

Utah records panel orders release of water data

By Emma Penrod The Salt Lake Tribune
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Environment • Argument by Division of Water Resources rejected that info was in draft form and therefore not public.

The state Records Committee has ruled that an internal database used to calculate Utah's annual water consumption — and to project its needs in the future — should be released to the public.

Despite opposition from officials with the state Division of Water Resources, the records panel voted 5-0 in favor of releasing the data, sought under an open-records request filed by the nonprofit Utah Rivers Council.

The council's request, filed in November, had been denied on the basis that the information was in draft form, making it protected under the state Government Records Access Management Act, or GRAMA.

The advocacy group said it had requested the data after discovering sizable discrepancies between water-usage numbers reported to state officials by Utah water managers and what was being reported publicly by the state.

Zach Frankel, the group's executive director, told the Records Committee on Thursday that water usage data it regularly obtains from Utah municipalities at times differs markedly with the numbers posted by the state on its Division of Water Rights website.

Those discrepancies, Frankel said, have led advocates to believe that numbers were being altered by state agencies, or that the cities were providing inconsistent data, or both.

As an example, the Division of Water Rights site reported that Washington City, located outside St. George, uses 4,794.24 acre feet of water per year. The city told the Rivers Council it uses 1,594.04 acre feet of water per year.

LaVerkin, also in Washington County, reportedly used 576.66 acre feet of water per year, according to Division of Water Rights' data. But the city told the council it only uses 43.96 acre feet per year.

Assistant Attorney General Norman Johnson told the records committee that the Division of Water Resources had already directed the council to the data posted on the Web and that the agency had no additional raw data.

Patricia Smith-Mansfield, a member of the records committee, then pressed Johnson on whether data used internally by the Division of Water Resources was the same as the data on the Water Rights website.

Johnson said the agency "starts" with that data, with Todd Adams, deputy director of the state Division of Water Rights adding that sometimes state officials ask municipal water managers for additional information, which it then enters into the agency's internal database.

When asked by David Fleming, the records committee chairman, Adams said he was unable to explain the discrepancies presented by the Utah Rivers Council without looking at the data in depth.

Johnson argued the internal database was created as a tool to inform a report requested last year by the state Legislature. That report, he said, was still in draft form and therefore not yet subject to public release.

Smith-Mansfield and other panelists rejected the argument that documents informing a draft report were exempt from disclosure — and ordered the database released.

"The report could be a draft that is protected," she said, "but I don't think you can make an argument that all records used to compile the draft are protected."

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