

**73-3c-302 Application to the state engineer.**

- (1) A public agency proposing water reuse shall apply to the state engineer.
- (2) An application for water reuse under Subsection (1) shall be made upon forms furnished by the state engineer and shall include:
  - (a) the name of the applicant;
  - (b) a description of the underlying water right;
  - (c) an evaluation of the underlying water right's diversion, depletion, and return flow requirements;
  - (d) the estimated quantity of water to be reused;
  - (e) the location of the POTW;
  - (f) the place, purpose, and extent of the proposed water reuse;
  - (g) an evaluation of depletion from the hydrologic system caused by the water reuse; and
  - (h) any other information consistent with this chapter that is requested by the state engineer.
- (3) An application under Subsection (1) shall include a copy of a reuse authorization contract for water reuse proposed by a public agency for any underlying water right not owned by the public agency.
- (4) In considering an application for water reuse, the state engineer shall comply with:
  - (a) Section 73-3-6;
  - (b) Section 73-3-7;
  - (c) Section 73-3-10; and
  - (d) Section 73-3-14.
- (5) In determining whether a proposed water reuse is consistent with the underlying water right, the state engineer shall conclude that a proposed water reuse is consistent with the underlying water right if:
  - (a) the use of the reuse water does not enlarge the underlying water right; and
  - (b) any return flow requirement of the underlying water right is satisfied.
- (6)
  - (a) The state engineer shall approve a water reuse application if the state engineer concludes that the proposed water reuse is consistent with the underlying water right.
  - (b) The state engineer may:
    - (i) deny an application for water reuse if the proposed water reuse is inconsistent with the underlying water right; or
    - (ii) approve the application in part or with conditions to assure consistency with the underlying water right.
- (7) A public agency with an approved reuse application shall submit a report, as directed by the state engineer, concerning the ongoing water reuse operation.
- (8) The state engineer may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this chapter.

Amended by Chapter 382, 2008 General Session