

**Representative Joel K. Briscoe** proposes the following substitute bill:

**WATER RIGHTS AND RESOURCES AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel K. Briscoe**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill deals with the accuracy of water use data.

**Highlighted Provisions:**

This bill:

▶ instructs the Drinking Water Board to require a certified water operator of a public water supplier, or professional engineer performing the duties of an operator, to verify the accuracy of water use and supply data submitted to the Division of Drinking Water;

▶ requires the director of the Division of Water Resources to oversee any validation of water use data; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-4-104**, as last amended by Laws of Utah 2012, Chapter 360



26 73-10-18, as last amended by Laws of Utah 1969, Chapter 198

27 73-10-19, as last amended by Laws of Utah 1983, Chapter 318

28 73-10-20, as last amended by Laws of Utah 1977, Chapter 281

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

31 Section 1. Section 19-4-104 is amended to read:

32 **19-4-104. Powers of board.**

33 (1) (a) The board may make rules in accordance with Title 63G, Chapter 3, Utah

34 Administrative Rulemaking Act:

35 (i) establishing standards that prescribe the maximum contaminant levels in any public  
36 water system and provide for monitoring, record-keeping, and reporting of water quality related  
37 matters;

38 (ii) governing design, construction, operation, and maintenance of public water  
39 systems;

40 (iii) granting variances and exemptions to the requirements established under this  
41 chapter that are not less stringent than those allowed under federal law;

42 (iv) protecting watersheds and water sources used for public water systems; [~~and~~]

43 (v) governing capacity development in compliance with Section 1420 of the federal  
44 Safe Drinking Water Act, 42 U.S.C.A. Sec. 300f et seq.; and

45 (vi) specifying:

46 (A) what data a public water supplier shall provide to the division, pursuant to

47 Subsection (1)(c)(iv); and

48 (B) how the division shall validate the data described in Subsection (1)(a)(vi)(A).

49 (b) The board may:

50 (i) order the director to:

51 (A) issue orders necessary to enforce the provisions of this chapter;

52 (B) enforce the orders by appropriate administrative and judicial proceedings; or

53 (C) institute judicial proceedings to secure compliance with this chapter;

54 (ii) (A) hold a hearing that is not an adjudicative proceeding relating to the

55 administration of this chapter; or

56 (B) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;

57 or

58 (iii) request and accept financial assistance from other public agencies, private entities,  
59 and the federal government to carry out the purposes of this chapter.

60 (c) The board shall:

61 (i) require the submission to the director of plans and specifications for construction of,  
62 substantial addition to, or alteration of public water systems for review and approval by the  
63 board before that action begins and require any modifications or impose any conditions that  
64 may be necessary to carry out the purposes of this chapter;

65 (ii) advise, consult, cooperate with, provide technical assistance to, and enter into  
66 agreements, contracts, or cooperative arrangements with state, federal, or interstate agencies,  
67 municipalities, local health departments, educational institutions, and others necessary to carry  
68 out the purposes of this chapter and to support the laws, ordinances, rules, and regulations of  
69 local jurisdictions;

70 (iii) develop and implement an emergency plan to protect the public when declining  
71 drinking water quality or quantity creates a serious health risk and issue emergency orders if a  
72 health risk is imminent; [~~and~~]

73 (iv) require a certified operator of a public drinking water supplier to verify by  
74 signature and certification number, or a professional engineer performing the duties of a  
75 certified water operator to verify by signature and stamp, the accuracy of any data on water use  
76 and water supply submitted by the public water supplier to the division; and

77 [~~(iv)~~] (v) meet the requirements of federal law related or pertaining to drinking water.

78 (2) (a) The board may adopt and enforce standards and establish fees for certification  
79 of operators of any public water system.

80 (b) The board may not require certification of operators for a water system serving a  
81 population of 800 or less except:

82 (i) to the extent required for compliance with Section 1419 of the federal Safe Drinking  
83 Water Act, 42 U.S.C.A. Sec. 300f et seq.; and

84 (ii) for a system that is required to treat its drinking water.

85 (c) The certification program shall be funded from certification and renewal fees.

86 (3) Routine extensions or repairs of existing public water systems that comply with the  
87 rules and do not alter the system's ability to provide an adequate supply of water are exempt

88 from the provisions of Subsection (1)(c)(i).

89 (4) (a) The board may adopt and enforce standards and establish fees for certification  
90 of persons engaged in administering cross connection control programs or backflow prevention  
91 assembly training, repair, and maintenance testing.

92 (b) The certification program shall be funded from certification and renewal fees.

93 (5) A board member may not speak or act for the board unless the board member is  
94 authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

95 Section 2. Section 73-10-18 is amended to read:

96 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

97 (1) There is created the Division of Water Resources, which shall be within the  
98 Department of Natural Resources under the administration and general supervision of the  
99 executive director of natural resources and under the policy direction of the Board of Water  
100 Resources.

101 (2) The Division of Water Resources shall:

102 (a) be the water [~~resource(s)~~] resource authority for the state [~~of Utah, shall~~]; and

103 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah  
104 water and power board except those which are delegated to the board by this act and is vested  
105 with such other functions, powers, duties, rights and responsibilities as provided in this act and  
106 other law.

107 Section 3. Section 73-10-19 is amended to read:

108 **73-10-19. Director's power and authority.**

109 The director shall:

110 (1) be the executive and administrative head of the Division of Water Resources;

111 (2) [~~and shall be a person~~] be selected with special reference to [~~his~~] training,

112 experience, and interest in the field of water conservation and development[-];

113 [~~The director of the Division of Water Resources shall~~]

114 (3) administer the Division of Water Resources [~~and shall~~];

115 (4) succeed to all of the powers and duties conferred upon the executive secretary of  
116 the Utah water and power board pursuant to Title 73, Chapter 10, Board of Water Resources -  
117 Division of Water Resources[~~. The director shall~~]; and

118 (5) have the power, within [~~policies~~] rules established by the Board of Water

119 Resources, to:

120 [(+) (a) make studies, investigations, and plans for the full development and utilization  
121 and promotion of the water and power resources of the state, including preliminary surveys,  
122 stream gauging, examinations, tests, and other estimates either separately or in consultation  
123 with federal, state, and other agencies;

124 [(2) (b) initiate and conduct water resource investigations, surveys and studies,  
125 prepare plans and estimates, make reports thereon, and perform necessary work to develop an  
126 over-all state water plan;

127 [(3) (c) file applications in the name of the division for the appropriation of water[-  
128 All pending water applications heretofore filed in behalf of the state or any agency thereof for  
129 the use and benefit of the state are transferred to the board, and it is authorized to take such  
130 action thereon as it may deem proper];

131 [(4) (d) take all action necessary to acquire or perfect water rights for projects  
132 sponsored by the board;

133 [(5) (e) accept, execute, and deliver deeds and all other conveyances[-]; and

134 (f) oversee any validation of water use data, as described in Subsection [73-10-20\(2\)](#).

135 Section 4. Section **73-10-20** is amended to read:

136 **73-10-20. Loans for water systems -- Legislative declaration -- Authority of**  
137 **Division of Water Resources to audit water data.**

138 The Legislature recognizes and declares that:

139 (1) the development, protection, and maintenance of adequate and safe water supplies  
140 for human consumption is vital to public health, safety, and welfare; [that]

141 (2) there exists within the state a need to assist cities, towns, improvement districts,  
142 and special service districts in providing an adequate and safe water supply for those users  
143 from municipal and district systems; [that] and

144 (3) the acquisition or construction of systems and the improvement and extension of  
145 existing systems, based on proper planning and sound engineering, will not only provide safer  
146 water supplies, but will also serve to ensure that the water resources of the state are used in an  
147 efficient manner and will avoid wasteful practices.

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