

JOINT USE OF WATER INFRASTRUCTURE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: _____

LONG TITLE

General Description:

This bill requires the formation of a contract before the enlargement and use of another person's canal or ditch to convey water.

Highlighted Provisions:

This bill:

- ▶ requires the formation of a contract before the enlargement and use of another person's canal or ditch to convey water;
- ▶ requires that a person seeking to enlarge or use another person's canal or ditch and the person who owns the canal or ditch to negotiate in good faith; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-1-7, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-1-7** is amended to read:



28 **73-1-7. Enlargement for joint use of ditch.**

29 (1) When ~~[any]~~ a person desires to convey water for irrigation or any other beneficial
30 purpose and there is a canal or ditch already constructed that can be used or enlarged to convey
31 the required quantity of water, ~~[such]~~ the person ~~[shall have the right to]~~ may use or enlarge
32 ~~[such]~~ the canal or ditch already constructed, by:

33 (a) compensating the owner of the canal or ditch to be used or enlarged for the damage
34 caused by ~~[such]~~ the use or enlargement~~[-and by]; and~~

35 (b) paying an equitable proportion of the maintenance and operation of the canal or
36 ditch jointly used or enlarged~~[-provided, that such].~~

37 (2) An enlargement made in accordance with Subsection (1) shall be made between
38 ~~[the 1st day of October and the 1st day of March]~~ October 1 and March 1, or at any other time
39 that may be agreed upon with the owner of such canal or ditch.

40 (3) The additional water turned in shall bear its proportion of loss by evaporation and
41 seepage.

42 (4) (a) Before use or enlargement is allowed in accordance with this section, the person
43 seeking to use or enlarge the canal or ditch shall enter into a contract governing the relationship
44 between the person and the canal or ditch owner, including terms of use, payment, and other
45 matters as appropriate.

46 (b) The person seeking to use or enlarge a canal or ditch in accordance with this section
47 and the owner of the canal or ditch shall negotiate in good faith.

Legislative Review Note
as of 1-18-11 4:21 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 108, 2011 General Session

SHORT TITLE: **Joint Use of Water Infrastructure**

SPONSOR: **Stowell, D.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.