

HB0311S02 compared with HB0311S01

~~{Omitted text}~~ shows text that was in HB0311S01 but was omitted in HB0311S02

inserted text shows text that was not in HB0311S01 but was inserted into HB0311S02

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1	Watershed Amendments
	2025 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Casey Snider
	Senate Sponsor: Scott D. Sandall
2	<hr/>
3	LONG TITLE
4	General Description:
5	This bill addresses the augmentation of water resources in Utah watersheds.
6	Highlighted Provisions:
7	This bill:
8	▸ defines terms;
9	▸ allows the Utah water agent to include facilities and land in the state water agent's negotiations
	for water augmentation projects;
11	▸ <u>requires the state engineer to conduct a review of a water importation project in the Great</u>
	<u>Salt Lake watershed;</u>
11	▸ allows the Board of Water Resources to enter into contracts for water augmentation projects
	negotiated by the Utah water agent; and
13	▸ makes technical and conforming changes.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:

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None

AMENDS:

63I-1-273 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

73-5-17 , as enacted by Laws of Utah 2022, Chapter 75 , as enacted by Laws of Utah 2022, Chapter 75

73-10-4 , as last amended by Laws of Utah 2024, Chapter 522 , as last amended by Laws of Utah 2024, Chapter 522

73-10g-701 , as enacted by Laws of Utah 2024, Chapter 522 , as enacted by Laws of Utah 2024, Chapter 522

73-10g-703 , as enacted by Laws of Utah 2024, Chapter 522 , as enacted by Laws of Utah 2024, Chapter 522

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

Section 1. Section **63I-1-273** is amended to read:

63I-1-273. Repeal dates: Title 73.

- (1) Subsection 73-1-4(2)(e)(xi), regarding a water right subject to an approved change application for use within a water bank that has been authorized but not dissolved, is repealed December 31, 2030.
- (2) Subsection [73-10-4(1)(h)] 73-10-4(1)(i), regarding management of an application to create a water bank, is repealed December 31, 2030.
- (3) Section 73-10-39, Study and recommendations related to the financing of water infrastructure, is repealed July 1, 2027.
- (4) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1, 2028.
- (5) Title 73, Chapter 10g, Part 7, Utah Water Agent, is repealed July 1, 2034.
- (6) Section 73-18-3.5, Advisory council, is repealed July 1, 2029.
- (7) Title 73, Chapter 27, Legislative Water Development Commission, is repealed January 1, 2031.
- (8) Title 73, Chapter 31, Water Banking Act, is repealed December 31, 2030.
- (9) Section 73-32-302, Advisory council created -- Staffing -- Per diem and travel expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties, is repealed July 1, 2027.
- (10) Section 73-32-303, Duties of the council, is repealed July 1, 2027.

Section 2. Section **73-5-17** is amended to read:

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73-5-17. River distribution accounting report.

(1) As used in this section:

(a) "Great Salt Lake watershed" means the same as that term is defined in Section 73-33-101.

~~[(a)]~~ (b) "Natural flow" means the computed amount of water available within a defined portion of a river system.

~~[(b)]~~ (c) "River system" means a portion of a natural stream and its tributaries where regulation and accounting are required.

(2) The state engineer may conduct a review of distribution and accounting procedures on a river system in the state.

(3) After conducting the review described in Subsection (2), the state engineer shall provide a report identifying:

(a) actively administered:

(i) water rights;

(ii) diversions; and

(iii) reservoirs;

(b) accounting practices, including:

(i) computation of natural flow;

(ii) apportionment of natural flow to individual water rights;

(iii) storage delivery and loss of storage;

(iv) accounting for imports and exports; and

(v) system losses including:

(A) conveyance losses; and

(B) reservoir losses;

(c) recommendations for:

(i) additional measurement and automation; and

(ii) refinement of distribution or accounting practices in accordance with:

(A) existing water rights;

(B) the prior appropriation doctrine; and

(C) relevant court decrees; and

(d) the data and computations relied upon to provide the information described in Subsections (3)(a) through (c).

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- 81 (4) The state engineer shall make the report described in Subsection (3) available to the public on the
Division of Water Rights website annually at least one week prior to the annual distribution system
meeting.
- 84 (5) In accordance with Title 63G, Chapter 4, Administrative Procedures Act and for a water importation
project with a water source in the Great Salt Lake watershed, the state engineer shall:
- 87 (a) conduct a review to quantify the return flow of a water importation project in the Great Salt Lake
watershed;
- 89 (b) in accordance with Section 73-3-6, publish notice for a review conducted under Subsection (5)(a);
and
- 91 (c) based on the results of the review described in Subsection (5)(a), modify the quantification
methodology for the return flow of the imported water, if needed.
- 93 Section 3. Section **73-10-4** is amended to read:
- 94 **73-10-4. Powers and duties of board.**
- 47 (1) The board shall have the following powers and duties to:
- 48 (a) authorize studies, investigations, and plans for the full development, use, and promotion of the water
and power resources of the state, including preliminary surveys, stream gauging, examinations,
tests, and other estimates either separately or in consultation with federal, state and other agencies;
- 52 (b) enter into contracts subject to the provisions of this chapter for the construction~~[of conservation~~
~~projects]~~ or purchase of a project that in the opinion of the board will conserve and use for the best
advantage of the people of this state the water and power resources of the state, including projects
beyond the boundaries of the state of Utah located on interstate waters when the benefit of such
projects accrues to the citizens of the state;
- 58 (c) sue and be sued in accordance with applicable law;
- 59 (d) enter into a contract that the Utah water agent, appointed under Section 73-10g-702, recommends
for a water augmentation project under Section 73-10g-703;
- 61 ~~[(d)]~~ (e) cooperate with the Utah water agent, appointed under Section 73-10g-702, in matters affecting
interstate compact negotiations and the administration of the compacts affecting the waters of
interstate rivers, lakes and other sources of supply, with the exception of:
- 65 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter 14, Colorado River
Authority of Utah Act; or
- 67 (ii) state representation under:

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- 68 (A) the Bear River Compact as provided in Section 73-16-4; or
69 (B) the Columbia Interstate Compact as provided in Section 73-19-9;
70 ~~[(e)]~~ (f) contract with federal and other agencies and with the National Water Resources Association
and to make studies, investigations and recommendations and do all other things on behalf of the
state for any purpose that relates to the development, conservation, protection and control of the
water and power resources of the state;
74 ~~[(f)]~~ (g) consult and advise with the Utah Water Users' Association and other organized water users'
associations in the state;
76 ~~[(g)]~~ (h) consider and make recommendations on behalf of the state of reclamation projects or other
water development projects for construction by any agency of the state or United States and in so
doing recommend the order in which projects shall be undertaken; or
80 ~~[(h)]~~ (i) review, approve, and revoke an application to create a water bank under Chapter 31, Water
Banking Act, collect an annual report, maintain the water banking website, and conduct any other
function related to a water bank as described in Chapter 31, Water Banking Act.
84 (2) Nothing contained in this section shall be construed to impair or otherwise interfere with the
authority of the state engineer granted by this title, except as specifically otherwise provided in this
section.

135 Section 4. Section **73-10g-701** is amended to read:

136 **73-10g-701. Definitions.**

As used in this part:

- 90 (1) "Council" means the Water District Water Development Council created pursuant to Section
11-13-228.
92 (2) "Division" means the Division of Water Resources.
93 (3) "State or local entity" means:
94 (a) a department, division, commission, agency, or other instrumentality of state government; or
96 (b) a political subdivision or the political subdivision's instrumentalities.
97 (4) "Water agent" means the Utah water agent appointed by the governor under Section 73-10g-702.
99 (5) "Water augmentation project" means a project on interstate waters that increases or impacts the
amount of water available in this state.

149 Section 5. Section **73-10g-703** is amended to read:

150 **73-10g-703. Powers and duties of water agent.**

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- 103 (1)
- (a) ~~[Subject to Subsection (1)(b) and in-]~~ In consultation with the speaker of the House of
Representatives, president of the Senate, and governor, the water agent shall explore and negotiate
with officials of other states, tribes, and other government entities regarding possible water
107 ~~[importation]~~ augmentation projects, including:
- (i) for the citizens of Utah, representing the state concerning waters of out-of-state rivers, lakes, and
other sources of supply of waters except when representation is otherwise provided in statute;
- 110 (ii) identifying potential out-of-state water resources, including land or a facility necessary for the
use of the water resources;
- 112 (iii) working with the council and division to match the water resources described in Subsection (1)
(a)(ii) to needs identified by the council or division;
- 114 (iv) establishing a strategy to designate what out-of-state water resources to pursue and how to
execute that strategy;
- 116 (v) negotiating directly with out-of-state partners to execute the strategy described in Subsection (1)
(a)(iv);
- 118 (vi) represent the state in interstate conferences between the state and one or more sister states held
for the purpose of entering into compacts between such states for the division of the waters
of interstate rivers, lakes, or other sources of water supply, and to represent the state upon
commissions or other governing bodies provided for by any compacts that have been or may be
entered into between the state and one or more sister states, except that a compact is not binding
on the state until the compact is ratified and approved by the Legislature and the legislatures of
other states that are parties to the compact;
- 126 (vii) recommending to the Legislature and to the council actions that may assist in the development
of, strategies for, and execution of water ~~[importation]~~ augmentation projects; and
- 129 (viii) annually reporting findings and recommendations to:
- 130 (A) the governor;
- 131 (B) the president of the Senate;
- 132 (C) the speaker of the House of Representatives;
- 133 (D) the Legislative Water Development Commission created in Section 73-27-102;
- 134 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 135 (F) the Board of Water Resources created in Section 73-10-1.5.

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- 136 ~~[(b) The water agent may not act under this section in relation to interests governed by interstate~~
 ~~compacts in which Utah is a party, such as the 1922 and 1948 Colorado River Compacts and the~~
 ~~1980 Amended Bear River Compact.]~~
- 139 (b) The water agent may recommend to the Board of Water Resources, created in Section 73-10-1.5,
 a water augmentation project that the water agent negotiates under this section, if the water
 augmentation project is in the best interest of the people of this state and the state's water resources.
- 143 (2) The water agent shall consult and work with the council, state entities, the Colorado River Authority
 of Utah, and other bodies established by the state for interstate water negotiations.
- 146 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act, upon request
 of the water agent, a state or local entity shall provide to the water agent a document, report, or
 information available within the state or local entity.
- 149 (4) The water agent may negotiate with tribes in accordance with this section~~[, except to the extent that~~
 ~~the water at issue comes from the Colorado River].~~
- 151 (5) This chapter may not be interpreted to override, substitute, or modify a water right within the state
 or the role and authority of the state engineer.

201 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

2-27-25 7:22 AM