

RESOLUTION OF THE
UPPER COLORADO RIVER COMMISSION

Regarding the Use and Accounting of Upper Basin Water Supplied to the Lower Basin in Utah
by the Proposed Lake Powell Pipeline Project

WHEREAS, part of the State of Utah is within the Upper Basin and part is within the Lower Basin as defined in Article II of the Colorado River Compact (45 Stat. 1057); and

WHEREAS, Utah has proposed the Lake Powell Pipeline Supply Project to divert water from the Upper Basin to serve communities located within the Lower Basin in Utah; and

WHEREAS, Utah needs to provide a water supply for municipal, industrial, commercial and domestic purposes to communities located within the Lower Basin in Utah that do not have an adequate Lower Basin source of water; and

WHEREAS, Subsection 303(d) of Public Law 90-537, the Colorado River Basin Project Act, authorized a thermal generating plant to be located within the State of Arizona and provided that if the plant was served by water diverted from the drainage area of the Colorado River system above Lee Ferry such consumptive use of water would be a part of the consumptive use apportioned to the State of Arizona by Article III (a) of the Upper Colorado River Basin Compact (63 Stat. 31) regardless of whether the plant was located in the Upper Basin or the Lower Basin; and

WHEREAS, the states of Colorado, New Mexico, Utah and Wyoming all support the proposed Lake Powell Pipeline Project, but the states are not in agreement as to whether, under the Law of the River, Utah may use a part of its Upper Basin apportionment to serve uses in the Lower Basin portion of Utah, without obtaining the consent of the other states. However, in the spirit of comity, and without prejudice to the position of any state regarding these unresolved issues, all the states support and to the extent necessary consent to the Lake Powell Pipeline Project in Utah.

NOW, THEREFORE, BE IT RESOLVED by the Upper Colorado River Commission that the States of Colorado, New Mexico, Utah and Wyoming, support and to the extent necessary consent to the diversion of water from the Upper Basin for use in the Lower Basin solely within Utah via the proposed Lake Powell Pipeline Project; provided, that any water so diverted by said project to the Lower Basin portion of Utah, being a depletion of water at Lee Ferry, shall be a part of the consumptive use apportionment made to the State of Utah by Article III (a) of the Upper Colorado River Basin Compact; and

BE IT FURTHER RESOLVED, that the use of any return flows which result from use of water through the Lake Powell Pipeline Project within the Lower Basin shall be subject to applicable laws; and

BE IT FURTHER RESOLVED, that nothing resulting from the implementation of this Resolution shall limit the right or ability of any Upper Basin State to develop the full apportionment made to it under the Colorado River Compact and the Upper Colorado River Basin Compact; and,