, order, or importance

APPROPRIATION = the action
of taking something for one's own
use (i.e. water)

We are rewarding
those individuals who
took risks and made
Western development
happen

CONTEXT FOR PRIOR APPROPRIATION: (1840-1890S)

- Prior Appropriation is America = Manifest Destiny
- Western Migration
 - Gold Strikes
 - Homesteading Acts - patents
 - Mormon Settlement
 - Railroads
 - End of the Civil War – cowboys are soldiers
 - Immigration – industrial revolution
- Limitations of Riparian Rights Doctrines
 - Fewer rivers and of a different nature (seasonal variation)
 - Need to use water far from the river
 - Lack of private ownership – Federal Land
 - Competing demands/consumptive uses







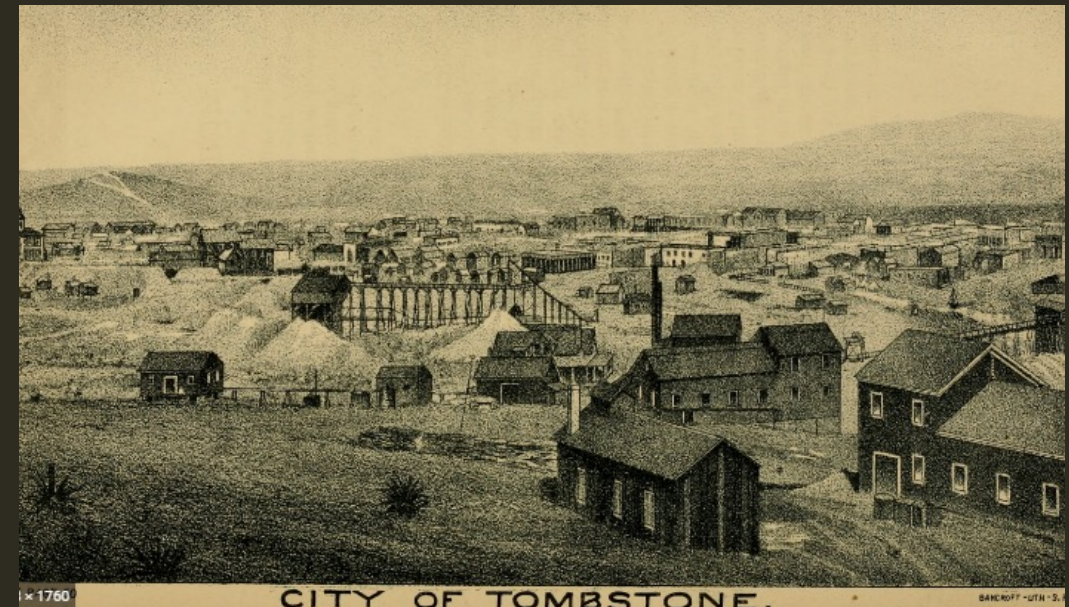
MINING CAMPS

- Needed to resolve disputes amongst miners on tiny streams
- Riparian Rights System was a poor fit
- Protect private investments – “reward the risk takers”
- Throw out “reasonable use” standard – introduce

PRIOR APPROPRIATION =

“FIRST IN TIME FIRST IN RIGHT”

**THOSE WHO WERE FIRST USING
THE WATER SOURCES RETAINED THE
RIGHT TO USE THE WATER AT THE
EXPENSE OF LATER COMERS**



... AND PIONEERS

- Still used basic principles of priority
- Originally distributed water to wagon trains and companies
- Water used in a communal nature – irrigation companies
- Church Management - Ecclesiastical decrees
- Established central tenets of beneficial use and anti-speculation
- 1903 Federal Irrigation Survey - irrigation exists due to Mormon communal effort

BENEFICIAL USE = “USE IT OR LOSE IT”

IF YOU ARE NOT GOING TO USE WATER TO BENEFIT SOCIETY WE WILL GIVE IT TO SOMEONE WHO WILL

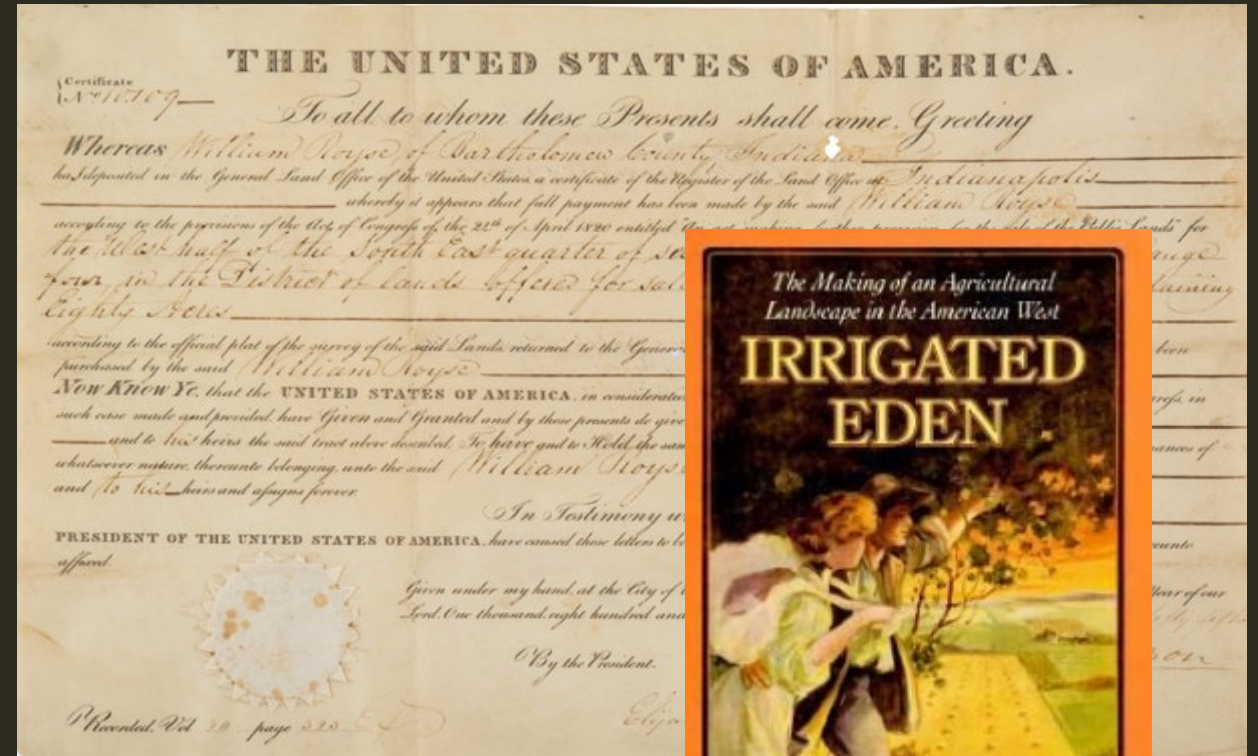
BENEFICIAL USE = ANTI-WASTE

ONLY GIVE ENOUGH WATER TO ACCOMPLISH THE USE

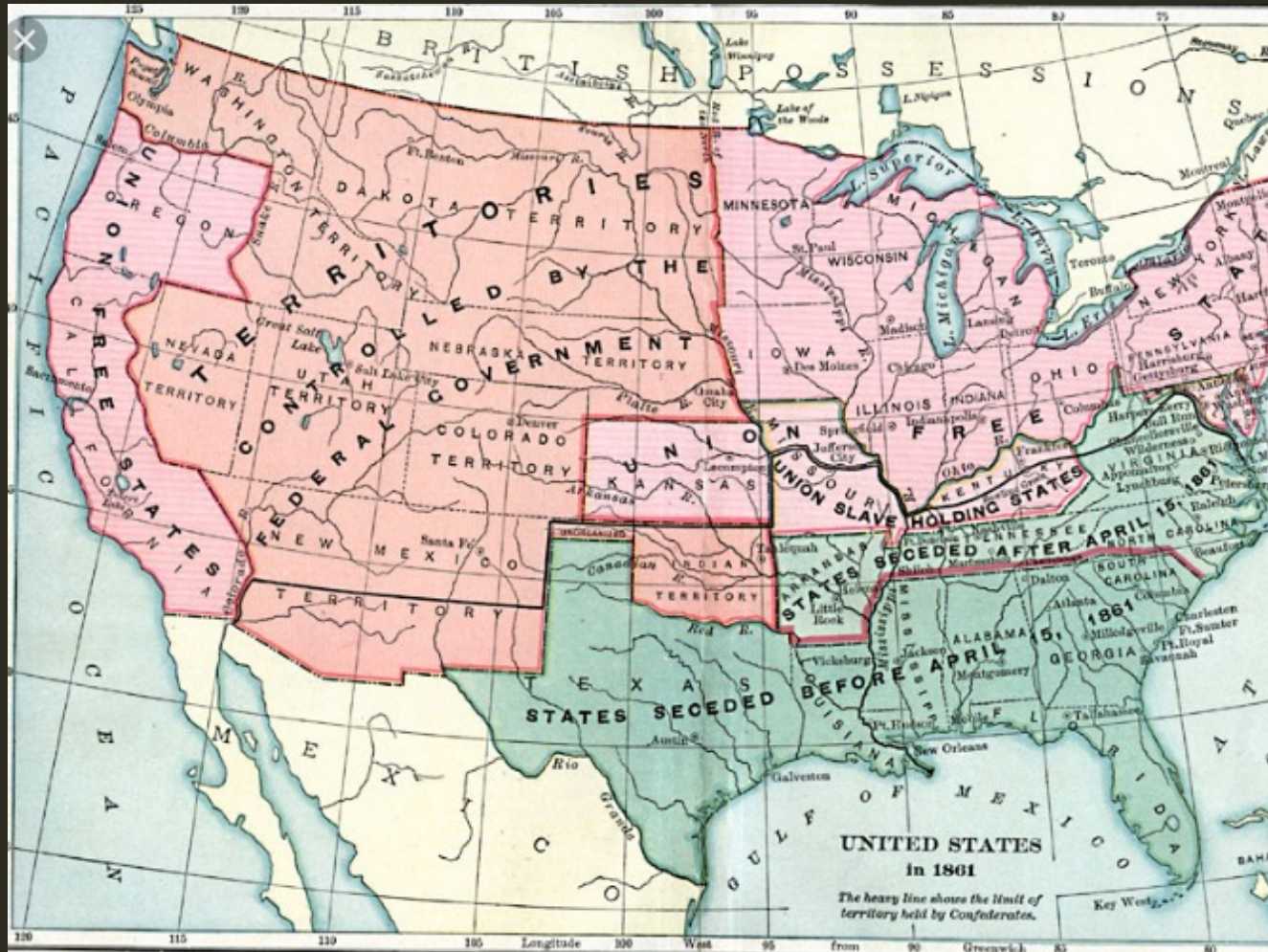


FEDERAL LAND PATENTS

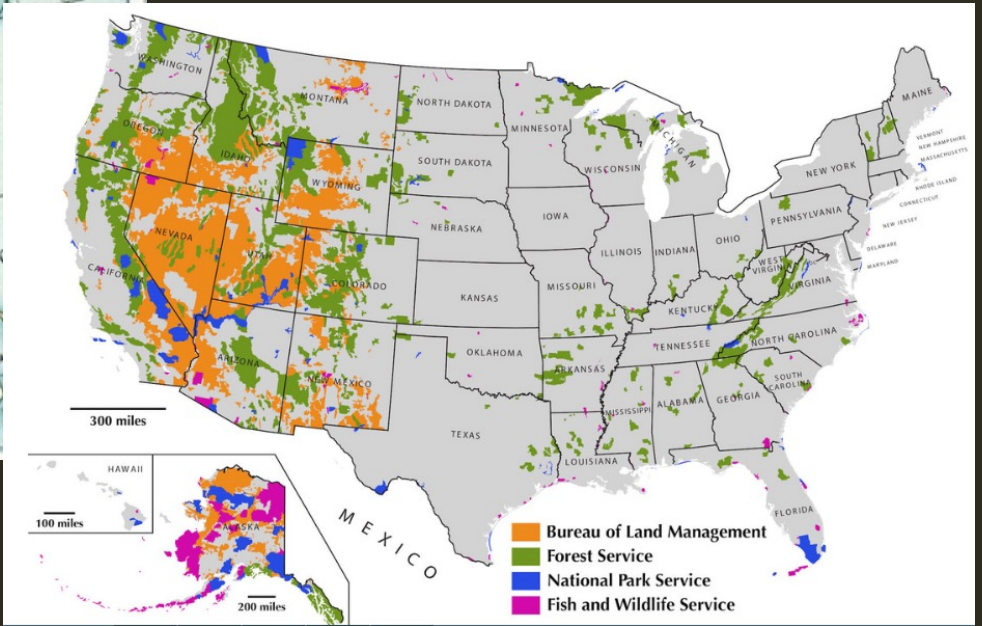
Disposition of federal lands to private interests to promote the settlement of the newly acquired Western territories.



“Manifest Destiny: Making the West Bloom”



LANDS for the LANDLESS!
Homes for the Homeless!!
 Millions of Acres almost donated to the brave Pioneers of the World by the generous government of America.
SOLDIERS
 Of the war of 1861, come forward and take your Homesteads near some Railroad in
NEBRASKA.
 For particulars address J. H. NOTEWARE, State Sup't of Immigration, Omaha, Neb.
C. P. Hayward North Dead Lake Neb.



HOMESTEADING THE FEDERAL TERRITORIES



- 1848: Treaty of Guadalupe: Mexico cedes large parts of the West Territories to US
- 1850: Donation Land Claim Act: Oregon, Washington, Idaho, parts of Wyoming (320 acres, 4yrs)
- 1850's Small pockets of people (miners & Mormon trespassers)
- 1860: Homestead Act of 1862 Passes Congress – vetoed by President Buchanan (too egalitarian)
- 1862: Homestead Act of 1862 –160 acres (men, women, immigrants, freemen)

- 1866: Mining Act of 1866 and Act of 1870
“That whenever by priority of possession, rights to the use of water for mining, agriculture, manufacturing, or other purposes, have vested and accrued, and the same are recognized by local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected the same”

- 1877: Desert Lands Act (640 acres - but you don't have to live there)
“ Surplus water over and above actual appropriation . . . shall remain and be free for appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights.”

FOUR KEY PRINCIPLES PRIOR APPROPRIATION DOCTRINE



APPLIES TO ALL WATER RIGHTS

- 1) Beneficial Use: the basis, measure, and limit of a right
- 2) Prior Appropriation: First in time, First in right
- 3) Non-Impairment: Cannot harm existing rights
- 4) Forfeiture: “use it or lose it”

**WHO:
WATER RIGHT PRINCIPLES AND PARTS**



WHAT IS WATER LAW?

A legal system to
to provide
order and certainty in the
beneficial use
of Utah's water.



WATER RIGHTS ARE LITERAL

The elements of a water right literally describe how the water user is to put water to beneficial use: physical descriptions based on practice and geography.



Utah Division of Water Rights

Water Right Details

Water Right: 57-7811 [Display/Refresh](#) Run Date: 1/19/2023 9:52:09 AM

Select Related Information [View Map](#)

WARNING: Water Rights makes NO claims as to the accuracy of this data.

Water Right: 57-7811 Application/Claim Number: A40972 Certificate Number: 10168

[Home Display](#) [Scanned Documents](#) [Print](#)

Owners

Name: McCarthy Properties, LLC
Address: 15071 Pine Hollow Lane
Bluffdale UT 84065

Remarks: Interest:

General

Type of Right: Application To Appropriate	Source of Info.: Proposed Determination	Status: Water User's Claim
Quantity of Water: 31.089 ACFT		
Source: Underground Water Well		
County: Salt Lake		
Common Description:		
Proposed Determin. Book: 57-16	Map:	Publication Date: 11/30/2021
Land Owned by Applicant:	County Tax Id#:	

Dates [View More](#)

Filing:
Filed: 10/22/1971
Priority: 10/22/1971 Decree/Class:

Advertising:
Protest End Date: Protested: Not Protested Hearing Held:

Approval:
State Engineer Action: Approved Action Date: 06/09/1972

Certification:
Proof Due Date: Certificate/WUC Date: 06/02/1977 Lapsed, Etc. Date: Lapsed Letter Date:

Points of Diversion [View Map](#)

Points of Diversion - Underground

(1) [N 750 feet W 1715 feet from SE corner, Sec 10 T 2S R 1E SLBM](#)

Diameter of Well: 10 inches Depth: 308 to feet Year Drilled: 1972 Well Log: Yes Well Id#: [33754](#)

Elevation: UTM: 430569.392, 4500794.5 (NAD83)

Stream Alteration Required:

Water Uses [View Map](#) [View Use Data](#)

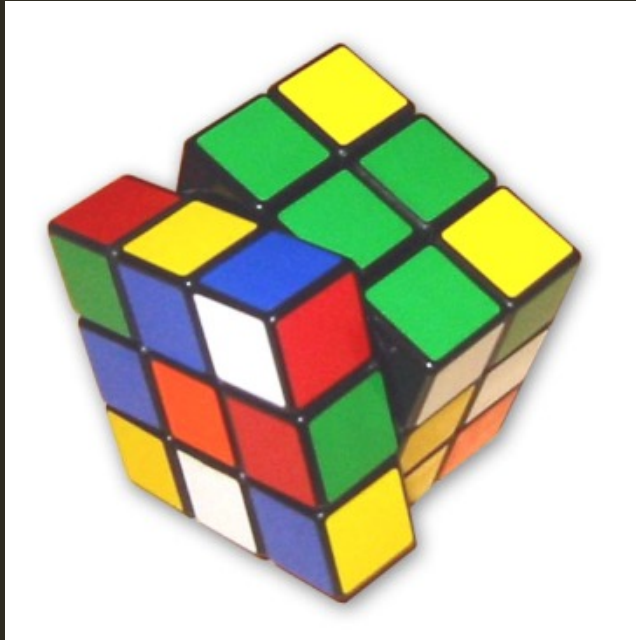
Water Use Group Number: [417270](#)
Water Rights Appurtenant to the following use(s): 57-7811(WUC),

Stock Water-Beneficial Use Amount: 35.32 ELUs	Group Total: 35.32	Prd of Use: 01/01-12/31
Other: Fire Protection		Prd of Use: 01/01-12/31
Acre Feet Contributed by this Right for this Use: 0		

Water Use Group Number: [418078](#)
Water Rights Appurtenant to the following use(s): 57-7811(WUC), [57-8743\(WUC\)](#), [57-10956\(WUC\)](#),

Irrigation-Beneficial Use Amount: 6.02 acres	Group Total: 11.92	Prd of Use: 04/01-09/30
--	--------------------	-------------------------

WATER RIGHTS ARE HYPER DEFINED PROPERTY RIGHTS INFORMED BY AND DEFINING BENEFICIAL USE



- Nature of Use
- Priority Date
- Quantity
- **Duty/Consumption**
- Source of Use
- Place of Use
- Point of Diversion

YOU CAN ONLY USE YOUR WATER RIGHT AS APPROVED!
CHANGES REQUIRE ADMINISTRATIVE APPROVAL AND AN IMPAIRMENT REVIEW

NATURE OF USE



BENEFICIAL USE IS THE “BASIS OF A WATER RIGHT”

YOU GET A WATER RIGHT TO USE, AND ONLY USE, WATER FOR THE AUTHORIZED NATURE OF USE



Traditional Beneficial Uses:

- irrigation; domestic; stockwatering; power; municipal/industrial
- promoted Western settlement



Contemporary Beneficial Use:

- snowmaking, water-fowl habitat, recreation, in-stream flows; evaporation;
- Evolving to meet new needs



PRIORITY DATE: “FIRST IN TIME, FIRST IN RIGHT”



The date water is first put to use

- Determines the order water users on shared system take their water
- The oldest or “senior” water right takes all of their water before the next in line gets to take a drop of their water right
 - A junior user may watch water go by if there are senior users down stream
- **ESTABLISHES VALUE**
 - The more senior the right the more likely to produce wet water
- **CREATES STABILITY***

25-181	1856
25-372	1857
25-102	1857-05-01
25-1022	1857-05-01
25-10330	1857-05-01
25-10331	1857-05-01
25-1054	1857-05-01
25-10673	1857-05-01
25-10674	1857-05-01
25-10696	1857-05-01
25-10702	1857-05-01
25-10796	1857-05-01
25-10797	1857-05-01
25-10798	1857-05-01
25-10799	1857-05-01
25-10932	1857-05-01
25-10933	1857-05-01
25-10934	1857-05-01
25-119	1857-05-01
25-1238	1857-05-01
25-1269	1857-05-01
25-1315	1857-05-01
25-1316	1857-05-01
25-1317	1857-05-01
25-1318	1857-05-01
25-1372	1857-05-01
25-167	1857-05-01
25-1763	1857-05-01
25-180	1857-05-01

QUANTITY



BENEFICAL USE IS THE “LIMIT OF A WATER RIGHT”
YOU ONLY GET TO DIVERT THE AMOUNT OF WATER
NEEDED TO FULFILL YOUR USE

- The State Engineer determines the amount

- AF Volume

- 1 House = .45 AF

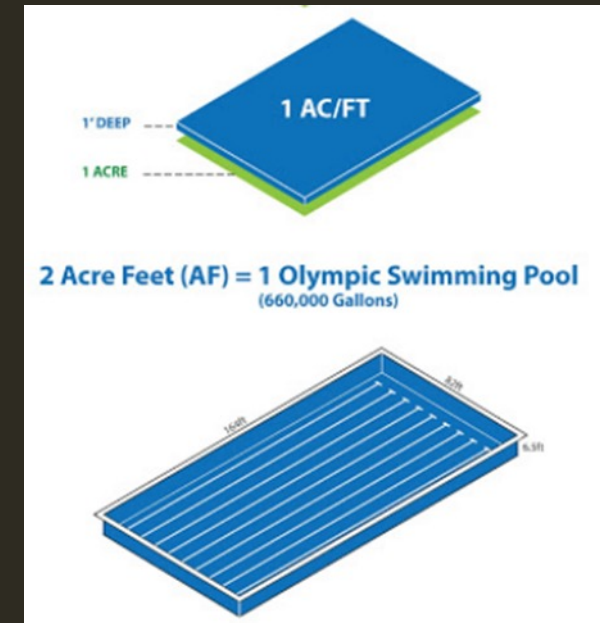
- 1 acre of irrigation = 4 AF

- 1 cow = .028 AF

- CFS Flow

- Cubic Feet per Second

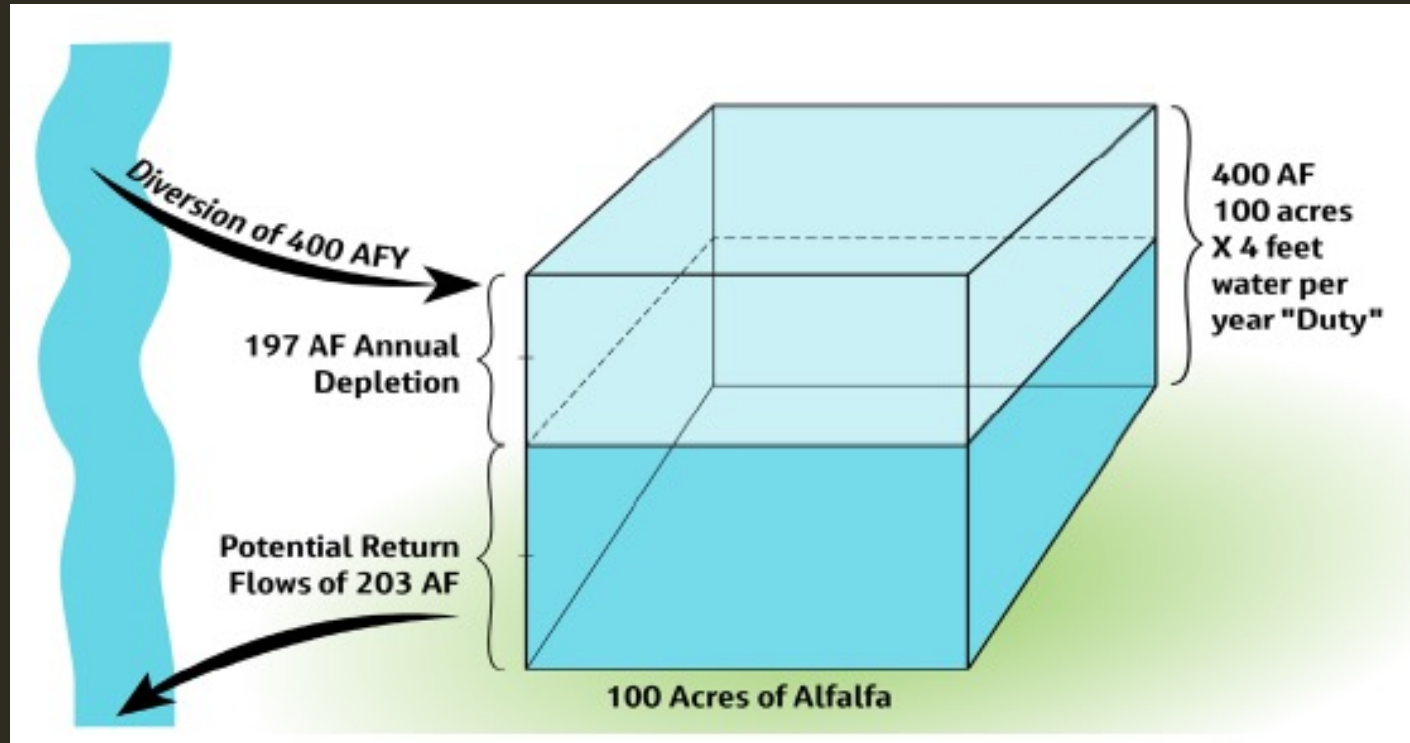
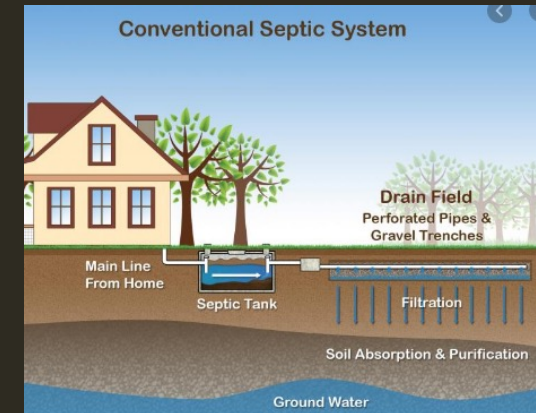
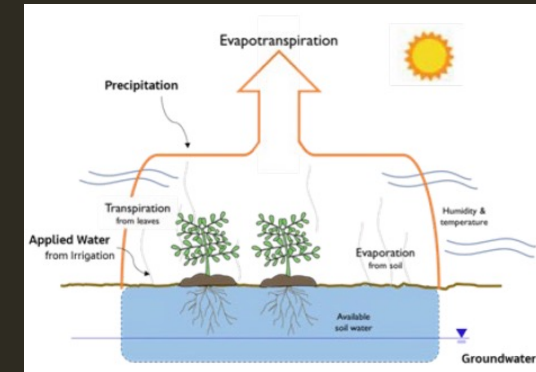
Approved Beneficial Uses	Amount of Diversion	Rate of Depletion	Amount of Depletion
Irrigation: 14.2 acres	42.60 af	1.54 af/acre	21.89 af
Stockwatering: 10 head	0.28 af	0.028 af/ELU	0.28 af
Pond Evap./Dust Control: 0.54 af	0.54 af	100%	0.54 af
Totals:	43.42 af		22.71 af



QUANTITY:

BENEFICIAL USE IS THE "LIMIT OF A WATER RIGHT"

YOU ONLY GET A LEGAL RIGHT TO THE AMOUNT OF WATER YOU CONSUME



Source of Supply

- The water body a water right is diverted
- Can follow your water right up to its source to fulfill your water right

Point of Diversion

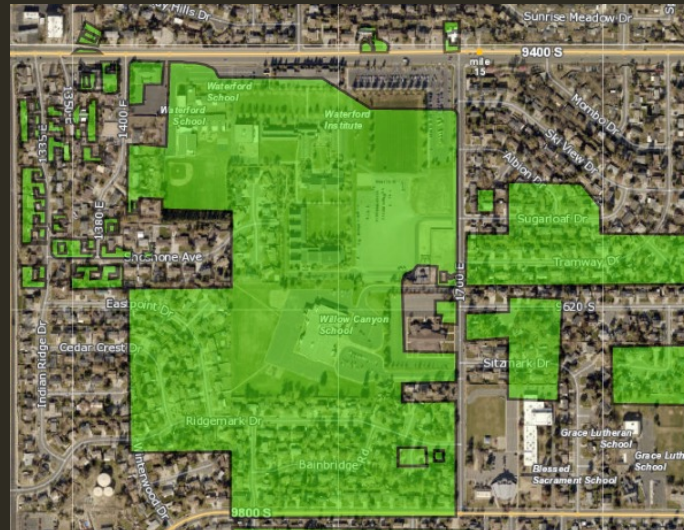
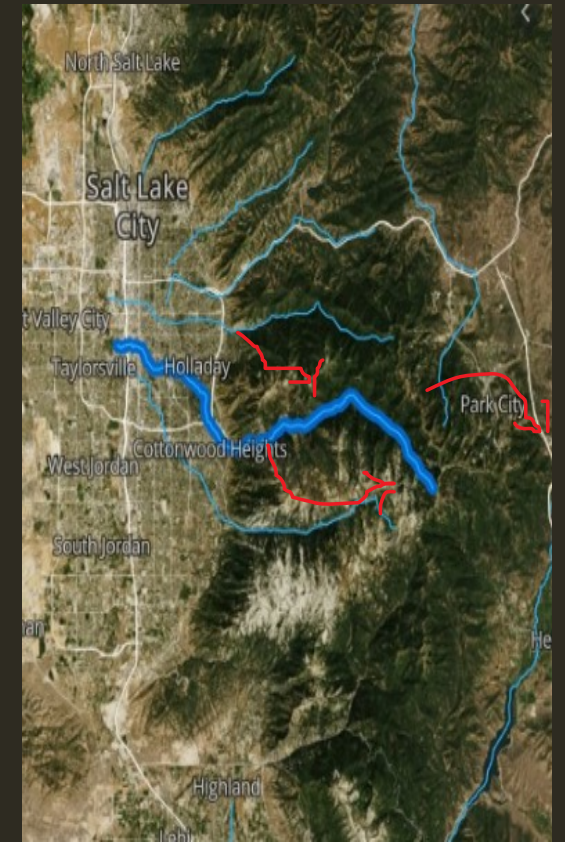
- The exact place where your water right is taken from the source
- Wellhead, diversion gate;

Place of Use

- Where water is actually used

Quarter/Quarter Section

- water rights appurtenant to place of



**HOW:
IS UTAH CHANGING THE DOCTRINE**



WATER RIGHTS ARE
USUFRUCTUARY RIGHTS
- conditional right of use -

You don't own the thing (wet water molecule)

You own the right to use the public's water subject
to **conditions** set by the State

WE HAVE BEEN BUSY!!

- PASSING A LOT OF LEGISLATION!!
- 75 + laws in the last 5 (+) years
- Addressing all kinds of water matters
- Collaborative, bi-partisan legislation
- New state websites
- 100's Millions of \$\$\$\$ in programs

- 1) Changes to Utah Water Law:
- 2) Laws Incentivizing Water Conservation:
- 3) Water Marketing:
- 4) Coordination:
- 5) Great Salt Lake Management



1) CHANGES TO WATER LAW

**2023 Recognition of
“Saved Water”**

**2023 Storage as a
“Beneficial Use**

2022 Instream Flows

2022 Water Law Judges

2016 Adjudication

2014 Quantity Impairment

Recognize Right to Instream Flows

- HB 33 Instream Flow Amendments (2022)
- SB 26 Water Banking Acts (2020)
- HB 12 Instream Flow Amendments (2019)
- SB 214 Public Water Supplier Amendments (2017)
- HB 117 Instream Flow to Protect Trout Habitat (2008)

Changes to Beneficial Use - “Use it or Lose It”

- SB 277 Water Conservation and Augmentation (2022)
- HB 118 Authority of State Engineer (2017)

Forfeiture Tools

- HB 96 Water Forfeiture Amendments (2020)
- HB 125 Quantity Impairment Modifications (2019)
- SB 45 Water Law Amendments - Diligence Claims (2019)
- SB 75 Adjudication Amendments (2016)
- HB 25 Application Revisions – Quantity Impairment (2014)

Water Prioritization

- HB 150: Emergency Water Shortages Amendments (2023)
- HB 168 Preferences of Water Rights Amendments (2022)

Groundwater

- SB 53 Groundwater Use Amendments (2023)

Other

- SB 33 Water Related Amendments (2023)
- Rule 6-104 Establishing District Court Water Law Judges
- HB 130 Water Use Amendments (2020)
- SB 225 – Navajo Water Rights Negotiation
- SJR 14 – Federal Reserved Water Right Claims

2) LAWS INCENTIVIZING WATER CONSERVATION

BIG AND BROAD!!

- State facility reductions
- HOA Landscaping Reductions
- Agricultural Optimization
- Municipal Exactions Standards
- Secondary Metering
- Water Loss Accounting

Coordinated and complimentary efforts

- HB 121 State Plans
- **REGIONAL CONSERVATION GOALS**
- **Everything roles up!!**

Integrating Land Use and Water Planning

- HB 406 Land Use Development and Management (2023)
- SB 191 Condominium and Community Association (2023)
- HB 450 Landscaping Requirements (2023)
- SB 118 Water Efficient Landscaping Incentives (2023)
- HB 121 Water Conservation Modifications (2022)
- HB 282 Water Wise Amendments (2022)

Secondary Metering

- SB 251 Secondary Water Metering Requirements (2023)
- HB 242 Secondary Water Metering Amendments (2022)
- SB 51 Secondary Water Requirements (2020)
- SB 52 Secondary Water Metering Amendments (2019)

Municipal Conservation

- HB 217 School Energy and Water Reductions (2023)
- SB 158 Local Government Amends. - Water Exactions (2023)
- HB 39 State Construction Code Amendments (2023)
- HB 121 Water Conservation Modifications (2022)
- HB 131 State Facility Efficiency Amendments (2021)
- HB 40 Water Loss Accounting (2020)
- HB 303 Drinking Water Source Sizing Amendments (2018)
- Water Conservation Act 73-10-32:

Reuse

- HB 349 Water Reuse Projects Amendments (2023)
- Wastewater Reuse Act: Utah Code Ann 73-3c.

Regional Conservation Goals

- SB 89 Water Amendments (2022)
- Regional Conservation Goals (2019)

Agricultural Optimization

- SB 277: Water Conservation Amendments (2023)
- Utah Department of Agriculture and Food Agricultural Water Optimization Program (2020)
- HB 36 Agricultural Water Optimization Task Force Amendments (2020)
- HB 381 Agricultural Water Optimization Task Force (2018)

3) WATER MARKETING

How do we use private market principles to work with the Prior Appropriation System to facilitate **voluntary** changes in water use?

- Colorado River Authority of Utah – Demand Management Pilot Program (2025)
- HB 410 GSL Watershed Enhancement Act (2022)
 - 64,000 AF of Water
 - \$10 Million in Projects
- SB 26: Utah Water Banking Act (2020)

The infographic is titled "UTAH STATEWIDE WATER MARKETING STRATEGIES" with the subtitle "Dynamic Tools for a Resilient Future". It features a blue and white color scheme with wavy lines at the top and bottom. The content is organized into sections: "Why" and "What".

Why Water Marketing Brings Greater Flexibility

Utah faces a challenging water future. Innovative and impactful tools are needed to bring greater flexibility to water management and stewardship. Many state policies and goals rely on sharing water between users to meet growing demands. Water marketing uses market principles, primarily water leasing, to organize and incentivize new water uses. Water rights owners retain the value of their water right, those seeking water secure a water supply.

What Water Marketing Strategies Developed by Exploring the Water Banking Act

In the mid-2010s several reports identified "water marketing" or "water banking" as a way to address water challenges. Between 2017 and 2020, a diverse and large group of water stakeholders met regularly to study water market activities in other states and discuss Utah water user needs. The stakeholder group determined that a water banking program in Utah should embody three core principles:

- Local** Local water users are in control and set all conditions of leasing arrangements.
- Temporary** Agreements are for a specific time and water users retain ownership of and income from their water rights.
- Voluntary** A water bank only happens if locals want it to happen.

Building on these concepts, the stakeholder group drafted and passed the Utah Water Banking Act. The Act authorizes certain qualifying leasing arrangements to apply to be a Utah Water Bank and therefore be extended requested benefits, such as forfeiture protections, streamlined administrative process, instream and environmental flows and others.

To test the concepts of the Utah Water Banking Act and broader water marketing principles, the State of Utah secured \$800,000 in funding to implement several pilot projects and develop a Statewide Water Marketing Strategy. The result of this effort is a robust set of new tools and resources aimed at helping Utah water users understand water marketing and its benefits.

4) COORDINATION AND GENERAL PLANNING

Watershed Councils and Regional Planning

Studies on State Funding Tools and Infrastructure needs

More \$\$\$ for State Agencies

- Always Need more \$\$\$

Incorporating water into Existing Planning Efforts

Great Salt Lake Collaborative

- MEDIA!!!

Education and Agency Coordination

- HB 307 Utah Water Ways (2023)
- HB 491 Office of GSL Commissioner (2023)
- HB 207 Compact Commission Amendments (2023)
- HB 297 Colorado River Amendments (2021)

General Planning

- SB 76 Water Amendments (2023) (LUDMA)
- SB 110: Water as Part of General Plan (2022)
- HB 28 Legislative Water Development Commission Sunset Amendments (2020)
- HB 41 State Water Policy Amendments (2020)

Regional/Watershed Planning

- HB 161 Statewide Watershed Councils (2020)
- HB 131 Watershed Restoration Initiative (2022)
- HRJ 3 Proposal to Amend Utah Constitution - Water Resources of Municipalities (2020)
- SB 17 Extraterritorial Jurisdiction Amendments (2019)
- HB 31 Water Supply and Surplus Amendments (2019)

Finance and Funding

- Water Development Coordinating Council
- SB 3 - Item 543 Wasatch Front Aquaduct Resilience
- SB 34 Water Infrastructure Funding (2023)
- HB 326 State Innovation Amendments (2022)
- SB 221 Water Related Sales and Use Tax Amendments (2022)
- HB 334 State Engineer Modifications (2022)
- Great Salt Collaborative

5) GREAT SALT LAKE SPECIFIC BILLS

Great Salt Lake Commissioner

FFSL Authorities

Studies and Planning

HRC 10

- 2020 Great Salt Lake Legal Strategies

HB 513: Great Salt Lake Amendments (2023)

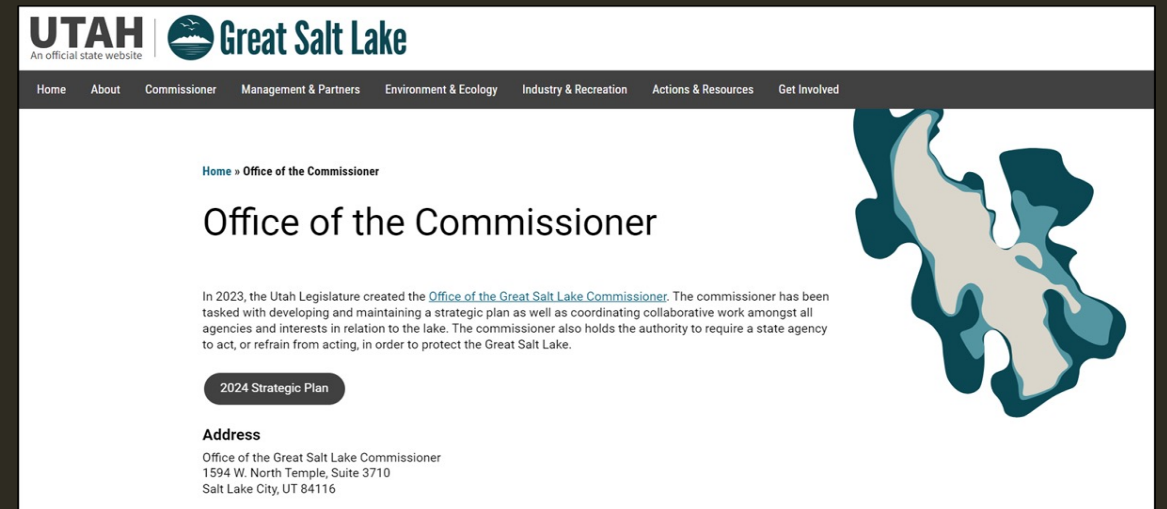
HB 491 Office of GSL Commissioner (2023)

HB 429 Great Salt Lake Amendments (2022)

HB 157 Sovereign Lands Amendments (2022)

HB 317 Sovereign Lands Trespassing Amendments (2022)

HCR 10 Concurrent Resolution to Address Declining Water Levels of the GSL
(2019)



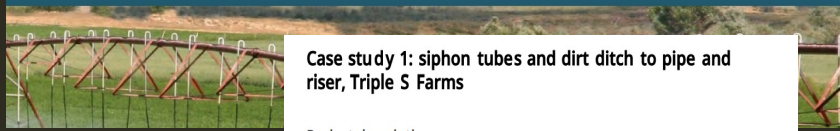
The screenshot shows the website for the Office of the Commissioner of the Great Salt Lake. The header includes the Utah state logo and the text "Great Salt Lake". A navigation menu lists: Home, About, Commissioner, Management & Partners, Environment & Ecology, Industry & Recreation, Actions & Resources, and Get Involved. The main content area features a breadcrumb trail "Home » Office of the Commissioner", the title "Office of the Commissioner", and a paragraph explaining the office's creation in 2023. A button labeled "2024 Strategic Plan" is visible. The address is listed as "Office of the Great Salt Lake Commissioner, 1594 W. North Temple, Suite 3710, Salt Lake City, UT 84116". A map of the Great Salt Lake is shown on the right side of the page.

**WHERE:
WHERE ARE WE AND HOW IS IT
GOING**



IN PROGRESS !

Agricultural Water Optimization Program 2024 Annual Report



Case study 1: siphon tubes and dirt ditch to pipe and riser, Triple S Farms

Project description

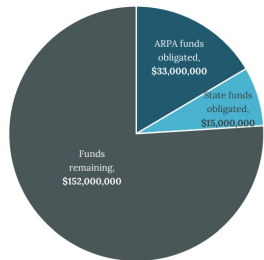
This project enclosed approximately 7,000 feet of open ditch irrigation and conveyance within the flood irrigation system. This was done on three different fields. The HDPE pipe was installed with PVC riser pipes. This project irrigates 119 acres of cropland. Maps of the project area are shown in figures 8 and 9.

Figure 8: Triple S Farms Map 1 of 2

Projects progress and funding status

As of March 12, 2024, when notices of project awards were issued, 20 projects have been completed. These projects include completing water loss studies for irrigation companies, subsurface drip irrigation, pivots, installing water measurement devices and pipe and riser systems. Many projects have been started, and as of Oct. 10, 2024, \$6.1 million has been paid out. Figure 3 shows sources of the obligated funding and balances based on the selection process.

Figure 3: Program Funding Balances



Triple S Farms
Map 1 of 2



Utah Demand Management Pilot Program



Great Salt Lake Basin Measurement Infrastructure Gap Analysis

Legislative Water Development Commission | May 14, 2024

Great Salt Lake Watershed Enhancement Trust

FOX 13 News Utah

Conservation leads to more water for Great Salt Lake

This year, there's increased water going to the Great Salt Lake from Utah Lake. It's thanks to a combination of donations and leases from a special trust.

Sep 16, 2024



CONSERVATION THROUGH COLLABORATION



UTAH WATER VALUES SURVEY

Subscribe to be notified of opportunities to participate, review progress, and receive results of the statewide water values study.

Get Connected

Contact Us >

Application period runs through May 15

Secondary Meter Grant

Program Objectives



1. Reduce agricultural water depletion, e.g. through deficit irrigation, split season fallowing, irrigation method changes, fallowing, etc.

2. Quantify actual water depletion reduction using a combination of methods such as space and time comparisons, remote-sensing measurement, and in-situ measurement.


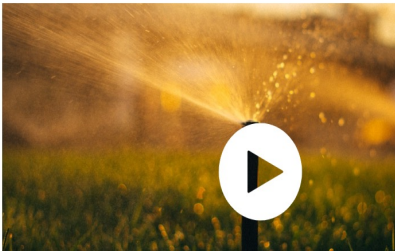
3. Understand conditions under which water users will reduce water depletion through participation in a Demand Management Program.

4. Identify the state and federal regulatory processes that ensure depletion savings can be distributed and stored in a pre-identified reservoir for credit in an authorized Demand Management Program.

5. Determine the feasibility and risks of storing saved water over a multi-year period.

..... AND LEARNING EVERY DAY!

Utah saved billions of gallons of water through programs, ordinances



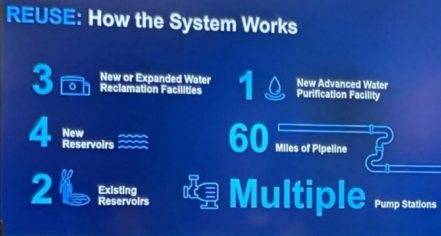
New Great Salt Lake billboards show lake's status

02-11-2025 by Mariah Maynes

SALT LAKE CITY — New Great Salt Lake billboards display the lake's current water level. They were designed and put up by Grow the Flow, a wa...

[READ MORE ...](#)

From new reservoirs to miles of pipeline, here's an inside look at Washington County's \$1B reuse plan to keep water flowing in the future.



Case Study: Validating Methods for Measuring Evapotranspiration and Accounting for Actual Depletion in Utah

Document no: 23060512
Version: Final

Utah Department of Natural Resources
Legislative Agricultural Water

Depletion Accounting for
June 8, 2023



Utah leaders want to keep expanding cloud seeding program

02-06-2025 by Ben Winslow

Feds directed \$122.8M in drought spending across Utah. Will it be held up by freeze?

By **Carter Williams**
Category: **KSL.com**
January 29, 2025



GREAT SALT LAKE DATA AND INSIGHTS SUMMARY

A synthesized resource document for the 2025 General Legislative Session

January 17, 2025
Version 1.0

In 2024, Great Salt Lake continued to rise from the record-low elevation reached in 2022, aided by two years of above-average precipitation and the adaptive

Amid a freeze, Utah granted millions of gallons of new water rights in the Great Salt Lake basin. Here's where the water will go.

The state's Great Salt Lake czar is evaluating the boundaries of the moratorium and has recommended the state change the allowance for new water rights.



Utah's big water efficiency push may help farms more than the Colorado River

By Shelby Lofton, KSL-TV | Posted - Feb. 9, 2025 at 12:07 p.m.

SALT LAKE CITY — Some of the most powerful people gathered outside the Capitol before sunrise on Monday, sipping cocoa and

WHAT'S NEXT?



EMILY E. LEWIS

CLYDE, SNOW & SESSIONS

- Director and Shareholder, Co-Chair of Natural Resources and Water Law Practice Group
- Adjunct Professor Law, SJ Quinney College of Law Water Law
- Water Law Committee Chair, Utah Bar
- Podcast Host – Ripple Effect Podcast
- Strategic Projects
- General Gadfly

eel@clydesnow.com

(801) 255-2516

