

Utah's water wars must be fought in the open

If the state of Utah is going to get into a protracted, expensive and, most likely, futile battle with six states, two nations, many Native American tribes and Mother Nature herself, all over a treasure chest that may soon be empty, the least that should happen is that it all take place in public.

But House Bill 297, a measure that would create what Utah legislative leaders are calling the Colorado River Authority of Utah, includes some frightening provisions that would exempt the body's meetings and records from the state laws that generally demand that government business be conducted in the open.

The perceived need for such secrecy in government is almost always a bad idea. And, when it comes to something as important as our state's use of a diminishing resource, it is even worse.

As human populations grow, drought continues and climate change worsens, Colorado River water will become an ever-more-valuable resource. With so much at stake, incentives for deals, perhaps involving very large amounts of money, will become stronger. Wall Street hedge funds are already buying up Colorado farmland — and the water rights that go with it — in anticipation of making a killing in the water commodity game.

In an atmosphere such as this, the chances for self-dealing skullduggery are great and the need for every decision the state makes to be transparent is especially important.

One is reminded of members of Congress who, after receiving private briefings many months ago about the threat posed by the coronavirus, told their constituents there was little to worry about even as they engaged in stock market transactions based on their inside knowledge of what businesses were likely to do well and which to do poorly as the pandemic grew.

The future of water, and not just from the Colorado River, is important enough to merit special attention from the state. But unless the process is as transparent as possible, we won't necessarily know if those negotiating in our name are doing so in a way that benefits the many over the long haul or the few in the short term.

We also have cause to worry that Utah's current habit of hiding the true cost of water, by underpricing it and shifting much of the cost to property taxes rather than user fees, discourages necessary steps toward conservation. As we talk to the other states of the compact, a reputation as a water hog will not aid our cause.

Plans to divert large amounts of water from Lake Powell, and thus out of the Colorado River, to the St.



FRANCISCO KJOLSETH | The Salt Lake Tribune

The Colorado River flows into Lake Powell near Hite Marina on Feb. 4.

George area of southwest Utah have already drawn the ire of the other states that are supposed to be Utah's partners in the Colorado River Compact.

Officials from Colorado, Arizona, New Mexico, Nevada, Wyoming and California have raised objections to the plan with the U.S. Bureau of Reclamation, the agency now reviewing the proposal, arguing that the Lake Powell pipeline is likely to upset the political and ecological balance of the basin and that no state should go ahead with such a large project without first working out the details with the other six affected states.

If those states don't get what they want from appealing to the bureaucracy, they will no doubt tie the whole matter up in court. Potentially for decades.

That's a position that's hard to argue with. And one that Utah would be likely to take if it were any of the other states planning to divert such a large amount of water from a system that is already going dry.

The bill creating the authority was dropped on the Legislature about half-way through its annual session. The fact that the listed sponsors of the bill are House Speaker Brad Wilson and Senate President Stuart Adams suggests that the fix is in.

Working things out must involve everyone putting their cards on the table, before the public and in front of the other states, nations and tribes. So we can see what is being planned and check it against the scientific facts before us.

Otherwise, a fight over such an irreplaceable resource is likely to leave everyone in the dust.

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